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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HOBSON].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 7, 1996.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING 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 gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

THANK YOU, BUSINESS WEEK

Mrs. SCHROEDER. Mr. Speaker, I take the floor today to talk about what is going on in this country vis-a-vis sexual harassment.

As you know, in the past it has been career suicide for a woman to come forward and make any allegation of sexual harassment. But today, I want to congratulate Business Week. Business Week has made their cover story about this issue.

Mr. Speaker, I do not normally take the floor to congratulate anyone, but I think when the business press of America takes this issue this seriously, we should really congratulate them, because rather than trying to paint over the issue, paint over the rust and try and deny it, they are saying it is time we get on with dealing with this.

The reason it is so important is how they name the article: ''Abuse of Power.'' That is what sexual harassment is all about. Abuse of power.

America hears all these jokes about, oh, we cannot joke with women. Yes, you can do that; for heavens sakes, we are all human beings. But where you cross the line legally is when someone who has power over you in the workplace, power over you, starts adding all sorts of things to your normal work day world that was not in the work contract. That abuse of power, that is what it is about.

In this article, they talk about what went on at Astra, the pharmaceutical where they found even the highest ranking CEO and officials, people who were to set the tone, and as you know, some of them have now been dismissed and moved on.

The Equal Employment Opportunity Commission tells us that in the last 4 years, from 1991 to 1995, there has been a 125 percent increase in the filings on sexual harassment.

Why this tremendous increase? Why this flood? Well, first of all, I think because we have not cracked the culture. We have not cracked the culture yet to explain why this is so important and why you cannot do this.

So, culture cracking becomes very critical, but secondly, Members of Congress, the Congresswomen, by taking the lead in 1991, passed a law that for the first time gave many more remedies to women who had suffered at the hands of sexual harassment, or men.

Obviously, there is a small percentage of men who may find themselves in this situation. I am not saying that women are pure. I guess there just are not as many women at the top. I hope when they got to the top CEO positions they will not do this, but who knows?

Nevertheless, it is wrong if it is done to a man; it is wrong if it is done to a woman. There is no place for this in the workplace, and it is all about power, power, power, power. I hope people pick up this magazine and read it because it is very serious.

And I hope in workplaces across America, as we close in on Mother's Day, people realize these are mothers, these are sisters, these are aunts. We do not want people treating people that way in the workplace as a condition of keeping their job. So often they need that job for the family, and yet they are asked to do things that are not at all family friendly in anybody's book, just because somebody has the power to make them do it.

Mr. Speaker, we used to see this out West where some newcomer came into the bar and everybody shot at their feet to make them tap dance. Well, that is exactly what this type of sexual harassment is. Thank goodness women now have a tool and men have a tool to be able to go into the Federal courts.

I am terribly sorry that the EEOC is backlogged with these, and the Congress, of course the response is to continue to try to choke the EEOC down. I think we ought to have hearings on this. If Business Week has the guts to take this on, this Congress ought to have the guts to take it on.

If we see the EEOC is resource-starved, then we ought to get the resources to them. We ought to be handling these cases expeditiously and moving forward because it appears there is a whole opening of the floodgates on this. If we get these cases solved, if we get the resources to begin to move it, we will crack the culture. Hopefully, this will be something that we can start the 21st century without even having it in our culture anymore.

So, Mr. Speaker, I call upon the Members on the other side of the aisle

to look for the resources that the EEOC needs to deal with this terrific influx of new cases. I call upon people all across America to look at this very seriously, and realize what it must feel like to be someone who needs a job being asked at that job to do some things that go against their religion, their beliefs, their family, everything. It is outrageous and it must stop.

Thank you, Business Week.

CONCERNS ABOUT THE ETHICS PROCESS

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

Mr. BASS. Mr. Speaker, I rise today to address an issue that has always been a priority of mine since I first served in the New Hampshire legislature back in 1982, and that issue is ethics. One of my first responsibilities back then was to serve on a task force to make recommendations on the establishment of a permanent ethics committee and guidelines for Members of the New Hampshire legislature and the State senate, by the way, who are only paid $100 a year.

As a result of this and subsequent efforts, I was pleased as a New Hampshire State Senator to author the law that established a permanent legislative ethics committee, and I served as chairman for 2 years. By the way, part of this process involved crafting the law. We studied other models in other States, including the model here in Washington that is used for Congress.

Because of the work I was able to do with Democrats and Republicans in New Hampshire, including now Governor Steve Merrill, many of the procedures that we used in New Hampshire are based on ethics standards rules that we follow here in Congress. We felt that it was critical that our ethics committee always work on a bipartisan basis and that the actions of its Members be totally above reproach. We adopted language which would require that any Member of our ethics committee recuse himself or herself from any deliberation if there was any possibility of a conflict of interest.

Last week I was surprised to read in the April 30, 1996 edition of the Washington Times an article about a possible conflict of interest involving the ranking minority member of the Committee on Standards of Official Conduct. At this time, Mr. Speaker, I ask unanimous consent that the article from the Washington Times be included along with my statement in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Speaker, the article reveals that the same individual who drafted several complaints filed against the Speaker also helped raise tens of thousands of dollars for the campaign of the ranking minority member of the Committee on Standards of Official Conduct. The article also revealed that the political consulting firm header by the individual in question, Mr. Steven J. Jost, also received over $14,000 in payments from the ranking minority member's campaign committee.

Mr. Speaker, in no way am I implying that the distinguished ranking minority member of the Committee on Standards of Official Conduct has acted in an unethical fashion, but in the same manner that questions were raised by the minority whip concerning Republican Members of the committee and alleged conflicts of interest, similar questions should also be raised regarding any connection between the ranking minority member of the committee and the individual who helped raise money for him and also drafted many of the complaints filed against the Speaker.

It is vital, Mr. Speaker, that the ethics process in Congress remain fair and above reproach, and that we retain the confidence of the American people for this important process. I hope that we will receive in the coming days a full and complete explanation of the ranking minority member's association with this fundraiser and this fundraiser's dealings with the ethics committee regarding filings made against the Speaker.

Mr. Speaker, I submit the following article for the RECORD.

[From the Washington Times, Apr. 30, 1996]

GINGRICH CRITIC AIDED ETHICS-PANEL DEMOCRAT

(By George Archibald)

The top Democrat on the House ethics committee received tens of thousands of dollars in political contributions raised by a firm whose senior partner spearheaded ethics complaints against House Speaker Newt Gingrich.

Rep. Jim McDermott, Washington Democrat, who says he knew nothing of the fund raising and therefore didn't violate committee conflict-of-interest rules raised more than $36,000 from political action committees at two receptions organized last year by Fraioli/Jost, a PAC money-raiser for congressional Democrats.

At the same time, Mr. McDermott was the point man pushing for the House ethics committee to appoint an outside counsel to investigate complaints against Mr. Gingrich.

The complaints were researched and legally drafted under the direction of Steven J. Jost of Fraioli/Jost.

Mr. Jost was the chief fundraiser for Ben Jones, the speaker's 1994 Democratic opponent, who launched the anti-Gingrich ethics complaints formally filed by House Minority Whip David E. Bonior of Michigan.

The complaints accused Mr. Gingrich of improperly commingling funds and activities of GOPAC, which helped achieve the GOP takeover of Congress, and a nationally televised political science course the speaker taught from a college in his home state, Georgia.

''We're stringing up the electric chair here, but we didn't make him guilty; he made himself guilty,'' Mr. Jost told the Wall Street Journal about Mr. Gingrich last year after the complaints were filed.

Documents purported to show ties between the college course and GOPAC were obtained by Mr. Jost in Georgia during Mr. Jones' 1994 campaign. ''Mr. Jost decided they would be useful as a campaign weapon,'' the Journal reported. ''So he hired a Democratic lawyer, Bob Bauer, to fashion them into an ethics complaint for $4,500.''

Mr. Bauer represents House Minority Leader Richard A. Gephardt of Missouri, another Fraioli/Jost client.

The Landmark Legal Foundation appraised the House Ethics Committee last year of ties between Mr. Jost and Democratic House leaders in the anti-Gingrich campaign. The panel, formally known as the Committee on Standards of Official Conduct, refused to look into the matter.

''Mr. McDermott had a duty to step aside when any complaint with Mr. Jost's fingerprints on it came before the ethics committee,'' said Mark R. Levin, Landmark's director of legal policy.

''Members of the ethics committee are supposed to consider all ethics complaints with a nonpartisan, unjaundiced eye. The record would appear to show that Mr. McDermott and Mr. Jost are joined at the hip,'' Mr. Levin said. ''We are reviewing this information and seriously considering filing a formal complaint.''

Mr. McDermott yesterday denied any conflict with committee rules requiring impartiality and lack of bias in the Gingrich case.

He also denied knowledge of filings by his political committee, Friends of Jim McDermott, listing payments of $14,160.61 to Fraioli/Jost for last year's PAC fundraising activities.

''I don't know who did the fund raising,'' Mr. McDermott told The Washington Times in an interview just off the House floor. He then walked back onto the floor, where reporters are barred, to avoid further questions about campaign committee filings by Charles M. Williams, his $106,044-a-year chief congressional aide.

Mr. Williams, who runs Mr. McDermott's Capitol office, serves as treasurer of Friends of Jim McDermott. Mr. Williams did not respond to inquiries yesterday.

Reports he filed for the campaign committee in December and February list contributions totaling $36,000 to Mr. McDermott from 52 PACs, each of which gave $500 or $1,000 at Capitol Hill fundraising receptions organized by Fraioli/Jost on April 5 and July 15, 1995.

Mr. Jost, who left partner Michael Fraioli in June to start his own fund-raising company, said Mr. McDermott ''first approached us'' to do his fund raising in the 1993–94 election cycle. ''As I recall, one of the other members of Congress referred us to him,'' Mr. Jost said.

Mr. Jost said his income from Fraioli/Jost, even after Mr. Jones ceased being a client of the firm, enabled him to spend time advancing the anti-Gingrich ethics campaign. ''I have never been compensated for any work by anybody on any of the Gingrich stuff, except for news organizations that have reimbursed me for photocopying expenses.'' he said

Mr. Jost said he saw no conflict in Mr. McDermott's reliance on Fraioli/Jost for fund raising are his own work in the Gingrich camp while Mr. McDermott was sitting in judgment of the speaker.

''It sounds like the worst thing you could accuse me or Jim McDermott of is being Democrat,'' Mr. Jost said. He said committee Republicans Porter J. Gross of Florida, Jim Bunning of Kentucky and Nancy L. Johnson of Connecticut, the panel's chairman had greater conflicts.

''Your're alleging . . . a conflict that is far less direct than, for instance, Mr. Goss' giving $5,000 to GOPAC at the time the ethics

complaint is before his committee, or that Mr. Bunning and Mrs. Johnson participated in GOPAC activities,'' Mr. Jost said.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that Members should not make references to members of the Committee on Standards of Official Conduct concerning pending investigations.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, I did not hear any references made by the gentleman from New Hampshire [Mr. BASS] as to pending matters. These are not matters before the Committee on Standards of Official Conduct; these are stories in the paper and not before the committee.

The SPEAKER pro tempore. The Chair is stating that as a general admonition from the Chair at this time.

SUPPORT THE ADOPTION PROMOTION AND STABILITY ACT

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

Mr. CANADY of Florida. Mr. Speaker, I rise to address an issue of great importance to everyone who cares about children. Today, there are hundreds of thousands of children who should be thriving in the love and care of adoptive parents. Tragically, they are not. Instead they are shuttling from foster family to foster family. In fact, this year a mere 10 percent of the 500,000 children in State foster care programs will move into permanent adoptive homes. This is not something out of Charles Dickens. It is happening today—in the United States of America.

We have come to this sorry state of affairs for many reasons, but two are paramount. First, the cost of adoption for many moderate-income families is prohibitive. Second, liberal social welfare policy has made interethnic adoption nearly impossible.

According to the National Council for Adoption, as many as 2 million families could be waiting for a child to adopt. But barriers like cost get in the way. Adoption expenses can total us to $20,000. This financial burden is a major disincentive for moderate-income families wishing to adopt children.

A second barrier to adoption is the Federal law that permits States to use race in the placement of children in foster care and adoption. This law has clearly backfired. The use of race-matching has delayed the adoption of minority children, who remain in foster care at least twice as long as nonminority children. Today, 49 percent of children in foster care are minorities. A third of foster children are black.

I ask my colleagues: Is it fair to these innocent children to trap them in the foster care system simply because of the color of their skin? The love of a family knows no race. It is unconscionable that any child needing the love and care of a family he can call his own would be denied that love and care simply because the prospective adoptive family is of a different race. That is a grave injustice to the child who needs a home and to the family who waits with open arms.

Mr. Speaker, the Congress can help remove these barriers to adoption through swift passage of H.R. 3236, the Adoption Promotion and Stability Act. This bill makes two important reforms.

First, the bill revises the Tax Code to make adoption more affordable for families. H.R. 3236 provides a $5,000 tax credit for adoption expenses. The bill also provides a $5,000 per child tax exclusion for employer-paid adoption assistance. I believe this provision will encourage more moderate-income families to adopt children.

Second, the bill removes barriers to interracial adoption. Currently, the law allows placement agencies to use the racial background of the child as a criterion in making placement decisions. This bill prohibits the use of race to delay or deny placement of a child into a foster or adoptive home. I believe this provision will go a long way to end the intolerable delay associated with race-matching. It will ensure that placement agencies make the best interests of children their top priority.

In addition, I must note that many American Indian children are suffering in the current foster care and adoption system. Currently, tribes can delay the adoption of a child of American Indian descent because of the Indian Child Welfare Act. This law was intended to protect the integrity and heritage of American Indian tribes. Yet the law allows tribes to interfere with adoption decisions due to its ambiguity and broad application. As a result, litigations out of control, and Indian children are not being adopted. A provision of H.R. 3286, which was stripped from the bill in committee, would have established safeguards against the arbitrary, retroactive designation of children as members of a tribe. This would prevent a tribe from invoking the Indian Child Welfare Act to interfere with legitimate, voluntary adoptions. Should an amendment be offered to restore this provision of the bill, I urge my colleagues to support it.

Children must be afforded every opportunity to live in a happy, safe, secure, and—perhaps most important—permanent family environment. The provisions of this bill help to achieve this goal. I want to thank Ms. MOLINARI and Mr. ARCHER for their leadership on this issue. I also commend Mr. BUNNING, Ms. PRYCE, Mr. SOLOMON, Mr. TIAHRT, and Mr. SHAW for their strong support of this legislation.

Mr. Speaker, we cannot take the hundreds of thousands of children languishing in foster care and match them with loving parents overnight. But with passage of the Adoption Promotion and Stability Act, we are taking an important step. I urge my colleagues to meet the needs of foster children across the country. I urge you to support this bill.

RENEWAL OF MFN FOR CHINA

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, this Congress is about to enter its annual debate on the renewal of China's Most Favored Nation status. The need for renewal has existed since the United States first granted MFN to China back in 1980. It has been a difficult debate ever since 1989 and the events at Tiananmen Square. There is good reason to believe that the debate this year will be very difficult. This is because of two particularly large problems affecting the debate.

First, there are the policies of the Beijing Communist leadership. That government's disregard for international obligations on nonproliferation, intellectual property rights, trade, human rights, and on Taiwan mandate an effective response.

Second, there is a lack of leadership on the part of the administration. The policy has been ad hoc, dependent on domestic pressures, as Robert Zoellick testified before our committee last week when he said:

> In an effort to please all constituencies, the administration has squandered our strength, failed to achieve its aims, and demonstrated weakness to both China and to others in the region.

Because of these problems, I fear that Congress will lose sight of the critical point, and that critical point is just this: Our policy on MFN for China should take these problems into account, but it must not be determined by them.

Rather, our decision on MFN must be determined by one thing and that one thing is, what is best for the United States? It is my view, though, that there are four basic reasons why extending MFN is in the best interests of our country.

First, revoking MFN would harm U.S. workers, U.S. businesses, and U.S. investment. Changes made in China's MFN status will curtail assess to the Chinese market. Huge levels of trade and investment will still occur, but it will be other nations, not the United States, that will be making the investments, and we will lose all of our control and leverage. The effect will be losses of U.S. trade, U.S. investment and, quite frankly, many U.S. jobs.

The size of this potential hardship must be recognized by us in congress as

we debate this issue. This issue cannot be debated solely on emotion but must be based on reason.

United States companies have already committed to invest some $26 billion in approximately 20,000 projects in China. United States trade with China already supports over 200,000 high-wage American jobs. But this is just a start. Over the next 25 years, China's economy is projected to expand to almost $6 trillion That is almost 10 times the size of China's economy in 1994.

Now, China's modernization plans call for imports of equipment and technology of approximately $100 billion per year. Infrastructure expenditures amounting to as much as $250 billion are projected through the remainder of the 1990's.

China's biggest import markets are in the areas of United States strength. Consider this: In both quality and price, the United States is in the lead for these markets: areas in aircraft, electric power systems, telecommunications equipment, computers, agricultural chemicals, and medical equipment.

Politics, unfortunately, could stop the United States from gaining tens of billions of dollars of new exports and hundreds of thousands of new jobs. This is already happening. Just the other day, Airbus took a $2 billion contract from Boeing, based solely on politics. The president of China's aviation industries put it well when he said, and I quote:

We'd like to make our decisions based on technical and commercial factors, but governments and statesmen are involved. We can't control that.

Mr. Speaker, the second reason why revoking MFN would harm United States security interest in the region, let me say this, China is the emerging great power in that region, both economically and politically. There is no reason to think that its government can be deposed or ignored or strong-armed. It must be dealt with as a belligerent but as a great power.

I ask, Mr. Speaker, that the rest of my statement be entered into the RECORD.

This means engagement.

To go the other way, to adopt a policy of confrontation with China—which is what removing MFN does—would isolate the United States in Asia rather than isolate China.

As Henry Kissenger recently wrote:

In a confrontation with America, China would appeal to Asian nationalism and make the American military presence in Asia a bone of contention. And it would be able to enlist the economic cooperation of Japan as well as of the other industrial nations of Europe and the Western Hemisphere, all eager to seize the opportunities that we might abandon.

In addition, the futures of both Taiwan and Hong Kong are to be considered.

With Hong Kong to revert in a year, with Taiwan relying on China for $20 billion a year in trade, and with the Taiwanese having invested $25 billion in China, we need to treat these relationships carefully.

Reason 3: Revoking MFN will not improve human rights conditions or nonproliferation and trade policy in China.

As the Heritage Foundation recently wrote, history shows that China is far more oppressive against its people when isolated from the outside. This was clearly the case during the cultural revolution.

Human rights improvement is a long-term process that will require a long-term China policy.

The same is true on nonproliferation and trade. China needs to understand that it must meet its international responsibilities if it wants to attain international respectability.

The United States will have to use effective levers to achieve this.

A strong, clear, and coherent China policy is needed. Our goals will not be achieved in these areas otherwise.

MFN is simply the wrong lever. It was not designed for these goals, and it will fail miserably if used this way.

Reason 4: MFN is normal treatment that all our partners grant, and will continue to grant, to China without condition.

MFN is a misnomer. In reality it means that a country is treated in a nondiscriminatory manner on tariffs. It is the norm that rules.

In this respect, all our OECD partners grant such treatment to China. They do so without condition.

No official in any of those countries, to my knowledge, has suggested that this situation even be reviewed, much less altered.

The United States currently grants MFN to every country in the world except seven countries. These are Afghanistan, Cambodia, Cuba, Laos, North Korea, Vietnam, and the former Yugoslavia.

There are 17 others, including China, that currently receive MFN conditionally.

These 17 do not include Iran, Libya, Iraq, Syria, or Sudan. All these rogue states get MFN. Why is this?

This is because our MFN law is built on the cold war. The Jackson/Vanik amendment, enacted in 1974, was intended to pressure the former Soviet Union into allowing Jews to emigrate.

It was not designed to today's issues with China.

Mr. Chairman, I hope that my colleagues will find these reasons for extending MFN convincing. In conclusion, though, I urge that we consider two other needs during the coming debate.

First, that China is too important for today's United States policy.

This administration keeps drawing lines in the sand, and then backing off. They are running out of credibility, and pretty soon they will run out of beach.

We need a coherent, long-term, and bipartisan China policy.

Second, the world has changed dramatically since 1974. The law on MFN has not. We may need to reform this law.

Let's look at how it can be used for today's issues.

Why should rogue regimes supporting international terrorists be treated better than countries like the Ukraine, Armenia, Bulgaria, and Romania? Mr. Speaker, I think this needs review.

OIL COMPANY MISMANAGEMENT AND GASOLINE PRICES

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

Mr. MARKEY. Mr. Speaker, the political party that once suggested that catsup should be counted as a vegetable in school lunch programs has given us a new plan to slash funding for public schools across America.

Over the weekend the Republican majority leader suggested that repealing the 4-cent tax on gasoline be paid for by cutting education for the children in the United States. He said if there is a place where we are getting a declining value for an increasing dollar it is in education.

That is right, the majority leader of the Republican Party wants to cut the education budget of our country. And to do what? Well, the Colombo-like, Dick Tracy-like investigations of the Republican Party have found that the 4-cent increase in gasoline tax in 1993 is somehow related to oil company executive speculation in the oil market in 1996, which has led to a 20-cent increase in the price of gasoline for consumers across this country.

Now, you are never going to hear a word from the Republican Party about the oil companies increasing gasoline by 20 cents a gallon in the last 3 months. Not a word. They are going to keep pointing back to a 4-cent gasoline tax in 1993 that actually led to a reduction in the price of oil over the next 2 years.

Why? Well, because they want to avoid some very simple facts. Fact No. 1: The central reason that oil prices are rising in America is that the oil company executives across the board, every one of them in 1995, decided that they were going to lower the inventories that they kept to hand in order to ensure against excessive cold weather or something else going on well below their average for the preceding 20 years.

Now, that is fine if it had not also been tied to a bet which they had, which was that Saddam Hussein would accept safeguards placed upon how he would use the profits from the sale of oil if the United Nations and the world community allowed has back into the marketplace for the sale of oil.

Surprisingly, Saddam Hussein refuses to accept the safeguards, which would ensure that the money, the profits which he would obtain would be used for humanitarian purposes within his country and not for a massive military buildup.

The oil company executives ran on empty. If we rode around in our automobile with the needle on the gas gauge down on empty and then ran into a traffic jam, we would blame ourselves. The oil companies ran on empty. There was plenty of oil in the world. The world was awash in oil all of last year and the beginning of this

year, but they decided not to go to the filing station to fill up because they thought they were going to go to Saddam Hussein's gas station.

Mr. Speaker, any other industry in the free market, if the Cherrios company forgets to put aside enough Cheerios, guess what? People go and buy corn flakes or raisin bran and they are the loser. Not the oil industry. They did not, through mismanagement, put aside sufficient reserves, and what happens? I tell my colleagues what happens: a 41-percent, on average, increase in profits in the last quarter for the oil companies. Forty-one percent profits.

What to hear something else? Seventy-four percent profits for the secondary oil companies, and a 799-percent increase in profits for the oil drilling companies, all in the last 3 months. The last 3 months. The Republicans want to blame the 1993 4-cent gasoline tax for your 20- or 30-percent increase at the pump this year, not pointing a finger at the oil companies' mismanagement. That is like a Red Sox fan blaming the trade of Babe Ruth for the fact that we are behind 10 games in the pennant race this year. The Republicans should be ashamed for talking about cutting the education budget instead of looking at the oil companies, where they should.

ICWA: A FORMULA FOR HEARTBREAK

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

Ms. PRYCE. Mr. Speaker, I want to talk about a formula for heartbreak. The Indian Child Welfare Act was never intended to cause countless stories of heartbreak and tragedy. It was intended to protect native American culture from State agencies and officials who were, back in the early 1970's, removing children from their natural homes and, in many cases without due process of law, placing them outside the Indian culture. This was shameful.

Mr. Speaker, the Congress acted in 1978. The legislation, the ICWA, was well-intended, but it has been applied in a twisting and inaccurate way by some courts throughout this country that is equally shameful. The result of these misguided applications of the ICWA has had a chilling effect on all adoptions.

I came to learn of the chilling effect from a couple in my district in Columbus, OH. Since then, I have come to learn of many, many more cases.

For example, Mr. Speaker, the Indian Child Welfare Act was never intended to rip a little girl from her family of almost 6 years, but this happened. Clara and Kenneth Siroky took custody of Jessica when she was just 22 months old. They have been trying to adopt her every since, but last January, a court ordered Jessica from the only family she has ever known and placed her with a single uncle of native American ancestry.

She is now 7½. She has celebrated 6 birthdays in the only home and with the only family she has ever known.

Jessica was born to a mother who was part Indian and a caucasian father, making her one-eight native American. Due to problems experienced by the birth parents, they lost custody of Jessica who was placed in foster care in the Siroky's home. Today, Jessica's biological mother is dead, murdered during a drug deal, and her biological father is in prison in Nebraska.

Mr. Speaker, Jessica wants to be adopted by the Siroky's. She wants to be with the only people she has every called mommy and daddy. She wants to be with her little sister, Susanna. As for 4-year-old Susanna, she is hurt and confused by the departure of her older sister, crying frequently and wondering where her best friend has gone.

During the court proceedings, the scared and panicked Jessica begged to speak to the judge, but he even refused her. In the end, she only had 3 days to say goodbye to her whole world.

Mr. Speaker, one can only wonder what long-term effects this emotional trauma will have on Jessica and all the other children who have been removed from their loving homes under this act. How can we, as a Congress, allow such a well-intentioned law to be interpreted in such a way?

It is hard to imagine how devastated this family is. It is hard to conceive how scared and lonely little Jessica is, being forced to move away to a new and strange home with a new and strange parent with no friends and an unfamiliar school.

This horrifying, traumatic story is but one example of the way the Indian Child Welfare Act has been abused and distorted. There are countless other children and families in this country that have been hurt by this flawed legislation.

Mr. Speaker, it is hard to understand how Congress can allow a law, that it passed with all good intentions, to continue to be doing such terrible damage to families without taking the initiative to correct what we did wrong.

Congress has an opportunity to remove a major obstruction to safe, loving adoptive homes for thousands of children. These minor changes to the Indian Child Welfare Act will go a long way toward protecting and preserving one of our Nation's most precious resources: Our children.

Mr. Speaker, I urge my colleagues to join me in taking this very important step for parents and children throughout our Nation by supporting this legislation.

TAX FREEDOM DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 2 minutes.

Mr. GOSS. Mr. Speaker, today is tax freedom day, the day that working Americans can finally stop toiling for the Government and begin to keep their earnings to provide for themselves and their families. By any measure, taxes are continuing to grow at a record pace, consuming an even greater portion of taxpayer income.

The average American family pays more in total taxes than it spends on food, clothing, and shelter combined. Put another way, the typical American now works nearly 3 hours out of every 8-hour workday just to pay taxes. These examples demonstrate what the American taxpayer already knows—all Americans are overtaxed.

A recent Reader's Digest poll underscores this fact. According to the poll, the maximum tax load Americans believe a family of four should bear is 25 percent—that's not just Federal income taxes but all levels of taxation—a far cry from the 38 percent that the average family actually pays today.

This Congress has responded by moving to repeal the fundamentals of the 1993 Clinton tax hike on working Americans—the tax hike on seniors' Social Security benefits and the increase in the gas tax that all Americans are feeling at the pump today. We have passed meaningful tax relief for families that would have erased the income tax burden entirely for 140,000 taxpayers in my State of Florida alone. While we have done our job, President Clinton has consistently opposed and obstructed our tax relief every step of the way.

Tax policy comes down to a basic choice: The failed status quo of ever-increasing taxation of lower taxes that allow Americans to earn more and keep more so they can do more for themselves, their families and their communities. For me and for this Congress, the choice is clear.

CHINA'S VIOLATIONS OF UNITED STATES INTELLECTUAL PROPERTY RIGHTS

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 rise today to call to the attention of our colleagues legislation which I plan to introduce this week to impose sanctions against China for violations of our intellectual property rights.

Mr. Speaker, regardless of where Members are in this body over the annual debate on most-favored-nation status for China, an issue separate from that but clearly about America's competitive advantage internationally, our intellectual property, is one where I think we will have agreement.

Mr. Speaker, over the last 7 years, the United States trade deficit with China has increased by over 1,000 percent. In 1988, the deficit was $3 million. In 1995, the deficit was $35 billion. It is

projected to grow to well over $40 billion for this year, and shortly will surpass Japan as the country with our largest trade deficit.

Mr. Speaker, much of this is due to lack of market access for United States products which are not allowed into China, products made in America. But today, I want to call to my colleagues' attention to the intellectual property violations and piracy. That figure of $2.5 billion lost in 1995 alone is over and above the trade deficit.

The deficit figure of $35 billion for last year does not include the loss to our economy from China's violations of United States intellectual property rights, including the piracy of compact discs, videos, and software, which cost the United States economy $2.3 billion in 1995, by industry figures.

My bill would impose increased tariffs on Chinese products to compensate for the loss to the United States economy resulting from China's intellectual property rights violations. It would leave the discretion to the President of the United States to determine the figure and the criteria for what the sanctions would be.

Since 1991, the United States Government has repeatedly tried to encourage the Chinese Government to halt the piracy and to provide market access for United States products. The efforts, which I will outline briefly, have not been successful.

In 1991, and 1992, the Bush administration initiated a special 301 investigation of China's intellectual property rights practices and published a list of Chinese products for possible sanction. Shortly thereafter, the Chinese Government, as a response to that, agreed to sign a memorandum of understanding designed to address piracy concerns.

Mr. Speaker, under the MOU they agreed to strengthen their patent, property rights and trade secret laws and to improve protection of U.S. intellectual property. None of this happened, and the piracy of U.S. IPR continued.

In 1994, the Clinton administration's United States Trade Representative initiated another special 301 investigation, noting that while China had implemented several new laws, they were not enforcing the laws. The United States Trade Representative added to his list of concerns trade barriers restricting access to China's markets for United States movies, videos, and sound recordings.

In 1995, the USTR issued a list of products once again which would be subject to increased tariffs as a result of China's lack of action on IPR and piracy.

Mr. Speaker, despite all of these efforts by United States officials, the Chinese Government is not abiding by the agreement, piracy is increasing, and market access to United States products is being denied. In addition, the Chinese Government today has castigated the United States for considering protecting its own intellectual property.

Mr. Speaker, this comes at a time that we are telling the workers of America that we live in a global economy, that many products which are labor intensive must be made in areas where labor is less costly, but that the comparative advantage of the United States is our intellectual property, our ideas, information, our software. If this is so, then all the more reason for this Congress and this administration, the Clinton administration, to call a halt to the theft of our intellectual property by China.

Mr. Speaker, we have tried year in and year out with memoranda of understanding and with agreements. Enough is enough. The theft of intellectual property hurts American workers, costs American jobs, and undermines our global economic competitiveness.

I hope that my colleagues will agree to cosponsor my bill to implement sanctions against China for its intellectual property violations. I hope Members will call my office to say they would like to be original cosponsors, before the bill is introduced this week for American workers, for American competitiveness.

CHANGES IN AMERICA'S EDUCATIONAL SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. HANCOCK] is recognized during morning business for 3 minutes.

Mr. HANCOCK. Mr. Speaker, on May 27, 1947, Central High School, Springfield, MO, graduated 563 students. On June 13 and 14, 1997, the class of 1947 will commemorate the 50th anniversary of this momentous and historical occasion. Rarely does a Member of the United States Congress have the opportunity to acknowledge the 50th anniversary of his own high school graduating class in the CONGRESSIONAL RECORD. Even I cannot do it because I will no longer be a Member of the U.S. Congress on the actual date next year.

Many of our class only remain in our memories. This pleasant memory of a group of 563, most of whom went on to become outstanding citizens and contributors to society, is a tribute to the educational system existing 50 years ago.

Mr. Speaker, I am going to take this opportunity for a few very brief remarks about the changes in our educational system in the past 50 years.

This class of 1947 attended school when sleeping or chewing gum in class and running in the halls were heinous crimes. The class of 1947 had student hall monitors instead of armed police officers and entrance metal detectors. Discipline was demanded and I do not know of any of the 563 students even confronting the school administration with their attorney concerning their Rights. Attention deficiency syndrome was treated with a failing grade. Now we give the parents a check and treat the kids with psychological evaluation to find out why they do not like their parents or themselves.

No, this was not a perfect time. Smoking tobacco and some alcohol use existed. However, marijuana and cocaine was not part of our vocabulary. This was when local school boards made decisions rather than the bureaucrats in the State and Federal Departments of Stupidity. The National Education Association was in its infancy. Too bad it survived and grew into the monster it now is.

Every one of us who graduated in 1947 should be thankful for having lived in the fastest growing economy the world has ever seen, in the greatest country ever envisioned by mankind.

If I could have one wish for future generations, it would be for our educational system to again teach that freedom is not free, it always requires sacrifice and that civil rights never should supersede our God given inalienable rights of life, liberty, and the pursuit of happiness.

On our 50th anniversary it is time to reflect and also to look foreword. Change is inevitable. Let us pray that the principles we were taught will some day again be in vogue.

I am looking foreword to June 13–14, 1997, in Springfield, MO, to seeing the senior high school class of 1947.

A RESPONSIBLE REPEAL OF THE GAS TAX

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

Mr. BENTSEN. Mr. Speaker, today I am introducing legislation to cut the gas tax by 4.3 cents per gallon through the end of 1996, and to offset the cost of repeal with an immediate elimination of the ethanol subsidy. We should repeal this additional gas tax and provide relief to American consumers as soon as possible, but we most do it in a way that is fiscally responsible, environmentally sensitive, and truly responsive to the needs of American taxpayers.

Over the last month, gasoline prices have increased to their highest level since the gulf war in 1991. According to the American Automobile Association, the average price of regular unleaded self-serve gasoline in the Houston area, which I represent, has jumped over 20 cents in the month of April.

Mr. Speaker, while we should address this rapid rise in retail gas prices, we should not do so with cuts in education as some in the House Republican leadership have proposed. The American people have already rejected Republican cuts in education throughout the budget debate. They are not about to be fooled twice. What they deserve is some commonsense legislation to provide relief to millions of Americans faced with soaring gas prices.

The ethanol subsidy has proved to be one of the biggest boondoggles in the history of Congress. According to the Treasury Department, the ethanol subsidy cost the American taxpayer $5.3 billion from 1983 to 1994. Furthermore, ethanol subsidies artificially inflate the price of corn food products, costing American consumers millions each year. It is considered an environmental nightmare by many of our Nation's leading conservation groups.

Finally, Mr. Speaker, the approach to repealing the gas tax by 4.3 cents is fiscally responsible since repealing the ethanol subsidy of more than 50 cents a gallon will offset the revenue loss and not add to the deficit or require cuts in education funding.

Mr. Speaker, cutting corporate welfare to pay for a cut in the gas tax is a responsible choice for the taxpayers of this country, and I urge my colleagues to support the legislation I am introducing today.

TIME TO CUT TAXES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 3 minutes.

Mr. HOKE. Mr. Speaker, today is tax freedom day and today we are setting a new record for tax freedom day. It is not a record that we can be very proud of, but it is a record that I think I ought to bring to your attention and to the attention of the American people, in any event, and that is that this is the latest in the year that tax freedom day has ever fallen.

In other words, the day on which we celebrate the fact that we are no longer working for the government, but we are working for ourselves, our families, is today later than it has ever been in our history.

Mr. Speaker, I think that that confirms what Americans already know in their gut, and that is that taxes are too high and the government costs too much.

Consider the following: In 1950, the average-income family of four paid less than 5 percent of its total income in taxes and one wage earner could easily support the entire family on the average income in this country. But today, Mr. Speaker, that same average-income pays about 24 percent to the Federal Government alone, 38 percent when you add in State and local taxes, and that is the highest percentage in American peacetime history.

It is no wonder that tax freedom day is falling on the latest day that it ever has in the history of our country. Part of that is the result of tax increases that were enacted in 1993, increases which, as you know, Mr. Speaker, I voted against.

What is even more disturbing is that as a result of this, middle-class incomes are being squeezed; not to support the family, but to support the government. The pressure to earn more leaves us with less time and less energy to spend with our children or to get involved with our churches or synagogues or to be involved with our communities. When that happens, Mr. Speaker, our entire Nation suffers and our children suffer.

Mr. Speaker, the corrosive and damaging effect of taxation on America's working families must be corrected. One giant step in the right direction is a $500 per child tax credit, a measure that was passed by this Congress and vetoed by the President. With this credit, a family of four earning $30,000 would have its 1996 Federal income tax cut in half. The entire Federal tax burden of 4.7 million working American families at the lowest income levels would be eliminated completely.

Mr. Speaker, I am supporting the repeal of the 1993 gas tax increase of 4.3 cents per gallon. Of all the forms of taxation, the gas tax is one of the most unfair because it falls disproportionately on those at the bottom of the economic ladder.

There are those who have said that it is politically motivated to repeal the gas tax. I say if it is, so what? There is rarely a day that the sun rises that is not a good day to cut taxes in America.

TAX CONSUMPTION RATHER THAN INCOME

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CAMPBELL] is recognized during morning business for 3 minutes.

Mr. CAMPBELL. Mr. Speaker, on the subject of tax freedom day, there is a serious proposal being advanced by the gentleman from Texas [Mr. ARCHER], the Chairman of the Committee on Ways and Means, that we do away with the Federal income tax on individuals entirely. I think this is long overdue, and let me take a moment and explain why it is so important.

Mr. Speaker, suppose instead of talking about all the loopholes that we are going to close, and all of the small changes we are going to make here, and the tweaks and turns we are going to make, suppose we remove from the American public once and for all the burden of filling out that 1040 form; the burden of partnerships and subchapter S corporations, structuring their business in such a way as to avoid having to do this or that under our IRS; and get rid of the intrusiveness of the IRS into our personal lives.

Where would we make up the revenue? Well, the proposal would be to bury the personal income tax. Do not dare keep it alive, because if we put something else in place, Lord knows we will have both. But if we bury the personal income tax and instead raise money from a national consumption tax, here is how it could work.

Mr. Speaker, we could exempt food and rent and medicines. As a result, we really would not tax the poor at all. For all other goods and services in our country, we would have a tax rate of under 19 percent.

Now, is 19 percent high? Sure. Would I rather have it lower? Of course I would. But, Mr. Speaker, if we could abolish the personal Federal income tax, and all the time that it takes to fill out that form, and all of the lost energy that businesspeople spend structuring deals to avoid taxation instead of inventing and promoting and selling, would it not be worth it?

How much is a 19-percent increase in the price of a good because of a sales tax? It is about a year and a half under President Carter's administration. It is about a year and a half of the inflation we had then. But once it is in, it is done. We are not talking about increasing it any more. And we would in one moment liberate the American taxpayer.

One other advantage is the underground economy would pay tax for the first time. Drug dealers do not fill out their 1040 listing their occupation ''drug dealer, drug lord,'' but they do buy things. So we would tax people who consume. And we would create an incentive for those who save and invest.

Mr. Speaker, I used to teach economics, and a very simple rule of economics is people do less of that which you tax. Right now, we tax production of income. If, instead, we tax consumption, people will save and invest and that will make our country competitive for years to come.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FOLEY] at 2 p.m.

PRAYER

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

On this day we acknowledge those people who have made a difference in our lives and we remember them with admiration and gratitude. We are thankful, O gracious God, that we do not have to walk the road of life alone or meet the challenges of our day by ourselves, but rather our lives are enhanced and made full by the support and blessing of those near and dear to us. For families whose nurture to us is overwhelming, for colleagues who help point the way, and for friends whose affection and trust surround us, we offer these words of thanksgiving and appreciation. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 2202. An act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

APPOINTMENT AS MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group: Mr. HAMILTON of Indiana, Mr. LANTOS of California, Mr. HASTINGS of Florida, and Mrs. KENNELLY of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS TO ADVISORY BOARD ON WELFARE INDICATORS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 232(c)(2) of Public Law 102–432, the Chair announces the Speaker's appointment to the Advisory Board on Welfare Indicators the following Members on the part of the House: Ms. Eloise Anderson of California, Mr. Wade F. Horn of Maryland, Mr. Marvin H. Kosters of Virginia, and Mr. Robert Greenstein of the District of Columbia.

There was no objection.

TAX FREEDOM DAY

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

Mr. CHABOT. Finally, Mr. Speaker, finally. Today finally is the day that the average American can stop working for the Government and finally start working for his or her family. For the average working American, every dime from every working hour of every working day from January 1st until today has been devoted entirely to paying taxes to the Government. Today, tax freedom day, finally arrives, but only after the Government has taken a bigger piece than ever before out of the hide of the taxpaying citizen.

We need to stop bilking the taxpayers and we need to let families keep more of what they earn. Those insiders who defend the current tax system and the huge burden that it imposes on working families practice cruelty in the name of compassion. Those who deny working parents tax relief while shouting tax cuts for the rich are practicing distortion in the service of big government.

Enough is enough, Mr. Speaker. On this tax freedom day, let us pledge that never again will the Government take so much time out of the lives of its citizens. Instead of vetoing tax relief, let us veto some taxes.

GAS TAX REPEAL

(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, the Republican leadership continues to put special interests first and working families dead last. Now they want to cut education to give a windfall to big oil.

I support repealing the gas tax. But it must help consumers rather than the oil companies. In the last week, the wholesale price of gas has fallen by 4.4 cents. But the retail price is up two-tenths of a cent. The money should go into the pockets of consumers through lower prices at the pump. But Republicans are willing to let the money go into the bulging bank accounts of big oil instead.

My Republican colleagues are falling all over themselves to shell out this windfall to big oil. Could it be because 90 percent of the $2.1 million oil and gas companies gave in campaign contributions went to Republicans? Is that why they want to cut education rather than cutting corporate welfare to pay for the gas tax?

We can repeal the gas tax. But let's put working families first by making sure they get the benefit rather than getting the shaft.

SUPERFUND PROGRAM

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

Mr. GUTKNECHT. Mr. Speaker, tomorrow afternoon, Congressman DAVID MCINTOSH, chairman of the Subcommittee on Regulatory Reform, will be having a public hearing on the Superfund Program.

The purpose of this hearing is to stress the urgent need to put politics aside and reform the Superfund Program for the sake of public health and the environment. Since 1980, only 291 of the 1,289 sites have been cleaned up.

President Clinton, State and local governments, businesses large and small, environmental groups, and local communities alike agree that the current program is not doing its job to clean up hazardous waste sites quickly and effectively. In fact, the Congressional Budget Office [CBO] estimates that the average time for cleanup per site is between 12 and 15 years, at a cost of over $31 million.

Moreover, as each day passes without fundamental reform, cleanups continue to be impeded by significant bureaucratic delays and endless legal battles. Legislation is needed to address these concerns.

This must stop. Mr. Speaker, Americans expect these sites to be cleaned up without further delay and unneeded expense.

REPUBLICAN CAMPAIGN FOR WOMEN VOTERS

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

Mrs. SCHROEDER. Mr. Speaker, there were 2 very interesting stories on the news wire today. First of all, Majority Leader DOLE was addressing a convention in a western State and he said very strongly: Do not send Washington another PAT SCHROEDER. Hey, thanks, BOB. I am hoping we do not send the White House a BOB DOLE, but that is OK.

And then I also read on the wire today that Speaker GINGRICH gave a speech and said that he felt that the Democrats' advantage with women voters was just artificial and he was going to lead a public relations campaign to turn this around.

Hang on, women. Who knows what will happen. First we saw him with little animals. Now it is going to be interesting to see what we see him with in this whole campaign. But I must say, once women got the right to vote, we also have the right to read and we also have the right to drive cars and all sorts of things.

I think it is going to take more than a public relations campaign to paint over the record the people on the other side have built up. There is a reason.

THE LIBERAL RECORD

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

Mr. LEWIS of Kentucky. Mr. Speaker, this past year-and-a-half we have heard a lot of complaining from the

liberal Democrats about the new majority in Congress. It has been a continuous chorus of whining and complaining from the liberal extremists, such as the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from Connecticut [Ms. DELAURO] and others.

They cannot stand the fact that the American people have rejected 40 years of the liberal policies that have brought this Nation to the edge of bankruptcy, the highest crime rate in the world, an education system that has failed, illegitimacy rates skyrocketing, drug abuse out of control, a welfare program that is a disaster, and a tax burden where middle income families are being crushed.

Mr. Speaker, what have the liberal Democrats offered the American people to help solve these problems? Nothing, absolutely nothing. Nothing but whining and complaining because they are no longer the majority.

In fact, they have tried to block everything the American people have asked the new Republican majority to pass, like a balanced budget, welfare reform, a new crime bill, legislation to save Medicare, education reform and tax relief.

Mr. Speaker, the liberal whiners and complainers have fought for 2 things, regaining the majority and going back to 40 years of the big Government, tax and spend status quo.

AMERICANS DO NOT SUPPORT CUTS IN EDUCATION

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

Mr. GENE GREEN of Texas. Mr. Speaker, the House Republican symbol should no longer be the elephant, because the elephant never forgets. The House Republicans, especially the Republican leader and my friend from Texas, cannot seem to remember that the American people are overwhelmingly opposed to cuts in education. Less than 1 month after we had a budget agreement that restored the cuts in education, they are back to say, let us pay for a gas tax by cutting education funding.

Most Americans support a cut in the Federal gas tax. Frankly, I support one. But not at the expense of education funding. While two-thirds of all Americans are concerned about the quality of education, my colleague, the gentleman from north Texas, DICK ARMEY, is proposing cutting funding for education programs in order to offset that revenue loss for a gas tax cut.

Eliminating our commitment to education is like declaring war on ourselves. We need only to look at our world class competitors in other countries to see what they are doing on education. They are not cutting funding. They are actually putting more money into it and requiring more out of it. We need to hear more about preparing for a better future for our children and our grandchildren.

TAX FREEDOM DAY

(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, during the American Revolution, the American people waged a war against one of the greatest empires in history. One of the main motivations for the revolution was the issue of taxation. In fact, one of their slogans was ''No Taxation Without Representation.'' If you look at the historical record, though, you will find that the taxes the English Crown imposed on the colonists were light by today's standards.

Today is tax freedom day. It is the day that the American people stop working for the Government and start working for their families. Think about it, Mr. Speaker, 17 weeks of the year, almost a third of a year, is spent working for the Government. If our Founding Fathers knew this, they would roll over in their graves.

This may not be 1776, but it is 1996 and its time to cut taxes, reduce government, and restore the American dream for our children and grandchildren.

GAS TAX REPEAL

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

Mr. STUPAK. Mr. Speaker, in this House we have seen extreme examples from the GOP on how to deal with issues facing our Nation. We have also seen sensible solutions which have won out in the end.

The country is now debating how to deal with the sudden hike in gas prices. We hear the same old extremist kneejerk reactions from the Republicans. The majority has suggested cutting education to make up for revenue lost if part of the gas tax is repealed. Cut education? Do we really want to balance our books on the backs of America's families?

Mr. Speaker, a cut in the Federal gas tax of 4.3 cents a gallon would reduce revenues by an estimated $30 to $35 billion over 7 years. The new majority refuses to look at cutting corporate welfare. They refuse to look at what windfall profits are being realized by oil companies whose speculations send gas prices skyrocketing.

Mr. Speaker, through the shutdowns and budget gridlock, we Democrats have fought and won battles protecting education. But we can never rest. Here is a new assault on the American education system. Let us be sensible, not extremist, protecting our future.

TODAY IS TAX FREEDOM DAY

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

Mr. LINDER. Mr. Speaker, today is tax freedom day. May 7 is the day we stop working to pay our tax bill and the day we begin to work for ourselves and our families.

Incredibly, the average American must work from January 1 through today just to earn enough money to pay his or her share of State, local, and Federal taxes. Only tomorrow will Americans begin to work for themselves.

Many believe that on April 15 we are through with taxes for awhile. Nothing could be further from the truth. In fact, on average, Americans spend 2 hours and 47 minutess each day working just to pay their taxes.

Liberal politicians and the special interest groups mistakenly believe raising the minimum wage will help working Americans. Increasing the minimum wage will cost jobs and increase workers' tax burdens. If we really want families to earn more, keep more, and do more, the Government must stop taking so much from each paycheck.

Consider this. The working Americans that Bill Clinton says he is concerned about must earn more than $3 to buy a gallon of milk that costs less than $2. Let's cut taxes and make the Government spend less so that Americans may spend more of their hard-earned money.

REPEAL OF THE GAS TAX

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

Mr. HOYER. Mr. Speaker, on behalf of students across America, I would like to award a dunce's cap to my colleague from Texas. Mr. ARMEY, the acting Speaker of the House, suggested we could pay for repeal of the gas tax with cuts in education. Where does he think the money will come from?

We could cap college assistance—and take Pell grants away from more than 3 million college students. We could cap Head Start—take education, nutrition, and health care away from every one of the 760,000 preschoolers who participate—and we still wouldn't get enough. We could cap funds to elementary schools—and take reading and math help away from 5.5 million students who are struggling to catch up with their peers.

Mr. ARMEY, if you think the American people want to cut our children's education to save themselves 4.3 cents at the gas pump, you haven't done your homework.

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TURN THE CLINTON TAX TREND AROUND

(Mr. KNOLLENBERG asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I guess the President just simply loves higher taxes. In 1993 he passed the highest tax increase in American history: an increase in the tax gas, an increase in Social Security taxes on seniors, an increase in taxes on small business. Now our Tax Freedom Day which we have heard so much about this morning keeps falling later and later every year under the Clinton watch.

In 1992, under George Bush, it was May 2, but next year, Clinton, May 3. Next year May 5; next year, May 6; and now it is May 7, the latest the tax freedom day has ever been.

We can turn the tide. We can and we should cut taxes. Let us cut them on average working families: taxes on gas, if my colleagues will, but taxes also on seniors, taxes on our small businesses, taxes on farmers, and taxes on capital gains. Let us shorten the Government's long reach into our pockets and cut taxes right across the board.

Let us turn this trend around. Maybe next year people will be able to work less for the Government and more for themselves and their families.

CUTTING FUNDING FOR EDUCATION—NOT THE RIGHT DIRECTION

(Ms. LOFGREN asked and was given permission to address the House for 1 minute.)

Ms. LOFGREN. Mr. Speaker, I read that the majority leader made this statement on Sunday: Maybe we ought to take another look at the amount of money we are spending on education. And I thought, finally, good—we do need to take a look at the amount of money we are spending on education.

I saw today in the Washington Post that in Korea kids get out of school at 10 p.m., and they go to school 6 days a week. Is it any wonder that they are leaving us in the dust? They have gone from Third World to major competitor in a few short years because they are putting money into education.

But I learned, in fact, that the majority leader's proposal is to cut education funding to pay for a proposal to cut the gas tax.

This is not the direction we should be heading. Where I come from, families are indeed struggling to pay for very high gas bills; they are commuters. But the thing they know more than anything else is that, if we want to get ahead as a country, it is important to take the long view and make sure that our kids are the best educated in the world.

CUTTING DUPLICATION, NOT EDUCATION

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

Mr. CHRYSLER. Mr. Speaker, 128 days out of the year, 17 weeks out of 52, are spent working to pay our taxes. In other words, for 128 days the average American works for government. Something is wrong with this picture.

Mr. Speaker, the American family is being pressured from all sides today. It does not help that government takes 128 days of his or her labor. And, thanks to Bill Clinton, Americans now work an extra 6 days to pay their taxes. That is another pay gone to finance the Government's spending by the Washington bureaucrats.

Mr. Speaker, we need less government, lower taxes, we need to let people keep more of what they earn and save, and we need to let people make their own decisions about how they spend their money, not government.

As to the remarks of the gentleman from Texas [Mr. ARMEY] about education, we had 760 educational programs in 39 different departments in this Federal Government. We said 170 of them were duplicative of other ones. That is not cutting education. This is cutting duplication.

WHEN WE REDUCE THE GAS TAX, WILL CONSUMERS BENEFIT?

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

Mr. SCHUMER. Mr. Speaker, the bottom line is this:

When we reduce the gas tax, are consumers going to see any of the benefit? That will be determined by whether there is a free market, whether the oil companies are actually competing with one another, whether all those up and down the line will pass the price through to the consumer. Because if we reduce the tax by 4.3 cents and the consumer does not get any reduction at the pump, what good is it?

Now what we have seen in the past in the gas and oil market is that there is not real competition in certain ways. When the spot market wholesale price goes up, it immediately goes up at the pump, the price does. But when the spot market for crude oil goes down, it takes months and months and months for it to go back down.

This chart shows it all. Wholesale price falls 4.4 percent, price at the pump goes up 2 cents.

Now if that happens, the gas tax reduction will not bring any benefits to the American consumer, and we better make sure that it does.

ONCE AGAIN THE PRESIDENT REVERSES HIMSELF—THIS TIME ON ADOPTION TAX CREDIT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1993 President Clinton passed the largest tax increase in history, and then later reversed himself in Texas when he commented that he raised taxes too much. He said he was for a tax cut, but he vetoed tax cuts, just one right after the other: A child tax credit relief, capital gains relief, a marriage penalty relief, and many more.

Tomorrow we are going to bring a $5,000 adoption tax credit up to be debated again for a second time, and once again the President has reversed himself. He says he likes the idea. We must continue to fight for tax cuts that help American families and children.

As my colleagues know, Americans want and even deserve a break from high taxes and not just when it is in the President's best political interest.

WHAT NEXT? AID FOR DEPENDENT COWBIRDS?

(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, even on tax freedom day it never ends. Government bureaucrats maintain that California cowbirds lay their eggs in the nest of California gnat catchers, forcing the gnat catcher to raise the little cowbirds. Now, since the gnat catcher is on the endangered species list, the bureaucrats have decided to gas the cowbirds.

Now, if this is not enough to ruffle our tarfeathers here, my colleagues, they will spend $67 million to kill California cowbirds.

What is next folks?

A Government grant for cowbirds to lobby Bruce Babbitt?

Aid for dependent cowbirds?

Tax credits to adopt the California cowbirds?

Is it any wonder we have a $5 trillion debt?

I submit these are not normal Government bureaucrats. These are turkeys. Anybody who would spend $67 million to help one endangered species, a gnat catcher, and make another species, a cowbird, an endangered species, needs a proctologist, not a psychiatrist.

PROTEIN CRYSTAL GROWTH ON THE SPACE STATION

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

Mr. WELDON of Florida. Mr. Speaker, I want to tell my colleagues about one area of science that will be performed aboard the space station.

Protein crystallography is a field of research that allows scientists to determine the structure of proteins that play critical roles in diseases.

To use this technique, researchers must grow large, high-quality crystals of the protein. On Earth, gravity often causes the crystals to grow imperfectly, preventing scientists from developing new disease-fighting drugs.

Protein crystals grown in space, as demonstrated on many space shuttle

flights, are superior in quality and size to those grown on Earth. This means that researchers can better develop drugs to battle disease.

In fact, protein crystal grown on the shuttle have already allowed researchers to develop drugs that are in FDA trials even as we speak.

But the growth of many crystals requires more than a few days available aboard the shuttle. That is why we need the space shuttle.

It will permit researchers to grow their crystals in a nearly perfect microgravity environment for long periods of time.

Mr. Speaker, researchers from universities and companies around the world strongly support the international space station, and I urge my colleagues to do the same.

MAY 7, 1996, TAX FREEDOM DAY

(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, I offer congratulations to you and congratulations to every hard-working American taxpayer. Or should I say offer condolences? Because at long last, today, May 7, is tax freedom day.

We have heard a lot of talk, a lot of playground taunts about the gas tax and repealing the Clinton gas tax. That would be but a modest first step, a reasonable first step.

Let me put it in perspective, Mr. Speaker. One of my constituents stopped by my Washington office this morning and told me in the wake of Bill Clinton's tax increase, the largest in American history, including retroactive taxes, her tax bill increased 213 percent.

That is compassion? That is common sense?

Mr. Speaker, in the words of my colleague from Ohio, beam me up.

A REAL MOTHER'S DAY TRIBUTE; PASS CHILD SUPPORT ENFORCEMENT REFORM

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

Mrs. ROUKEMA. Mr. Speaker, Mother's Day is just a few short days away, and I have a great idea for the congressional leadership and President Clinton.

For all the mothers of America, let us enact tough new child support enforcement reforms.

Last year this Congress voted to give the States the tools and the teeth to enforce child support orders when it passed the welfare reform package. Unfortunately, the President vetoed that bill, and the child support reforms along with it, and since that time child support has been tangled in the larger welfare reform debate.

Mr. Speaker, enough is enough. No more excuses, no more delays. The children are suffering. Let us pass this legislation now. No one expects the welfare reform dispute to be settled for months, if at all. Yet we all agree on a bipartisan basis on the reforms to strengthen our child support system.

Child support evasion is a national disgrace. Each year millions of families are denied billions of dollars to which they are legally and morally entitled. First the children are the victims and, second, the taxpayers. Let us pass this legislation.

GIVE THE TAXPAYERS A BREAK—REPEAL THE CLINTON GAS TAX

(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, the Clinton crunch is hitting the American people hard. The most conspicuous evidence of the Clinton crunch right now is the soaring gas prices all over our Nation. Back in 1993, President Clinton enacted the largest tax increase in our Nation's history. And included in this tax package was a $4.8 billion tax increase on gasoline. This Clinton gas tax is hitting all consumers right where it hurts—in the wallet.

Mr. Speaker, the American people want to keep more of what they earn, not continue to give more and more of their hard-earned money to the Federal Government. I call on my Democrat colleagues to support a repeal of the Clinton gas tax. While $4.8 billion may not seem like much money to some of the Clinton Democrats, it's considered a whole lot of money to the majority of the American people.

Give the taxpayers a break. Repeal the Clinton gas tax.

LET US BE FAIR

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

Mr. FAZIO of California. Mr. Speaker, we read in the Washington Post this morning that Leader ARMEY is taking the leading role in defining the remainder of this Congress' Republican revolution. Apparently the revolution he wants to bring about is to cut education so that we can go about reducing the gas tax without any promise, any commitment that that will actually be passed through to consumers.

While oil companies are profiting, and obviously many are based in his home State of Texas, we seem to think the only way we can help people who are suffering from incredible increases at the pump would be to cut programs that will help their children.

This is the same leader who indicates we ought not to have a minimum wage, let alone an increase in it, that would take it, in real dollars, from 1950 to 1960.

It seems to me if we are going to address the issue of cutting taxes on gasoline without passing them through to consumers, we certainly ought to be willing to take up the issue of a minimum wage for those people who struggle each day to put food on the table for their families. That would be a fair way to lead this institution.

□ 1430

SUPPORT ELIMINATION OF THE GAS TAX

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

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman from California, who just spoke, was not on the big spenders list every year, then those folks would have more money in their pocket instead of increasing the deficit so much.

Mr. Speaker, they said, Do we want to repeal the gas tax? Yes. Do we want to repeal the Social Security tax that the 1993 Clinton tax package put on our senior citizens? The President promised a middle-class tax cut. Instead, he increased the marginal rate on the taxes for the middle class.

The Democrats want to protect the power, the power to tax you, to bring money to Washington, DC, to support a big bureaucracy, and then turn that money back around and give it to you for education, as low as 23 cents on a dollar, so they can fund their big Federal bureaucracy. if they want to help education, look at Haiti, look at Somalia, look at Bosnia: Billions of dollars for the President to send our troops. And guess what? Aristide is still there, Aideed is still there, and in Bosnia it is going to cost $10 billion. If they want to help education, cut out the foreign expansion. Support elimination of the gas tax.

WHITEWATER INDEPENDENT COUNSEL SHOULD FOCUS ON THE JOB AT HAND

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

Mr. MEEHAN. Mr. Speaker, the calls for Whitewater Independent Counsel Kenneth Starr to address concerns over his outside legal practice continue to mount. This weekend, former independent counsels—both Democrats and Republicans—added their voice to the chorus of concerned citizens questioning the judgment and independence of Mr. Starr.

Lawrence Walsh, former judge and independent counsel for Iran Contra, said: ''The one excuse for an Independent Counsel is his independence * * * he can't be involved with anything that impairs his freedom of action.''

And Gerald J. Gallinghouse, another Republican who investigated President Jimmy Carter said, ''He should either get in or get out.''

Mr. Starr's investigation is now almost 2 years old and is costing the taxpayers about $1 million a month. At

the same time, Mr. Starr continues to maintain an enormous private legal practice which includes many of the President's fiercest political enemies. In fact, it seems that the only criteria is to be an enemy of the Clinton administration.

The issue is perception and confidence. I call on Mr. Starr once again—put the private legal practice on hold and focus on the job at hand—the public deserves nothing less.

TAX FREEDOM DAY

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

Mr. RIGGS. Mr. Speaker, all the attacks in the world on Mr. Starr are not going to distract attention from the fact that 16 indictments and 9 convictions later, the Whitewater investigation proceeds.

Mr. Speaker, today is tax freedom day. It is the day Americans stop working for the Government and start working for themselves. Tax freedom day is now 128 days into the year. That's up 6 days since Bill Clinton took over the White House.

Six days is over a week's worth of work. That's another paycheck the American people will not see because Bill Clinton raised taxes in 1993.

Today, the average family pays almost 40 percent of their income in taxes. That is wrong. A 40-percent tax rate is simply too much for a struggling family.

Bill Clinton may be riding high in the polls today. But that does not change the reality that he is a big government tax and spend liberal who gave Americans the largest tax increase in history and who fought against and vetoed any tax relief for America's families.

Happy tax freedom day, Mr. Speaker.

DO NOT REPEAL THE GAS TAX BY TAKING AWAY DOLLARS FOR EDUCATION

(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, let me say that I am willing to celebrate tax freedom day. I have gone on record to support a repeal of the gas tax for 4.3 percent. But how ludicrous that Republican colleagues seem to want to give not only freedom to the taxpayers, but a big ax to the taxpayers: Repeal the gas tax, but let us hit them upside the head by taking away education dollars.

What sense does that make, Mr. Speaker? Is it not fair that we say to the American people, yes, we want a repeal of the gas tax if it goes directly back to the American consumer, but yet, we are not going to hit you about the head on tax freedom day and take away education dollars from your children?

I am not sure what this House intends to do, but Mr. Speaker, I hope for once that we will be fair to the American people. One, we will support education for their children with loans and title I and Goals 2000, and will not make these ridiculous statements about taking away education dollars from our children; and yes, we will repeal the gas tax, and we will do it with a 4.3-percent repeal that goes directly back to the consumers. I hope if we look at giving something back to the taxpayers, we will look somewhere else, not take away education dollars.

REPUBLICAN LEADERSHIP WANTS TO CUT EDUCATION FUNDS TO GIVE TAX BREAKS

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

Mr. MARKEY. Mr. Speaker, the Republican leadership wants to cut education funds for children in this country in order to give a tax break which is going to wind up in the pockets of oil companies, by every economic analyst's view in this country. Yesterday's Wall Street Journal reports that the first quarter profits at the big oil companies went up 41 percent in the first 3 months of this year. The five top executives at the six top oil companies in the last 2 months enjoyed 32 million dollars' worth of increases in their stock options; the oil company executives, $735 apiece went to each oil company executive. Clearly, the oil company executives are not upset about higher prices at the pump. They are crying all the way to the bank.

Who are we going to ask to pay for this? The children of the country, in cutting education programs for them. How about looking at the oil companies? They are tipping consumers upside down and shaking money out of their pockets.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

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 later today.

AUTHORIZING USE OF CAPITOL GROUNDS FOR EVENT SPONSORED BY SPECIALTY EQUIPMENT MARKET ASSOCIATION

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 150) authorizing the use of the Capitol Grounds for an event sponsored by the Specialty Equipment Market Association, as amended.

The Clerk read as follows:

H. CON. RES. 150

Whereas the United States public has demonstrated a continuing love affair with motor vehicles since their introduction 100 years ago, enjoying vehicles for transportation, for enthusiast endeavors ranging from racing to show competitions, and as a mode of individual expression;

Whereas research and development in connection with motorsports competition and speciality applications have provided consumers with life-saving safety features, including seat belts, air bags, and many other important innovations;

Whereas hundreds of thousands of amateur and professional participants enjoy motorsports competitions each year throughout the United States;

Whereas such competitions have a total annual attendance in excess of 14,500,000 spectators, making the competitions among the most widely attended in United States sports; and

Whereas sales of motor vehicle parts and accessories for performance and appearance enhancement, restoration, and modification exceeded $15,000,000,000 in 1995, resulting in 500,000 jobs for United States citizens: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SPECIALITY MOTOR VEHICLE AND EQUIPMENT EVENT.

On May 16, 1996, or such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate there is authorized to be conducted on the Capitol Grounds a public event (in this resolution referred to as the ''event'') displaying racing, restored, and customized motor vehicles and transporters.

SEC. 2. CONDITIONS.

The event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board. The sponsor of the event shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURE AND EQUIPMENT.

For the purposes of this resolution, the sponsor of the event is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such

stage, sound amplification devices, tents, and other related structures and equipment as may be necessary for the event. The sponsor is further authorized to display racing, restored, and customized motor vehicles and transporters in the condition in which they appear.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any additional arrangement that may be required to carry out the event.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

The sponsor of the event (including its members) shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of the sponsor (or its members) or any product or service offered by the sponsor (or its members).

SEC. 6. PHOTOGRAPHS.

The event may be conducted only after the Architect of the Capitol and the Capitol Police Board enter into an agreement with the sponsor of the event, with each person owning a vehicle to be displayed at the event, and with the manufacturers of such vehicles that prohibits the sponsor and the vehicle owners and manufacturer from using any photograph taken at the event for a commercial purpose. The agreement shall provide for financial penalties to be imposed if any photograph is used in violation of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Minnesota [Mr. OBERSTAR] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, I rise in support of House Concurrent Resolution 150, as amended, a resolution authorizing the use of the Capitol Grounds for a specialty motor vehicle and equipment event. This resolution authorizes the Special Equipment Marketing Association to conduct a public event on the Capitol Grounds displaying racing, restored, and customized motor vehicles and trucks. The event will be part of an American picnic on the Capitol Grounds celebrating 100 years of the introduction of the automobile.

Motor sports is a large spectator sports in American drawing millions of fans every year to events. The specialty equipment industry, which manufacturers many of the products used in racing vehicles, employs 500,000 Americans and generates $15 billion in revenue.

The bill specifies May 16, 1996, as the date on which the event would occur. It would not detract from the ceremony which will honor our peace officers, which event is now occurring on the 15th of May, and honoring these peace officers who have died in the line of duty will not be interfered with at all.

Mr. Speaker, the event is to be free of charge, and the Architect and Capitol Police Board are to specify conditions for the event so as not to interfere with the needs of Congress. The sponsor is to assume full responsibility for all expenses and liabilities associated with the event. The resolution authorizes the sponsor to display racing, restored, and customized motor vehicles and trucks in the condition in which they currently appear. This will allow these special vehicles to be displayed in their original or unaltered state. Many of these vehicles display decals or stickers promoting commercial sponsors. This amendment would permit these vehicles to be displayed without alteration.

Subject to the approval of the Architect, the sponsor may erect stage, sound amplification devices, tents or other structures necessary for the event. The sponsor, including its members, may not represent that the resolution nor any activities carried out under it constitutes approval or endorsement by the Federal Government of the sponsor, its members, or any product or services offered by the sponsor or its members.

Finally, the resolution provides that the event may be conducted only after the Architect and the Capitol Police Board enter into an agreement with the sponsor and the owners and manufacturers of vehicles to be displayed that prohibits the use of photos taken at the event for commercial purposes. Finally, penalties would be imposed for those violations.

This resolution has the support of the resolution's sponsor, the sponsor of the event. I would like to thank my colleagues on the other side of the aisle for their assistance in crafting compromise language so this event may go forward. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, House Concurrent Resolution 150, as amended, would authorize the use of the Capitol Grounds for a display of specialty vehicles, including racing cars and antique cars.

Mr. Speaker, as I understand this event, like other events on the Capitol Grounds, it will be open to the public and will be free of charge. The amended resolution before us includes some substantial improvements over the introduced resolution.

In my opinion, the concurrent resolution as introduced did not contain sufficient safeguards to ensure that the authorized event would be consistent with our longstanding and bipartisan policy, and one enforced by the previous Architect of the Capitol, that the Capitol Grounds should not be used for commercial purposes. I frankly find it offensive that anybody would want to do such a thing.

Mr. Speaker, I had two major concerns in that regard about the introduced resolution, First, it did not prohibit the cars on display from being covered with decals advertising automotive and other products. Second, there did not appear to be adequate protections to assure that photographs of cars on the Capitol Grounds would not be used in commercial advertising; the selling of the Capitol, it seemed to me.

We discussed this a great deal with our good friend, the gentleman from Maryland [Mr. GILCHREST], the very thoughtful and concerned Member of Congress, for whom I have great respect and appreciation. The amended resolution now deals with these issues. It did not totally prohibit the decals. We were advised in the course of these discussions that the event would not be able to go forward with a total ban on decals, since owners would not be willing to display their cars with the decals covered up with masking tape, which I frankly suggested. However, the bill limits the decals to those that are already on the car, so they cannot put new ones on. I do not know how we are going to monitor that, test it, or check it, but we will take them at their word.

With respect to photographs, the amended resolution includes a provision prohibiting the sponsor of the event, the person displaying the vehicles, and the manufacturers of the vehicles, from using photographs of the event for commercial purposes. I hope, I just strongly, hope, that these prohibitions, which carry financial penalties, will control the potential for commercialization of the U.S. Capitol.

I know the gentleman from Maryland shares that concern. He has endeavored vigorously to achieve the same objective. I believe with his vigilance and with the attention that has been drawn to this subject that the commercialization, the use of the U.S. Capitol for commercial purposes, will not go forward.

Mr. Speaker, I think these protections are as good as we can get, short of not allowing the event. Congress has an obligation, Mr. Speaker, I feel very strong about this, to ensure that the Capitol Grounds are used in a fitting and in a proper manner. Use of grounds for a commercial purpose detracts from the integrity of this national treasure and this landmark that belongs to all of us, to all Americans.

It offends me, frankly, that groups that criticize Washington and criticize government then want to turn around and use Washington and its most important symbol, the U.S. Capitol, to further their own commercial purposes. I find that inconsistent, I find that offensive.

□ 1445

Use of the grounds of the U.S. Capitol should be reserved for events that have public significance, that have national significance, that have broad national interest, such as the Special Olympics torch relay run, the memorial ceremony honoring law enforcement officers killed in the line of duty.

Even in those, as in this particular event with racing cars, we ought to be sensitive to safeguarding the integrity of this very treasured national symbol

of freedom. It is, after all, a symbol of freedom. It is not a symbol of commerce.

I think the amendment before us achieves those objectives, responds to my concerns, and I appreciate the cooperation I have had from the gentleman from Maryland and the sensitivity and concern and cooperation we have had from the chairman of the full committee.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I was in the Cloakroom, and I really want to congratulate the gentleman on his statement. I am a little stunned at what I think I heard. We are turning the Capitol Grounds into kind of a car lot with this resolution? Is that what I heard?

Mr. OBERSTAR. There is going to be a display of vehicles in honor of the 100th anniversary of motor vehicles.

Mrs. SCHROEDER. If the gentleman will yield further, what a precedent this is. Does this then mean we can do all sorts of future displays for any commercial thing that wants to come in here?

Mr. OBERSTAR. We have attempted to restrict the opportunity for commercialization with the language included in this resolution that the gentleman from Maryland has included, and with his splendid cooperation, to prevent use of photographs for commercial purposes, to limit the amount of commercialization evident on the vehicles to be displayed here.

Mrs. SCHROEDER. If the gentleman will yield further, I am very glad that the gentleman was there and vigilant and got those amendments in, but I am a little troubled at the time we are going through this gas crisis and everything else that we are going to turn, I think, the Capitol Grounds into a parking lot and a public display.

I hope we have a vote on this, because I would like to see how Members vote on this issue. I am stunned. I never saw anything like this in my 24 years and I am troubled as to why it comes up now, but I thank the gentleman for his hard work.

Mr. OBERSTAR. I thank the gentlewoman.

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

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

I share many of the sentiments of the gentleman from Minnesota in his concerns about commercializing the Capitol Grounds and also I share the concerns of the gentlewoman from Colorado for the same reason. This will not specifically be on the Capitol Grounds. It is across the street and to the rear of the Senate office buildings, so we will not see any motor vehicles right here directly on the Capitol Grounds.

I would also like to reemphasize two areas that the gentleman from Minnesota [Mr. OBERSTAR] emphasized, as far as these motor vehicles will not be able to use this particular display for profit or for commercializing any of their products. It is the 100-year anniversary of the automobile in the United States, and I know we have troubles through the years as far as gas taxes are concerned, gas crises are concerned, environmental issues are concerned.

It is not my intent nor is it the intent of this committee to demean the Capitol Grounds in any way, shape or form by sponsoring motor vehicles and expending more gasoline products. That is exactly the opposite of what we are trying to do. What we are trying to do is to come up with some consensus language on both sides of the aisle so we can have some understanding how to put forth a display which will be off the Capitol Grounds, on property owned by the U.S. Capitol but not on the Capitol Grounds proper, so we can have some sense of history.

As a former school teacher, I know that when I have brought students here for many, many years, the students found many fascinating things about Washington, DC, and we could always associate something, some type of display, whether it was on the Mall or up here dealing with the issue of democracy and the issue of debate. We are now engaged in a debate whether or not this is a proper use of the Capitol Grounds.

It is my judgment, after consultation with the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT], that we have realized some of these issues and that we will go forward with this event ensuring, with the legislation's specific language, that none of the uses of these motor vehicles, which are all U.S.-manufactured motor vehicles, can be used in any way for the advancement of any particular product.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, if this display is not going to be on the Capitol Grounds, as I think I heard the gentleman say, then why do we need the resolution?

Mr. GILCHREST. Reclaiming my time, I said it is not on the Capitol Grounds proper. In other words, when we say the Capitol Grounds, people right away think it is going to be right in front of the west side or the east side of the Capitol.

It is, properly spoken, Capitol Grounds, but we could not see this display from the Capitol. We would have to walk across the street to the other side of the U.S. Senate office buildings before we could see the display. So I wanted to make a distinction. It is not right here on the east front or the west front of the U.S. Capitol.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend for yielding.

Mr. Speaker, for years we have been touting American workers, and I would say to my friend from Ohio [Mr. TRAFICANT], who fights for American products and ''Made in America,'' these are American cars. For 100 years Americans have been making these products. My colleagues on the other side say they are big strong supporters of the unions. It is mostly union members that make these cars and they have for 100 years.

I think we need to show that we are proud of our products. Only a few short years ago there were other products that came into this country that cut them out. For 100 years our workers have been the finest in the world, and I think we need to honor them. I laud the gentleman for his initiative.

Mr. GILCHREST. I thank the gentleman.

Mr. Speaker, one other quick comment. We do have, and I know this is not on the Capitol Grounds but it is on The Mall, we have the Air and Space Museum that sort of in some indirect way, I guess, promotes air travel and specific airlines. We have the American History Museum. I really do not want to get into a semantic argument here, but I do think we have come up with a fairly consensus bill on both sides of the aisles.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time. I want to congratulate him for bringing the resolution to the floor. I rise in support of the resolution.

Mr. Speaker, for 100 years the American automobile has been a part of the American scene. It has transformed the way in which we live, the way in which we work. It has been an important part of our entire history for the last 100 years. This display is in congratulations and celebration of that very fact.

The fact is that for people who are concerned about this, when they go to the Smithsonian. They will find cars on display in the Smithsonian museum, they will find racing cars, for instance, in the Smithsonian that actually have decals on them.

There are in fact historic reasons why there has been a link between motor sports and people who are willing to pay the bill. For that 100-year history, motor sports has been a part of it. The fact is that today it has become the largest single spectator sport in the country. That is motor racing. All over this country, in small communities and in large, there are people who spend their weekends going out. Some of the language I have heard on the floor today is kind of an insult to some of those people who find this to be an enjoyable sport and who participate in it honorably and go as spectators.

The fact is also that there are hundreds of thousands of people who participate each year in car shows, that simply go to look at products and look

at restored kinds of vehicles. There are hundreds of thousands of people who participate in the actual restoration of automobiles and in the historic sense of preserving that piece of Americana that was built years ago.

There are lots of people out there who regard these phases of motor sports as an intimate part of their lives and think that it is entirely appropriate to have a display on the 100th anniversary of the motor vehicle on the Capitol Grounds in celebration of that fact. That is what we are doing here. This is not a commercial kind of display at all. It has nothing to do with commercialism.

It is the same kind of thing that often goes on in the Capitol Building. When we have a historic event, we actually bring the artifacts of that historic event to the Capitol to allow the public to see them. That is what is happening here. I congratulate the gentleman for his resolution.

Mr. GILCHREST. I thank the gentleman from Pennsylvania. I might say that I think maybe the largest spectator sport is little league baseball, or maybe it might be a close second there.

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

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

Mr. TRAFICANT. Mr. Speaker, we end up getting in major debates over items that need not be controversial around here. I have a few questions. I would like to join in an ongoing colloquy if I could without a lot of parliamentary discourse.

But in the process when we discussed this, there was a special section put that would prohibit the use of photos of this event for commercial purposes. I want to thank Chairman GILCHREST for that. Further, there have been placed into this resolution financial penalties associated with violation of that prohibition.

We have had a lot of talk about American cars and an event that would highlight the automobile in our history, and the great invention and pursuits of American manufacturing. The first question is, Will there be foreign cars highlighted, and will they be a part of this display?

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, it is my understanding that only U.S. manufactured vehicles and U.S. manufactured parts will be a part of this display.

Mr. TRAFICANT. There is in here, then, penalties associated with violation of any of these promotional concerns that we have. For the sake of this debate, who would be responsible for enforcement of those penalties?

Mr. GILCHREST. The whole arrangement is going to be cleared through the Architect of the Capitol and the Capitol police. The Capitol police will be responsible for enforcing any of the violations.

Mr. TRAFICANT. Will there be any association with foreign sponsors at this event?

Mr. GILCHREST. It is my clear understanding that there will be no association with foreign sponsors. These are all U.S. sponsored, U.S. manufactured products.

Mr. TRAFICANT. Let me say this. I think there is a lot of concern because of the fact that we are using the grounds, and we are using Capitol Grounds, as evidenced by the fact we need a resolution. We use Capitol Grounds for many other things.

I am not opposed to this. I believe that we should highlight the achievements and the great, in fact, pursuits of the American automobile industry, from the invention and the creation to the mass production.

I am very concerned, though, and I want to state this before the Congress, on a resolution of this kind which is noncontroversial, that right now many of our trucks carrying American-made manufactured brands are made overseas. The beautiful Regal, Buick Regal, is made in Canada. So I want to make sure this is an event for America.

I certainly will not oppose it. I will vote for it. I want to thank the chairman for including the concerns that both the gentleman from Minnesota [Mr. OBERSTAR] and I had on this when it was previously discussed.

I would like to say this, though, that in the future when we talk about penalties for violation of certain behaviors involved with issues such as this that seem noncontroversial, not to be big mind benders, we should at least have a study reported back to us if in fact the design and intent of these particular programs was as they were first recommended and presented to us.

With that, I would yield to the chairman for any comment relative to that last issue.

Mr. GILCHREST. I will assure the gentleman from Ohio [Mr. TRAFICANT] that we will continue to work with his side of the aisle in any future resolution that deals with a similar matter, that we will assure that all of his concerns will continue to be shared, that there will be precise and concise penalties on those who violate it, that this will be sponsoring U.S. manufacturers and not foreign manufacturers of automobiles, and that we will ensure that no photographs taken during this event can be used for commercializing purposes or for endorsement purposes. If they are, they will feel the full force of the law.

Mr. TRAFICANT. Would it be reasonable, then, to spread across the RECORD at least the following concern, that the Architect of the Capitol should report back to our subcommittee on in fact the questions that I have posed here relative to any possible foreign participation that is not the intent of this particular resolution?

Mr. GILCHREST. Mr. Speaker, the gentleman from Ohio [Mr. TRAFICANT] has an excellent idea and we will follow it up. We will, sometime following the event, assure him that there will be a hearing on that issue.

Mr. TRAFICANT. In closing, let me say this. The gentleman from Pennsylvania [Mr. WALKER] is a friend of mine. He has had a number of Corvettes over the years, and I am sure that that car made in Kentucky, made out of American parts, will be highly featured.

With that, I will not pose any further opposition and would vote for the resolution.

Mr. GILCHREST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER].

☐ 1500

Mr. CHRYSLER. Mr. Speaker, I rise in support of the resolution to allow the use of the Capitol Grounds for a specialty motor vehicle and equipment event. As a former race car driver, auto manufacturer, union member, and SEMA member, I have first-hand knowledge of the importance of the auto industry to our economy. This event will demonstrate the economic and employment benefits, as well as contributions to engineering, safety, and entertainment provided by U.S. motorsports industries.

The event will be held on May 16 on the Upper Senate Park and will include a wide variety of race cars, motorcycles, and collector cars spanning the evolution of the industry including vehicles from prewar classics, street rods, and '60's muscle cars. Also on hand will be race car drivers, car collectors, and U.S. performance and specialty manufacturers from around the country. It will be a convenient way for Members not familiar with the industry to gain greater insight into motorsports and for car and motorcycle enthusiasts to join in the celebration and perhaps display their own customized car or bike, as I will.

It has been 100 years since the automobile was first introduced in the United States. I urge your support of this exciting event commemorating the importance of the motorsport industry to our economy on this 100-year anniversary.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I guess I am a little troubled by this, not because I am against the auto industry for heaven's sakes. I think the auto industry is terribly important, and I am a car lover as every other red-blooded American is.

In the last year and a half we have seen the Capitol Grounds used for all sorts of things. We had elephants here for the first time, a circus came through, a couple weeks ago there was

a rock concert going on on the front lawn, and for people whose windows face that way it was really quite noisy.

I understand people were saying, well, we will not be able to see this show from the Capitol, but you will be able to see the Capitol from the show, is the way I understand it. And I guess I am saying, are there any criteria? Are we just going to wait and be surprised day after day by new ideas that come up on the other side of the aisle for what we should use the Capitol as a showcase for? What about assault weapons? Can we have assault weapon or gun shows around here? Can we have dog and cat shows or horse shows?

Mr. GILCHREST. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I would like to tell the gentlewoman, I think there are a lot of people that share her concerns about commercializing the Capitol Grounds and trivializing the Capitol Grounds. This is the Nations's Capitol, which has a great and grand history of legislating for the Nation's good. So I will tell the gentlewoman that in the future, as these things usually come through the subcommittee of which I am chairman, that we will ensure that Members on both sides of the aisle receive this kind of information and notice well in advance.

Now, there was information about this for the past several months. I realize we are all very busy with a variety of things and do not pick up on all of the activities that are occurring, but certainly I will assure both sides of the aisle that whenever events like this are coming up, I will do my level best, and I know the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT] will help with this, as well as other members of the committee, to make sure the body as a whole realizes these things are coming up and they can be prepared for them.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I guess my point is I think we need some criteria. I think before we keep doing this in an ad hoc manner, in which we kind of walk into the cloakroom and hear, wow, elephants are coming, the circus is coming, we are going to have a car lot, do this or that, or have a rock show, I would hope there would be some general criteria, rather than in an ad hoc way, as to what we can and cannot use the Capitol Grounds for.

Otherwise maybe we should rent it out, maybe privatization; they should pay us and we get the money back and we use it for something to maintain the Capitol. I do not know. I must say it is not the car show per se, but it is just the idea that there is more of ad hoc casual way that they are coming one on one, and there does not seem to be any criteria or any overall agenda that they fit through.

Mr. GILCHREST. Mr. Speaker, if the gentlewoman will continue to yield, what a number of us have been talking about over the past week is the issue of raising a specific criteria, there ought to be some type of specific or some flexible specific criteria that people can agree on for the type of activities that will go on on the Capitol Grounds.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman be bringing that out of the committee shortly?

Mr. GILCHREST. It is in the early stages of discussion. We have not had any hearings on it. I think it would be a good idea, whether or not we have hearings on it, at which time, if we did have hearings, we could certainly bring in Members to give their perspective on it.

Mrs. SCHROEDER. I thank the gentleman. I really think that would help.

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

Mr. Speaker, following up the discussion with the ranking member of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], discussing the matter of foreign cars, which we have been assured there are not going to be foreign automobiles, the provision of the resolution deals with this issue, section 6, do I understand the chairman's response to mean that in entering into an agreement authorizing the event, that the Architect will include provisions to assure that no foreign manufactured cars will be included in the display?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield, it is my understanding that since the Architect of the Capitol issues the permit, we would communicate to him that no foreign manufactured vehicle can be on display.

Mr. OBERSTAR. That will be part of the agreement that will be entered into by the Architect with those displaying vehicles?

Mr. GILCHREST. Yes. To the power that I have and the gentleman has, we will directly communicate that with the Architect of the Capitol. I would say to the gentleman from Minnesota [Mr. OBERSTAR], he and I wield considerable power around here.

Mr. OBERSTAR. The gentleman does; the chairman does.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I do not know a lot about this bill we are considering, but in my part of the country, stock car racing is very, very big business, and to my knowledge, there is no foreign participation, to my knowledge, in stock car racing, either in NASCAR or Busch Grand National as we know it today.

Is what we are doing today just setting aside a facility or grounds for the NASCAR people and the Grand National people to come in and display? This is not going to be highlighting individuals, or either Ford or Chrysler or GM, this is not going to be highlighting products, this is just going to be showcasing NASCAR as we understand it in this country? Is that what this bill does?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield further, that is correct. It showcases the American automobile over the last 100 years, showcases racing. The gentleman is correct when he says there are no foreign manufactured products in NASCAR racing.

The display goes from 12 noon to 3 p.m. It is not a real long period of time. It is a very short period of time to display the history of racing in the United States.

Mr. HEFNER. Whatever cost is incurred for this or damage they would to the grounds, who picks up the cost?

Mr. GILCHREST. It is completely picked up by the association, not by the U.S. Congress and not by the taxpayers.

Mr. HEFNER. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I would say that the assurances given by the scholarly gentleman from Maryland [Mr. GILCHREST] are satisfactory to our side and to those who have raised concerns in the course of the debate this afternoon, and I would most certainly hope that we will not have a request for a recorded vote. I think this should pass on voice vote.

Mr. GILCHREST. 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 Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 150, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

IMPACT AID TECHNICAL AMENDMENTS ACT OF 1996

Mr. CUNNINGHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3269) to amend the impact aid

program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes.

The Clerk read as follows:

H.R. 3269

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Impact Aid Technical Amendments Act of 1996''.

SEC. 2. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

''(g) FORMER DISTRICTS.—

''(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994.

''(h) HOLD HARMLESS AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay a local educational agency that is otherwise eligible under subsection (b)—

''(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

''(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

''(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

''(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

''(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

''(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.''.

''(b) EFFECTIVE DATE.—Subsection (g) of section 8002 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN RESIDING ON MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.

(a) IN GENERAL.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

''(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1).''.

(b) EFFECTIVE DATE.—Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN IN STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended by adding at the end the following:

''(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—In any of the 50 States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(C) and (2) of this subsection and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

''(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under paragraph (2)(B) for an administrative school district described in subparagraph (A)—

''(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

''(ii) the Secretary shall then—

''(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

''(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.''.

(B) EFFECTIVE DATE.—Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1994.

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

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

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

Mr. Speaker, I am glad to support H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The Federal Government has a responsibility to the children attending schools that lose tax revenue associated with a government facility, such as a military base. That is why we have impact aid—to make sure those schools have the resources they need to educate children.

Unfortunately, parts of the impact aid law, last authorized in 1994, are having unintended effects, or are failing to keep up with changing circumstances. Some school districts may not receive the impact aid that their circumstances demand. So H.R. 3269 makes minor technical corrections in the impact aid law, so that federally impacted school districts are treated fairly.

H.R. 3269 makes four changes in the impact aid law. Two are related to Federal property payments. One addresses the effects of military housing renovation. And the last clarifies the intent of Congress with regard to impact aid payments to Hawaii.

GRANDFATHERING CONSOLIDATED DISTRICTS FOR SECTION 8002 PAYMENTS

The first change restores a grandfather clause for consolidated school districts impacted by Federal property. A consolidated district is where one district may have met the criteria for section 2 payments, having 10 or more percent of its property owned by the Federal Government, but whose section 2 payment eligibility disappeared when it was consolidated with another district. Prior law allowed these consolidated districts to receive section 2 impact aid payments. And during the conference on the last impact aid authorization, Congress assumed that the Department of Education would continue the eligibility of these consolidated districts. However, the Department has since ruled that they are no longer eligible.

This change, grandfathering these schools and restoring their eligibility for the new section 8002 payments, affects approximately 75 districts, many in South Dakota, Kansas, California, and Indiana

HOLD HARMLESS FOR SECTION 8002 PAYMENTS IN FISCAL YEARS 1995 AND 1996

The second change establishes a hold harmless for current section 8002 recipients, similar to the hold harmless for school payments for federally connected children. The 103d Congress changed the mechanism for determining payments for section 8002. That change directed payments based upon an assessment of the highest and best use of property currently adjoining Federal property, rather than the highest and best use at the time such property was acquired. This change shifts the allocation of certain impact aid dollars. The hold harmless provisions would provide section 8002 district 85

percent of the amount they received in fiscal year 1994 in fiscal year 1995, and 85 percent of what they received in fiscal year 1995 in fiscal year 1996. Because of delays in distributing fiscal year 1995 funds, this hold harmless would still work for fiscal year 1995.

EFFECTS OF MASS RENOVATION OF MILITARY HOUSING

The third change addresses a matter related to the refurbishment of military housing. The Department of Defense has started a major renovation of housing across the country. In most cases, families must move off-base during renovation. The Department of Education, as a result, no longer considers children in such families as so-called A kids—those whose families live and work on base. In some areas, this has caused a major reduction in impact aid for a school district, with no corresponding reduction in the number of children they must educate. According to the Pentagon, the average period of time children are off base is 90 to 120 days. But if they are off when impact aid counts are taken, the school district loses funds.

The Department of Defense indicates these mass renovations will go on for years. Allowing these students to continue to be classified as A students should not have an adverse impact on other schools, since it would neither increase nor decrease the amount a district is currently receiving.

CLARIFYING CONGRESSIONAL INTENT REGARDING HAWAII

The fourth and last change addresses the Department of Education's calculation of impact aid payments for the State of Hawaii.

Hawaii is the only State in the Nation with only one Local Education Agency, or LEA. However, for the purpose of administering Federal grants, the Department of Education has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This has been the case with impact aid for many years. With over 30,000 federally connected children in Hawaii, certain areas of the State are among the most impacted in America.

When the 103d Congress modified the impact aid law, it did not intend to change the treatment of Hawaii for the purpose of determining impact aid payments.

It fully intended the Department to Treat Hawaii as having seven school districts. However, it was not clearly spelled out in the law, and the Department has decided to treat Hawaii as one LEA. This has cut Hawaii's impact aid payment nearly in half. Chairman GOODLING and Congresswoman MINK wrote the Department to state that such a cut was not the intent of Congress. The Department responded that Congress had to change the law. This amendment does so, and it has Congresswoman MINK's support. In fact, she is 1 of 3 original cosponsors of this bill.

That summarizes H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

In developing this legislation, we sought to include minor technical corrections in three categories: unintended consequences of the previous authorization, areas where the Department interpreted congressional intent in an unintended way, and issues unforeseen by the 103d Congress. It is not a comprehensive correction, particularly when one considers the many new ways the military is arranging family housing. Furthermore, we have avoided mentioning specific districts in these impact aid technical amendments, so we can maintain fairness, integrity and trust in the impact aid program.

H.R. 3269 was introduced April 18, reported by the Youth Subcommittee on April 24 by voice vote, and by the full Opportunities Committee on May 1 by voice vote. I would like to include for the RECORD letters of support from the National Association of Federally Impacted Schools, and the National Military Impacted Schools Association. I encourage the bill's adoption, without amendments. And I yield back the balance of my time.

I include for the RECORD the following:

NATIONAL ASSOCIATION OF FEDERALLY IMPACTED SCHOOLS,
Washington, DC, April 30, 1996.

Hon. RANDY ''DUKE'' CUNNINGHAM,
Chairman, Subcommittee on Early Childhood, Youth and Families, Economic and Education Opportunities Committee, E227 Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN CUNNINGHAM: On behalf of the 1,600 school districts represented by the National Association of Federally Impacted Schools, I write to thank you for your leadership in bringing H.R. 3269 to the Committee and wish to communicate are total support for this very important piece of legislation.

As you know, H.R. 3269 only corrects certain provisions of the law that were inadvertently overlooked during consideration of the ''Improving America's Schools Act of 1994''. These are provisions that are extremely important to those schools receiving funds under section 8002 (federal properties), as it applies to their FY '95 funding as well as FY '96. The bill also insures that the Department of Education in making payments to the State of Hawaii, will do so in the same manner as they did under the previous statute. Again, this provision was mistakenly left out of the 1994 reauthorization. None of the above represents any kind of policy change, rather it simply conforms the present law with the previous statute as it applies to section 8002 and the State of Hawaii.

I also commend you for your foresight in seeing the current problems that are facing many of our heavily impacted military dependent school districts. Because the Department of Defense is now undertaking a national on-base housing renovation project, many of our school districts face uncertainty when it comes to impact aid funding because of the differences in how the law treats children residing with parents living off-base. Section 3 of H.R. 3269 addresses this problem so that these schools will be allowed to develop school budgets knowing what their on-base student counts will be. Your approach is fair and it is reasonable.

Again Mr. Chairman, NAFIS appreciates your leadership and would only hope that H.R. 3269 can be dispensed with quickly in order that FY '95/FY '96 funding for section 8002 districts and the State of Hawaii, can be allocated by the Department of Education without any additional delay.

Sincerely,

JOHN B. FORKENBROCK,
Executive Director.

NATIONAL MILITARY IMPACTED SCHOOLS ASSOCIATION,
Bellevue, NE, April 30, 1996.

Hon. WILLIAM GOODLING,
Chairman, Economic and Education Opportunities Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: On behalf of the 500,000 military dependents served by the Impact Aid Program, I want to thank you for bringing H.R. 3269 to your committee. This bill is along overdue and critically needed by schools serving military installations throughout the United States.

Many school districts serving the children of military personnel will benefit from this legislation and in the end it will be good for the children they educate. H.R. 3269 will help school districts cope with the effects of base housing renovations when trying to budget for educational programs for the children they are responsible for serving.

The Military Impacted Schools Association (MISA) is working hard to represent the needs of military school districts and work in conjunction with the National Association of Federally Impacted Schools (NAFIS) to support the Impact Aid Program. We are very fortunate to have leaders in Congress that help take the lead on issues such as addressed in H.R. 3269.

Sincerely,

JOHN F. DEEGAN, Ed.D.,
Executive Director.

SAN DIEGO CITY SCHOOLS,
San Diego, CA, April 30, 1996.

Hon. RANDALL ''DUKE'' CUNNINGHAM,
House of Representatives,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: The San Diego Unified School District strongly supports H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

This measure, as currently written, will clarify several issues not fully addressed in the reauthorization of Impact Aid last year. Specifically, funding for section 8002 will reestablish eligibility for school districts. Additionally, districts will be protected from temporary fluctuations in their student count due to military housing undergoing renovation.

We appreciate the bipartisan support for public education through the Impact Aid program reflected in this measure. Impact Aid is an important part of our ability to provide a comprehensive education program for our students. Your ongoing support is very much appreciated.

Sincerely,

FRANK TILL,
Deputy Superintendent.

DEPARTMENT OF EDUCATION IMPACT AID PROGRAM—CONSOLIDATED DISTRICTS THAT MET SECTION 2 10% ELIGIBILITY CRITERIA BASED UPON ONE OR MORE FORMER DISTRICTS

State	Applicant No.	Applicant name	10% Fed. prop. in any frm. dist. prior to consolidation	Some Fed. prop. in any frm. dist. prior to consolid. but <10%	No Fed. prop in any frm. dist. prior to consolid.	Date(s) of consolidation	Date(s) of acquisition	First FY applied for sec. 2 [1]	Last sec. 2 full payment amount	Last FY applied for sec. 2
IN	1301	N. Vermillion	X			1961	1942	1962	$25,247 (93)	1994
IN	1407	Maconaquah	X			1963	1942–84	1972	5,600 (92)	1994
IN	1413	Nineveh	X			1964	1942	1963	21,252 (92)	1994
IN	2010	Greater Clark	X			1967, 68	1940–44	1969	317,221 (93)	1994
IN	4301	Bartholomew	X			1965	1942	1992	85,315 (93)	1994
IA	2602	North Polk			X	1956, 57	1966–74	1976	34,160 (88)	1989
IA	2701	Woodwd. Grg.			X	1964	1967–71	1976	12,511 (88)	1989
IA	2702	Ankeny			X	1919	1965–70	1976	11,773 (88)	1989
IA	2704	Madrid			X	1955	1967–74	1976	$3,543 (88)	1989
KS	1731	W.Franklin	X			1965	1959–62	1971	6,646 (92)	1994
KS	1819	Eastern Heights	X			1966	1952–54	1967	25,662 (93)	1994
KS	1820	Waconda		X		1966	1960–73	1967	63,748 (91)	1994
KS	1833	Perry	X			1965	1963–75	1967	$8,901 (91)	1994
KS	1836	#340 Jefferson West	X			1966	1964–66	1967	7,089 (93)	1994
KS	1844	Paola			X	1967	1974–79	1979	8,214 (88)	1993
KS	1846	Blue Valley	X			1959	1953–65	1967	55,044 (92)	1994
KS	1855	Lawrence			X			1975	42,837 (88)	1989
KS	1856	White Rock	X			1983	1956–70	1967	2,861 (93)	1994
KS	1919	Marais des Cygnes			X			1970	7,884 (88)	1989
KS	1922	Eureka	X			1966	1946–58	1968	8,900 (92)	1994
KS	2007	Burlington	X			1965	1961–65	1970	6,276 (92)	1994
KS	2102	Norton	X			1967	1961–65	1970	7,346 (93)	1994
KS	2302	Mankato	X			1966	1955–57	1972	3,223 (93)	1994
MO	0208	Ft. Osage	X			1949	1940–42	1980	7,490 (93)	1994
MO	0404	Smithville			X	1962	1972–81	1975	36,916 (93)	1994
MO	1411	Clinton	X			1971, 80	1968–79	1976	5,608 (93)	1993
MO	1503	Phelps Co.	X			1965	1939–82	1976	686 (88)	1989
MO	1901	Fredericktown	X			1968	1939–84	1972	833 (92)	1993
MO	2304	Richards [2]					1939–44	1972	481 (88)	1989
MO	2307	Alton	X	X		1959	1939–81	1972	1,092 (87)	1994
MO	2607	Plattsburg			X	1944, 48, 49, 60	1976–80	1978	4,101 (92)	1994
MO	2608	Sullivan			X	1947, 48, 56	1968–76	1975	4,261 (93)	1994
MO	2705	Lesterville	X			1956	1939–81	1979	234 (87)	1994
MO	2902	S. Reynolds Co.	X			43, 44, 45, 47, 48	1941–48	1978	2,551 (93)	1993
MO	3104	Valley R–VI	X			1951	1939–44	1980	304 (88)	1988
NE	0206	Alda	X			1982	1942	1987	$2,631 (93)	1994
NE	1202	Loup City	X			1965	1959–61	1970	12,007 (93)	1994
NE	1703	N.W. HSD	X			1955 & 56	1942	1982	15,753 (93)	1994
NE	1802	Cedar Hollow #3	X			1990	1942	1990	4,580 (92)	1994
NE	3802	Plain View	X			1982, 84, 88	1942	1987	1,695 (93)	1994
NE	3803	SD #1–R	X			1986	1942	1987	8,787 (93)	1994
NY	0009	Indian River	X			1957	1942	1951	3,517 (89)	1994
ND	0202	Hazen	X			1966	1948–80	1991	4,861 (93)	1994
ND	2406	Turtle Lake	X			1959	1948–50	1991	2,689 (93)	1994
ND	4202	Beulah	X			1950	1948–49	1991	5,878 (92)	1992
OH	1305	Maplewood	X			1960	1943–44	1962	37,932 (93)	1994
OK	0036	Canadian	X			1964–65	1959–63	1964	1,720 (92)	1994
OK	0040	Fanshawe	X			1968	1947–49	1953	4,927 (92)	1994
OK	0413	Sand Springs	X			1968	1957–60	1968	103 (92)	1994
OK	0856	Snyder MT.Pk	X			1982	1971–73	1983	2,264 (92)	1994
OK	1011	Wister	X			1950's	1946+47	1959	4,919 (90)	1993
OK	1507	Stringtown			X	1962	1981–83	1983	778 (93)	1994
OK	1608	Marietta	X			1966	1939–43	1965	2,418 (92)	1994
OK	2006	Haworth	X			1921, 45, 50, 63, 65–68	1940–65	1976	764 (92)	1994
PA	1808	Centennial	X			1967	1944–53	1967	630,719 (93)	1994
PA	2220	E. Stroudsburg			X	1955	1966–82	1979	317,434 (88)	1994
PA	3401	Delaware Valley			X	1966	1969–90	1983	200,086 (89)	1992
SD	0005	Pierre	X			1968	1954–74	1991	33,003 (93)	1994
SD	0010	Andes Central	X			1968, 69	1947–86	1989	17,984 (93)	1994
SD	0012	Lemmon	X			1969, 70	1939–54	1992	38,558 (93)	1994
SD	0401	Yankton	X			1965, 68	1953–56	1992	7,891 (92)	1994
SD	0505	Geddes	X			1967	1947–52	1991	22,069 (93)	1994
SD	0902	Mobridge	X			1990	1960–61	1991	3,465 (93)	1994
SD	1406	Platte	X			1969	1949–54	1991	25,975 (93)	1994
SD	2101	Bonesteel	X			1958–62	1940–52	1988	25,314 (93)	1994
SD	2201	Kadoka	X			1970	1939–90	1993	15,884 (93)	1994
SD	2204	Lyman	X	X		1970	1939–73	1991	3,017 (93)	1994
SD	2401	Gregory	X			1970	1950–53	1991	16,211 (93)	1994
SD	2402	Bison	X			1968	1939–89	1991	13,048 (93)	1994
SD	2403	Northwest	X			1968	1939–86	1991	13,163 (93)	1994
SD	4201	Bon Homme	X			1972	1953–58	1991	26,868 (93)	1994
SD	4202	Burke	X			1968	1950–53	1991	11,140 (93)	1994
SD	4203	Oelrichs	X			1968	1939–70	1991	7,015 (93)	1994
SD	0403	Custer	X			1944, 64, 70	1939–88	1992	12,416 (93)	1994
TX	0702	Liberty–Eylau	X			1955	1949–53	1981	22,714 (93)	1994
WI	1009	Crandon	X			1950	1939–76	1982	8,990 (93)	1994
WI	1306	Laona	X			1970	1939–84	1982	19,895 (93)	193
WI	1308	Sauk–Prairie	X			1963	1940+74	1975	89,618 (93)	1994
WI	1703	Florence Co.	X			1958	1939–78	1983	27,667 (92)	1994
WI	1901	La Farge			X	1965	1968–78	1972	35,588 (93)	1994
Total	80		64	3	14					

[1] These dates reflect the oldest Impact Aid Program payment records located for each district.
[2] No Department records are available concerning the Federal acquisition of property in the former districts.

Note: This report is based upon date contained in Impact Aid program files and is accurate to the best of our knowledge.

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

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks and to include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong support of H.R. 3269, the impact aid technical amendments of 1996, which corrects certain situations which have been brought to our attention since the authorization of the law in 1994.

As has been stated by the subcommittee chair, this is truly a bipartisan effort supported by the impact aid communities to make technical corrections necessary to assure that this program is administered in a fair and appropriate manner.

There are basically four changes to the legislation dealing with: First, the grandfathering of consolidated school districts who receive payments for Federal property in what is commonly known as section 2 payments; the second establishes a hold harmless for Federal property or section 2 payments; the third, assuring that students who are temporarily housed off base because of renovation of military

housing are still counted as ''A'' category children; and fourth, the provision which corrects the situation and the treatment of Hawaii's school districts.

These provisions have already been described by the subcommittee chair, so I will not go into detail with respect to three, but I would like to say a few words about Hawaii's provisions. And in that context, I extend my deep appreciation to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. CUNNINGHAM], who have both assisted in helping me to correct this situation.

Mr. Speaker, the conference committee in which we all sat dealing with the amendments to impact aid were distributed sheets which indicated how the funds would be distributed under the new formula. And in those sheets where the distribution was tallied, the assumption was that Hawaii would be considered as it has always been in the past as having seven districts, even though we only have one statewide system.

Mr. Speaker, it was under the assumption that this would be the interpretation of the language in the legislation that I gave it my support, only to find out later that that was not the case and that the language was ambiguous at best.

So, I especially appreciate the efforts of the gentleman from Pennsylvania [Mr. GOODLING] to try to help me try to obtain clarification with the administration through a letter which we jointly submitted. Unfortunately, the administration felt that the only way to correct the difficulty, which was unintended, was through this legislation. I appreciate the efforts in bringing this bill up promptly, because it would have a very drastic impact on the funding of our school systems if this were not corrected as it is about to be corrected, hopefully, this year.

Hawaii is unique in the whole country. It has only one school agency, but seven districts. And so, it is important that that concept be continued as it has been used as the basis for distributing other formula grants.

Mr. Speaker, I agree certainly with all that the subcommittee chairman has said; that this was an unintended error made by the committee then under the control of the Democratic Party. So, we are certainly responsible for the difficulties that were created. In that context, I am especially appreciative of this assistance in helping to correct this problem.

Mr. Speaker, the letter which I would like to submit for the RECORD is a letter which was signed by the gentleman from Pennsylvania [Mr. GOODLING] and myself, written to the U.S. Department of Education asking them to correct this administratively, and then the response indicating that that could not be done.

Mr. Speaker, I ask this body to concur with this bill and to help it be enacted into law as quickly as possible, because just as we are anxious to have our changes take effect, I am sure that all the other districts that are to be benefited by this technical correction are also equally impacted and equally anxious to have these corrections take place.

Again, my thanks to the committee for their prompt attention to this and I urge my colleagues to support the passage of this bill.

Mr. Speaker, I submit the following for the RECORD:

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
October 30, 1995.

Hon. PATSY T. MINK,
U.S. House of Representatives, Washington, DC.

DEAR PATSY: Thank you for your recent letter regarding the treatment of Hawaii under the reauthorized Impact Aid program. I am pleased to have the opportunity to clarify this issue. An identical response is being sent to the co-signer of your letter, Congressman William F. Goodling.

As you point out in your letter, prior to the reauthorization of the Impact Aid program, Impact Aid payments to Hawaii were determined by considering each of Hawaii's seven administrative districts as a separate local educational agency (LEA). This treatment benefited Hawaii under the Impact Aid formula prescribed by P.L. 81–874, by providing larger payments for some of those administrative units.

This special treatment was not the result of administrative discretion on the part of the Department of Education, however, but was mandated by section 5(h) of P.L. 81–874, which stated, in part, ''. . . such restriction shall be applied, in the case of any State . . . within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency. . . .'' Before the enactment of section 5(h) of P.L. 81–874, Hawaii had been treated as a single LEA for Impact Aid payment purposes. A provision similar to section 5(h) was not included in the Improving America's Schools Act, which reauthorized the Impact Aid program as Title VIII of the Elementary and Secondary Education Act and repealed P.L. 81–874. We therefore have no authority to continue to consider Hawaii's administrative school districts as separate LEAs under the new law.

At the time of the reauthorization, we understood that Hawaii sought to be treated as one LEA under the new formula so that it could benefit under section 8003(a)(2)(C), which increases the weighted count of federally connected children by 35 percent if an LEA has at least 6,500 federally connected children and a total of 100,000 children in average daily attendance. We believe that this provision was adopted to increase the maximum payment amounts for Hawaii and San Diego, which appear to be the only two LEAs that meet its criteria. Hawaii could not benefit from this provision if its seven administration school districts were considered to be separate LEAs, since none of the individual school districts has 100,000 children in average daily attendance.

Since the enactment of the new law, it has become clear that the payment reduction formula prescribed by section 8003(b)(2) may result in Hawaii's final formula payment being sharply reduced from its maximum payment amount in years when appropriations are reduced, as in the current budget environment. The Administration proposed amendments this year, in conjunction with our fiscal year 1996 budget proposal, which included the repeal of section 8003(b)(2) and instead would have required that, in years in which appropriations are insufficient to provide maximum payment amounts in full, maximum payment amounts be reduced using a standard ratable reduction for each eligible LEA. This proposed modification of the formula, if adopted, would result in more equitable payments under the impact Aid program and could significantly increase Hawaii's payment, subject to appropriation levels.

I hope that you will find this information helpful. If we can be of further assistance or provide additional information to you, please do not hesitate to contact me or our staff who work with the Impact Aid Program.

Yours sincerely,

RICHARD W. RILEY.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 12, 1995.

Hon. RICHARD RILEY,
Secretary, Department of Education, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our concern regarding the Department's calculation of Impact Aid payments for the State of Hawaii.

Hawaii is the only State in the Nation which has only one Local Educational Agency (LEA). However, for the purpose of administering federal grants, the Department has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This is true of Title I and has been the case for Impact Aid for many years.

Changing the treatment of Hawaii in the Impact Aid program from seven districts to one district will result in the State losing over half of its Impact Aid funds. With over 30,000 federally-connected children in Hawaii, certain areas of the State are among the most impacted in our Nation.

During the reauthorization of the Impact Aid law last year, the Congress did not intend to change the treatment of Hawaii for purposes of determining Impact Aid payments and fully expected the Department to continue to consider Hawaii as having seven school districts.

We would respectfully request that the Department utilize its administrative authority to resolve this situation for the State of Hawaii and continue to treat its seven administrative districts as individual school districts. We thank you for any assistance you may provide in this matter.

Sincerely,

WILLIAM F. GOODLING.
PATSY T. MINK.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
June 30, 1995.

Hon. WILLIAM F. GOODLING,
Chair, Committee On Educational & Economic Opportunities, Washington, DC.

DEAR BILL: During the debate on the Department of Defense Authorization bill you announced your intention to review the Impact Aid program which is designed to support the costs of educating military children.

As you review this program, I respectfully request your assistance in correcting a flaw in the Impact Aid formula, which results in a devastating loss of Impact Aid funds for the State of Hawaii.

Hawaii usually receives around $20 million from Impact Aid. Under the current formula without a hold harmless Hawaii's Impact Aid allocation would drop from $20 million to $9 million (See attached calculation by the Department of Education). Hawaii has a high number of military A children and even with the decrease in the Impact Aid appropriation in FY95, Hawaii should not receive such a large reduction in its allocation.

We suspect that the new method for ratable reduction is the reason Hawaii will face this enormous loss. The Learning Opportunity Threshold (LOT) method places a higher priority on those school districts with high percentages of Impact Aid students and a high percentage of impact aid funds in their budget. During the reauthorization last year, we knew the LOT would adversely impact Hawaii because of the fact that our whole state is one school district. Therefore, even though certain areas of the state have high concentrations of military A children, when looking at the whole state Impact Aid children make up a much smaller percentage of our total student population and the Impact Aid funds make up a smaller percentage of our state budget.

To compensate for this situation (large school districts with large number of A students) it was proposed that an extra ''weight'' in the initial formula be given to Hawaii and San Diego to minimize the impact of the LOT. Formula runs that were produced at the time of reauthorization showed that Hawaii would received about $25 million under this scheme.

Now that the actual allocations are being made by the Department of Education, this has not held true. In fact, Hawaii stands to lose over half of its impact aid payment once the two year hold-harmless ends. This was clearly not the intention of the Committee, as it proposed to minimize the impact of the LOT on Hawaii.

I believe there is a simple remedy to this situation. Hawaii's seven administrative districts within our single LEA are often treated as separate LEA's for the purposes of calculating federal formulas. This is true for Title I and was true of the impact Aid formula prior to this reauthorization. We believe if this language is reinserted in the impact Aid formula and each of our seven administrative districts are treated as separate LEA's this unintended impact of the LOT formula will be mitigated.

My staff is working with our school district to ensure that the school district possesses the necessary data in order for the U.S. Department of Education to calculate Hawaii's allocation based on seven districts rather than one. We are also conferring with the Department to assure that this remedy would indeed fix Hawaii's situation.

I appreciate your consideration, and look forward to working with you to resolve this unforeseen consequence of the new Impact Aid formula.

Very truly yours,

PATSY T. MINK,
Member of Congress.

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

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, today we are witnessing a love-in and a marriage between San Diego and Hawaii, and I would assure the gentleman from Ohio that everything in the legislation was made in America.

Mr. Speaker, during the 103d Congress, we enacted major changes to the impact aid law. These changes focused the program on those school districts in greatest need and eliminated all the various exemptions, exceptions, et cetera which had been made to the program over the years. Before the enactment of these reforms, this program was losing its base of support in Congress and was the subject of a fair amount of criticism.

At that time, I vowed that the only changes made to this program in the future would be those with broad, national application, or to clarify current law. The changes reported by my committee, and outlined by Chairman DUKE CUNNINGHAM are just that.

The Impact Aid program serves an important purpose. It assists those school districts whose ability to educate their student population is adversely impacted by a Federal presence.

The legislation before you today, H.R. 3269, insures that the program will continue to effectively address the needs of those school districts. I urge your support of this measure.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], who has been a leader.

Mr. BATEMAN. Mr. Speaker, let me begin by thanking Mr. CUNNINGHAM, Mr. GOODLING, Mr. KILDEE, and Mr. CLAY for bringing this bipartisan impact aid technical corrections package to the floor. All four gentlemen have been good friends to the Impact Aid program over the years.

I am particularly pleased by the committee's decision to include two provisions that address military housing and the section 8002 land payment program. On military housing, I believe the committee has drafted a sensible plan that preserves Impact Aid payments to schools when children and their parents are temporarily moved off-base because of Department of Defense housing renovations.

I also would like to praise the committee for including a hold harmless provision for the section 8002 land payment program, which helps localities where the Federal Government has taken a significant portion of local land off the tax rolls. By phasing in the impact of changes made to the land payment program, we are giving local schools time to adjust their budgets without jeopardizing the education of federally connected children.

I urge my colleagues to vote for this worthy piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my support for H.R. 3269, the impact aid technical amendments bill. Hawaii is, in many cases, an exception to the rule in the United States. With regard to the impact aid program, Hawaii is the only State in the Union with one school district. However, the U.S. Department of Education, routinely treats the seven administrative agencies within Hawaii's single school district as separate when calculating Federal formula grants. This is true of title I and was true of the impact aid formula prior to the last reauthorization. When the impact aid reauthorization was considered in the 103d Congress, it was not expressly stated that Hawaii's one school district should be regarded as seven for administrative purposes. H.R. 3269 clarifies such congressional intent with the technical amendments and effectively increases Federal impact aid contributions to Hawaii by approximately a half. H.R. 3269 would finally allow Hawaii a fair allocation under the impact aid program.

Throughout my congressional career, I have strongly supported impact aid and the principle that States should be compensated for the use of State property for Federal activities. Without impact aid, the burden of educating federally supported families would become an unfunded mandate for local education agencies. As a member of the Impact Aid Coalition Steering Committee, I will continue to advocate for the military families and all children who benefit from the impact aid program.

Mr. CUNNINGHAM. Mr. Speaker, I have no other 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 California [Mr. CUNNINGHAM] that the House suspend the rules and pass the bill, H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CUNNINGHAM. 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. 3269, the Impact Aid Technical Amendments Act of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MEGAN'S LAW

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Megan's Law''.

SEC. 2. RELEASE OF INFORMATION AND CLARIFICATION OF PUBLIC NATURE OF INFORMATION.

Section 170101(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)) is amended to read as follows:

''(d) RELEASE OF INFORMATION.—

''(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

''(2) The designated State law enforcement agency and any local law enforcement agency authorized by the State agency shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, it was noted that over the weekend the press made a good deal of the fact that we have the latest crime statistics out and that the good news is that the crime rate in the Nation overall has declined for the fourth year in a row.

What is misleading about those statistics that were out this weekend is the fact that the crime rate in this country is still entirely unacceptably high. If we look historically, we will see that now we have a crime rate that is roughly 700 violent crimes for every 100,000 Americans. Back about 30 years ago, we had a little less than 200 violent crimes for every 100,000 Americans. We have had over a 500-percent increase in the rate of violent crime and the number of those crimes committed in this country over the past 20 or 30 years.

Mr. Speaker, for us to be basking in the light of a couple of little blips on the screen downward in the spiral of the rate of increase in violent crime is to find ourselves, I think, kidding each other with respect to what we need to do to fight crime in this country. We have a lot more to do. That is especially true when it comes to the question of youth crimes and crimes against those who are most vulnerable in our society: Children and the elderly. Those who commit crimes particularly against children are what this bill before us today, H.R. 2137 is all about.

Mr. Speaker, perhaps no type of crime has received more attention in recent years than crimes against children involving sexual acts and violence. Several recent tragic cases have focused public attention on this type of crime and resulted in public demand that government take stronger action against those who commit these crimes. In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which contained a title, the ''Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act,'' named after a child who has been missing for several years. That title encouraged States to establish a system where every person who commits a sexual or kidnapping crime against children, or who commits sexually violent crimes against any person, whether adult or child, would be required to register his or her address with the State upon their release from prison.

Mr. Speaker, I want to briefly point out that the 1994 Act provision did not create an unfunded Federal mandate. States which choose to not implement such a system by September 1997 only will lose a part of their Federal crime-fighting funds. But I am pleased to say that the overwhelming majority of States have already implemented laws that create these types of offender registration systems.

A key issue concerning these State statutes, however, is whether they require or merely permit law enforcement authorities to release information about registered offenders if the authorities deem it necessary to protect the public. The bill Congress passed in 1994 only required States to give law enforcement agencies the discretion to release offender registry information when they deemed it necessary to protect the public. It has been brought to the attention of the Judiciary Committee, however, that notwithstanding the clear intent of Congress that relevant information about these offenders be released to the public in these situations, some law enforcement agencies are still reluctant to do so.

Mr. Speaker, this bill, H.R. 2137, introduced by the gentleman from New Jersey [Mr. ZIMMER], makes an important change in the 1994 Act. It would amend that law to assure that States require their law enforcement agencies to release relevant information in all cases when they deem it necessary to protect the public.

Additionally, this bill clarified the 1994 Act with respect to the issue of whether information collected under a State registration program may be disclosed for other purposes permitted under the laws of that State. In the 1994 act, Congress required that all information collected by the registration program be kept confidential. In some instances this requirement limited public access to what had been public records before the 1994 act became law. H.R. 2137 will correct this unintended consequence by allowing each State to determine the extent to which the public may gain access to the information kept by the State.

Mr. Speaker, this bill takes another step forward toward protecting the most defenseless of our citizens—our children. It is a needed change. I urge my colleagues to support it.

□ 1530

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

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

Mr. Speaker, I rise in support of this measure, but I am not quite clear that we do not have a constitutional problem here. This is the Committee on the Judiciary that is reporting this measure. I agree with the analysis of the gentleman from Florida [Mr. MCCOLLUM]. The only problem is that he left out the part that we may be forced to revisit before this thing is all over with. I suppose it is somebody's job here to bring this to the attention of members of the committee, Members of the House that are not on the Committee on the Judiciary.

There have been court cases that find that identifying a person after a conviction is a continuation of punishment and could raise a constitutional problem. It has come up in court cases before, and we will likely hear about it again. The Federal district court has already found a similar provision unconstitutional, finding that notification provisions do constitute a form of punishment more than a regulatory scheme and therefore is violative of the prohibition on the ex post facto clause that appears in the Constitution.

In other words, this may be good from this point on, but I think it creates an open case that we may want to remember as we pass this measure, that it could present a problem in the courts in the future.

Mr. Speaker, we have come together here to focus in on this matter. We think, though, that in the larger scheme of things, this notification process actually already exists in the law. While we are not making an unfunded mandate, we are creating a penalty for States that receive Federal funds if they do not comply. That is a different kind of animal, but at the same time it is meant to be coercive upon the States.

I join in support of this measure. I hope that it will do some good.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER], the author of this piece of legislation.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman for his expeditious treatment of this legislation in his subcommittee.

Mr. Speaker, on July 29, 1994, a beautiful little girl named Megan Kanka was lured into the home of a man who literally lived across the street from her. He said that he had a puppy he wanted to show her. He then proceeded to brutally rape and murder this little girl. It was later found that the man who is accused of killing little Megan Kanka was twice convicted of being a sexual predator. He lived with two housemates who were themselves convicted sexual predators, and no one in the neighborhood was aware of it.

If Megan Kanka's parents had been aware of the history of the man who lived across the street from them, they would have been able to warn Megan. They believe, and I believe, that little Megan would be alive today. This legislation is meant to protect other young lives.

Later that summer the 1994 crime bill came back to us from conference committee with an eviscerated community notification provision relating to sexual predators. Many of us, the gentlewoman from Washington [Ms. DUNN], the gentleman from Georgia [Mr. DEAL], and others, fought to make sure that we had the most stringent and the strongest possible community notification provisions that we could include in that legislation. And we had considerable success.

As enacted, the 1994 crime bill provided that sexual predators will have to register with local authorities and that their whereabouts will be tracked. It gave local law enforcement authorities the option to disclose that information to people in the neighborhood where the sexual predator resides. It did not require that notification, but, based on experience in States like Washington, we anticipated that that would become the rule rather than the exception that neighbors would be notified of the presence of a dangerous sexual predator.

Mr. Speaker, that legislation has resulted in the vast majority of States providing for some sort of registration and tracking and at least optional notification of the neighborhood, but only a minority of States actually require the disclosure of this critical information to those whose families might be in danger. That is why we need to go this extra step and change one word, ''may,'' to the word ''shall'' so that all 50 States will be held to a common standard of community notification. That is what this legislation would achieve.

With the passage of this bill, we put the rights of children above the rights of convicted sexual predators. We are giving the community the right to know when its children are in jeopardy.

This legislation has strong bipartisan support. It is supported by Janet Reno, the Attorney General, and the President of the United States, as well as many members of the minority side of the aisle.

Mr. Speaker, Megan's law is Megan's legacy. It is her gift to all children whose lives will be saved because of the knowledge this law will provide. I want to commend the parents of Megan Kanka, Maureen and Richard Kanka, for their crusade to make something good happen out of an unspeakable tragedy in their life.

If I have the time, Mr. Speaker, I would like to respond to the remarks of the gentleman from Michigan about the legal status of this legislation. The highest court to consider the constitutionality of Megan's law, as it applies to previously convicted sexual predators, is the Supreme Court of the State of New Jersey. That court in a nearly unanimous decision found that the rights of children, the rights of potential victims, supersede the rights of predators because they concluded, based on a very scholarly and thorough analysis of the law, that notification is not additional punishment. Therefore, it does not violate the ex post facto or double jeopardy clause of the Constitution. It is merely a preventive effort on the part of society to disseminate information that is largely of public record already.

Mr. Speaker, I believe that rationale and that reasoning will be upheld by the U.S. Supreme Court when this law comes before it, as it surely will. There is no question in my mind that the proper reading of the Constitution allows families to properly protect their children.

NATIONAL CENTER FOR MISSING
AND EXPLOITED CHILDREN,
Arlington, VA, May 7, 1996.

Hon. DICK ZIMMER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ZIMMER: I wanted to express our sincere gratitude for your strong leadership in connection with your bill strengthening the federal ''Megan's Law.''

Thanks to your efforts, Megan Kanka's legacy will be a nation of safer, smarter families and children. The passage of your bill will be a living tribute to the courage of Megan's parents, the commonsense approach which the proposal represents, and your aggressive management of this vital bill.

Unfortunately, too often it takes a tragedy to awaken the nation to a problem. Megan's tragic and untimely death helped millions of Americans understand several key facts:

(1) that most of the victims of sex offenders in the United States are children and youth; and

(2) that a significant number of offenders have a high propensity to reoffend.

Therefore, we need to take simple, basic steps to alert communities in the most serious, dangerous cases. We believe that this measure will result in appropriate safeguards that meet constitutional standards, and most importantly, will make it less likely that other children will be victimized.

There is no higher or more compelling purpose of government than to protect the public safety. Your bill is a reasonable, balanced approach to a serious problem, and we support it enthusiastically.

I regret that I cannot be with you in person to express my thanks and support. However, a prior speaking commitment makes it impossible. Nonetheless, I assure you that my thoughts are with you and Mrs. Kanka on this important day.

Sincerely,

ERNIE ALLEN,
President.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Speaker, I rise in support of the bill. This bill is part of a continuing fight against the relentless predators who target our children, the most vulnerable members of our society. I think what people have to understand is one thing that has become clear for the years that I have looked into this problem, and that is that sexual offenders are different. They are not simply like other sexual offenders. Even after long, long years in prison and many, many attempts to rehabilitate, when these folks come out of prison, the odds are extremely high that they will commit the same or a similar crime again.

Long prison terms do not deter them. All too often, special rehabilitation programs do not cure them. No matter what we do, the minute they get back on the street, many of them resume their hunt for victims, beginning a restless and unrelenting prowl for children, innocent children to molest, abuse, and in the worst cases, to kill.

So we need to do all we can to stop these predators. Tough punishment, long prison terms, that is one answer. But they are not a complete answer. We should be warning communities in which these predators live. Parents, teachers, neighbors have a right to protect themselves and their children from the violent acts of these proven offenders. That is what this bill does. It builds upon the bill we passed, the law we passed in the last Congress, requiring States to set up registration systems for sexual offenders who abuse children. It strengthens that law by freeing the hands of local authorities to use this information for any legal purpose. It clears up an ambiguity by requiring rather than permitting that information about these offenders be released when it is necessary to protect public safety.

Mr. Speaker, I know that some of my colleagues have sincere and heartfelt reservations about the constitutionality of these registration systems. But what I would say in answer to that is that there is nothing in the law we passed last year or in this bill that requires or even suggests that an unconstitutional system be set up by any State. Whatever guidelines the courts may ultimately enact or establish regarding such notice system can and will be incorporated into the systems our law requires.

The bottom line is we have to balance the rights of offenders. But I am absolutely convinced that in these cases, the rights of children to be safe and free from harm far outweighs whatever minimal inconvenience or embarrassment this law may impose on sexual offenders who might in all too many cases abuse those innocent children.

I urge my colleagues to support the bill, and I thank the ranking member for yielding of time to me.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 2137, sponsored by my good friend and colleague, the gentleman from New Jersey, DICK ZIMMER, designed to correct a flaw in the 1994 crime bill concerning registration of criminal sex offenders and notification provisions. The weakness of the 1994 omnibus crime bill could and should have been resolved in the original legislation, but it was not.

Members may recall, for example, that on July 13, 1994, the House voted on a motion by the gentlewoman from Washington [Ms. DUNN] to instruct the conferees to insist on Senate provisions that call on States to track sexually violent offenders released from jail and allow law enforcement agencies acting in good faith and with immunity from liability laws to notify communities of their presence. The conferees turned a blind eye to that motion. This legislation is an excellent attempt to correct this omission from the 1994 crime bill.

Mr. Speaker, as my friend pointed out, in late July 1994, a young 7-year-old girl named Megan Kanka was sexually assaulted and brutally murdered

by a twice-convicted sex offender who lived across the street from the Kanka's home in Hamilton Township, which is in my district. The entire community, Mr. Speaker, was absolutely stunned and horrified.

Despite the fact that they were overcome with indescribable grief and pain, Megan's heroic parents, Maureen and Richard, mounted a full court press to enact State and Federal legislation to track criminal sex offenders and to inform and notify communities of their whereabouts.

In New Jersey, State Senator Pete Inverso and Assemblyman Paul Kramer, with the full backing of Governor Christie Whitman, quickly moved on legislation that became known as Megan's law. Other States followed suit. Still many States lag in enacting laws to inform communities as to the proximity of sex offenders. I still find it tragic beyond words, Mr. Speaker, that no one knew that Megan Kanka's killer lived across the street. No one knew that the murderer was a two-time convicted sex offender who was released from prison in 1988 after spending 6 years of a 10-year sentence. No one knew that he lived with two other men who had previous records of sex crimes against children. No one knew that unspeakable danger and perversion was in the neighborhood and no one knew that 1 day that perversion would lure an innocent child to her death.

□ 1545

Megan's courageous parents had an absolute right to know of this danger, and they have been working ever since to protect other parents from going through that terrible agony that they have suffered. All parents, Mr. Speaker, have a clear and compelling need to know if their neighbors prey on kids. This legislation advances that cause.

Mr. CONYERS. Mr. Speaker, before yielding to the distinguished gentlewoman from Colorado, I yield myself 30 seconds.

Just so we get the history of Megan's Law down in the record here, the State of New Jersey, as a result of the horrible crime that has been repeated and recharacterized on the floor, passed a law that required notification, and so did a lot of other States, and so we are not federally mandating that all of the States, including the ones that have it, now observe Megan's Law.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], a ranking member of the committee.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me.

I just rise to say this is a very important bill. If there is anything any society or community should do, it is protect its children.

When we go back as far as we know in history, that has been one of the main goals of people coming together to live in any kind of a community, to protect the young and to protect their children, and, as we have gotten to be a more sophisticated society, it has been more and more difficult to carry this out.

I was very proud in 1993 to have carried the National Child Protection Act. That was the beginning of this, and this is the bill that Megan's Law is built upon because what it says is the FBI should maintain a national network and that States should report convictions of child abuse and child molestation to the national network maintained by the FBI. If we do not have this national network, people could flee their record by crossing State lines, even if a State tried to be very vigilant. So we are in an area where States could not do this by themselves.

I also want to remind people how thankful we all are that Oprah Winfrey helped us with this act. She worked very hard on children's safety, too, and I think we probably would not have gotten it as far as we got it and over the finish line if it had not happened because people probably would have yelled ''mandates'' or all sorts of things. And actually this is a mandate; it mandates States do report. Mr. Speaker, that probably does cost some money, and there is not any money here to solve that.

But what we really said is that is so important, and that is so much the base of our society, and that if every State is not reporting, then this record that the FBI is keeping is not worthwhile, and if citizens are relying on that record to be kept, then they should be able to have access to it as parents or anything else.

As my colleagues know, the focus of the 1993 law was to deal with child day care, to deal with any kind of area where an adult was applying for a job where they should have supervision over a child where nobody was really monitoring them constantly because we had seen many, many, many areas where people who had been convicted of child molestation left one State, went to another State, and got a job right back in the same area so that they had this tremendous potential to molest children again. We cannot allow that.

So I am pleased that Megan's Law is building upon what we began. This goes further. It says not just the employment area, but also parents, should have access if someone moves in their neighborhood, so that the neighborhood can watch. And that is what it is about: watching, watching people or things that might harm the children, and watching the children to make sure they cannot get in harm's way themselves.

So I thank this body for bringing this forward, and I hope everybody votes for this with a resounding ''yes.''

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to express my gratitude to the gentlewoman from Colorado for reminding the House of the antecedents that have led up to this important measure.

Mr. MCCOLLUM. Mr. speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], chairman of the Early Childhood Youth and Family Subcommittee, who is one of the creators of some of this law.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I would like to add to my friend that gave the history that, yes, there was the Megan problem in New Jersey, and, yes, several States have passed it, but only after the gentlewoman from Washington [Ms. DUNN] and the gentleman from Georgia [Mr. DEAL] got together, put a bill together. It was voted on in the House, and when the Democrats were in the majority, it was kicked out of the conference. Republicans and Democrats combined in the coalition, went back to Speaker Foley. He put the bill back into the conference, and it was passed here on this House floor.

But I ask that Megan's law, that the gentleman from New Jersey [Mr. ZIMMER] is putting forth, will make the Dunn-Deal a done deal, that it does strengthen the legislation passed on this House floor.

Can my colleagues imagine Larry Quay, the individual that, in public outrage, most all Americans fought because he was going to be released after he said he was going to do it again? Would my colleagues want that individual to move in next door to their family without knowing about it, that perhaps a sexual predator's life should be just a little more toxic than someone else in the American citizenry, that an individual that preys on children, that maybe their rights should be secondary to children's and families'?

So I would like to thank the chairman of the committee and the gentleman from New Jersey [Mr. ZIMMER] for making this a done deal. Both Senator DOLE and the President support this legislation.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Michigan very much for yielding this time to me, and I want to congratulate and applaud the ranking member, Mr. CONYERS, both for his concerns that he has articulated, but as well for his cooperation with the chairman as we have brought forth this bill in the name of, tragically, Megan Kanka, who was raped and strangled and murdered by a twice-convicted pedophile who lived across the street from her. Some would say this is long overdue.

Just a few weeks from now, on June 1, there will be an effort to put children first and have this Nation recognize, by an effort at the U.S. Capital, bring all of Americans who believe in children here to indicate that we stand for children.

Texas in particular, and my community, applauds this bill and hopes that our colleagues will pass it because we recently had to face a situation where a repeated child molester, who acknowledged his capability for molesting again, was about to be released into the community. This bus driver from San Antonio went public and said there is nothing that can be done about his inclination to molest and abuse and possibly murder children. And here we were in Texas with a quandary, of course, of determining what to do with such an individual. But just think if he had not gone public, the possibility of this individual going back into any one of our communities and to be able to prey on children again.

This bill is an important bill because it adds to the may, the shall, the must, to require that these individuals with this inclination, this proven ability and acts of previous child molestation and other sexually violent offenders, that we will know as members of the family, as parents, as school officials, as community groups, as neighbors, all of us as children who are innocent and need to be represented.

In this particular bill, for example, it will protect children like Monique Miller of Houston, TX, who was brutally murdered and sexually abused by a repeat offender.

The interesting thing about this particular law, and I would share this with my colleagues: There is a growing recognition in this country that most sex offense victims are children and that reporting of these offenses are still low. The FBI law enforcement bulletin reported that only 1 to 10 percent of children or child molestation cases are ever reported to the police. According to the Children's Trust Fund of Texas, in 1995, 50,746 children, ages birth through 17, were victims of child abuse and neglect. The 7,926 were victims of sexual abuse in our particular community. According to the department of public safety in 1995, in Texas there were 361 homicides for children, ages birth through 16.

So I am here to applaud the author of this legislation and to as well applaud our desire to approach this in a bipartisan manner. This is an important step, Mr. Speaker, to stop the victimization of our children. It is an important step for the Committee on the Judiciary to recognize as we balance the judicial and constitutional rights of all Americans, responsibility of this committee, that we also recognize the high importance, the high moral ground, we take when we protect our children, the most innocent victims of all. I want to see a stop now and forever to the victimization of our children and certainly the senseless violence that has seen children even being kidnapped from their bedrooms and violently and sexually abused. This law goes a long way toward fighting this problem.

Mr. Speaker, I rise today in support of Megan's law, a bill named in honor of 7-year-old Megan Kanka who was raped, strangled, and murdered by a twice convicted pedophile who lived across the street from her.

I am a cosponsor of this legislation which would amend the 1994 crime bill to require local law enforcement to release relevant information to the public about child molesters and other sexually violent offenders when they are discharged from prison. This bill would guarantee the appropriate dissemination of information so that parents, school officials, and community groups can responsibly use the information in order to protect their children.

We recently honored Victims Rights Week to pay tribute to all of the young women and children in this country whose lives have been cut short by hideous acts of violence. In particular, this bill would protect children like Monique Miller of Houston, TX who was brutally murdered and sexually abused by a repeat offender.

There is growing recognition in this country that most sex offense victims are children and that reporting of these offenses is still low. The FBI Law Enforcement Bulletin reported that, only 1 to 10 percent of child molestation cases are ever reported to police. And a National Victim Center survey estimated that 16 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12. According to the Children's Trust Fund of Texas, in 1995, 50,746 children ages birth through 17 were victims of child abuse and neglect. Some 7,926 were victims of sexual abuse, sexual abuse.

According to the Bureau of Justice statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. According to the Department of Public Safety, in 1995 in Texas there were 361 homicides for children ages birth through 16.

Clearly, we must do more to protect our children from violence. This requires more than jailing sex offenders and violent criminals after they commit crimes, although swift and effective punishment is important. This requires strong prevention and education which will keep our children from becoming victims of violent crime.

Megan's law is an important step in preventing the victimization of our children and putting an end to senseless violence in our communities. I urge my colleagues to support this legislation.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Florida for allowing me to rise today in support of H.R. 2137 and to commend my colleague, the gentleman from New Jersey [Mr. ZIMMER], for his leadership on Megan's Law.

It is a sad note that it took the tragedy of Megan Kanka's abduction and murder to make America aware of the need for this legislation. However, the gentleman from New Jersey, Mr. ZIMMER's, Megan's law is a major victory for victim's rights and for the rights of the public at large against convicted sexual predators in our community. It is about time that our Federal laws gave victims and their families priorities over the rights of convicted criminals.

As parents we constantly worry about the well-being of our children because we know of their innocence and vulnerability. Megan's Law goes a long way in helping parents and communities to protect our children from danger.

Mr. Speaker, it is my pleasure to support this bill and to commend the gentleman from New Jersey [Mr. ZIMMER] for his active work in its passage.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN], a former law professor that distinguishes the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I am proud, as a member of the Committee on the Judiciary, that we have reported the Megan's Law bill to the House, and I urge every Member to support this legislation.

California has recently moved into the sexual predator notification business, and although it is not an easy task to undertake, we have found that it is workable and has not created the vigilante environment that some who have qualms about this bill worry about.

I have heard some Members whom I respect a great deal advance the view that those who have been convicted of preying upon a child and have served a prison sentence and then been released have paid their debt to society and that this is further punishment. I disagree with that point of view.

Convictions are not secret in America. We can go down to the courthouse and find out who has been convicted. What Megan's Law does is to make that information available to those who need to know it most: parents, neighbors, and potential employers. I think that Megan's Law is about balancing the rights of privacy of a convicted pedophile against the safety of the public, and, most importantly, of children.

□ 1600

When I think about the damage that abuse of children does, not only to that individual child but to our entire fabric of society, I am even more enthused about Megan's Law. I am aware that 25 percent of those who victimize children as adults were victimized and abused as children themselves. That does not mean that every child who has been victimized will grow to be a victimizing adult, but there is an obvious cycle here that needs to be interrupted.

As the parent of two children, I know that if there is danger in my neighborhood, I want to be aware of it. I want to take every step that I possibly can to make sure that my 14-year-old daughter and my 11-year-old son are

safe. And I know that as a parent, I am like every other parent in this country: I want to do the right thing so they have a good future. This legislation gives parents the tools that they need to take those steps.

Mr. Speaker, as I have said, unfortunately, the the recidivism rate for pedophelia is very high. Looking at studies of pedophiles going back to the late 1970's and early 1980's, it is pretty clear that as a society we have failed to come up with anything that works for these people. I thus urge the adoption of Megan's law.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], one of the original authors of the underlying legislation.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there is one abiding fear that all parents share. That is the fear that something tragic will happen to their child. We pass laws to make sure that their childhood toys are safe and that they will not be swallowed and choked on. We pass laws to be sure that there are child restraints properly installed in the vehicles on which they ride. All of us hold our breath when they finally get to the age where they can begin to drive vehicles themselves.

Mr. Speaker, this law today addresses an area of concern that haunts society. That is the possibility that their child will be victimized by someone who has previously done the same. If one of the purposes of government is to collectively protect ourselves better than we can do individually, then this law and its merits are very clear. I am pleased to rise in support of it. I commend the author, and I urge all of the Members of this body to vote for this very commonsense piece of legislation.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the gentleman from North Carolina [Mr. WATT], a distinguished lawyer, to close the arguments and discussion for our side.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from North Carolina [Mr. WATT] is recognized for 2½ minutes.

Mr. WATT of North Carolina. Mr. Speaker, this is a tremendously difficult issue. I started to stay in my office and punt, and not come over here and talk about it at all. It is difficult because the statistics do indicate that there is a higher rate of recidivism for those people who have committed one offense in this area, and a greater likelihood that some of them will commit another offense.

However, I thought it would be a dereliction of my duty as a Member of this body not to point out two very troubling aspects about this bill. First of all, our Constitution says to us that a criminal defendant is presumed innocent until he or she is proven guilty.

The underlying assumption of this bill is that once you have committed one crime of this kind, you are presumed guilty for the rest of your life. That, Mr. Speaker, is contrary, whether we like it or not, it is contrary to the constitutional mandates that govern our Nation. We should not be presuming people guilty unless they have committed a crime. Once they have paid their debt to society, they should be allowed to go on with their lives.

The second concern I have about this issue is that my colleagues in this body have over and over talked to us about how important States rights are. Yet, in this area, somehow or another we cannot seem to justify allowing States to make their own decisions about whether they want a Megan's law or do not want a Megan's law. All of a sudden, the Big Brother Government must direct the States to do something that is not even necessarily a Federal issue. So those two things lead me to encourage my colleagues to stand up for our Constitution and stand up for States rights and oppose this bill.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, there is no greater crime, I do not believe, than a child that has been molested, perhaps killed, or not killed but sexually molested by somebody else. I had a woman in my district talk to me in tears about her 9-year-old that was raped. Thank goodness he was convicted. He is now serving in Jackson Prison. But he is going to get out. The experts say that he is going to do it again and again and again.

However, when he gets out, I want a law like Megan's law, so whether he goes to St. Joe or Kalamazoo or South Bend, anyplace else, the victim, the family, the police, the community are going to be able to watch him forever. He is going to have a tattoo on his head that is going to be there forever.

Mr. Speaker, last year I had two little boys, sons of migrant workers from Texas, in my district who were stolen allegedly by a sexual molester, because he has not been convicted yet I use the word allegedly, out from Iowa, picked them up in the twin cities in Michigan; and thank goodness, because it was a nationwide case and CNN and ABC News and ''Good Morning America'' had his picture, they found him in New Orleans. I do not want that to happen again to that family.

Something like this that, thank goodness, a number of States have passed on their own, ought to be a national law. That is why I rise in support, to make sure that we will take whatever step we can, so no family will ever have it happen to them as it has happened to people in my district.

Mr. Speaker, I would urge all of my colleagues on both sides of the aisle to vote for a very strong bipartisan bill so we can try and end this terrible human tragedy that, unfortunately, strikes far too many Americans.

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

Mr. Speaker, I would simply like to close the debate on this side by commenting again about how thankful I am that the gentleman from New Jersey [Mr. ZIMMER] saw fit to produce this piece of legislation. Contrary to what some have said about it earlier, this is not a mandate on the States. This is a provision typically that we try to do in the underlying legislation that is already law to encourage the States to do these things that we think they need to do as a group to fight such types of crimes as we have in the case of those who commit violence against children, especially sexual crimes, by holding the carrot out of money that they may receive of Federal largesse that they otherwise would not receive.

I think this is a very good corrective measure. It will require, rather than simply permit, local jurisdictions in cases where there is, indeed, a necessity to do so, to notify those in the community that somebody who has been a convicted sexual predator is being released. I again thank the gentleman from New Jersey, who authored this legislation. I have been pleased to produce it out of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. RAMSTAD. Mr. Speaker, as the author of the Jacob Wetterling Crimes Against Children Act, which became law in 1994, I am grateful we are voting today to pass a bill to make it even stronger.

The Wetterling Act was named after Jacob Wetterling, who was abducted by a stranger at gunpoint in St. Joseph, MN, in 1989. Jacob's parents, Patty and Jerry, worked tirelessly to help me pass the Wetterling Act.

The Wetterling Act provides for the registration of convicted child sex offenders and violent sexual predators. This national tracking requirement was needed because of the propensity of these offenders to repeat their heinous crimes again and again after their release from prison. Some States—like my home State of Minnesota—already provided for sex offender registration, but many offenders simply moved to another State and avoided detection.

The children of America and their families needed the Wetterling Act to protect them from those who prey on children. Every major law enforcement organization asked for it as a resource for investigating child abduction and molestation cases.

Under the Wetterling bill, law enforcement was allowed to notify the community when the dangerous offenders required to register under the Wetterling Act were released and living in the area. The bill we are considering today, Megan's Law, will require community notification.

I strongly support this strengthening of the Wetterling Act, to make our communities a safer place for our kids to grow up.

Ms. DUNN of Washington. Mr. Speaker, quite frankly H.R. 2137 must be enacted immediately. We must not delay one day longer. My struggle to strengthen the laws to protect victims and communities from sexually violent predators started in the 103d Congress when Senator GORTON and I began work on including Washington State's sexual predator law into the 1994 crime bill. The tragic and highly publicized 1994 rape and murder of 7-year-Megan Kanka in New Jersey, the victim of a

released sexual predator, unfortunately became the impetus for including sexual predator language in the 1994 crime bill. With Senator GORTON's help, Mr. ZIMMER and I were able to convince conferees to the crime bill to include community notification and registration of sexually violent predators.

Since the 1994 crime law enactment, many States have developed tracking programs that require convicted sexual predators to register with the local law enforcement agencies upon release and allow officials to notify local communities of their presence. Now, Mr. Speaker, it is time that we take this good law one step farther before we are shocked once again to hear of a needless death or crime committed by a violent sexual offender. Currently, communities may or may not be aware of a predator in their midst. That is wrong. We must alert the citizens when repeat sexually violent predators are in the area. H.R. 2137 will accomplish that by changing community notification from an option to a requirement.

Wouldn't you and your family like to know when a potential predator has moved in next door so that adequate steps could be taken to protect your family? American women and families deserve no less. Every time we hear of a crime committed by a sexual predator we feel fear and terror in the possibility that our own personal safety—or that of a loved one—is at risk. Our daily routine is monopolized by tension and anxiety: walking to our cars, sending our children off to school, or locking up the house at night. Of course, women feel the brunt of this anxiety because women are the targets of most repeat sexual predators. Nobody should have to live in fear. Congress can and must help target the crimes that cause us the worst fear. We can and must pass a law that will require notifying a community when a sexually violent predator has moved into the neighborhood. And we must pass it now.

Empowering families, women, and children with the knowledge that a potential threat is looming in their community enables them to take the necessary precautions to ensure that there are not second, third, or fourth victims. Communities must be forewarned when a sexual predator has moved in next door. That is why I support swift passage of H.R. 2137, a bill that will require law enforcement to notify communities of a sexual predator's presence. I urge my colleagues to do the same.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to be a cosponsor of H.R. 2137, Megan's Law and would urge his colleagues to support this bill.

This measure builds on an earlier law, also supported by this Member, that requires convicted sex offenders and kidnapers of children to register their addresses with law enforcement authorities for 10 years after their release from prison. Since such a high percentage of child abusers are repeat offenders, this registration requirement has been very helpful to police in solving crimes involving child abuse. However, the Jacob Wetterling law only permits States to release this information. Megan's law requires States to release this information to local law enforcement officials when a known criminal sex offender is released from prison and settles within their jurisdiction. States may also determine whether a criminal's personal information can be available to the general public.

Mr. Speaker, it is this Member's hope that this legislation will quickly become law in order to provide better information to police, neighborhoods, and communities regarding the existence of convicted sex offenders which in turn should prevent crimes and protect citizens.

Ms. MOLINARI. Mr. Speaker, I would like to commend Mr. ZIMMER, Mr. MCCOLLUM, chairman of the Crime Subcommittee and Mr. HYDE, the distinguished chairman of the Judiciary Committee for introducing Megan's law. And on behalf of the children who will not be assaulted or killed and for the parents, who will not suffer their loss I would like to thank you for your hard work. This bill costs nothing, yet takes a step toward protecting something so valuable to every parent—the safety of their children.

Critics of this bill have argued that the bill unduly punishes offenders after they have paid their debt to society. What about the void and pain of the parents whose son or daughter became their victim? When are they finished paying? For those who oppose the bill, I ask you to envision the loss of your child. I ask you to feel the loss of your child to a ruthless criminal, who saw her as nothing more than an easy victim. I ask you to stand in the place of Maureen Kanka, the mother of 7-year-old Megan Kanka, who was kidnaped and murdered by a man who had twice been convicted of attacking children. The fact that he was released and allowed to roam the streets in and around young children, is nothing less than placing a wolf among lambs.

The danger of recidivism in sex crimes has been demonstrated, time and time again, unfortunately at the expense of another child. By requiring the registration of sex offenders, Congress is taking affirmative steps to alert, police and parents to dangers in their community, and above all preventing the assault, abduction, and murder of another youngster.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended.

The question was taken.

Mr. ZIMMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2980) to amend title 18, United States Code, with respect to stalking, as amended.

The Clerk read as follows:

H.R. 2980

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interstate Stalking Punishment and Prevention Act of 1996''.

SEC. 2. PUNISHMENT OF INTERSTATE STALKING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

''§ 2261A. Interstate stalking

''Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person's immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting ''or section 2261A'' after ''this section''.

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking ''offender's spouse or intimate partner'' each place it appears and inserting ''victim''.

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting ''AND STALKING'' after ''VIOLENCE''.

(4) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking

''110A. Domestic violence ..... 2261''

and inserting:

''110A. Domestic violence and stalking 2261''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

''2261A. Interstate stalking.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, in the 1994 crime bill, Congress established a new Federal offense aimed at stalkers of current or former spouses or intimate partners. This offense did not address cases in which the victim was unrelated to the stalker.

In H.R. 2980, the Interstate Stalking Punishment and Prevention Act of 1986, this insufficiency is addressed. This bill establishes a new Federal crime for crossing a State line or otherwise entering Federal jurisdiction for the purpose of injuring or harassing another person when such action places a person in reasonable fear of bodily harm.

This bill does not generally federalize the offense of stalking. Rather, it ensures that this crime of stalking is given force and effect in all areas clearly within the responsibility of the Federal Government. The authorized penalties under this bill are the same as those provided for in the current interstate domestic violence offense.

Once a stalker has selected a victim, the pursuit can be a full-time occupation. In some cases victims have had to move to a new residence, at times to a new State, to escape their tormentors, and even at times moving to a new State does not give the relief that is sought. Mr. Speaker, I would suggest

that the victim move out of State and the stalker often follows right behind. This interstate stalking has made it increasingly difficult for law enforcement officials to investigate and prosecute.

Well-publicized cases involving celebrities have served to highlight the frightening dimensions of the crime. Jody Foster, David Letterman, Troy Aikman, and Madonna are just a few examples of celebrities who have been recently stalked and harassed by obsessed fans. In 1989 actress Rebecca Schaefer was murdered by a crazed fan who followed her for 2 years.

Stalking is a frightening and cowardly crime. Victims often feel trapped within their own homes. Family members and coworkers are often threatened, and personal property is often damaged or destroyed. Congress should do everything in its power to assist law enforcement in the apprehension and conviction of these predators. I am especially pleased to support this legislation, which has been crafted by the gentleman from California [Mr. ROYCE].

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

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

Mr. Speaker, I support this measure, which creates a new Federal offense for interstate stalking. The provision is modeled after a provision in the 1994 crime bill that created a Federal offense of interstate travel to commit domestic violence. The bill here before us covers travel across State lines or from or to Indian country with the intent to injure or harass another person, where the defendant places the subject in reasonable fear of death or bodily injury, or death or bodily injury to a member of the subject's immediate family.

Mr. Speaker, some may argue that creating a new Federal law for stalking is an overfederalization of crimes, but I disagree. The problems of stalking, because of their interstate nature, transcend the ability of State law enforcement agencies, obviously, to continue working together without such a provision as H.R. 2980. Moreover, under title 18 of the United States Code, there are provisions that make it a crime to cross the State line with falsely made dentures, or with a cow. Keeping that in mind, this is clearly not a radical expansion of the law to make it a crime to cross State lines to harass or abuse another person.

Mr. Speaker, this stalking offense is modeled on an existing interstate domestic violence offense. It specifically covers traveling across State lines, entering or leaving Indian country, with the intent to injure or harass another person.

□ 1615

I urge the support of the entire membership of the House in passing H.R. 2980.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROYCE], the author of this measure.

Mr. ROYCE. Mr. Speaker, my legislation that is here today, H.R. 2980, does three things. First it makes crossing a State line to stalk someone a felony and thus for the first time it defines in law, in Federal law, the crime of stalking, and it brings certain penalties, 5 years for the crime of stalking, 10 years if a gun is used and so forth.

Second, it makes crossing a State line in violation of a restraining order a felony. And, third, it makes it a felony to stalk someone on Federal property such as a post office or a military base or a national park.

The bill is needed because in each of these cases the victim loses the protection of their State laws. I was the author in 1990 of the first State antistalking law in the country, in California. The California legislature passed my bill after four women were killed in the space of 6 weeks in Orange County, CA. Each woman, fearing for her life, had sought police protection only to be told that there was nothing that law enforcement could do until she was physically attacked. One police officer told me at the time that the hardest thing he ever had to do in his life was to tell that victim ''there is nothing I can do until you're attacked'' and subsequently she was killed.

The law was passed by the California legislature defines stalking as an obsessive pattern of behavior and threats that would cause a reasonable person to fear for their life or fear for great bodily harm. Versions of that law have since been adopted in every State in the Nation and here in the District of Columbia, and they have been very useful in protecting stalking victims before they are attacked, before they are injured.

The problem has been that when the victim leaves her State or when he leaves his State, they lose their protection. State laws are not the same and restraining orders obtained in one State may not be valid in another. This bill addresses that problem by making it a felony to cross a State line to stalk someone in violation of a restraining order, and in addition it protects victims on Federal property.

Mr. Speaker, many stalking victims unfortunately have become prisoners in their own State. They cannot leave the State for a vacation or business or otherwise without exposing themselves to danger. Ironically, many stalking victims are advised by someone from Victim Witness or other groups that help stalkees, they are advised typically, get away from your stalker, move away from your stalker. But if they take that advice, ironically, they have now lost their protection.

This bill would solve that problem. It gives stalking victims freedom to travel, to lead normal lives and not subject themselves to fear of injury or death.

Sitting in the gallery today is a woman who was stalked for 8 years. Her stalker was finally sent to State prison when he attempted to kidnap her, leading to an 11-hour police standoff. Her testimony before the California legislature was instrumental in the passage of the California antistalker law and subsequent stalker laws.

She left the State. But when the stalker was released from prison, he jumped parole and he left the State and her nightmare began anew. Fortunately the stalker was intercepted in another State, but others may not be so fortunate. We need to pass this bill to give stalking victims freedom to travel, to live without fear and to begin anew. I urge the Members' ''aye'' vote.

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

Mr. Speaker, I would like to recount for the Members in the body the criminal penalties that attach to this crime:

A person who violates this section, or section 2261A shall be fined under this title, imprisoned—

(1) for life or any term of years, if the death of the offender's spouse or other intimate partner results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;

(3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A, without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison; and,

(5) for not more than 5 years, in any other case, or both fined and imprisoned.

These are very appropriate, they are stiff penalties, and I think that they are appropriate for the kind of violence and stalking that has plagued the country as exemplified by the examples that have been recited here on the floor this afternoon.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Speaker, today I rise in strong support of the Interstate Stalking Punishment and Prevention Act of 1996. I would like to congratulate the gentleman from California for his work both at the State level and at the national level on this legislation, and the Committee on the Judiciary for their leadership in bringing this forward.

This bill will fill a gap in the existing law and offer increased protection for those men and women who are the target of obsessive and terrifying predators. This crime is a crime of terror. These predator criminals pursue their victims like prey, stealthily and under cover. Stalkers are known to relentlessly hunt down their victims, creating emotional and physical terror in men and women who are their targets.

The stalker invades every aspect of the victim's life, watching every movement, following every step. When a

woman tries to get away from a stalker, she prays it will end her long ordeal. But the stalker has other ideas. He wants to continue to terrorize and to control. So he decides to stalk. The stalker wants to make sure that the victim never feels safe. No matter the woman's efforts to end this, the stalker wants to make sure she never feels free. He knows where she works, where her family lives and who her friends are.

So the terrified woman flees to other States, sometimes fleeing across-country, leaving her friends, her family and everyone she knows just to get away from the threat of abuse. Then one day she walks out of her new home in her new State and she sees him down the street waiting for her, and she wonders if the nightmare will end.

Mr. Speaker, today is the time to say enough is enough. This legislation is one more weapon in the war against violence. No longer will we wait for this horrible tragedy to take place before taking action. We must give women the tools they need now to be protected from the reach of stalkers.

The Interstate Stalking Punishment and Prevention Act of 1996 will punish those who repeatedly harass, follow, and threaten their victims from State to State. It will send a strong message of zero tolerance to those who terrorize. It is time for the criminals to live in fear, fear of the swift hand of justice. It is time for the abusers to be pursued, pursued by unwavering application of the law. And it is time for the stalkers to have their freedom restricted, restricted by a cold, stark prison cell.

Crime is a cancer that eats away at the fabric of our society. It is high time for strong and potent medicine. I urge my colleagues to support the Interstate Stalking Punishment and Prevention Act of 1996.

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

Mr. Speaker, I would bring to the attention of my colleagues that in addition to adding stalking to domestic violence and attaching penalties to it, this measure, in addition, makes interstate violation of a protection order subject to the following penalties:

A person who violates an interstate protection order shall be fined under this title and imprisoned for life or any term of years, if death of the victim results.

Although this is current law, it is important to understand that it is in fact related to violence and stalking, because frequently a violation of a protection order might be involved.

So in addition to a life term if death results, there is also a 20-year penalty if permanent disfigurement or life threatening bodily injury results. There is a penalty of 10 years incarceration if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense. And, as provided for the conduct under chapter 109A if the offense would constitute an offense under chapter 109A, then it would be punishable for not more than 5 years, in any other case, or both fine and imprisonment.

So we now have a complete criminal statutory provision that deals with domestic violence, stalking, and violation of a protection order.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I simply want to say in closing that this is a very significant piece of legislation today. It is one of four crime bills that the Subcommittee on Crime is presenting today, two under suspension of the rules, and two that will be debated under open rules that will follow this. All of these bills are designed in helping us with crimes against the most vulnerable members of society, those who are children, those who are elderly, those who are vulnerable in some other way.

We are seeing entirely too much violent crime in this country today. The crime rate in this country is entirely unacceptable in the violent crime area, and we need to put some deterrence into the law to get at those people who are indeed committing these kinds of crimes. Sending them a message, this bill sends a specific message, and helps us with Federal law enforcement abilities in the area where somebody commits a stalking crime across a State line.

The stalking crimes that have been described earlier today are among the most heinous of all, when the victim may even try to escape and move year after year after year. Somebody may come in and threaten them in ways of violent bodily harm. In cases as we reported earlier, murders have certainly occurred on more than one occasion, in fact on unfortunately too many occasions as a result of a stalking case.

A little earlier today we passed—at least we passed it by voice vote, we have yet to have a recorded vote on it—a bill that the gentleman from New Jersey [Mr. ZIMMER] offered dealing with the issue that surrounds sexual predators, in an attempt to try to make sure that communities are notified properly when those sexual predators are indeed released from time that they may have served in prison, so that people can take protective measures to defend themselves and their families if this person moves into their community.

In a little while this afternoon, the two other measures we will be having out here on the floor for general debate and amendments under an open rule will be measures that are designed, first, to increase the penalties under the sentencing guidelines for anybody who commits a crime, a Federal crime against a child 14 years of age or younger or a person 65 or older. That is the bill of the gentleman from Michigan [Mr. CHRYSLER], and one which the gentleman from Pennsylvania [Mr. FOX] has offered to steeply increase the punishment for somebody who tampers with a Federal jury or who does any intimidation of Federal witnesses in a Federal criminal proceeding.

□ 1630

These are the type of laws we need to put on the books. It is a very important day for us to present these crime measures out here in sequential order. I think the one the gentleman from California [Mr. ROYCE] has offered, the bill we are voting on today dealing with stalkers, is a good one to discuss the fact we are presenting these together today in sequential order.

Mr. Speaker, I certainly urge the passage of this bill on stalkers, H.R. 2980, that the gentleman from California, [Mr. ROYCE] has presented to us today.

Mr. KENNEDY of Massachusetts. Mr. Speaker, experts believe that each year more than 200,000 women are stalked by their former boyfriends, or complete strangers. In addition, about 400,000 protective orders are issued by civil or family courts each year to prevent such violence.

Given available data, at least nine women die every day at the hands of their stalkers.

Believing that this is tragically a growing trend that must be stopped, I introduced legislation in the 103d Congress, the National Stalker and Domestic Violence Reduction Act, that later became law with the passage of the 1994 crime bill.

Among other provisions, this law has done much to give law enforcement officials and civil/criminal courts the tools to enforce civil protection orders by providing access to criminal history information of the offender for use in domestic violence and stalking cases.

This law also established a State grant program for data collection on stalking and domestic violence crimes to be added to criminal records in the national crime information databases. This data is used to track offenders across State lines.

And while my legislation helps us track these people, the bill before us today takes an important step in actually making some forms of stalking a Federal offense. I rise in strong support of this legislation and believe it should be on a fast track to President Clinton's desk.

We have needed Federal legislation that criminalizes the dangerous act of stalking for quite some time. In most States, stalking is an act that is already punishable by law. A problem is created, however, when these offenders follow their targets across State lines.

Passing this legislation today will create a beautiful marriage between the ability to identify interstate stalkers from the national crime information databases created in my 1994 legislation that became law, and the ability to punish interstate stalkers as a Federal crime under the legislation we are considering here today.

I urge my colleagues to stand with me today in support of women—women all across this Nation that are at risk of becoming another sorrowful stalking statistic. Please join me in voting to stop the stalkers and to protect innocent women.

Mr. MCCOLLUM. Mr. Speaker, I ask for an ''aye'' vote and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2980, 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. MCCOLLUM. 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. 2980 and H.R. 2137.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment printed in the report of the Committee on Rules accompanying this resolution for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 421 is an open rule providing for the consideration of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. The rule waives clause 7 of rule XIII (which requires a cost estimate in the committee report), against consideration of the bill. Because the Congressional Budget Office [CBO] has been extremely busy concentrating on the fiscal year 1997 budget resolution, the Judiciary Committee has provided a rough estimate of cost based on U.S. Sentencing Commission figures for increased prison construction and operating costs, but not a detailed CBO estimate. The committee does state in its report that it estimates H.R. 2874 will have no significant inflationary impact on prices and costs in the national economy, and I believe it has, without a doubt, satisfied the spirit of the cost estimate requirement.

In addition, the rule makes in order as an original bill, for the purposes of amendment under the 5-minute rule, the amendment in the nature of a substitute recommended by the Judiciary Committee, now printed in the bill. Also, the rule provides that Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments.

Further, the rule waives points of order against the amendment printed in the report of the Committee on Rules for failure to comply with clause 7 of rule XVI, which relates to germaneness. This amendment, requested by my colleague from Texas, Mr. FROST, adds increased penalties for Federal sex offenses against children, and needs a waiver because it creates a new crime with sentencing provisions, whereas H.R. 2974 focuses on creating new levels of sentencing for existing crimes. I am informed that Mr. MCCOLLUM, the chairman of the Crime Subcommittee of Judiciary, supports Mr. FROST's amendment and I have no objection to it.

Finally, the rule provides for one motion to recommit, with or without instructions.

The purpose of this legislation is to increase the time of imprisonment for those who commit violent crimes against children under 12 years of age and seniors age 65 and older. In the Judiciary Committee, the age for children was increased to 14, and the definition of ''vulnerable persons'' was expanded to include any victim that ''the defendant should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct.''

In other words, this legislation is designed to increase protection for the most vulnerable sectors of our society: the elderly, children, the handicapped (mentally and/or physically disabled), those who find it most difficult to defend themselves.

This legislation is needed because the U.S. Sentencing Commission failed to act as requested in the 1994 Crime Act directive ''to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime and to reflect the heinous nature of such an offense.'' This bill amends the Crime Act of 1994 to enhance sentences by increasing the length of sentences ''not less than 5 levels above the offense level otherwise provided for by a crime of violence against such victims''.

Federal law enforcement officials agree that tougher punishment for criminals who target these victims is warranted. Violent crimes against the elderly have increased substantially, and child homicide rates have nearly doubled in recent years. In 1992, tragically, close to 20 percent of all rape victims were under 12 years of age, children attacked by pedophiles.

I believe there is nothing more important than protecting our most vulnerable from harm. In Dade County, FL, 9-year-old Jimmy Ryce was abducted by a predator on September 11, 1995. Three months later, law enforcement officials found Jimmy's remains after he had been brutally sexually assaulted and murdered by his kidnaper.

In response to the delays that the Ryce family encountered in the search for Jimmy, I joined my colleagues from south Florida in pressing for legislation, named in honor of Jimmy Ryce, to improve Federal law enforcement efforts at finding endangered children.

Congressional involvement led to an executive directive by the President which now requires all Federal agencies to post photos of missing children in Federal buildings to expedite the search for missing children. A similar directive in Florida has alleviated comparable roadblocks by requiring the posting of missing children photos in State buildings and tollbooths.

In addition, we are moving forward with H.R. 3238, (which I encourage my colleagues to consider cosponsoring), Congressman DEUTSCH's bill to establish a national resource center and clearinghouse to carry out, through the Jimmy Ryce Law Enforcement Training Center for the recovery of

missing children, the training of local law enforcement personnel to more effectively respond to cases involving missing or exploited children.

We must stop violence against the most vulnerable in our society, and I believe today's legislation, the Crimes Against Children and Elderly Persons Increased Punishment Act, is another important step in the right direction to keep criminals who commit these unspeakable crimes behind bars.

Mr. Speaker, House Resolution 421 is a fair, open rule and I urge its adoption.

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

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 6, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	66	61
Modified Closed[3]	49	47	26	24
Closed[4]	9	9	17	15
Total	104	100	109	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

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

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, the measure of any society is how it protects and nurtures its children and how it respects and honors its elders. I would like to think that our Nation takes care of its very youngest and very oldest citizens and that in doing so we are an honorable and just society. But, Mr. Speaker, there are those among us who violate these societal guidelines and for whatever reason abuse the trust children have placed in adults and pick the vulnerable and elderly to be victims of violence.

H.R. 2974, while applicable only to Federal crimes, draws a line in the sand and states clearly, through the enhancement of penalties, that we as a society will not tolerate such crimes against our most vulnerable citizens. This legislation will not stop these heinous crimes, but at the very least we can take this small step to ensure that those who commit these offenses at a Federal level will be swiftly and surely punished. It is the least we can do to protect our society.

I am especially gratified, Mr. Speaker, that the Committee on Rules has granted a germaneness waiver to allow the consideration of an amendment I will offer to this bill. My amendment, which is a part of H.R. 3180, the Amber Hagerman Child Protection Act, which I introduced in March, would create new Federal jurisdiction over sexual offenses against children and would require life sentences without the possibility of parole upon conviction in Federal court of a second sex crime against a child. I will offer this amendment with the concurrence of the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], and I believe it is one that every Member of this body can support.

This amendment, like this legislation, will not itself stop the commission of heinous crimes like the one that took the life of little Amber Hagerman, a 9-year-old who lived, went to school, and played in Arlington, TX, in my congressional district. But perhaps enactment of this amendment will keep someone off the streets and out of our neighborhoods who might otherwise commit a crime like the one that snuffed out the life of that innocent little girl. I have three daughters and it is inconceivable to imagine that they, like Amber, might have been snatched away while we turned away for a moment.

Mr. Speaker, these matters are not partisan issues. Regardless of political philosophy, we all agree that children are our most previous resource and our elders are repositories of the histories of our families and our lives. In honor of them, I urge support for this rule, for this bill, but especially for the memory of Amber Hagerman.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ2	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
	PROCEDURE IN THE 104TH CONGRESS 2D SESSION			
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment..	N/A
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority..	N/A
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 88% restrictive; 12% open. **** All legislation 104th Congress, 59% restrictive; 41% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 20, or 65 percent, of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for FY 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.
H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996.
H.J. Res. 165, making further continuing appropriations for FY 1996.
H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.
H.R. 3136, the Contract With America Advancement Act of 1996.
H.J. Res. 159, tax limitation constitutional amendment.
H.R. 1675, National Wildlife Refuge Improvement Act of 1995.
H.J. Res. 175, making further continuing appropriations for FY 1996.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, the leader responsible for the Committee on Rules bringing forth this great number and percentage of open rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in support of this rule providing for the consideration of the Crimes Against Children and Elderly Persons Increased Punishment Act.

According to the report of the Judiciary Committee on this bill, there was a 90 percent increase in personal crimes committed against senior citizens from 1985 to 1991.

As the number of senior citizens continues to increase in this country, this is a problem that has the potential to get worse unless some action is taken.

And it is a particularly disturbing trend, because it shows that criminals are increasingly willing to go after the most vulnerable members of society.

And at the other end of the age spectrum, there is a similar problem with attacks against vulnerable children. For example, the Judiciary Committee report points out that in 1992, one out of every six rape victims was a female under the age of 12.

The elderly and the children are the members of society least able to defend themselves. They need our help.

In 1994, the last Congress tried a gentler approach to get the U.S. Sentencing Commission to toughen penalties for crimes against the elderly.

There was a provision in the Violent Crime Control and Law Enforcement Act which directed the U.S. Sentencing Commission to ''ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.''

The Sentencing Commission determined to make no amendment to the guidelines in response to the 1994 congressional language.

This bill takes a more direct approach. It tells the Sentencing Commission exactly what to do.

This bill directs the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, elderly person, or other vulnerable person.

Congress retains the right to assert itself in the matter of sentencing, and this is one area where Congress needs to be more assertive.

This bill was introduced by a freshman Member of this body, the able gentleman from Michigan [Mr. CHRYSLER]. I commend him for taking the lead to protect those members of society least able to defend themselves. I am proud to join him as a cosponsor of this bill.

Mr. Speaker, the most vulnerable members of our society are under attack. It is time for law-abiding citizens to fight back.

This bill is an opportunity to come down harder on some of the cowardly punks who attack our elderly, our children, and our most vulnerable citizens.

Vote ''yes'' on this rule and on the bill it makes in order.

□ 1654

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I urge adoption of the bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3120 REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from Utah [Ms. Greene] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 provides for consideration of H.R. 3120, a bill to prevent jury and witness tampering, and witness retaliation. House Resolution 422 provides for an open rule, with priority recognition given to Members who have had their amendments preprinted in the CONGRESSIONAL RECORD. The rule provides for 1 hour of general debate, and one motion to recommit with or without instructions.

Congress has a fundamental responsibility to help ensure that Americans feel safe in their homes, their neighborhoods, and at work. As part of our efforts to crack down on violent crime, criminal sentences have been increased in recent years to help ensure that we keep these criminal elements off the streets. However, as sentences for many violent crimes have increased, sentences for witness and jury tampering have not kept pace. Current law provides for a maximum penalty of only 10 years for persons convicted of that crime. Consequently, a defendant facing a Federal criminal sentence of more than 10 years may feel it is in their interest to attempt to intimidate a witness, or tamper with a jury, since the penalty for that crime is less than the underlying offense. H.R. 3120 will help to correct this situation by increasing the penalty for witness and jury tampering and retaliation.

Recognizing the need to address this issue, H.R. 3120 was reported out of committee with broad, bipartisan support. During consideration of a rule for H.R. 3120 in the Rules Committee, we learned that there are some Members who are concerned that the bill, as drafted, may be open to incorrect interpretations or applications. Consequently, the Rules Committee has reported out an open rule in order to give these Members an opportunity to offer amendments to attempt to clarify these points.

Mr. Speaker, this is an open rule, providing for fair consideration of a bill that sends a clear message to criminals that we will not tolerate witness intimidation or jury tampering. I urge my colleagues to support the rule and the underlying bill.

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

Mr. BEILENSON. Mr. Speaker, I thank the gentlewoman from Utah [Ms. GREENE] for yielding the customary half hour of debate time to me and I yield myself such time as I may consume.

We support—we welcome—this open rule for the consideration of H.R. 3120, legislation that would increase penalties for witness retaliation and jury tampering.

This is one in a series of popular, and relatively modest, anticrime bills reported by the Judiciary Committee, two of which the Rules Committee granted open rules for last week.

We congratulate the majority for finding bills they are willing to bring to the floor without restrictions-even though we do wish that some of these open rules had been provided for bills that are more substantial than the two narrowly drawn pieces of legislation we shall be debating today.

Some Members are concerned about the provisions of the bill the rule makes in order. As several members of the Judiciary Committee noted in dissenting views, they do not oppose severe penalties for those who intimidate, tamper with or retaliate against witnesses or jurors.

They do, however, believe current law may be adequate, and question the need for these enhanced penalties. There is also a fear that the severe penalties may be disproportionate to the crime and could lead to results that are unjust.

In any event, Mr. Speaker, we support this open rule for H.R. 3120. I urge my colleagues to approve the rule so that we can move on to the debate over the specific provisions of this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, we have no additional 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.

CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 421 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2974.

1654

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, this bill, introduced by Mr. CHRYSLER of Michigan, would increase the length of the sentence for violent crimes against children 14 years of age and younger, seniors 65 years and older, and vulnerable persons. I would do so by directing the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, an elderly person, or an otherwise vulnerable person. The term ''crime of violence'' was amended at the subcommittee markup by Ms. LOFGREN, and broadened to have the same meaning as that given in section 16 of title 18 of the United States Code, which is:

> An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense:

Mr. CHRYSLER introduced this bill to provide additional deterrence and punishment for those who victimize the most vulnerable in society. The impetus for this legislation also arises from the Sentencing Commission's failure to provide any sentencing enhancement in response to a directive in the 1994 Crime Act. The act directed the Commission to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, and to reflect the heinous nature of such an offense. The Commission determined to make no sentencing enhancement in response to this directive. I believe that H.R. 2974 is an appropriate and measured attempt to ensure that the guideline penalty accomplished the goals Congress established in its 1994 directive.

While the bill applies only to Federal crimes, another purpose of this legislation is to establish a model for State criminal justice systems. Only a uniform approach which communicates society's intolerance for these heinous crimes will provide sufficient deterrence.

I am pleased that it received the bipartisan support of the Crime Subcommittee, and the full Judiciary Committee. I want to thank Mr. CHRYSLER for his leadership in this area.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Chairman, no person should be a victim of crime particularly a crime of violence. But we are particularly offended when a victim is especially vulnerable, when that victim of violence crime is a child, when that victim is a frail person or another person who is particularly unable to protect themselves.

I think this bill speaks to that and says that as a society we are going to make sure that we have raised the standard of protection for the most vulnerable among us. Although criminal law serves many purposes, one of the functions of criminal law, be it at the State or Federal level, is to set the standards for what society expects of each of us.

Mr. Chairman, I am pleased that I was able to work on a bipartisan basis with members of the committee to strengthen the bill, to broaden the definition of violent crimes as suggested by the Justice Department, to raise the definition of the child from 11 to 14 so it would include those up to but not including 15-year-olds, as well as to add a provision about other vulnerable persons. Mr. Chairman, I think this bill is sound.

Mr. Chairman, I would also note that the Justice Department has just released a Bureau of Justice Statistics report on sentencing patterns in violent crime, and note that on average, offenders who commit violence against a child serve and are sentenced to shorter sentences than those who victimize adults, which is confusing and inexplicable. This bill would help remedy that anomaly.

Mr. Chairman, there will be at least two amendments that I am aware of that will strengthen the bill and are measures that I support wholeheartedly, but world not, I believe, have been germane in committee. But I did want to address the overall bill and congratulate those who have worked on it, and to urge my colleagues to support it.

□ 1700

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

(Mr. CHRISTENSEN asked and was given permission to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Chairman, today I rise in support of the gentleman from Michigan's bill, H.R. 2974, the Crimes Against Youth and Elderly Increased Punishment Act of 1995.

For too long, the most vulnerable groups in our society have been preyed upon by hardened criminals.

Our children should not be forced to walk home from school in fear.

Our senior citizens should not live in a society that fails to punish those who perpetrate heinous crimes against them.

These two groups desperately need us to provide for their safety and security.

I believe this legislation will help reduce crimes against them.

Though crime may be going down in some isolated areas, it is still getting worse in our smaller cities and in our towns. For tight-knit communities like Omaha, NE, this new wave of crime is a shock.

It seems as though nothing can stop the victimization of our innocent citizens.

There has been a steady increase in crime as penalties have softened—and criminals have hardened.

For example: Crimes against our senior citizens doubled between 1985 and 1991, a mere 6 years, and have steadily risen since.

In the past Congress has doubled penalties against drug dealers in protected areas around our schools. Now it is time to put a protected area around our Nation's seniors and children, wherever they may be.

Let us double penalties for these cowardly criminals that prey upon the very young or those who have reached their golden years, which should be care-free.

Crime is the enemy of our modern-day society.

It is time to send a message to the criminals, to their slick criminal defense attorneys that push them to freedom through legal loopholes, and to our entire criminal justice system that all too often favors the criminals over their victims.

That message is that America has a zero-tolerance for crime and the outlaws that commit them.

Again, Mr. Chairman, I would like to thank the gentleman from Michigan for introducing this thoughtful and timely piece of legislation. A vote for H.R. 2974 is a vote for the protection of America's children and America's senior citizens.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman's leadership on this issue. I also thank the gentleman from Michigan, Mr. DICK CHRYSLER, for his thoughtful time and concern on this bill.

Mr. Chairman, I support the hill before us, which provides enhanced penalties for crimes where the victim is a child or a person over the age of 65. We want to take care of those who are most vulnerable in our society, especially when we look back at some of the crime statistics and see that from 1985 to 1991, there was a 90 percent increase in personal crimes committed against senior citizens; that is, from 627,318 to 1.1 million. While the overall homicide rate decreased from 1985 to 1993, there was a 47 percent increase in the homicide rate for children. And in 1992, one out of every six reported rape cases was a female under the age of 12.

When criminals see our children or the elderly, perhaps, as the enemy or as ripe targets for a successful outcome to violent behavior, I believe it is very deserving of our contempt. They are also deserving of harsher sentences. They are preying upon the most vulnerable members of our society and very often they are not able to defend themselves. It is very appropriate that we should provide enhanced penalties against such reprehensible attacks.

Let me also thank the gentlewoman from California [Ms. LOFGREN] for her amendments to this bill that in fact improved the bill. There are only so many tools before us that we can use in guidance and leadership to the States. Right now, under our sentencing guidelines, we have the philosophies of education, prevention, retribution, deterrence, and rehabilitation. We have been involved in this trend toward greater prevention and rehabilitation, and we are asking, victims of our society are asking, what about retribution, what about deterrence? And if we do not begin to move toward harsher penalties against these criminals, then the victims are going to say, what about me?

If they do not feel the retribution, it begins to breed contempt with regard to vigilantism. That is not good and it is not healthy in a free and lawful society. if people live in fear, then they are really not free. So what we are trying to do on the Committee on the Judiciary, not only with this bill but with others, is to enhance the penalties and go after the real thugs, the criminals, whether it is in the gun legislation, if they use weapons in the commission of a crime, they should feel our contempt. They should feel our harsh penalties. Go after the thugs.

If these thugs prey upon the elderly and prey upon the children, they should feel our contempt. They should feel the harsh penalties. If they are going to commit a rape against a female under the age of 12, we should have these Federal judges enhance the penalties against them. Let us pass this bill.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise today in strong support of this bill which seeks to give more protection to our most vulnerable and innocent citizens—our children and our seniors.

More specifically, H.R. 2974 would amend the 1994 crime bill by requiring the U.S. Sentencing Commission to issue tougher punishment for crimes against children and the elderly, due to an increase in crimes targeted at these two populations. According to the Department of Justice factsheet on missing children, every year there are between 1,600 and 2,300 stranger abductions of children under age 12 in the United States.

Mr. Chairman, this is tragic and unacceptable. We must send a clear message to criminals who prey on the defenseless—their actions will result in swift and certain punishment.

Last summer in my congressional district in Arkansas, Morgan Nick, a 6-year-old girl, was abducted from the Alma ballpark while attending a little league baseball game. After 11 months of tireless searching, Morgan has still not been found.

Mr. Chairman, I can assure you that there has not been a day that has passed in which Morgan's family and friends haven't pursued every avenue that may lead them to Morgan's recovery. Morgan's mother, Colleen Nick, has been in touch with me on several occasions since last June to appeal for my assistance in this heartbreaking situation.

At Christmastime, Mrs. Nick appeared on an Oprah Winfrey segment about the recovery of missing children. She has also met with the President in Little Rock to ask for his assistance. Additionally, information about the case has been broadcast on two segments of the television show ''America's Most Wanted.''

Children in Arkansas, and everywhere in America, deserve the full protection for the law. They are virtually defenseless, yet they are the future. Adopting tougher penalties is a vital part of ensuring greater protection of society's most vulnerable citizens, while sending a clear message to the violent criminals of tomorrow.

Mr. Chairman, I believe that those who are truly committed to our children and to the elderly—to citizens like little Morgan Nick—will support H.R. 2974. I urge a ''yes'' vote on this legislation.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MANTON] in support of the bill.

Mr. MANTON. Mr. Chairman, every day in New York City criminals seek out those most vulnerable to attack. it is no surprise that these victims are often too young, or too old, to effectively defend themselves. As a result, many young and elderly Americans live in constant fear, remaining in virtual isolation, too afraid to leave their apartments for groceries or a walk in the park.

It is an unfortunate fact that todays cities are plagued by violence and crime. Unless we as legislators address these problems, tragedy will continue to befall those least able to help themselves.

Mr. Chairman, our Nation's children and seniors look to law enforcement officials for protection, and to the judicial system for justice. Increasing the

penalties for violent crimes committed against vulnerable people will ensure that these criminals do not get away with their heartless and cowardly behavior.

As a cosponsor of this legislation, I urge my colleagues to demonstrate their commitment to the safety and well-being of the young and the old in their districts by supporting this most important bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me. We as a society, and the Congress as a microcosm of that society, have very few tools at our disposal with which to fight crime except the power of making laws which could be very significant. I believe that the current crime statistics, which seem to show a slowdown in some of the major crimes, are as a result of the tougher stands that local and Federal officials have taken over the past 10 years, with tougher penalties and tougher ways of dealing with the criminal in a deterrent way. If we cannot make our laws constitute a deterrent to crime, then we have failed miserably.

We believe that the legislation that is now at hand with respect to the crimes to be committed in the future against children, that these elements will act as a deterrent. What is special about this is that, if a criminal about to commit a crime on a young person realizes through the broadcasting and through the dissemination of the information that is going to come from our action here today, we may be able to prevent serious crimes against our children. It is worth a chance for the deterrent value alone.

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

Mr. Chairman, we are considering the Crimes Against Children and Elderly Persons Prevention and Protection Act. There have been comments and criticisms raised that this legislation was necessary because the Commission on Sentencing did not implement adequately the congressional directive found in the violent crime bill of 1994. I wish to review this for the edification of the Members because the legislative language that we instructed the Sentencing Commission was thought to not require specific amendment action on the part of the Sentencing Commission but, rather, required an analysis, a thorough analysis, of certain areas of the guidelines to ensure that those identified objectives were going to be obtained.

The Sentencing Commission conducted that analysis as instructed and, contrary to assertions that have been made here on the floor, it also additionally amended the guidelines to better address the desired objectives.

I am suggesting that the Sentencing Commission has not been sleeping on the job but as a matter of fact has been doing precisely what the committee, through the Congress, has instructed them to do.

The crime bill, at a particular section, 240002, of the 1994 crime bill, specifically directed the commission to ensure the guidelines provided sufficient and stringent punishment for those convicted of the crime of violence against an elderly victim. The directive established that the following objectives that the guidelines should achieve are as follows: One, increasingly severe punishment commensurate with the degree of physical harm caused to the elderly victim; two, an enhanced punishment based upon the vulnerability of the victim; and, three, enhanced punishment for a subsequent conviction for a crime of violence against an elderly victim.

In response to the directive, the Sentencing Commission then analyzed the available sentencing data, the relevant statutory and guideline provisions. They also solicited the views of all interested parties on other amendments that might be relevant to the guidelines.

□ 1715

All of the commentators asserted that, in their view, the existing guidelines sufficiently account for the congressional concerns that were embodied in the directive. Nevertheless, the Commission, in addition, identified two ways in which it believed the guidelines could be amended more fully and effectively and addressed those concerns about the harm to children and elderly victims to see that they are appropriately punished.

Here is what the commission did: It clarified the commentary of the vulnerable-victim guideline to broaden it applicability. Then they added an application note specifying that a sentence above the guideline ranges may be warranted if the defendant's criminal history includes a prior sentence for an offense that involves the selection of a vulnerable victim.

These amendments became effective November 1, 1995, following congressional review. Thus, while it may be that some of us now believe that the commission should have done more, I think the record should reflect that the directive, while it required most specific amendment action, nevertheless in two significant respects the commission, in fact, did amend the relevant guidelines. And so the Congress presumably reviewed these changes, and I think we did, and raised no issues as to their inadequacy at the time.

So we now are operating under the false assumption that the Sentencing Commission has not been cooperating or working with us in terms of the directives that we gave them, and I think that the opposite is the case.

Under these circumstances, Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just would like to respond slightly to the gentleman from Michigan in making the point that while he is correct that the Sentencing Commission did indeed make some adjustments in the guidelines to the extent of language describing those conditions under which greater penalties might be appropriate, they were not literal sentence enhancement in terms of the levels that the Sentencing Commission establishes for the various crimes that would take into account the specifics of the age of the person who was the victim, which is what this does, and it is that which distinguished this legislation.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I rise today in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, which was introduced by my good friend from Michigan, DICK CHRYSLER. This bill was introduced because the U.S. Sentencing Commission failed to satisfy the mandate of the 103d Congress for cases involving elderly victims.

In 1994, Congress specifically directed the Sentencing Commission to ''ensure that the applicable guidelines range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.'' This provision was enacted because Congress believed that the sentencing ranges for crimes against the elderly were inadequate and need to be raised. At that time, bowing to the argument that the Commission should be left to decide the level to which the sentences should be increased, Congress provided the Commission with some flexibility.

Unfortunately, nothing has happened other than the Commission providing an explanatory note that a departure from the guidelines might be warranted in cases involving a second crime against a vulnerable victim. This provides no deterrent effect because guideline departures are purely discretionary.

Thus, the Commission has disregarded the clear desire of Congress to increase the penalties for crimes against the elderly. So, as is our right, Congress is now directing the Sentencing Commission to raise the sentences by specific levels.

This bill not only directs the Sentencing Commission to raise the guideline levels for crimes committed against the elderly, but also to raise the applicable guidelines for those crimes committed against those under the age of 14. The bill adds five levels to each guidelines calculation, which is used to determine a criminal defendant's sentence. This works out roughly to increasing the defendant's sentence by another 50 percent.

This is appropriate, given that additional deterrence and punishment must be provided to protect the most vulnerable in our society. From 1985 to 1991 there was a 90 percent increase in personal crimes committed against senior citizens. There was also a 47 percent increase in the homicide rate of children. In 1992 alone, one out of every six rape victims was a female under the age of 12.

Not even those providing dissenting views in the committee report on H.R. 2974 argue against the substance of this measure. Instead, they want to continue to leave this decision to the discretion of the Sentencing Commission.

We have been there and done that.

The Sentencing Commission has had 2 years to follow the expressed will of Congress and has failed to act. Their virtual inaction following enactment of the 1994 law justifies legislative action now to increase these penalties.

I urge adoption of this bill.

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

Mr. Chairman, this measure before us, there seems to be a little amnesia in the committee. This bill before us is operating as if the Sentencing Commission never acted upon our directives. If my colleagues will examine the records of the Committee on the Judiciary, the action that the Sentencing Commission took pursuant to our directives was submitted to the Committee on the Judiciary's Subcommittee on Crime, it went to the full Committee on the Judiciary, it was accepted by everybody on both committees, and now we come to the floor criticizing the Sentencing Commission as if they had never acted.

So I want to point out that we ought to at least show that there was no one that objected, at least during the time that I was present in both the subcommittee and the full committee, on the inadequacy of the way that they, the Sentencing Commission, dealt with the directives that we gave them.

They acted, they sent them back, we accepted them, it became part of the law, and now today we meet under the anxious gentleman from Michigan [Mr. CHRYSLER], who has determined that there must be more done and that somehow the Sentencing Commission, not the Committee on the Judiciary, has failed in its responsibility.

Mr. Chairman, I think that that is an inaccuracy, and no matter what we do here today, the least we can do is acknowledge the correct chronology of what has taken place that has led us to this point in the creation of criminal law at the Federal level.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply wish to respond to the gentleman from Michigan by pointing out once again that what the Sentencing Commission did that we did not disagree with was to improve, qualify, change the commentary with regard to sentencing guidelines concerning the use of those guidelines with respect to children and the elderly.

It did not in any way enhance the penalties. It did not change the levels that would require the courts to impose greater penalties in those cases involving children and elderly, which is what this bill does today.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio, [Mr. CHABOT], a member of the committee.

(Mr. CHABOT asked and was given permission to revise and extend his remarks.)

Mr. CHABOT. Mr. Chairman, I rise in strong support of the bill offered by my good friend from Michigan, Mr. CHRYSLER.

As a member of the Subcommittee on Crime, I can tell my colleagues that the gentleman from Michigan has done just outstanding work in putting this bill together and in shepherding it through the legislative process. I would also like to commend the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. MCCOLLUM] for their leadership in this bill.

Tough punishment deters crime, and we need to be tougher with the criminal scum who prey upon the most vulnerable members of our society, our children and our senior citizens. In passing this bill, Congress will be doing that it is supposed to do under the Constitution, setting policy. We should not blindly delegate that responsibility. It is our job as policymakers to direct the Sentencing Commission when we think the guidelines need improvement.

They need improvement, Mr. Chairman, to provide greater protection for children and the elderly, and therefore I strongly urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member for yielding me this time on general debate.

Mr. Chairman, I am not real sure what this is all about, since the Sentencing Commission seems to have done what this Congress requested them to do, and one suspects that it may be more about election-year politics and beating oneself on the chest about how hard we are on crime than it is about the actual penalties that go for these kinds of offenses.

Having said that, I mean I think there is nobody who can argue with the notion that penalties should be more severe for bullies who beat up on young people and the elderly. I do not think anybody in this body disagrees with that. What we do disagree with, Mr. Chairman, however, is that the Sentencing Commission and the policy underlying the establishment of the Sentencing Commission is that we want to get politics out of making a determination of what appropriate sentences should be in criminal cases.

The primary purpose of having a sentencing commission was to create a fair and equitable set of sentencing guidelines free of political considerations, and, notwithstanding that, we have several times in the context of this Congress made an effort to undermine that primary purpose and to make ourselves appear harder on crime and, presumably, make ourselves more electable.

So what I intend to do at the point in which we get to the amendment process is to try to correct the real problem with this bill. If we want sentences enhanced, we have a process by which that can happen. It should happen as a matter of policy through the U.S. Sentencing Commission. They ought to make an orderly evaluation, as they apparently already have. They ought to enhance the penalties, which they already have enhanced the process, for getting to a more stringent penalty when the offense is against young people and elderly people, and we ought to let them do their job and stay out of the way.

Mr. Chairman, I hope that we can overcome our desire to gain political points and, hopefully, we can send a request to the Sentencing Commission to review this matter again, if that is what we want to do; that is what my amendment would do.

□ 1730

However, let us not forget about the underlying public policy rationale for setting up the Sentencing Commission in the first place, that public policy rationale being to accept politics and our desire to appear tougher on crime, sometimes irrationally, sometimes rationally, but the objective should be always to have a rational decision made about these things outside of the context of political considerations; and in that way, a consistent set of principles can be applied without all of the emotion that sometimes gets us inflicted in the political process.

Having said that, I will wait until I offer my amendment to discuss this matter further.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CHRYSLER], the author of this piece of legislation.

Mr. CHRYSLER. Mr. Chairman, I would like to thank Chairmen MCCOLLUM and HYDE for all of their hard work in helping to pass this important bill in their committees.

Mr. Chairman, today I am offering what I believe is very important and much-needed legislation, the Crimes Against Children and Elderly Increased Punishment Act.

Day after day, we see news accounts of criminals committing violent acts throughout our communities, only to walk away with little or no punishment. You only need to watch the local evening news on any given night to see the havoc criminals create in our neighborhoods.

Too often, these criminals are not deterred from their violent actions because they know the expected benefits of their crimes far outweigh any possible penalties they might suffer.

If we are to decrease the rate of crime in our country, I believe it is time for the criminals to be more afraid of punishment, than we are afraid of the criminals. Quite simply, it is time to put punishment back into the criminal justice system.

While crimes of any degree are unacceptable, it is especially disturbing when violent criminals hurt those least able to defend themselves: children, senior citizens, and the disabled. That is why I introduced the Increased Punishment Act.

The premise behind the legislation is simple: we must say to every criminal who thinks of going after an easy target: if you are such a coward that you would prey upon the most defenseless in our society, then you will face an automatic increase in your punishment. You will spend more time behind bars—almost double the normal sentence—for your cowardly, violent actions.

The Crimes Against Children and Elderly Increased Punishment Act provides for an automatic increase in the length of the criminal sentence for crimes committed against victims 14 years of age and under, those age 65 years and older, or those with a physical or mental disability.

For example, someone convicted of the robbery of a senior citizen would face a minimum prison sentence of 2½ to 3½ years under current guidelines. Under the Increased Punishment Act, the minimum sentence becomes 4½ to 6 years, adding another 2 to 3 years behind bars.

Mr. Chairman, crimes against children and senior citizens across the country today are serious, and remain at intolerable levels. This must not continue.

The 1994 crime bill suggested increased penalties for crimes committed against children and the elderly, but the Sentencing Commission did not take action on this recommendation. It is clear that we must now insist upon stricter sentences for crimes against these vulnerable victims.

Increasing the penalties for those who would hurt children, senior citizens, or the disabled will provide the needed protection for these citizens, while giving criminals the punishment they deserve. This legislation will send a clear signal to those who commit these cowardly acts that their actions will not be tolerated and they will face certain and severe punishment. Criminals must know that if they are to inflict harm upon our children, seniors, or the disabled, there will be a heavy price to pay.

The 104th Congress has already passed a series of crime bills that require prisoners to serve at least 85 percent of their sentences, limit death row appeals, and require restitution to the victims of crime. This bill is another step in the right direction toward a safer, more secure America.

American families have a right to be safe in our homes, on our streets, and in our neighborhoods. If criminals seek to violate this right, they should expect swift and severe punishment. The Crimes Against Children and the Elderly Increased Punishment Act seeks to send this very message to criminals.

Mr. Chairman, I urge support for this important bill for our families.

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

Mr. Chairman, I would ask the gentleman from Michigan [Mr. CHRYSLER] for his attention for a moment, please. Mr. Chairman, I would like the gentleman to indicate to us if he is familiar with the Sentencing Commission's process in terms of enhancing or adding penalties to the crimes that he complains of.

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

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

Mr. CHRYSLER. Yes, Mr. Chairman. There are 43 levels in the increased Federal Crime Commission right now. What we do is increase the penalties by five levels with this bill. In 1994, in the crime bill——

Mr. CONYERS. The gentleman is familiar with the process. I am glad to know that. Did the gentleman know that Congress directed the Sentencing Commission to address the problem of which he complains?

Mr. CHRYSLER. Yes. If the gentleman will continue to yield, and if he would have continued to listen, I was going to say that in 1994 in the crime bill, which I did say in my remarks, by the way——

Mr. CONYERS. Mr. Chairman, I need my colleague to respond to my questions on my time. Is he aware of the fact that we directed the Sentencing Commission to deal with the problem of which he complains today?

Mr. CHRYSLER. There was a suggestion. They did not choose to implement it. I am trying to answer the gentleman's question, if he will yield and allow me to do that. In my prepared remarks I addressed that.

Mr. CONYERS. Tell me the answer, sir.

Mr. CHRYSLER. The answer is that in the 1994 crime bill, it was suggested that they increase the penalties. The commission chose not to do that. That is why this legislation is necessary.

Mr. CONYERS. Is the gentleman aware of the fact that the Sentencing Commission's recommendations cannot go into effect without the Congress acquiescing in them? And when they came back to the Subcommittee on Crime, unfortunately of which the gentleman is not a member, but is probably always welcome, and when they came to the full Committee on the Judiciary, the committee members, the gentleman from Florida [Mr. MCCOLLUM], myself, and even our chairman, the gentleman from Illinois [Mr. HYDE], all acquiesced in the Sentencing Commission's response to the directive that we issued. Is the gentleman aware of that?

Mr. CHRYSLER. If the gentleman will continue to yield, in the 103d Congress that did in fact happen. This is the 104th Congress and we are going to make it a law.

Mr. CONYERS. I would like to find out if the gentleman understood the question. Is the gentleman aware of the fact that we accepted the recommendations of the Sentencing Commission?

Mr. CHRYSLER. In response, I answered the question. I am aware it happened in the 103d Congress. This is the 104th Congress. It did not become law in the 103d Congress, it became a suggestion. I am answering the gentleman's question. By asking the question over and over, you will not get a different answer.

Mr. CONYERS. Just a moment, sir. May I remind the gentleman of the date when the Sentencing Commission returned their reply to our directive? It was November.

Mr. CHRYSLER. That was in the 103d Congress, sir.

Mr. CONYERS. I would say to the gentleman, Mr. Chairman, it was the 104th Congress, and he was a Member of it.

Mr. Chairman, I find that my colleague and dear friend, the gentleman from Michigan, thought that this occurred in the 103d Congress. The fact of the matter is that it occurred in the Congress in which he was a Member. We were all here in November 1995, we were sober, it was in broad daylight, they sent it over from the Sentencing Commission. It came to the Subcommittee on Crime, chaired by the gentleman who wishes me to yield time for him to explain, and then we took it up to the full committee. It was accepted. That is the only way the Sentencing Commission's guideline directives can become law, sir. It cannot become law unless the Congress allows it. We permitted it.

Nobody, including the gentleman from Michigan [Mr. CHRYSLER], objected to it. The gentleman from Michigan [Mr. CONYERS] did not; the gentleman from Illinois [Mr. HYDE] did not; the gentleman from Florida [Mr. MCCOLLUM] did not. Neither did the gentleman.

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

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

Mr. Chairman, I simply wish to respond to the gentleman from Michigan. I think he is carrying this, with all due respect, to an extreme degree here in this case, because the truth of the matter is yes, the Sentencing Commission set up a recommendation that we accepted. The gentleman from Michigan [Mr. CHRYSLER] accepted it. Our committee did. We did not even bring it out on the floor for him to vote on because

he is not a member of the Committee on the Judiciary.

The truth of the matter is that what they proposed to do did not enhance the penalties, which is what the bill of the gentleman from Michigan [Mr. CHRYSLER] does. All they did is write some commentary. I have it here, chapter and verse, in this book that is before me, the Guidelines Manual, November 1, 1995.

What they have done in this is they have left the levels of increase for the type of crimes against children and adults or senior citizens, like we have here, at exactly the same level as they were before they sent their recommendations out. Yes, they did change the commentary. The commentary is what they give as general discussion about, oh, well, we think you might do this or consider that in these certain circumstances, but the levels, which are the technical levels of increasing the penalties that make requirements upon the judges, were not changed.

So, yes, I embrace and I am sure the gentleman from Michigan [Mr. CHRYSLER], and everyone else would, the change in commentary which helped a little bit, that the Sentencing Commission did, but they did not at any point increase the actual penalty for crimes against those who are 14 and under and those 65 and over, and that is precisely why we are here today with this bill, to increase those penalties up to 5 levels, which is what the gentleman from Michigan proposes, which means an average of 2 years more jail time for every single crime at the Federal level that is committed against a child or an elderly person in this country, and it could be as high as 4 years in some cases, again depending upon the crime.

I think what we are doing today is talking about mixing apples and oranges; the apples, of course, being in this case the gentleman from Michigan knowing full well that the Sentencing Commission sent something up on the commentary of this, sort of elaborating on the existing law, encouraging judges to impose certain penalties in certain situations, but not actually demanding or requiring the level increases that the Chrysler bill that we are voting on today would do.

I would submit that the Sentencing Commission did not do what at least I intended by the directive in 1994, or what I would think and would suggest that most of the Members would have interpreted it to mean. They did not increase the punishment for those who had committed these kinds of crimes.

□ 1745

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

Mr. MCCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. I would just like to ask my friend from Michigan, when he stops gesticulating, if he would tell me, is he opposed to enhancing the sentences for crimes of violence against minors, children, and elderly?

Mr. CONYERS. No, sir.

Mr. HYDE. I did not think so.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want the Chairman to know what I am opposed to is political posturing, and I think that is what we are doing here, because the response that we got from the Sentencing Commission indicates that this matter has been addressed. We can all kind of go home and run on various things, but our obligation is to make public policy here, and not just stand up and give the gentleman from Michigan [Mr. CHRYSLER] or any other member of this body something to go home and run on.

Mr. MCCOLLUM. Reclaiming my time, there is no political posturing going on at this point. There is the reality. The reality is, the Sentencing Commission recommendation that they sent up that we approved did not mean that anybody is going to get another day in jail because they commit a crime against a juvenile or an elderly person on a Federal reservation.

This bill would guarantee they would get that under any sentence that they were given. It would guarantee they would be increased by 5 levels, which means in most cases at least 2 years more in jail. But what the Sentencing Commission did would not guarantee that, would not require it, and would not mandate it. We are mandating that today.

Anything they sent up and anything that they say to the contrary notwithstanding, it is an interpretation that the chairman of the Subcommittee on Crime, myself and a lot of other people who worked on it have made, and I believe that I am 100 percent accurate about that, with all due respect to my colleagues.

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

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

It is funny how memory comes and goes in the course of a busy congressional session. Our dear friend from Michigan Mr. CHRYSLER, thought this all took place in the 103d Congress. Now we have brought him back into reality. This took place in the Congress that he was in and a Member of.

The problem with the analysis of the gentleman from Florida [Mr. MCCOLLUM], which I largely agree with, the one thing that was omitted that I have to draw to his attention, we did not direct the Sentencing Commission to enhance the penalties. We told them to look at it and see if they could do some things with it to build it up. That is what they did.

The gentleman from Michigan, my colleague in the Michigan delegation, would not know that. He is not on the committee. But you know it. And the reason we did not object when the directives from the Sentencing Commission came back was because they complied with what we had asked them to do, to enhance and make it tougher for people who commit crimes against young people and elders.

The problem is, and we might as well confess it, the error may have been made in the Committee on the Judiciary and not in the sentencing. Because we gave them directions, they complied, and we accepted, unbeknownst to the gentleman from Michigan [Mr. CHRYSLER]. Here we are. He is assuming that the Sentencing Commission miserably failed.

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

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

Mr. CHRYSLER. Certainly the 103d Congress did pass the 1994 crime bill and this was part of the 1994 crime bill. It was a recommendation or a suggestion that they increase the penalties. If there was a recommendation that came back to the committee, certainly I would not be aware of that as I am not on the committee. But I do not think this is really about anything more than just doing the right thing.

Mr. CONYERS. Well, I want you to do the right thing, but if you do not do it against the background of an accurate understanding of what has happened, I mean, for example, if you want to blame the Sentencing Commission when the Sentencing Commission is not to blame, you might want to correct it.

I have already confessed publicly that I want to make these crimes subject to greater penalties. But would you not agree with me that there is a procedure set up, yes, before you got here, but you are bound by the rules like everyone else, that the Sentencing Commission shall do this? In other words, what possessed you, of all the Members in the House, and you are one of our most valuable, but what possessed you to invent these new crime penalties without the benefit of the Committee on the Judiciary, without the benefit of the Sentencing Commission, without the benefit of what?

I mean, it is a wonderful exercise when any one of us 435 Members can cruise down to the well and introduce a bill raising more penalties on anything we want, child molesters, violators of seniors. And, by the way, I notice you did not say much about the fraud that is being practiced on seniors that could be covered, and perhaps you might entertain a modification of your proposal to include that, or the environmental fraud that is committed on youngsters through pollution that corporations deal with. You might want to consider that while you are at it. But how do these great criminal justice notions occur to persons like yourself deeply concerned with this subject?

Mr. CHRYSLER. If the gentleman will yield further, we are not blaming any commission. We are just trying to offer good legislation, trying to take

the most vulnerable people in our society and protect them and take the biggest cowards in our society and put them in jail.

Mr. CONYERS. OK. So the Sentencing Commission, as far as the gentleman is concerned, has no role in this process.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just think it is important for us to understand exactly what the Sentencing Commission is saying about this, so I want to read some selected excerpts from what the Sentencing Commission has said.

It says, first of all, ''The commission takes very seriously its responsibilities to promptly and fully implement any directives enacted by Congress.''

In response to this directive in the crime bill encouraging or directing them to review this and to increase penalties, it says,

In response to this directive, the commission analyzed available sentencing data and relevant statutory and guideline provisions. The commission also solicited the views of interested parties on needed amendments in the relevant guidelines. All commentators asserted that in their view the existing guidelines sufficiently account for the congressional concerns apparently embodies in the directive. Nevertheless, the commission identified two ways in which it believed the guidelines should be amended to more fully and effectively address concerns that those who harm child and elderly victims are appropriately punished.

First the Commission clarified the commentary and then they did some other things. Then the Commission in its own letter to us says,

Currently the commission's chapter 3 adjustment for vulnerable victims requires an increase in the defendant's sentence if a victim of the offense was unusually vulnerable due to age or was otherwise particularly susceptible to the criminal conduct.

Then they go on to say,

For example, the proposed threshold age enhancement would require a defendant who assaulted a 65-year-old victim to be sentenced almost twice as severely as a defendant who assaulted a 64-year-old victim.

That is what we are doing in this bill.

And then finally and most importantly on a policy basis, the Commission, says,

If the Congress feels that additional measures need to be taken in this area, it should direct the commission to take them without micromanaging the commission's work.

And then here is the kicker:

The commission was designed to take the politics out of sentencing policy and to bring research and analysis to bear on sentencing policy.

So here we are doing exactly the opposite of what we set up the Sentencing Commission to do, inserting politics into this, playing politics, political posturing, giving our colleagues something to go home and run on because this is an election year, and saying the heck with the public policy that is involved here. That is what the problem is here. This is not about sentencing. The Commission has done what we asked them to do. This is about politics.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I just want to make one quick comment in response to all of this.

It is pretty obvious that the gentleman from North Carolina and the gentleman from Michigan do not believe that Congress should take into its hands, when it does not think the Sentencing Commission has done the right job, the completeness of that job, to come in here on the floor of the House and actually do the job that we think is right.

I do not have any problem with the Sentencing Commission, what it has done or what it usually does. It just did not go far enough. It did not suit my taste, it did not suit the taste of the gentleman from Michigan [Mr. CHRYSLER]. We happen to think that we ought to be punishing much more severely those who commit crimes against children and the elderly than anybody else, to set an example.

The Sentencing Commission had a charge. The charge from us says under the directive we passed before, they shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the pubic from additional crimes of such a defendant.

I am sure that the Sentencing Commission thinks they did a fine job and I have no problem with what they did. What I think is they did not go nearly far enough, and that is why we are here today, because they did not go as far as I believe or the gentleman from Michigan [Mr. CHRYSLER] believes, or I suggest the majority of this body and certainly the public would believe is necessary to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim or a child is sufficiently stringent to deter such a crime.

That is what this debate is about. I cannot believe that that side of the aisle over there thinks that what we are doing today is too severe.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I just want to say two things. I have listened to the gentleman from North Carolina extensively on this bill and on hundreds of bills, and I have listened to him speak extensively on this bill and hundreds of bills, I would defer to his superior knowledge of political posturing. I would say to the Democrats that I thought I had seen it all, but to listen to them squabbling over enhanced penalties for criminals who violate elderly and children, it is a new revelation to me. You just never know it all, do you? You learn every day.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to express my thanks to the gentleman for deferring to my political rhythm. I hope he is going to vote with me on this.

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

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining and the right to close debate. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The Chairman may have heard the gentleman from North Carolina on hundreds of bills. I have heard the chairman of the Committee on the Judiciary on thousands of bills and listened to him extensively and, believe me, he was politicizing this debate one bit when he attempted to characterize Democrats as being not as strong on crime as they are because we dare to raise the role of the U.S. Sentencing Commission, which we created out of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CHRYSLER], the author of this bill.

□ 1800

Mr. CHRYSLER. Mr. Chairman, this legislation is certainly not about the commission and whether they did their job or did not do their job. This is really about cowardly criminals that are committing crimes on our streets every day, every night, purposely preying on the most vulnerable people in our society, the elderly, the children, the disabled, waiting for them to come out of their homes to rob them, beat them, and mug them.

This is what we are talking about in this country. America is tired of it, America wants change, America wants these criminals punished, and it is time that we put the word ''punishment'' back in the criminal justice system.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I simply want to say this is a fundamentally sound bill the gentleman from Michigan, [Mr. CHRYSLER], has tailored. We need to increase these punishments. We need to have deterrence against those criminals who would prey on children and the elderly. I would urge all of my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, one of the hallmarks of civilized society is the measure to which it protects the young, the disabled, and the elderly. Yet, even in our great democracy, we witness daily accounts of torture, abuse, murder, and mistreatment of those vulnerable people in our society.

In an effort to prevent this horrible treatment of vulnerable persons, we put more police on the streets, we developed early childhood programs and family support services, and we implemented Federal sentencing guidelines to

provide a certainty in punishment for similar crimes. However, as we continue to witness crimes against the vulnerable among us, we have seen that the deterrent effect of Federal sentencing guidelines has not been enough to stop those sick people that believe that hurting the less fortunate and weaker among us will make them be more powerful. There has to be a way to stop the madness.

Mr. Chairman, in a perfect world we wouldn't need increased penalties for sentencing guidelines. In a perfect world, we wouldn't need Federal sentencing guidelines at all.

Unfortunately, we don't live in a perfect world. Increased penalties for vicious, violent crimes against the helpless, the weak, the young, the old, the disabled is what we will decide here today.

If one person is saved the pain of being the victim of these violent acts by an increase in the potential penalty for a crime of rape, robbery with violence, and murder, then I will vote in favor of this bill and encourage my colleagues to do likewise.

Mr. GILMAN. I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act and I commend the distinguished gentleman from Michigan [Mr. CHRYSLER] for his efforts in bringing this measure to the floor.

H.R. 2974 amends the 1994 Violent Crime Control and Law Enforcement Act to require the U.S. Sentencing Commission to strengthen its existing sentencing guidelines with regard to crimes against vulnerable persons such as children, the elderly, and those who are mentally or physically disabled. I can think of no more important responsibility for the Members of this body than to protect those who are often unable to protect themselves. It is our duty to do everything in our power to keep those who victimize the most vulnerable members of society off our streets.

Accordingly, Mr. Speaker, I urge my colleagues to strongly support this important measure.

Mr. CLINGER. Mr. Chairman, I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. At the outset, I would like to commend my colleagues, Chairman HYDE, Chairman MCCOLLUM, and Mr. CHRYSLER for bringing this important legislation to the floor today and the Rules Committee for allowing it to be fully debated.

As you know, H.R. 2974 will increase the length of the sentence for violent crimes against children 14 years of age, or younger, seniors 65 years, or older, and vulnerable persons. It will accomplish this by directing the U.S. Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against such victims.

The premise underlying this legislation is simple, and one with which I am in complete agreement—that physical assaults against people who cannot defend themselves should be punished more severely than similar crimes committed against people who have the ability to mount some sort of defense.

Victims of crime who are particularly vulnerable due to their age or mental or physical handicap, in my opinion, deserve special protection under the law.

During the debate on the Violent Crime Control and Law Enforcement Act of 1994, I attempted to offer an amendment to the bill that would have imposed stiffer penalties to those who commit crimes of physical violence against the elderly, similar to protections provided for children under the original bill.

Just as our Nation's children deserve better protection, my concern at the time, as it is now, is also for older Americans. Physical injuries sustained by an elderly person take longer to heal than those inflicted on someone in their thirties or forties. The emotional response is different, too, and many older people find it difficult to recover that sense of well-being that all of us need in order to lead independent, productive lives.

Though my specific amendment was not made in order at the time, the 1994 crime bill that was ultimately enacted into law included language directing the U.S. Sentencing Commission to rewrite existing sentencing guidelines with respect to crimes against vulnerable persons, including children and the elderly. Like many of my colleagues, I viewed this as a positive step.

Unfortunately, however, as my esteemed colleagues have already pointed out, the Commission has failed to take any action in response to this important directive. And through its failure to respond, the Commission is sending what is in my opinion a false message that current guidelines are sufficient to deter such crimes.

With personal crimes against the elderly and child homicide rates on the rise, I do not agree with that message, and I hope that all of my colleagues will join me in supporting H.R. 2974. Because those that prey on the most defenseless in our society should have their sentences increased.

Mr. LATOURETTE. Mr. Chairman, today I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act.

This measure will amend the Violent Crime Control Act of 1994 and toughen the penalties against those who commit crimes against our nation's most vulnerable—our children and senior citizens. It will cover crimes of assault, homicide, rape and—perhaps most important of all to our Nation's seniors—adds the crime of robbery to the Federal definition of violent crime.

Under current Federal sentencing guidelines, sentencing is determined by pre-set guidelines where each criminal act is ranked and given an appropriate sentence. Right now there are 43 different levels. This measure will automatically increase the severity of a crime by five sentencing levels, and in most cases nearly double the minimum and maximum sentences for these thugs.

Also, a judge can take into account a host of other circumstances when determining an appropriate sentence, such as if a gun was used, or if a person was assaulted during the commission of another crime, or if the criminal has previously been convicted of a serious crime. All these circumstances would add months or years to the base sentence.

I was a county prosecutor before coming to Congress. I distinctly remember a case my office tried involving the rape of an elderly woman. This woman was alone in her mobile home, some thug broke in, shoved a pillow over her face to muffle her cries, and viciously raped her. The victim, in her seventies, played ''possum'' so her deranged attacker would think she was dead. It worked. The rapist fled, thinking he had not only raped but killed the woman. Fortunately, he later was apprehended and convicted. In fact, this was the first case in my county when DNA evidence was used.

While this crime was heinous and despicable under any circumstance, it truly was—in this instance—a crime against the truly helpless. While we were able to put the rapist away for a long time, it is inherently wrong that he was eligible to receive the same sentence as if he had attacked a strapping 40-year-old teamster who at least has a prayer of defending himself.

We have heard such horror stories of crime in our country, crimes where our children are shot and killed in gang-related violence and drive-by shootings, and raped by the most perverse in our society. We also hear alarming tales of our senior citizens living in fear, unable to protect themselves in their own homes, where their personal safety should be secure.

We need to focus our efforts on punishing those who choose to violate others, who cannot abide by the thin blue line that separates our law-abiding society from those bent on harm and destruction. We also need to send a serious message to anyone who thinks they can commit crimes and be treated with a slap on the wrist: Those days were over.

By doing this, we can send a message to our Nation's children and our elderly—we are trying to make your world as safe as possible, and we will do all within our power to protect you. If you are victimized, at the very least we must assure you that the criminals get the punishment they deserve.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

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

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crimes Against Children and Elderly Persons Increased Punishment Act''.

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

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

There was no objection.

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

SEC. 2. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''SEC. 20002. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

''(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child, elderly person, or other vulnerable person.

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

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code;

''(2) the term 'child' means a person who is 14 years of age, or younger;

''(3) the term 'elderly person' means a person who is 65 years of age or older; and

''(4) the term 'vulnerable person' means a person whom the defendant knew or should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct.''.

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. FROST

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FROST:

Amend H.R. 2974 by adding at the end thereof new sections 3 and 4 to read as follows:

SEC. 3. SHORT TITLE.

The following sections may be cited as the ''Amber Hagerman Child Protection Act of 1996''.

SEC. 4. INCREASED PENALTIES FOR FEDERAL SEX OFFENSES AGAINST CHILDREN

(a) AGGRAVATED SEXUAL ABUSE OF A MINOR.—Section 2241(c) of title 18, United States Code, is amended—

(1) by inserting ''whoever in interstate or foreign commerce or'' before ''in the special'';

(2) by inserting ''crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or'' after ''Whoever''; and

(3) by adding at the end of the following: ''If the defendant has previously been convicted of another Federal offense under this subsection or under section 2243(a), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.''.

(b) SEXUAL ABUSE OF A MINOR.—Section 2243(a) of title 18, United States Code, is amended—

(1) by inserting ''whoever in interstate for foreign commerce or'' before ''in the special'';

(2) by inserting ''crosses a State line with intent to engage in a sexual act with a person who, or'' after ''Whoever'';

(3) by adding at the end the following: ''If the defendant has previously been convicted of another Federal offense under this subsection or under section 2241(c), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.''.

Mr. FROST. Mr. Chairman, Amber Hagerman was a little 9-year-old girl who loved to ride her bicycle. She was bright and pretty, and was out riding that bicycle on January 13 in Arlington, TX, when someone came along and took her away. That person or persons molested her and killed her. We do not know who took her, but we do know that a little girl, just a child, was brutally murdered and her body left to be found.

Mr. Chairman, this case occurred in my congressional district, but I am sure that events like this have happened, sadly, in every corner of our country, in our cities and in the heartland.

Whoever took Amber did not know and did not care that she was an honor student who made all A's and B's. They did not care that she was a Brownie, who had lots of friends, and who loved her little brother dearly. They did not care that her whole life was ahead of her, and that her parents wanted to watch her grow into the lovely young woman she promised to be.

Mr. Chairman, this amendment that I am offering is named for Amber. This amendment would increase the number of child sex abuse cases that can be brought in Federal court. It imposes a two-strikes-and-you-are-out penalty by requiring that any sex offenders whose cases are in Federal court will be sentenced to life imprisonment without the possibility of parole upon their second conviction.

I had hoped through the introduction of a broader bill to extend these provisions to the states, but, for now, I believe this is a good first step. However limited the jurisdiction of the Federal Government might be in these cases, if just one child is saved from Amber's fate, then this amendment will have served its purpose.

Mr. Chairman, I am outraged to think that convicted sex offenders are out in our streets, where they are free to prey upon our children. I hope that the Committee on the Judiciary will hold hearings later this year on another part of my broader bill which is also crucial to protecting our children from sex offenders. I have proposed a centralized information system to allow law enforcement to track sex offenders across state lines, and that new tool, along with these new stiffer penalties, will make it safe for little girls like Amber to ride their bicycles without being afraid.

Mr. Chairman, this amendment is an important step in protecting our children. I urge my colleagues to support this effort and to vote for the Amber Hagerman Child Protection Act.

Mr. McCOLLUM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think this is a very fine amendment. It is very narrowly crafted and tailored in order to get us to a position where we can now find a way to do what is known as ''two strikes and you are out'' against somebody who commits these kinds of sexual crimes against a minor. It is something that I think is very important.

The underlying crime that was the first one of the two might potentially be a state crime rather than a Federal crime, but the crime for which the gentleman from Texas [Mr. FROST] is seeking the additional punishment, which conforms with the kind of thing we are doing in this bill and in the underlying bill, requires that that second crime, the crime we would be seeing in Federal court to be one that is a Federal violation at the time it occurs. I believe that this is extremely well-written, very well-crafted, narrowly crafted to be appropriate to this bill, and it adds to the bill that we have in the sense that it gives us further deterrence against those who would prey upon the children, in this particular case, and I certainly strongly support this amendment and urge its adoption.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from Texas [Mr. FROST] for offering his amendment. I am a cosponsor of his bill, the Amber Hagerman Act, which the amendment is based upon.

Last year, when the Congress approved the Sexual Crimes against Children Prevention Act, I raised the issue that the sentences instituted in that legislation were insufficient. I think this amendment goes a long way towards remedying that problem.

I am a freshman in this House, but throughout my career here and in local government, I have been very much committed to rehabilitation programs and to assisting people in improving their behavior so that they would no longer pose a threat to society. But I find myself supporting life imprisonment on the second conviction for pedophiles, though, because I think that while rehabilitation works in some categories of offenses, I recognize that there are predators among us who simply must be kept away from potential vulnerable victims. I believe that the law must play a role here. I would argue as well that keeping predators, pedophiles, away from their future victims is also important in preventing a cycle of crime.

When we look at who is a pedophile and their chances of improving themselves, unfortunately we find a situation that is, indeed, grim. In 1981, I commissioned an analysis of California's mentally disordered sex offender program. I was concerned to find that for those pedophiles who had been through the mandatory counseling program, their recidivism rate was actually higher than for those who had been merely imprisoned. I would also note that a 1992 Minnesota study of rapists and child molesters again found that the counseling and rehabilitation programs simply did not work with this offender group.

The Bureau of Justice Statistics has found that those who victimize children through sexual mistreatment are twice as likely to have multiple victims as those who have victimized adults, and further that those who victimize children are likelier to have themselves been victimized as children.

In fact, violent offenders who victimized children sexually were twice as likely as other violent criminals to have been physically or sexually abused as a child. Nearly one quarter of the child victimizers were sexually victimized when they themselves were children. Further, 31 percent of the female prisoners in this country were victims of child sexual abuse and some 75 percent of those who are prostitutes in this country were also sexually abused as children.

We consequently have a situation where we have a crime that tends to be repeated over and over again. The rehabilitation efforts that we have in place seem to do nothing whatsoever. We also have a crime that repeats in its cycle of violence so that the innocent victims too often go on to victimize other innocent people as adults.

I am someone who actually opposed California's ''three strikes, you are out'' law because the net effect of that measure is often to send people who have stolen a six-pack to prison for life. That is a misuse of resources. However, it is a good use of our resources to put pedophiles in prison for life to save their future victims, until we find some other method to deal with this group of offenders, which we have yet to do.

Mr. Chairman, I am glad that this bill and this amendment are before us today. One of the things that I was committed to doing when I came to Congress was to make sure, if nothing else, that we put children first, that we ensure their safety is our highest priority, that we interrupt the cycle of childhood violence and sexual abuse.

Mr. Chairman, I commend the gentleman from Texas [Mr. FROST] and hope my colleagues will join me in approving this amendment.

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

Mr. Chairman, unfortunately, Texas is not the only community in the country that has been affected by what really can only be described as the worst possible actions of a human being to another human being. In south Florida, within the last 12 months, a case that unfortunately I stood on this House floor before we knew what happened to a young boy named Jimmy Rice, where I had a picture right here of him when he was still missing, where his body had not yet been found, and the gruesome tale of what happened to him in the last few hours of his life had not yet been heard. But there was an end to the Jimmy Rice story, an end that occurs too often in the United States.

Mr. Chairman those victims, and the victims clearly are not just the victim, but the parents, the family, the community, really have a right to protect themselves. I have heard the debate in terms of our involvement in the Sentencing Guidelines Commission and whether or not we should direct them to do certain things. I think this is a case where we need to direct them to do certain things, where we as a society need to make a statement, a very strong statement, in fact the strongest possible statement, that this is behavior outside the bounds, and in fact so far outside the bounds, of human decency, of what we expect as a society, that we are willing to do what we need to do to protect ourselves.

That is exactly what the Frost amendment does. What it does is expands the jurisdiction in terns of including a broader Federal jurisdiction of sexual exploitation of children, so in cases where people are coming from out of state to commit such an act it can be brought into the Federal court system.

That clearly is a major factor in terms of what would occur, bringing Federal resources. But as importantly, what it does is we are no longer even talking about three strikes and you are out. We are really talking about two strikes and you are out in this amendment. And really it should be, to the extent in this type of case, one strike and you are out, and we need to highlight this type of exploitation.

The message can be no clearer, the punishment can be no more severe. We know from our own experience, we know from analytical experience, that as a society we protect ourselves, we send a message, we do punishment. That is what the crimes are about, to make it clear that there is a punishment side, and hopefully not just by this legislation but by other actions that we can take, that there will be no victims of crimes like this in America, that we can all live in America some day where there will not be victims of crimes like this, which I think is a hope in the work that this Congress can do in many areas. It is a much broader question than just the punishment side. But I think we need to be as strong as we possibly can on the punishment side, as we will be today.

Mr. Chairman, I compliment the gentleman from Texas [Mr. FROST] and this Congress, whom I assume very shortly will adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FROST].

The amendment was agreed to.

□ 1815

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER.

Page 4, line 2, after ''conduct'' insert '', or is a victim of an offense under section 2241(e) of title 18, United States Code''.

Add at the end the following new section:

SEC. 5. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

''(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1) Whoever, in a circumstance described in paragraph (2) of this subsection—

''(A) violates this section; or

''(B) engages in conduct that would violate this section, if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, and—

''(i) that conduct is in interstate or foreign commerce;

''(ii) the person engaging in that conduct crossed a State line with intent to engage in the conduct; or

''(iii) the person engaging in that conduct thereafter engages in conduct that is a violation of section 1073(1) with respect to an offense that consists of the conduct so engaged in; shall be imprisoned for life.

''(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

''(A) is an offense under this section or section 2242 of this title; or

''(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.''.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

Ms. SLAUGHTER. Mr. Chairman, today we are considering legislation to increase penalties for violent crimes against children, the elderly, and other vulnerable individuals in our society.

The House has adopted Representative FROST's amendment which establishes a Federal crime for repeat sexual offenses against children. I now ask my colleagues to go further to protect the other vulnerable members of communities who are terrorized by repeat sexual predators.

My amendment would allow Federal prosecution for offenders accused of a second rape or other serious sexual assault. If convicted under this Federal prosecution, the sexual predator would be imprisoned for life without parole.

This amendment is designed to change our approach to repeat sex offenders. The American people are outraged that our criminal justice system releases these obsessive criminals after just a few years. Some national statistics indicate that rapists are 10 times more likely than other convicts to repeat their crimes. Yet the average convicted rapist serves only about 5 years in jail.

Even the repeat sexual offenders themselves recognize the problem. The convicted killer of Polly Klaas has been quoted as saying that he should not have been on the street.

Since we cannot change the behavior of these sexual predators, we need to keep them behind bars. The amendment does just that. Repeat rapists would receive life sentences in Federal prison.

It seems you open the newspaper every week and read about another monster committing a horrific crime. In the last several years, residents of California, Florida, Massachusetts, Indiana, Texas, Virginia, Washington, Vermont, Oregon, Idaho, New York, and Maryland have experienced the terror of serial rapists and molesters.

Too often these fiends have long histories of preying on women and children, but they have been released to attack again and again.

For example, in California Leo Anthony Goodloe began his grisly career by raping and severely beating a 17-year-old woman in 1956. Over the next 39 years, he served 16 years in prison for 10 felonies, but was released to rape again and again. Even with such a record, he served less than 2 years for a rape and sodomy conviction in 1990. Four months after his release, he raped and beat yet another victim. While he has finally been sentenced to 43 years in prison without the possibility of parole, his reign of terror continued far too long.

Similarly, in 1994, police in New York City arrested Robert Daniels for four rapes. Daniels had been paroled 10 months earlier after serving less than 10 years for his second rape conviction. Besides his first rape conviction in 1969, he had also been convicted of sex offenses in 1974 and 1976.

This sickening litany is all too common.

In my hometown of Rochester, we know all too well the horror of serial rapists. Arthur Shawcross had served less than 15 years for the sexually motivated murders of two children. A model prisoner, Shawcross was released and his parole officer lost track of him. Before he was caught again, Shawcross had raped and killed 10 women.

In the last Congress we instituted a Federal data base of sexual offenders, first proposed in the protection from sexual predators bill I introduced in 1994. That was an important first step in giving police departments the resources needed to catch repeat sexual predators, like Shawcross.

Today we have taken another step by providing a means to protect our communities from the monsters that sexually attack children.

But as legislators, our job is not yet complete. When I speak with my constituents they are especially worried about the threat posed by violent, repeat offenders—and particularly by the sexual predators who seem to be released from prison over and over, only to commit the same sickening crimes once more.

These monsters prey on the most private aspect of our lives. They often invade the sanctity of our homes as well as our streets, and unfortunately, no community is safe from this threat.

It is time to stop fooling ourselves and to lock up these repeat offenders for good. I urge my colleagues to support this amendment.

It will give prosecutors across the Nation the ability to ensure that our communities are safeguarded from these revolving door rapists.

It will tell the victims of these sexual fiends that we do not find this behavior a minor aberration; that we understand that the lives of the victims of rape are forever changed, and that we, as a society will not stand by and let the same person wreak this havoc and destroy life after life after life.

In the name of past and future victims of these unspeakable rapists, I urge my colleagues to vote for this amendment.

Mr. MCCOLLUM. Mr. Chairman, while I recognize what the gentlewoman is attempting to do with this amendment and realize that the close call might have been there on the point of order, I do not think that this is appropriate to this bill, even though I have concluded that it would be germane.

The reason why I do not think it is appropriate to this bill is that the underlying bill that we are dealing with today involves violent crimes against children and the elderly. This particular effort that we have got here today that the gentlewoman from New York [Ms. SLAUGHTER] is bringing forward would mean that we would have a new Federal crime involving virtually any situation where there have been two rapes, having any kind of interstate nexus at all and we would have two strikes and you are out, regardless of the age of the victim.

Mr. Chairman, the very fact that we have got a person who is vulnerable, and I realize that the word ''vulnerable'' is in our language, is stretched to the limit I think by this amendment. And I also question some constitutional questions with regard to whether we are going too far, whether there is truly a nexus here that can be attached to the full Slaughter amendment that would be appropriate at the Federal level.

Mr. Chairman, let me describe this briefly, because I understand the idea and I want to discourage these type of crimes. I certainly think two strikes and you are out is appropriate against anybody who commits a rape under the conditions that the gentlewoman described, but I do not think it is appropriate for Federal law under this bill, or Federal law for that matter at all under some of the conditions that she is describing.

Under the amendment of the gentlewoman from New York, the first offense must be a violation of section 2241, or it must be the equivalent of that. It could be a State law violation, which in essence means an aggravated sexual abuse.

The Frost amendment we had a while ago was the sexual abuse of children. Or under the Slaughter amendment it could be simply sexual abuse which is not limited to children, or a State offense that would have been an offense under either of such sections if the offense had occurred in a special maritime or territorial jurisdiction of the United States.

The second offense for which you could get the two strikes and you are out could be either a violation of section 2241, which is an aggravated sexual abuse Federal crime, and not limited to children, or a State offense that would be a violation of section 2241 if the conduct had occurred in a special maritime and territorial jurisdiction of the United States and either, first, that the conduct was in interstate or foreign commerce or, second the offender crossed the State line intending to engage in the conduct, or third after committing this State offense, travels in interstate commerce with the intent to avoid prosecution or confinement after conviction for a capital crime or felony under a State law.

Mr. Chairman, I submit that this is stretching considerably the constitutional bounds of where we should be having or even thinking about Federal jurisdiction. Federal courts already have an enormous workload. And I know occasionally I have come to the floor and argued in the past for expanding that workload in certain instances. But, essentially, the second time rapist in the United States, no matter who he is and where he has committed that rape, is most likely going to be covered by this, and Federal law would be involved in prosecuting second time rape cases, even if there has never been one piece of Federal jurisdiction before in the underlying rape crime.

Mr. Chairman, I just frankly think that there is, first, a considerable constitutional question, but as a matter of policy I cannot support that because it is too broad. And I reluctantly oppose the Slaughter amendment for that reason, even though I understand that the gentlewoman means well by it.

And I, too, Mr. Chairman, want to discourage this sort of thing and I would love to see the States adopt two strikes and you're out, for rape crimes. And in certain appropriate Federal crimes where you limit it to the Federal jurisdiction as the gentleman from Texas [Mr. FROST] has done, I think that would be a good idea too, although I frankly do not think it was a good idea to include it in this bill that was confined originally primarily to children and the elderly.

Nonetheless, my objection is not specific to the age or the youth question, but with rather to the issue of whether we are just going way too far in encompassing far too many crimes for Federal jurisdiction which have traditionally been State jurisdictions, and I see no public policy reason nor do I think there is a constitutional basis for doing this.

Again, Mr. Chairman, I reluctantly oppose the amendment.

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

Mr. Chairman, we have a difficulty here. We have passed the Chrysler amendment that enhanced the penalties for crimes against children and adults. We passed the Frost provision that increased penalties for sex offenses against children, and now we come to the amendment of the gentlewoman from New York [Ms. SLAUGHTER] where repeat violent sex crimes against women are now being rejected on the basis that there is a constitutional problem.

Give me a break. What constitutional problem?

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER], my wonderful colleague, to ask him to edify us on this provision. Can the gentleman join me in supporting the Slaughter amendment?

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

Mr. CONYERS. It is a perfect privilege and pleasure to yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Chairman, I believe that this amendment is very well intended. I believe that we need to lock up people that have a second offense of a rape. But I also agree with the gentleman from Florida [Mr. MCCOLLUM] that this bill that we have introduced really is aimed at crimes against children, the elderly, and the disabled. This amendment probably better belongs in another crime bill that may come to the floor.

Mr. CONYERS. Mr. Chairman, reclaiming my time, that is a possibility. I thank the gentleman for his response. Does he additionally think it might be referred to the U.S. Sentencing Commission?

Mr. CHRYSLER. Mr. Chairman, I do not know.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his candor.

Mr. Chairman, if my colleagues loved Chrysler, if they liked Frost, what in the devil is wrong with Slaughter? I mean, are women subject to violent sex crimes? To second offenses? Are those criminals not to be given the enhanced penalties that have gone through this House like Ex-Lax?

Now, Mr. Chairman, we get to women and we say: Well, wait a minute. Slow down. Let us study it. My dear colleague suggests it should go into another bill. The chairman of my subcommittee tells me that there is a constitutional problem seen in this measure.

Look, we are either for toughening penalties against vicious repeat criminals against children and the elderly or we are not. Let us not exclude women.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I absolutely agree with the gentleman from Michigan [Mr. CONYERS]. If there is no constitutional prohibition to what we have done already, surely protecting women in the United States should not be prohibited.

The bill speaks to the vulnerable. Mr. Chairman, I do not know of anyone more vulnerable than a woman alone in her apartment when a rapist wakes her up, having broken in through the window, or the woman who gets into her car or a woman who is leaving work who gets in an elevator who is accosted by a rapist who changes her life forever.

□ 1830

Certainly, if we are going to protect the people of the United States against this awful crime of rape and we say that the people who commit this crime are not people that we can rehabilitate and indeed since their recidivism rate is so high, why would we leave out of this bill the women? Why should they not be protected? Without question, they are the major sufferers of this awful crime.

In cases of serial rape, the rapist often goes across State lines to commit his awful crime. Again, without question, this is a Federal jurisdictional problem.

There are four sources for Federal jurisdiction that I have to this amendment. I would like to read them. The first is one the gentleman from Florida [Mr. MCCOLLUM] mentioned about special maritime and territorial jurisdiction; the second, if it occurred in interstate or foreign commerce; third, where the criminal crossed the State line with intent to engage in the conduct, which is frankly often the case; or the criminal fled across State lines after engaging in the conduct, which again is the case.

Why in the world would we differentiate between our citizens if we are trying to protect them? Why not include women? This is certainly a case again where the person in the prison is a model prisoner. There are no women to rape. There are no children to molest. But we have learned over and over again, through tragedy after tragedy, that once these people are released back on the street they often, within days, have repeated their awful crime.

Why do we not try to make everybody in the country safe from this hideous experience? Why in the world, how can we exclude women? Frankly, on the face of it, it makes no sense to me.

I urge my colleagues not to do this thing to the women of the United States.

Mr. CONYERS. Mr. Chairman, I beg my colleagues to support the Slaughter amendment and not discriminate against women.

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

Mr. Chairman, I rise in support of the Slaughter amendment. It is based on the Protection From Sexual Predators Act, which I have cosponsored.

I would like to note, in response to the issues raised about germaneness or correctness, not as a technical matter since the amendment is germane, that this proposal is also about enhancing sentences for those offenders whose behavior is not amenable to improvement by any means that we have yet been able to devise. As with pedophiles, we have yet to find a method or program that in the case of most rapists changes their behavior so that they will cease being a threat to other innocent victims in the future. I think for this reason the penalty proposed by the author of the amendment is as appropriate as the punishment adopted previously by the Frost amendment.

I would note further that this bill is about enhancing penalties in selected cases for sound reasons. This amendment is as sound as the Frost amendment; it is as sound as the Chrysler bill. It deserves support. For a Congress that has allowed logging in the Tongass National Forest as part of an appropriations bill to now say that this amendment is not connected enough with a bill to enhance sentences is, I think, rather curious—very curious.

Mr. Chairman, I know that not every Member has had a chance to read through the jurisdictional basis that the gentlewoman from New York [Ms. SLAUGHTER] has referred to, but I would urge Members to do so. I know that there are genuine concerns that can be expressed about the jurisdictional issues and the scope and breadth of Federal law, but I think that Members who do have reservations, if they will read through the amendment, will be reassured that in fact this measure is well in keeping with the Chrysler bill and the Frost amendment.

I would urge that we step back, think again, and approve the Slaughter amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think my colleagues now should begin to understand exactly why we gave jurisdiction for these decisions to the U.S. Sentencing Commission. Once you get on this slippery slope, once you start on the House floor, we are going to have maybe 435 Members of Congress coming in saying, hey, we ought to enhance penalties for this offense, that offense, against this vulnerable person, against this vulnerable group, and there is no way to get off of the merry-go-round.

Exactly the reason that we gave the authority to the Sentencing Commission away from the politics and cameras and give-and-take of having to run in political contests, to go in and spend the time that it takes to make reasonable judgments about sentencing policy, that is exactly the reason we gave the Sentencing Commission this job. And here, my colleagues, they do not know how to deal with this because this amendment, the truth of the matter, got offered by a Democrat. That is the only difference it is.

It is politics now. As long as it is offered by the other side, it is good public policy. But let a Democrat come up with the proposal, all of a sudden it is politics. We do not know where to draw the line, or it is unconstitutional, or any irrational basis for making the decision that we should have, should not even be discussing in the first place.

We ought to take this whole bill, with the Frost amendment, with the Slaughter amendment, with the Chrysler business that we started with and send it over to the Sentencing Commission to do their job with it. They can hold extensive hearings. They can solicit public comment. They can analyze how this compares with other sentencing decisions. They can rationalize the process. They can tell us, hey, somebody ought not get a double sentence

just because they assaulted somebody who is 65 years and in good health than they would get for someone who is 64 years, 364 days, and in terrible health, even lying in a bed in a hospital.

It makes no sense to do this. That is exactly the reason, my colleagues, that we gave this responsibility to the Sentencing Commission. that is exactly the reason I am going to give Members an opportunity to vote on giving it back to them, so that they can make some rational decisions, because the decisions we are making right now do not make one iota of sense.

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

Mr. WATT of North Carolina. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I commend the gentleman's logic, because when we send it to the Sentencing Commission, they must send it back to us and then we can approve or then make any modifications we choose.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, the gentleman is absolutely right. That is the way the process is supposed to work, away from the cameras, away from the politics of it. Rational decisionmaking. We still get a shot at it. We will still get our shot.

It might be next year, when we are not running for office, and that is the way it should be. That is exactly the way it should be. We ought not be making these very important, very intricate, very difficult decisions haphazardly. Some years ago, on a bipartisan basis, Republicans and Democrats came to the conclusion that we ought to give the responsibility to the Sentencing Commission. I move that we send it back there.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would first remind those spectators in the Gallery that they are guests of the House of Representatives, and demonstrations of appreciation or disfavor of any speaker are not permitted by the rules.

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

Mr. Chairman, I rise in strong support of the amendment by the gentlewoman from New York.

As many in this Chamber know, I do not always see eye to eye with the gentleman from North Carolina on crime issues. Sometimes I am a little more closely aligned with the gentleman from Florida. But on this one, this is a no-brainer.

First, the gentleman from North Carolina is exactly right. We cannot have it both ways. If we are for drawing these kinds of bills and federalizing more crimes and putting in tougher penalties, as I am and have done in the past, why draw the line at women? And if we are not for it, then do not do it for the elderly and children but not for women.

Either way, we can be consistent on either side of the line. Most of us are, I think, being consistent on this side on making things tougher and better. But how can we say that it is a horrible thing to and the sentencing should take into account someone is elderly or someone is young but not women?

Mr. Chairman, a few hours ago we had good debate. I do not even think a vote was called for on Megan's law because we talked about the fact that, particularly in crimes where sexual predators are involved, they can spend 5, 10, 15 years in jail. They can go through the most up-to-date rehabilitation, and, unfortunately and terribly, more times than not, they commit the same crime when they get out even though they are 15 or 20 years older. Who are the victims of those crimes? Is it just children? No. Much of the time it is women.

What is good to be done, because children have to be protected from these types of predators, is just as good because women and to be protected from these types of predators. When I heard that the gentlewoman from New York was doing her amendment, I thought to myself, this is a good idea. It will be accepted by the majority, and that will be it.

Mr. Chairman, I am utterly amazed that this amendment is being opposed on the other side. I am surprised. It does not fit with their philosophy. It does not fit with, you do not have a view, neither do I, frankly, that the gentleman from North Carolina does, that the Sentencing Commission ought to be deferred to through thick and thin.

I have had too much of judges and others who are not elected officials making the criminal law. I feel a little differently than the gentleman from North Carolina about that. I feel the balance may be too far against the victim. But all of a sudden, and this is not the first time this has happened, Members from the other side who are generally law and order fined a reason to pull back on the terrorism bill, fear of wire taps? That was something new from the other side. And now fear of making laws too tough because women are involved?

Mr. Chairman, I think I have to agree with my colleague from North Carolina. The only reason that this amendment is being opposed by my good friend from Florida and my good friends on the other side of the aisle who I work with closely and who I have enormous respect for is very simply because it was proposed by someone on this side of the aisle. That is not how we should legislate.

Let us make this bill a better bill. Let us take the idea that was a good idea when it applied to children and elderly and extend it to women. There is no logical argument against doing that, none at all. That is why I must reluctantly come to the conclusion that the only reason it is being opposed is politics.

☐ 1845

Mr. Chairman, I want to salute the gentlewoman from New York [Ms. SLAUGHTER] for putting this amendment in. It certainly is consistent with the bill, it is consistent with my philosophy in terms of the criminal law, and I hope we will get bipartisan support when a record vote is called for to pass this amendment and improve and make a good bill better.

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

Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM], the chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I simply would like to respond very briefly on the gentleman from Michigan's time to some of the comments that have been made by this amendment and the proposal on it.

My concern and my opposition that I have expressed earlier do not have anything to do with the fact that I believe we are doing anything incorrectly by expanding some of the Federal jurisdiction in certain areas. But it does have to do with the facts that the underlying bill that we brought out of committee did not do that.

The underlying bill we brought out in committee was to enhance penalties, and if the gentlewoman from New York had made her amendment simply to expand the term vulnerable to include women, victims of rape, and Federal law, I would not have particularly a problem. But we are creating a new crime in her amendment. The new crime is going to be a new Federal crime that does not exist today, and that is not what the underlying legislation does.

In other words, this amendment would create a Federal life imprisonment sentence for a two-time rapist who drove 3 miles on Interstate 495, crossing from Maryland into Virginia, in order to commit a second offense under the statute.

I think that is wrong in the sense that I believe that it is probably unconstitutional, but I can assure the gentleman from New York [Mr. SCHUMER] that I am not going to vote against this in a recorded vote; I doubt if anybody on this side of the aisle in this room is, because it will be misinterpreted as to what we intended and what we are concerned about.

I believe that it is true that we should be punishing with life imprisonment the person who does that. I do not doubt it for a minute. But I do not believe that we should have been doing it in this bill. The bill, when it came out here, was to enhance penalties, not designed to create new crimes. The bill did not do that. It simple enhanced penalties for those who are vulnerable, children and elderly particularly, but if we included women, we did it in the broad sense of that word. I do not have that problem with that.

Mr. Chairman, I do not have the time to yield because the gentleman yielded

to me for the moment and I would like to conclude.

We have not, in my judgment, done real justice tonight by expanding it, but we will expand it. I do not doubt for a minute it will pass. I am not going to object to it, and I again ultimately believe that whoever the criminal, he will get his just deserts.

But, again, the process has not been well served through or committee structure even by bringing a bill out that we expand new crimes in out here today when all we were trying to do is do penalties, and I do not think it has been well served to add this enormously to the Federal jurisdiction without having it made it into committee.

I also realize that when the other side was in the majority, many of the same arguments had been presented to the chairman at that point in time, and it can be presented when the shoe is on the other foot quite frequently. So that is why I expect this to pass tonight, and I expect it to become law, but I also suspect that there may be some serious constitutional difficulties.

Mr. CHRYSLER. Mr. Chairman, I think I need to reiterate what the gentleman from Florida [Mr. MCCOLLUM] said. We are certainly not against women. We certainly are for increasing penalties against repeat offenders that are committing rape in this country. I just believe that this is really probably not the right bill for it to be on. There will be another bill, I am sure, and I think that is where it should be offered.

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

I will be happy in a minute to yield to the gentleman. Let me just say a couple of words, and I will be happy to yield.

As my colleagues know, both my daughters, when we talked about Megan's law a minute ago, and with the gentleman from New York [Mr. SCHUMER], I agree, as my colleagues know, that they should be locked up for a long time and there is a high recidivism, and the reason I agree with the gentlewoman from New York [Ms. SLAUGHTER] is that just because they are at a young age right now when they are attacked, they are going to be young ladies before long, and I would think that the same kind of penalty would follow on even though they grow older in age.

I do not know the Constitution. I am not a lawyer. But I just think that by logic that it would be a good idea.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to take a moment to express my utter dismay that a Member of this body would come on this floor and say, ''I believe this bill, this amendment, is unconstitutional, yet if you put me to a vote, I'm going to vote for it.''

That is just absolutely, that is exactly the reason we ought not be dealing with this in this process, because then it becomes only politics.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I would like to say, in response the gentleman, I am sure he is talking about the gentleman from Florida, but I did not say that I believe this was unconstitutional. I believe there is a serious constitutional question. I think there is a good chance that it will be ruled unconstitutional, but I do not know whether it is or not.

We know the Lopez case was unconstitutional. That was the case we passed and I supported a number of years ago which would make it a Federal crime for a certain gun transaction within so close a proximity. I happen to think it was a good law. I would like to see it in law. But it unfortunately was ruled unconstitutional.

I have just done my duty by pointing out that there is a serious question about it in the way Ms. SLAUGHTER's has been crafted.

Mr. CUNNINGHAM. Mr. Chairman, as long as we are not in attack mode, if we are going to stick to the issue, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

I just want to go back to my colleague from Michigan, Mr. CHRYSLER, and just point out to him that some of these ships are turning around gently in the evening, and we do not want to leave him out there dragging along and waiting for this measure to come up in a separate bill. I would urge that he look at the merits of this measure and join with us that are in a bipartisan spirit, with nothing personal, are going to follow the consistency and the logic of his provision which passed earlier, the Frost provision which passed right after that, and now we are talking about applying that same enhancement of penalties to vicious women crimes.

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER], and I am going to support it in either fashion of the bill.

Mr. SCHUMER. Mr. Chairman, I just wanted to reiterate one point made by the gentleman from Michigan and then make another. We did add a new Federal law, I would say to my friend from Florida, when we accepted the Frost amendment. We crossed that bridge. We did not stay with the concept of just enhancing the penalty. We made a new Federal crime, as I understand it, with Frost.

Mr. Chairman, the second point I would make to my friend from Florida, with the gentleman from California's gracious yielding to me, is this:

The gentleman made an argument, well, if it was just for rape or just for some kind of, I think he mentioned, sexual crime, he would be for it. Well, we do not limit the base bill to children for that. We do not say if it was just a crime against children, a sexual crime. We have any child, we would ask the Sentencing Commission to enhance the penalty, and we are saying the same thing here for women who tend all too often to be the victims of crimes committed by men.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I just would like to respond by making a note that the amendment offered by the gentleman from Texas [Mr. FROST] while it created a new Federal crime, it created a crime that is there because of Federal law; that is, the crime that Mr. FROST is talking about, the ''two times and you are out,'' would have to occur on Federal property and maritime jurisdiction or wherever.

This particular effort the gentlewoman from New York [Ms. SLAUGHTER] has created here could be two State crimes, the only nexus being interstate transportation from somebody crossing the State line to commit it. And that is a big difference.

Mr. Chairman, that is my point. But nonetheless I am going to support this tonight. I have already indicated that I am not going to vote against it. But I do have great reservations about it.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield for just one more point?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from the dukedom of California. I would say to the gentleman, if one reads the language of Frost, ''If the defendant'', this is section 4(B), numeral three, ''If the defendant has previously been convicted of another Federal offense under this subsection.''

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(On request of Mr. SCHUMER, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York.

Mr. SCHUMER. ''Or under another section, 2241(c), or of a State offense that would have been an offense under either such provision had occurred in a Federal prison unless the death penalty is imposed.'' So they are involving State offenses, too.

The other point I would make to the gentleman again: The gentleman said he would accept this provision if it were limited to sexual crimes, and I just wanted to get his provision, why that is different for children.

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

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think perhaps both of these points can

be addressed in the same answer. What I was trying to say earlier in the evening was that had this amendment been crafted so that we were talking about sexual crime, a rape crime against a woman, or whatever, that was a Federal crime for the second crime, just as Mr. FROST's is a Federal crime that we are dealing with. Although an underlying predicate crime was a State crime, the second crime had to be a Federal crime, and that is not the case with Ms. SLAUGHTER's, then I would be much happier, let us put it that way, with what we are doing tonight because I feel that the nexus would be there; there would not be any question of even a doubt about the constitutionality, and so forth.

That is not what we are doing. The second crime under Ms. SLAUGHTER does not have to be a Federal crime to get the Federal jurisdiction, and we are thus proceeding otherwise.

But I did not mean to mislead the gentleman. All of the crimes that she has described, as long as they are Federal, would not have bothered me if that had been the case.

Mr. CUNNINGHAM. Mr. Chairman, all I know is that, as a nonlawyer, that too many times our own laws prevent us from doing the right thing. I think the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER] is a good amendment, and I ask to support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 4, not voting 18, as follows:

[Roll No. 146]

AYES—411

Abercrombie	Blute	Chenoweth
Ackerman	Boehlert	Christensen
Allard	Boehner	Chrysler
Andrews	Bonilla	Clay
Archer	Bonior	Clayton
Armey	Bono	Clement
Bachus	Borski	Clinger
Baesler	Boucher	Clyburn
Baker (CA)	Browder	Coble
Baker (LA)	Brown (CA)	Coburn
Baldacci	Brown (FL)	Coleman
Ballenger	Brown (OH)	Collins (GA)
Barcia	Brownback	Collins (MI)
Barr	Bryant (TN)	Combest
Barrett (NE)	Bryant (TX)	Condit
Barrett (WI)	Bunn	Conyers
Bartlett	Bunning	Cooley
Barton	Burr	Costello
Bass	Burton	Cox
Bateman	Buyer	Coyne
Becerra	Callahan	Cramer
Beilenson	Calvert	Crane
Bentsen	Camp	Crapo
Bereuter	Campbell	Cremeans
Berman	Canady	Cubin
Bevill	Cardin	Cummings
Bilbray	Castle	Cunningham
Bilirakis	Chabot	Danner
Bishop	Chambliss	Davis
Bliley	Chapman	de la Garza
Deal	Istook	Obey
DeFazio	Jackson (IL)	Olver
DeLauro	Jackson-Lee (TX)	Ortiz
DeLay	Jacobs	Orton
Dellums	Jefferson	Owens
Deutsch	Johnson (CT)	Oxley
Diaz-Balart	Johnson (SD)	Packard
Dickey	Johnson, E. B.	Pallone
Dicks	Johnson, Sam	Parker
Dingell	Johnston	Pastor
Dixon	Jones	Paxon
Doggett	Kanjorski	Payne (NJ)
Dooley	Kaptur	Payne (VA)
Doolittle	Kasich	Pelosi
Dornan	Kelly	Peterson (FL)
Doyle	Kennedy (MA)	Peterson (MN)
Dreier	Kennedy (RI)	Petri
Duncan	Kennelly	Pickett
Durbin	Kildee	Pombo
Edwards	Kim	Pomeroy
Ehlers	King	Porter
Ehrlich	Kingston	Portman
Emerson	Kleczka	Poshard
Engel	Klink	Pryce
English	Klug	Quillen
Ensign	Knollenberg	Quinn
Eshoo	Kolbe	Radanovich
Evans	LaFalce	Rahall
Everett	LaHood	Ramstad
Ewing	Lantos	Rangel
Farr	Largent	Reed
Fattah	Latham	Regula
Fawell	LaTourette	Richardson
Fazio	Laughlin	Riggs
Fields (LA)	Lazio	Rivers
Fields (TX)	Leach	Roberts
Filner	Levin	Roemer
Flake	Lewis (CA)	Rogers
Flanagan	Lewis (GA)	Rohrabacher
Foglietta	Lewis (KY)	Ros-Lehtinen
Foley	Lightfoot	Rose
Forbes	Lincoln	Roukema
Fowler	Linder	Roybal-Allard
Fox	Lipinski	Royce
Frank (MA)	Livingston	Rush
Franks (CT)	LoBiondo	Sabo
Franks (NJ)	Lofgren	Salmon
Frelinghuysen	Longley	Sanders
Frisa	Lowey	Sanford
Frost	Lucas	Sawyer
Funderburk	Luther	Saxton
Furse	Maloney	Scarborough
Gallegly	Manton	Schaefer
Ganske	Manzullo	Schiff
Gejdenson	Markey	Schroeder
Gekas	Martinez	Schumer
Gephardt	Martini	Seastrand
Geren	Mascara	Sensenbrenner
Gilchrest	Matsui	Serrano
Gillmor	McCarthy	Shadegg
Gilman	McCollum	Shaw
Gonzalez	McCrery	Shays
Goodlatte	McDermott	Shuster
Goodling	McHale	Sisisky
Gordon	McHugh	Skaggs
Goss	McInnis	Skeen
Graham	McIntosh	Skelton
Green (TX)	McKeon	Slaughter
Greene (UT)	McKinney	Smith (MI)
Greenwood	McNulty	Smith (NJ)
Gutierrez	Meehan	Smith (TX)
Gutknecht	Meek	Smith (WA)
Hall (TX)	Menendez	Spence
Hamilton	Metcalf	Spratt
Hancock	Meyers	Stark
Hansen	Mica	Stearns
Hastert	Millender-McDonald	Stenholm
Hastings (FL)	Miller (CA)	Stockman
Hastings (WA)	Miller (FL)	Stokes
Hayworth	Minge	Studds
Hefley	Mink	Stump
Hefner	Moakley	Stupak
Heineman	Montgomery	Talent
Herger	Moorhead	Tanner
Hilleary	Moran	Tate
Hilliard	Morella	Tauzin
Hinchey	Murtha	Taylor (MS)
Hobson	Myers	Tejeda
Hoekstra	Myrick	Thomas
Hoke	Nadler	Thompson
Holden	Neal	Thornberry
Horn	Nethercutt	Thornton
Hostettler	Neumann	Thurman
Houghton	Ney	Torkildsen
Hoyer	Norwood	Torres
Hunter	Nussle	Torricelli
Hutchinson	Oberstar	Towns
Hyde	Olver	Traficant
Inglis	Ortiz	Upton
Velazquez	Waxman	Wolf
Vento	Weldon (FL)	Woolsey
Volkmer	Weldon (PA)	Wynn
Vucanovich	Weller	Yates
Walker	White	Young (AK)
Walsh	Whitfield	Young (FL)
Wamp	Wicker	Zeliff
Ward	Wilson	Zimmer
Watts (OK)	Wise	

NOES—4

Scott	Watt (NC)
Waters	Williams

NOT VOTING—18

Brewster	Hall (OH)	Roth
Collins (IL)	Harman	Solomon
Dunn	Hayes	Souder
Ford	McDade	Taylor (NC)
Gibbons	Molinari	Tiahrt
Gunderson	Mollohan	Visclosky

☐ 1918

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, this evening, May 7, 1996, I was unavoidably absent for rollcall No. 146, on a Slaughter amendment to H.R. 2974, the Violent Crime Control and Law Enforcement Act of 1994.

Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. DEUTSCH

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

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH: Page 3, line 14, after the period insert ''If the crime of violence is also a sex crime against a child, the enhancement provided under the preceding sentence shall be 6 instead of 5 levels.''

Mr. DEUTSCH. Mr. Chairman, earlier this evening this House adopted an amendment where I mentioned an incident that had occurred in Florida unfortunately within the last 12 months and has occurred in Florida and everywhere unfortunately in this country on many occasions, and that is the exploitation of young children. Specifically I mention the name of Jimmy Rice, who was a young boy who was missing from his home for several weeks and actually several months in south Florida, which really became the focus of our entire community. He was missing and then subsequently found to have been sexually abused and murdered.

It is a crime that occurs in America far too often, as I said, and it is a crime where I think as an individual, as a society, as a community, we can think of probably nothing worse that can happen to a young child and to their family.

Mr. Chairman, we have had a discussion for several hours now about our role in sentencing and our role as a United States Congress in sentencing and setting up penalties for crimes. There has been a debate that has gone on literally for several hours now. I would say to my colleagues that for anyone who has ever spoken to a parent of a victim in a circumstance like this, at that point they would want to be involved in determining the penalty for perpetrators of crimes like this.

We can talk about all the theory we want about judges being impartial and

unsensitized, and the Sentencing Guidelines Commission being impartial, and policymakers, but the truth is in our political process, the fact that we are elected officials, that we represent constituents, that we have to face real people, real parents, and talk to them and try to explain to them why a victim and why a perpetrator are treated differently, and why perpetrators are not punished to the extent that they can be and should be under the law.

This amendment is really an attempt to do exactly that, to say in the case of sexual abuse of a child that we are saying that crime is so heinous, so awful, so indescribable from our perspective as a society, as a collective society that this Congress represents, that we are speaking as Americans, as this collective community of America, and saying to the world, and saying to people as a deterrent and as a punishment, ''If you are someone who is going to commit that kind of crime, the we are going to treat you as harshly as we possibly can.''

□ 1930

This amendment does that, combined with the prior amendment which creates essentially a two strikes and you are out provision. As I mentioned, I would support a one strike and you are out provision in a case like this.

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

Mr. Chairman, I strongly urge my colleagues to support the Deutsch amendment. It makes imminent sense. He is adding an additional level of punishment for those who commit sex crimes against children. It seems to me it is perfectly consistent with what we are trying to do with the underlying bill, and that is send a message to anybody who perpetrates a crime on a child that they are going to get an extra amount of time in prison for doing that at a Federal level for a Federal crime.

This is a Federal crime. He is dealing with a sex crime on top of that. It seems only appropriate that you add an additional level when you are dealing with a sex crime against a child. I think most of us would concur in that without dispute. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, line 13, before the first comma, insert ''or a crime involving fraud or deception''.

Page 3, line 13, strike ''of violence''.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, this amendment would merely add crimes of fraud and crimes of deception to those crimes against children and women and the elderly that would receive enhanced penalties.

This amendment would add crimes of fraud and deception to those crimes against women, children, and the elderly that would receive enhanced penalties.

The reason is that fraud against the elderly has become a significant problem, particularly telemarketing fraud. Law enforcement officials, the AARP research, and much anecdotal evidence from telemarketers confirm the belief that many older Americans are being wrongly targeted by telemarketing fraud.

The Federal Bureau of Investigation recently documented this pattern of victimization in its recent telemarketing investigation, which used AARP members and others to obtain undercover tapes with fraudulent telemarketers.

The investigation showed that 78 percent of the targeted victims were in fact older Americans. Given the expected growth in the Nation's elderly population, the number of consumers considered vulnerable to telemarketing fraud is quite likely to increase in the future. But telemarketing is not the sole source of the problem. The Internet, while not yet commonly used as a method of conducting fraudulent methods of transaction, is a growing source of concern. Although commonly believed to be a tool of the young, we are now finding many elderly people beginning to surf on the net.

The National Consumers League and the National Fraud Information Center estimate that senior citizens lose at least half of the $60 billion annually that is lost due to fraud. Unfortunately, fraud strikes elderly victims the hardest. Many of these individuals are living on fixed incomes and are easy prey because they lack the defenses necessary to withstand smooth-talking promoters who sound and act like friends of the victims' families.

Mr. Chairman, we need to treat fraud against the elderly not as isolated cases, but as a widespread social problem and a serious crime that must be addressed. I urge that we add this important provisions to protect our most vulnerable citizens from those who are continuing to prey on them through telemarketing, the Internet, and other white collar crimes. I urge the support of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist upon his point of order?

Mr. MCCOLLUM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. MCCOLLUM. Mr. Chairman, this amendment is not germane to the bill. The underlying bill involves only crimes of violence, whether against an elderly victim, a child, or other vulnerable person. Consequently, this amendment, which deals with crime and deception and not involving crimes of violence, is beyond the scope of the bill. I would urge that it be ruled out of order. It is inappropriate under the circumstances.

Even though we may like to give crimes against the elderly involving fraud and deception and nonviolent matters additional punishment, this is simply not what this bill is about.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] desire to be heard on his point of order?

Mr. CONYERS. Mr. Chairman, I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONYERS. Mr. Chairman, I cannot understand why the distinguished chairman would want to raise a point of order against the amendment, because we have been given a bill which purports to protect children, women, and the elderly.

They have allowed the gentleman from Texas [Mr. FROST] to offer what was clearly a non-germane amendment relating to sex offenses against children, and now, suddenly, when it comes to protecting the very same elderly against pervasive and damaging telemarketing fraud, we raise a technical objection. So I think this is a very misplaced sentiment in an attempt to allow white collar crime to continue to victimize seniors, while crimes of violence are all of a sudden made germane, even when an argument can be made against it.

The amendment is germane, because the fundamental purpose of this bill is to enhance penalties for those crimes that target our most vulnerable citizens, the elderly and the young and women. For those reasons, I urge that the point of order be turned aside.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The bill, as amended, enhances penalties for violent crimes against vulnerable persons. In addition, it establishes criminal liability for certain crimes of violence against vulnerable persons.

The amendment as offered by the gentleman from Michigan [Mr. CONYERS] would disturb the coherence among the provisions of the bill. It is not confined to the subject of violent crimes against vulnerable persons and punishments therefor.

Accordingly, the amendment is not germane, and the point of order is sustained.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, 13, before the first comma insert ''or an environmental crime''.

Page 3, line 13, strike ''of violence''.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I think we have to recognize that this amendment would simply add environmental crimes to those crimes against the children and the elderly that would receive enhanced penalties.

Now, why is that critical? The reason is that environmental crimes, for example, the knowing pollution or contamination of our environment, tend to have a much more severe impact on our most vulnerable citizens, namely children and the elderly.

For example, the severe impact environmental crimes can have is dramatically brought to bear in Woburn, MA, in the case where numerous children died of leukemia after drinking water where toxic waste was dumped by subsidiaries of two of our country's most influential, multinational corporations.

If we are going to say crimes of violence against children and the elderly are deserving of more serious punishment, it is only fitting that we so treat environmental crimes, which have a disproportionate effect on children and the elderly and which can be equally or more deadly. A refusal to treat environmental crimes as seriously as crimes of violence really indicates that it is not really the effect of crime with which we are concerned, but the perpetrator.

I see that as a serious mistake in the development of this criminal justice bill. Environmental crimes are generally committed by large corporations. In contrast, crimes of violence usually are created by less influential individuals. So it is important to treat all crimes that harm youngsters equally, to treat all crimes that have a significant adverse impact on children and the elderly with equal seriousness.

I offer the amendment, and hope that the Members will join me in supporting this amendment.

Another example of the kind of behavior that this amendment would speak to is several years ago two 9-year-old boys were killed by fumes from hazardous waste illegally disposed of in a dumpster. It was a clear case of criminal misconduct. The jury awarded the families $500 million in damages against the defendant, the largest wrongful death lawsuit in the history of the Nation, but they have not paid it because they declared bankruptcy. So far, the fine of the Federal court has not been paid either.

The only way to punish the wrongdoers in a case like this is to subject the defendants in the corporation to significant jail time. Under current sentencing, under the guidelines, the perpetrators served a mere 27 months.

It is fine to say you are tough on crime, but let us make sure we punish all the criminals who place the children and elderly at risk.

A few month sentence for hazardous dumping that costs children their lives needlessly is simply not enough, and should be subject to the sentence enhancements that are going on in the several amendments underlying the Chrysler bill that is still on the floor.

I urge Members to support this commonsense amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist upon his point of order?

Mr. MCCOLLUM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. MCCOLLUM. Mr. Chairman, as with the previous amendment, I do not believe that this amendment is germane, because the underlying bill's scope involves crimes of violence against children, elderly persons, or other vulnerable persons. This amendment involves an environmental crime. We do not even know by definition what an environmental crime is. I know of no definition under title 18 of an environmental crime. Whether or not that is in and of itself a reason for this to be nongermane, it certainly is equally as nongermane as the fraud and coercion efforts made a moment ago, because it does not involve the underlying crime of violence this bill speaks to and the bill is not broader than that.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] wish to be heard on his point of order?

Mr. CONYERS. I would like to be heard in opposition to the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

□ 1945

Mr. CONYERS. Mr. Chairman, I would like to appeal to the Chair to consider adding environmental crimes to the measure before us as a germane provision.

Mr. Chairman, as written, the bill refers to crimes of violence which include, of course, physical force. Now, at first glance, environmental crimes might not appear to be involving physical force. But then one need only recall that murder is a crime of violence and that murder can be accomplished by nonphysical means like poison. Even though the perpetrator may not be even present at the time of the actual ingestion of the poison, poisoning someone is no less murder because there is no physical contact.

Likewise, Mr. Chairman, the adding of environmental crimes as an appropriate and germane part of the provisions and the objectives sought in H.R. 2974, would make, I think, quite rational sense. Environmental crimes are similar if not identical to the example of poisoning by murder. A company, for example, deliberately dumps chemicals that it knows are dangerous into a water supply. Is that a physical crime? Inevitably harm results to the people who drink the water, sometimes resulting in death. In Woburn, MA, we saw numerous children develop leukemia and eventually die from the disease contracted as a direct result of the poisoned water they consumed. Would a rule of germaneness take a crime of that nature and that level of violence out of the provisions of enhancing crimes to children in this measure? I would argue that it should not. Is that company any less responsible for these deaths than a murderer is for his? I think not.

Mr. Chairman, if my colleagues are concerned about the level of intent, whether the company intended the children to die, well, intent is a question that in every murder investigation or trial will be determined in a court of law.

Using my example, Mr. Chairman, I have attempted to make a distinction from the previous measure that I offered, and I argue that the environmental crimes are violent in effect and are too important and serious for it to be ruled out of order because such crimes have not historically been considered in this genre.

I urge the Chairman to dismiss the point of order.

The CHAIRMAN. The Chair is prepared to rule. As was the case with the ruling on the previous amendment, this particular amendment also disturbs the coherence among the provisions of the bill. It is not confined to the subject of crimes of violence as that term is given meaning in section 16 of title 18 of the United States Code, and it does not cover violent crimes against vulnerable persons and punishments therefore.

Accordngly, the ruling of the Chair is that the amendment is not germane and the point of order is sustained.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, 13, before the first comma insert '', including those crimes of violence involving the environment''.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his amendment.

Mr. CONYERS. Mr. Chairman, I now have an amendment that would make it clear that environmental crimes of violence are included in the definition of crimes of violence to which enhanced penalties will attach.

Mr. Chairman, in another previous amendment I would have added environmental crimes as a distinct class of crimes in addition to crimes of violence for which there could be enhanced penalties. But this amendment

differs in that it merely specifically provides for the definition of crimes of violence to include crimes of violence that are environmental in nature.

Again, let us use the crime of murder by poison. Poisoning is considered and is a crime of violence. Similarly, if a company contaminates a community's water supply, thereby poisoning residents with death resulting to some young and old victims, this amendment would require that enhanced penalties attach.

So, Mr. Chairman, I believe without my amendment, even a prosecutor could justifiably argue that the contamination of a water supply resulting in deaths could be a crime of violence qualifying for increased penalties. But this amendment would dispel those doubts and make it clear that environmental crimes resulting in physical harm should have the same penalties as other crimes resulting in physical harm.

In fact, there is little or no difference. Let me describe the kind of behavior that would be prosecutable in the event my amendment wins passage.

Several years ago two 9-year-old boys were killed by fumes from hazardous waste illegally disposed of in a dumpster, and the jury made an award in a wrongful death lawsuit, but they have never been able to recover. The corporation merely declared bankruptcy.

Unless we are able to go to the corporate personal defendants who could be eligible for significant incarceration under this provision, there is no way that they can be reached. And so, I think it is wonderful to say we are tough on crime, but let us make sure that we punish the full range of people who commit criminal acts, who place our children and elderly at risk.

A 27-month sentence for hazardous dumping that costs a number of children their life is simply not strong enough, and the sentencing enhancements that have been discussed on this floor in the underlying bill should apply to the circumstances that I have raised as an example in support of this amendment.

Mr. Chairman, I urge the Committee to support the amendment and add this very important part of criminal conduct to be subject to enhanced penalties.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida insist upon his point of order?

Mr. MCCOLLUM. I do, Mr. Chairman.

Mr. Chairman, the underlying bill is, yes, a question of defining a crime of violence, and it talks about a crime of violence against a child, elderly person, or other vulnerable person and it explicitly defines a crime of violence: the meaning given that term in section 16 of title 18 of the United States Code.

Mr. Chairman, I can read section 16 of title 18. It says: The term ''crime of violence'' means an offense that has as an element, the use, attempted use, or threatened use of physical force against a person or property of another or any other offense that is a felony and that by its nature involves substantial risk that physical force against a person or property of another may be used in the course of committing the offense.

Mr. Chairman, I do not know what in the world a crime of violence involving the environment means. I think that this amendment is not germane to this bill because it inherently goes outside the definition of a crime of violence that is written. I would submit that no court in this land could interpret what the gentleman has written and that it is therefore destructive of the underlying premise of this bill and, therefore, beyond the scope and inappropriate to this bill.

Mr. CONYERS. May I be heard, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CONYERS. The arguments against germaneness coming from the chairman of the Subcommittee on Crime would carry much more resonance if, through his agreement, and the Committee on Rules, we have already made measures germane that would have clearly been nongermane.

The question is: What shall we make germane and what shall we make not germane? And to argue that these kinds of crimes that clearly call out for criminal penalties should not be included merely because they are not violent in the traditional sense of violence, there are many crimes that occur that are not physically violent. There is no physical act of violence when a person is murdered by poisoning. There is none. They are not excluded. They do not fall to the argument of being nongermane.

And so, Mr. Chairman, I would say that this amendment relates to the subject matter as the legislation does before us. The subject before us, of the bill before us, is limited to crimes of violence which are committed against the elderly, young people, and other vulnerable persons. My amendment is limited to these same precise categories. The crime involved must be a crime of violence and it must be committed against a child, elderly person or other vulnerable person. On that basis, I urge that the point of order be rejected.

The CHAIRMAN. The Chair is prepared to rule.

This amendment offered by the gentleman from Michigan ensures that the definition of a crime of violence under section 16 of Title 18 may include a crime involving the environment as a subset of a crime of violence for the purposes of the pending bill. As such, the amendment does not disturb the coherence among the provisions of the bill. It is confined to the subject of violent crimes against vulnerable persons and punishments therefor, unlike the prior amendment.

Accordingly, it is the rule of the Chair that the amendment is germane and the point of order is overruled.

For what purpose does the gentleman from Florida [Mr. MCCOLLUM] rise?

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

The CHAIRMAN. The gentleman will suspend.

Mr. CONYERS. Regular order, Mr. Chairman. Should I not be recognized in support of my amendment?

The CHAIRMAN. With all due respect, the gentleman was recognized after the designation of the amendment prior to the point of order.

The Chair recognizes the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I am not going to oppose the amendment, though I think that it is a superfluous amendment. It is oratory in nature, by the ruling of the Chair. I can sit here and list other crimes of violence involving all kinds of things beyond the environment as long as they involve something having to do with violence. And I can think of A, B, C, D, E, and F and add them to this bill. The gentleman wants to make this point and he has had the opportunity. He is getting to add his language to this bill to do that.

Mr. Chairman, I think it is interesting and ironic that the gentleman spends time in committee arguing that we should not incarcerate nonviolent offenders. Tonight he attempted earlier to expand the definition of violence to include dumping waste in the ocean, spilloff into the rivers, and dirty car exhausts.

Mr. Chairman, I would submit that those are not crimes of violence. obviously, if one can figure out what a crime of violence is that involves the environment or involves anything else, then of course if it is truly a crime of violence involving murder, rape, robbery, and assault, I would suggest that it would come with the scope of the bill, obviously. But certainly it is not simply going to be dumping waste in the ocean, spilloffs into rivers, or dirty car exhausts. There may be other Federal laws that are violated, but not crimes of violence laws.

Anyway, Mr. Chairman, based upon the ruling of the Chair that we are not actually adding any scope to this bill, I will not object to this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish I could do imitations because if I could, I would imitate former President Reagan when he said, ''Here we go again.'' Because we are on this slippery slope and we cannot get off. We keep adding things that make no sense. And with all respect, this makes as much sense as everything else.

But the point I want to make is that we should not be doing this in the context of this bill. This bill should not be here. We should be allowing the process that we have set up and have followed for a long, long time to get the politics and irrationality out of sentencing, out of the process.

We should be allowing the Sentencing Commission to do exactly what we set up the Sentencing Commission to do. And despite that, here we go again. As President Reagan would say, ''There you go again.''

We are going to add any kind of conceivable thing and the reason we are going to add it is because politicians like politically to be viewed as tough on crime. I do not have any problem with that. But we need to have some rational underlying basis by which we are proceeding, and this bill now does not have that. It did not have it when it first started out, and every time we have added some new violation that triggers this kind of vulnerable mentality, then we have made this more a mockery. We are now doing an injustice, a severe injustice to public policy.

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There are a bunch of vulnerable people, and we could add all of them to this bill. There is really no place to cut is off. That is why we gave this responsibility to the Sentencing Commission, to get it out of the irrational political, reactionary process that we are now following this evening.

Mr. Chairman, I hope my colleagues will come to the realization that what we are doing is just bad, bad, bad public policy and will reconsider this entire bill and allow the Sentencing Commission to continue the job it has been set up to do.

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

I yield to the gentleman from Michigan [Mr. CONYERS].

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

I want to thank the gentleman from Florida, the chairman of the Subcommittee on Crime, for agreeing to accept the amendment. I also want to thank the gentleman from North Carolina [Mr. WATT] for continuing to object to the entire procedure.

Let me first remind the chairman of the Subcommittee on Crime that one of the measures that led me to introduce environmental crimes is the fact of the two 9-year-old boys in his State, if not his district in Florida, who were killed from a wreck of hazardous waste illegally disposed of in a dumpster. The two individual defendants, the plant manager and the shop foreman, were convicted of hazardous waste felonies. Each was sentenced to serve 27 months in prison under the terms of a guilty plea that included knowing endangerment. They went to 5 years probation.

I think the gentleman would agree that these kinds of crimes are as serious as all the others that we have dealt with. Now, that does not in the least detract from the validity of the arguments offered by the gentleman from North Carolina. I am placed in the precarious position of agreeing with the gentleman from North Carolina, but we are here adding these measures tonight. To leave out crimes of an environmental nature where there is deliberate, reckless endangerment, knowledge and intention, would, to me, be an incredibly wrong thing to do.

This is the slippery slope that we are on. I am on it. I am not going to leave out environmental crimes because of the irrationality of what the majority of the Members have willed here today.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to make it clear to the gentleman that his amendment is just as rational as the underlying bill. I am not singling out his amendment. If I had to think of crimes that I would want to include on this, this would probably be one of them. But it illustrates, again, how irrational the process is we have embarked upon when we start down this slippery slope. There is no way to get off of it. I hope the gentleman understands that this does not have to do with his amendment. It has to do with the process, which is what I have been talking about all night.

Mr. CONYERS. Mr. Chairman, if the gentleman will continue to yield, I hope that the gentleman understands that this does not have to do with my disagreeing with his basic contention, but it has to do with the fact that we find ourselves tonight on this slippery slope. If we are on the slippery slope for all its irrationality, I do not want to exclude environmental crimes.

I thank my colleague from Michigan for yielding me this opportunity to express my agreement with both the gentleman from Florida and the gentleman from North Carolina.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. STUPAK

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

The Clerk read as follows:

Amendment offered by Mr. STUPAK: At the end of the bill, add the following:

SEC. . PROHIBITIONS RELATING TO BODY ARMOR.

(a) SHORT TITLE.—This section may be cited as the ''James Guelff Body Armor Act of 1996''.

(b) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any crime of violence against a vulnerable person (which for the purpose of this section shall include a law enforcement officer) as defined in section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 in which the defendant used body armor.

(c) For purposes of this section—

(1) the term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

(2) the term ''law enforcement officer'' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

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

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

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

Mr. STUPAK. Mr. Chairman, let me address the substance of my amendment and also the point of order being reserved by the majority.

Mr. Chairman, I do believe that my amendment is germane to H.R. 2974. Whereas 2974 seeks to provide enhanced penalties for crimes against elderly and children, it also specifies crimes against, and I quote, vulnerable persons. These are defined in the bill as individuals who, due to age, physical or mental condition or otherwise, are particularly susceptible to criminal conduct.

When it is a situation where law-abiding citizens and laws enforcement officers are confronted by criminals wearing body armor, especially police officers, then I think it is fairly obvious to everyone except maybe the criminal that the police officer is in a vulnerable position. As such, this amendment is highly relevant and germane to the legislation before us today.

Mr. Chairman, my amendment seeks to control the growing use of body armor by criminal elements and impose penalties for those who wear body armor while committing Federal crimes. Body armor, the protective personal devices commonly utilized by those in law enforcement, are vests and helmets made from Kevlar. Other advanced materials are increasingly becoming a common tool used by those who seek to break the law and victimize innocent citizens.

This amendment is very similar to legislation I introduced last year, H.R. 2192, the James Guelff Body Armor Act. I act now today because we have been unable for more than a year to get even a hearing on this legislation.

Mr. Chairman, to illustrate the point that we are at, Mr. James Guelff was gunned down on the streets of San Francisco on the night of November 14, 1994, following a violent shootout with a heavily armored and well-protected criminal. This criminal and killer was decked out in a bullet-proof vest and helmet. He was virtually unstoppable by more than 100 San Francisco police officers as he unloaded more than 200

rounds of ammunition into a residential neighborhood.

Only a strategically aimed shot by a marksman was able to bring a night of violence to an end but not soon enough for Officer Guelff. I have heard from law enforcement officers all across this country about the increasing occurrences of drug dealers and other suspected suspects possessing body armor. From Baltimore to Texas, from Michigan to Los Angeles, criminal elements are being transformed into basically unstoppable terminators with virtually no fear of police of other crime fighters.

These heavily protected criminals are capable of unleashing total devastation on civilians and police officers alike. The increasing availability of body armor in the wrong hands can only direct a greater danger to America and greater danger to the American people and a growing threat to our institutions. Quite simply, my amendment seeks to impose penalties when body armor is used in committing a violent crime.

Mr. Chairman, penalties will be determined by the Sentencing Commission. Although technological advancements have helped law enforcement officers fight crime and counter terrorism, these same high-technology advancements when ending up in the wrong hands pose new challenges and a growing danger to police officers and all others who seek to protect and safeguard our citizens.

I have received very positive feedback from those in law enforcement in support of this measure. I would hope that the majority would see the need for providing enhanced safety and penalties and my amendment would achieve this goal.

This amendment as has been drafted and appears before us now, the amendment is supported by the Fraternal Order of Police, the National Sheriffs Association, National Troopers Association, and by police departments from Boston to Los Angeles and other major cities and jurisdictions across this country.

I ask that there be support for this law enforcement amendment and support for this important bill not just for women and children and elderly but for everyone.

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist on his point of order.

Mr. MCCOLLUM. Mr. Chairman, I withdraw my reservation of a point of order.

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

Mr. Chairman, I think what the gentleman wants to do here, now that I have examined his revised amendment from what he had earlier produced, is a positive thing. It does not go to children. It does not go to women. It does not go to the elderly. It really should go, and I think he is trying to make it go, to the police. It obviously does not go to every police officer.

I would certainly engage the gentleman, if he would, so we can clarify this. It would involve a law enforcement officer, I presume, based upon the Federal sentencing guidelines and the fact that all of the underlying crimes that we are dealing with here today are Federal crimes, that it would be a Federal law enforcement officer for whom this would apply, when you have indicated in your parenthetical, which for the purposes of a vulnerable person, which for the purposes of this section shall include a law enforcement officer. Would we not just inherently conclude that we are dealing with Federal law enforcement officers by the nature of the underlying bill and the nature of the Federal sentencing guidelines?

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

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, because of the issue here and the term ''law enforcement officer,'' we actually defined it in the bill as being an officer, agent or employee of the United States, a State or political subdivision authorized by law or government agency.

I mean when we take a look at this, I think this would include any law enforcement officer in the United States.

Mr. MCCOLLUM. Well, I have a question. Reclaiming my time, if you do include any police officer involving this, the question I guess involves one of whether or not there will be a crime where that is a Federal crime at the beginning that would include a police officer who is not a Federal officer that is a criminal crime, and there may be some cases like that, that is a Federal crime to begin with.

My reason for the puzzlement is even though I have read the definition, I think your original construct and your intent and you would have done it by separate legislation, had you had the opportunity, and it is not a bad idea, is to make it a Federal offense or crime to actually commit a certain type of activity and crime against, violence against law enforcement officers generally in the country using these kind of vests, these kind of devices. But the way you have reconstructed this to fit it and make it germane to this bill is in such a way that I would believe, though I could be wrong, because I do not have all of the Federal criminal laws out in front of me now with all the sentences to go over tonight, there are numerous of them, but I would believe it would be very rare cases in which the underlying crime for which the enhanced sentence would occur would involve a local law enforcement official. But in any event, I am not going to oppose the amendment. I am just trying to work through it in my own mind.

Mr. STUPAK. Mr. Chairman, if the gentleman will continue to yield, for the enhancement aspect of it, the underlying crime would have to be a Federal crime. The individual who may be in pursuit of this criminal could be a law enforcement officer from any jurisdiction, but the Federal crime that they are in pursuit of this criminal for would have to be a Federal crime as defined in the Violent Crime Control and Law Enforcement Act of 1994. So the underlying crime, you are absolutely correct, the protection would extend to anyone investigating that Federal crime where they met such an individual wearing this protective device.

Mr. MCCOLLUM. Fair enough. I think with that clarification, it helps a lot. So we understand, we are not creating any new Federal crimes, as we did on an earlier amendment. With this in mind and believing as I do and wanting to protect the police officers of our Nation and anybody else, for that matter, in terms of the situation where you might be wearing a vest like this, a body armor, I would support this amendment.

Mr. STUPAK. Mr. Chairman, I would ask, this was a small step here we are doing here tonight, but we do have the main underlying bill. And we have been trying to find a vehicle and even have some hearings on it. I would ask that the chairman give us due consideration of the full bill, the James Guelff Body Armor Act of 1996, so we can get to extend it to all police officers, not just Federal crimes but also State and local violations of law. So I would once again ask the chairman at a time hopefully very soon that we could address this issue further. This is just a small step tonight. I would like to take it one step further.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I know the gentleman is very sincere in wanting to press his entire full bill, and I respect that and, assuming we can work it into the crime agenda, I am not adverse to having a hearing on it, as I indicated before. We are in the process now of trying to figure out our schedule for the balance of the year. I thank the gentleman.

Mr. Chairman, I urge the adoption of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the reporter be allowed to read back my arguments on the Slaughter and Conyers amendment so that I do not have to repeat them on this amendment.

The CHAIRMAN. Unfortunately, the Chair cannot entertain that unanimous-consent request.

Mr. WATT of North Carolina. Then, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I will simply say ditto, here we go again, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO: At the end of the bill, add the following:

SEC. 3. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime of violence against a child, elderly person, or other vulnerable person (as such terms are defined in section 240002(b) of the Violent Crime Control and Law Enforcement Act of 1994) shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Chairman, I rise today to offer an extremely important amendment to improve the protections that are already included in this measure for our Nation's children, elderly and other vulnerable citizens. Public citizens today are facing a deadly new threat on the streets of my home State of Connecticut and across the Nation: the new threat is the emergence of laser sighting devices that are aimed at our law-abiding citizens.

These laser sights, mounted on the barrel of a gun, emit a tiny red beam of light that the shooter uses to line up the targets. In the hands of a criminal, these high-technology weapons turn ordinary street thugs into sharpshooters.

My amendment directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes of violence involving laser sighting devices when that crime is against a child, a senior, or a vulnerable person as defined by the bill. The amendment will deter the use of laser sight technology in street crime and require the Sentencing Commission to collect data on laser sighting devices in violent criminal activity throughout the Nation.

It is narrowly crafted legislation. It focuses on the criminal to crack down on violent crime. It is a noncontroversial approach that Members can support regardless of their views on gun legislation in general.

I offered a similar, but broader, amendment to the antiterrorism legislation in March. The amendment had wide bipartisan support and passed by voice vote. Unfortunately, the amendment was removed in conference.

Let me stress the amendment does not ban laser sight technology, nor does it ban guns equipped with laser sights. Again, it does not ban laser sight technology, nor does it ban guns equipped with laser sights. This is not about gun control, it is about crime control and justice for the victims of violent crime.

Mr. Chairman, I crafted this legislation with the help of local law enforcement in Connecticut.

With their input, this legislation has won endorsements from the National Fraternal Order of Police, the International Brotherhood of Police and others.

Let me read directly from the letter of support that I received from the National Fraternal Order of Police regarding the legislation.

The citizens of this nation already suffer far too much from tragedies precipitated by firearms crime. This problem is exacerbated by criminals using laser sights to make their criminal activity even more deadly.

Proliferation of this new technology is growing at an alarming rate among street thugs in communities across America. On Christmas Day of last year and during the first weeks of the New Year, guns equipped with laser sights have taken lives and evoked fear amongst families in my district. That is why I am offering in this amendment today.

The enhanced accuracy that these laser sighting devices generate in the hands of the violent criminal create a ''Super-gun,'' which aimed directly or indirectly at a target, make victims of innocent children, our seniors and other community members as they live and work in our neighborhoods.

In closing, let me read to my colleagues from a letter I received from the Connecticut Police Chiefs Association's president, Chief James Thomas, in strong support of my amendment:

Your legislation is a step in the right direction to reaffirm that society will not tolerate the use of sophisticated weapons by criminals against its citizens.

This bill punishes the criminal, not law-abiding gun users or gun owners, and I urge its immediate passage. I urge my colleagues to protect our most vulnerable citizens from violent crimes involving laser sights.

Mr. Chairman, I ask for a favorable vote on this amendment.

Mr. MCCOLLUM. Mr. Chairman I move to strike the last word.

Mr. Chairman, I am not going to oppose this amendment, because, obviously, if anybody commits a crime against a vulnerable person like a child or a senior citizen using a firearm equipped with a laser sighting device, I do not think any of us would want to argue that that person ought not to get the book thrown at him. But I would like to think we are going to throw the book at him for a lot of things that are less even than that in scope or seriousness, using a gun and lots of other things.

But I would submit that there are very, very few crimes that would be committed that would come under the jurisdiction of this law that would involve somebody possessing a firearm equipped with a laser sighting device. I do not, in fact, know of any crimes against children or the elderly that have been committed with them, although that is always possible, and I am not going to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 4, line 2, at the end, delete the ''.'' and insert '', by virtue of residence in any neighborhood in which the incidence of violent crime is above the national average, is particularly susceptible to criminal conduct.''

Mr. MCCOLLUM. I reserve a point of order, Mr. Chairman, on the amendment offered by the gentleman.

Mr. WATT of North Carolina. Mr. Chairman, there really is no more vulnerable population in America in terms of being exposed to criminal conduct than the people who live in the lowest-income areas in America, and when we start talking about who is vulnerable, sure, the elderly are vulnerable; sure, children are vulnerable, sure police officers are vulnerable. The list can go on, and on, and on, and on.

But there really is no more vulnerable population than the population that lives in areas of our country where the incidence of crime is far above the national average.

Mr. Chairman, this kind of illustrates how insane the process is we have embarked upon this evening. If we are going to set out to define who the vulnerable people were in our country—who is vulnerable to crime—we would have started with this amendment that simply says a vulnerable person under this bill is one who lives in a neighborhood where the incidence of violent crime is above the national average.

I am the first to stand here, even though it is my amendment, and confess to my colleagues that it makes no sense. But it makes just as much sense to do this in this bill as the bill when we started out as the Frost amendment when he added it, as the Slaughter amendment when she added it, as the Conyers amendment when he added it, as the Stupak amendment when he added it, and my friend from Connecticut, the last amendment, when she added hers.

What we are doing is a gross violation of the public safety and the trust that we owe to the citizens in this country. We are talking a very serious issue, and we are politicizing it. We are bringing it in here and saying let us make fun of these things, in effect, because we are in a political year, let us beat on our chest and show America how hard on crime we are,instead of following a responded policy that Republicans and Democrats alike on a bipartisan bases have agreed upon for years.

So I offer this amendment to show how slippery that slope is. Where do we draw the line? How do we draw the line? What makes sense on who is vulnerable and who is not vulnerable in our country if we do not get to the underlying cause of violent crime in the first place? Why signal one group out and exclude another?

But, most importantly, why do we bring this into this context, into a political context, this serious debate, and take it away from the nonpolitical, reasoned, rational process that we have set up?

We are supposed to be setting public policy here. That is what we all were elected to do. And I have heard on this floor tonight people say, ''Okay, well, it sounds good, even if it is unconstitutional, I am going to vote for it if you make me do a recorded vote, because I know that if I don't do it, there are political consequences.''

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, we have had a series of amendments that illustrate faithfully how absurd what we are doing is, and this one is no worse. It is simply designed to point out to my colleagues that we cannot get off of this slope once we get on it, and that is why we gave the responsibility in the first place to the Sentencing Commission. We have got to be rational about this, and, my colleagues, we cannot be rational about it playing politics with it.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina.

The CHAIRMAN. Does the gentleman from Florida insist on his point of order?

Mr. MCCOLLUM. No, Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, the gentleman from North Carolina is offering this amendment, I believe, almost on the face of what he is saying, because he is trying to make this bill absurd on its face. Once this passes, I suspect he will have succeeded if indeed it passes, because, first of all, he is saying that anybody is a vulnerable person and, therefore, there will be a sentence enhancement if that person is a victim of a violent crime in this country if that person is a resident in any neighborhood in which the incident of violent crime is above the national average.

□ 2030

I would suggest that there are a lot of people, who are residents of neighborhoods where the violent crime rate is above the national average, who may very well the very people where the criminal element is most strong in. In other words, we may very well find the guy who is dealing in arms, the fellow who has a whole warehouse full of ammunition; terrorists may be living in the neighborhood. I do not think neighborhoods are the way we should go about trying to define who is vulnerable or who is not vulnerable.

There are classes of people, rather than characteristics of geography, which this bill addresses. This bill addresses the issue of children and women and the elderly and, in a stretch, the police who happen to be vulnerable. They are people, not neighborhoods; not Washington, DC, not Orlando, FL, not Jacksonville, FL, not Florence, SC, not New York City. We are not geographically bound by this bill.

I think we make a mockery of this bill to take it to the extreme that this does, to charge the Sentencing Commission with coming back with enhancements of penalties, making penalties greater if you commit a crime against somebody because they happen to be in a neighborhood that statistically has an incidence of violent crime that is above the national average.

I do not even know if we have averages for violent crime in neighborhoods. We do have in cities. We do have it by counties, in some cases. We certainly have by States. But I do not know that we have statistics that measure neighborhoods. We do not even have a definition of a neighborhood, so we are going to expect the Sentencing Commission to derive through some regulatory process what a neighborhood is and how to relate existing statistics to neighborhoods. I do not think that it can probably be done, because I do not think the data is available that would allow us to have the information that would make this amendment meaningful.

By adopting this amendment, Mr. Chairman, the gentleman is doing what he really wants to do, and that is to try to make this bill impossible to become law, to make it one that will never see the light of day in the other body, to make it one which is rendered meaningless.

I think that is kind of sad, because what we are trying to do tonight, what we have been trying to do all afternoon since this bill has been considered that the gentleman from Michigan [Mr. CHRYSLER] drafted, is to send a message, particularly to those who commit crimes against the most vulnerable people in our society—children under the age of 14 and the elderly—that if you do, then you are really going to be in trouble.

Maybe we should have brought this bill out of here under a modified closed rule instead of an open rule, because we should have recognized that there would be a lot of mischief being played by people who did not agree with the basic idea; who do not believe Congress ought to be telling the Sentencing Commission, when we do not agree with it, that we think their punishment should be stronger and different than what they came back with when we suggested to them that they enhance penalties in the area of those who are particularly vulnerable, who are children and elderly, which is what we did in the last Congress. Maybe we should have foreseen that and not presented this out here under an open rule tonight.

Nonetheless, we did, Mr. Chairman. I would submit that my colleagues need to have the common sense and courage to vote down this amendment; to understand that it is wrong, to understand that it is way too broad; to understand there is no way to define a neighborhood in the first place; and in the second place, we do not have the statistics that would be applicable to make a person vulnerable; and in the third place, I suspect we are going to make a lot of people come under this definition who you would not want to have come under it even if you thought about it and even if you did adopt this, for those who may be truly a little more vulnerable because of somewhere they live than you might imagine.

It is just an unworkable amendment that, if nothing else, I think is designed, quite frankly, to kill this bill. I would urge a ''no'' vote in the strongest of terms. Somewhere we have to draw the line. I have to draw the line myself, as the chairman of the subcommittee, on what we accept here tonight, and I am drawing the line here and saying this is going way, overboard. I urge in the strongest of terms a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 3, beginning on line 9, strike subsection (a) and insert the following:

''IN GENERAL.—The United States Sentencing Commission shall review the Federal sentencing guidelines to determine an appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

Mr. WATT of North Carolina. Mr. Chairman, this amendment simply

would request the U.S. Sentencing Commission to review this matter and make recommendations about enhancements for the areas that are covered by this bill.

Mr. Chairman, it is time for us to get a grip. It is time for us to get a grip. We have taken a bill which should never have come to this floor, and it has gone from the ridiculous to the sublime, as somebody used to say to me when I was growing up. We have added a new Federal crime for crossing State lines to engage in sexual acts or sexual abuse of a child under age 12. We have added sex crimes against women. We have increased the enhancement from five levels to six levels. I do not know what the rational basis for that was, if there, in fact, was any. But everybody was afraid to vote against it, so it must have been a good idea, because politically, it is expedient.

We have added environmental crimes when they do violence. We have added mail order sale of body armor, and police officers. We have added laser sighting devices. We have refused to add the most vulnerable populations in our country, those who live in low-income areas, but I submit to the Members that that was no less or more rational than any of the others.

In the process we have illustrated, time after time after time, how slippery this slope is. We have illustrated, time after time after time, why on a bipartisan basis Republicans and Democrats alike joined to establish the U.S. Sentencing Commission and to give it authority to study the issues, to make very difficult judgments, to make our sentencing policy consistent, to take testimony outside the political context, and to rationalize something that ought to be rational, rather than irrational and political.

Mr. Chairman, I beg of my colleagues to get a grip and give this authority back to the Sentencing Commission. I know this is an election year, but our ultimate responsibility is to make sound public policy. We are making a joke of it this evening, because this is a slippery slope we cannot get off.

Mr. Chairman, I ask my colleagues to please pay heed and pass this amendment. let us get a grip and give the authority back to the body that we set up long ago to make these difficult decisions. Let us play public policy, not politics.

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

Mr. Chairman, I oppose the amendment for pretty obvious reasons, because this amendment that the gentleman from North Carolina [Mr. WATT] offers is one he offered in committee. I know it is offered sincerely, but it does gut the bill. His objective here is to send everything back to the Sentencing Commission and say that Congress, in this bill, is not going to tell you what to do with regard to the enhancement of sentences against those who are most vulnerable: children and women and the elderly. We are going to leave it up to you.

Frankly, Mr. Chairman, I know in principle that is great, but not always does the Sentencing Commission do what we want them to do. In this particular case they did not, at least not what I wanted them to do. They came back with some language that was directional to judges in considering certain matters in the sentencing guidelines, but they did not increase, pursuant to what I thought was the direction of Congress in the last session, in the language we passed directed to them, they did not increase the levels of sentence that would be given to those who commit crimes against the children and the elderly of this Nation.

I am not happy with that. The gentleman from Michigan [Mr. CHRYSLER] is obviously not happy, the author of this bill. I do not think, again, the majority of the American public would be happy without having these punishments enhanced in the sense that they are by the underlying bill we are dealing with here today.

That underlying bill essentially raises by five levels the amount of the sentence that somebody is going to get for any Federal crime they commit against any child or any other defined vulnerable person: the elderly; in certain cases, women. That means on average somewhere a little over 2 years more time in jail for somebody who commits a crime against one of these vulnerable persons, these children or these elderly and certain women, than they are going to get if they commit crimes against somebody else in the average course of affairs.

The important point of this, Mr. Chairman, is we want to send a deterrence specifically that says: ''If you do a crime against somebody who is at the weak end of our system and most vulnerable, like a child or like an elderly person, then we are going to punish you more severely.'' And hopefully, just hopefully, there will be a few less crimes committed against those very vulnerable people. If not, we are certainly going to lock those folks who commit those crimes up for longer periods of time.

The message also is to the States and to the local communities in saying, We are going this by example at the Federal level. We hope that you will follow our lead and increase specifically the punishment for those crimes against the very vulnerable in our society in your States and your local communities by a like measured response, making a distinction and sending a deterrent message, and taking one more step that this Congress has been taking, which is the first Congress in years to do this, along the road of putting swiftness and certainty of punishment and deterrence back into our criminal justice system; sending a message to the criminal that is meaningful, in order that we might, in a few cases, deter crime, and in other cases, take these really, really bad apples off the streets for a long period of time.

Mr. Chairman, I think this is a good underlying bill. The amendment of the gentleman from North Carolina [Mr. WATT] would destroy it completely. He would say, ''We do not agree to do that. We are simply going to redirect the Sentencing Commission to look at all of this again and come out with their recommendations again next year.'' That is not what this bill does. I urge a ''no'' vote on this amendment.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina [Mr. WATT]. The last series of votes points out the reason why the Sentencing Commission is so important. It provides a rational determination of sentence. Without the Sentencing Commission looking at each of these sentences, we can expect life without parole and longer sentences for virtually every crime. Politicians will decorate their brochures with bills that address high profile crimes of the day, or to codify new slogans as they come up.

Mr. Chairman, the answer to crime will always be more time to be served, without regard of what the punishment is without a new bill, just more time. There will be no rational pattern. Should a drunk driver get more than a rapist, or more or less than someone guilty of telemarketing fraud who steals senior citizens' life savings, or more or less than someone involved in a barroom brawl? The Sentencing Commission can make that determination in the context of whether someone caught with a small amount of drugs should serve more time than a murderer.

The legislative process, however, is to deal with the crime of the day or the latest slogan, always more time to be served. Mr. Chairman, it is interesting to see where we are after decades of this process. On an international basis, the United States has the highest rate of incarceration of any country on Earth. Japan and Greece both lock up less than 50 people per 100,000 population; Canada and Mexico, about an average of about 100. There are only two countries in the world that lock up more than 400 people per 100,000 population: Russia and the United States, both around 500 and some. In inner cities in this country today, we lock up 3,000 people per 100,000 population, compared to the international average of about 100.

That incarceration is not free. Virginia, which has tripled the prison population since I was first elected to the house of delegates in the State legislature; in addition to that, recently we have gone on a prison construction binge that will cost $100 million for each congressional district every year for the foreseeable future.

□ 2045

That is because we keep increasing the time to be served for the crime of the day or the slogan of the day.

Mr. Chairman, if we are going to be serious about crime, we should be

spending that money on initiatives which would actually reduce crime: education, jobs, recreation, drug rehabilitation, not decorating campaign brochures with expensive, haphazard, ineffective rhetoric. That is why we have the Sentencing Commission, to provide a rational, deliberate process to determine sentences, and that is why we should support the Watt amendment.

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

Mr. Chairman, let me just say to the gentleman from North Carolina, he would have my greater attention, perhaps support of this amendment if in the 1994 crime bill we did not ask the Sentencing Commission to look at it. When in fact that was done, the Sentencing Commission chose not to increase these penalties.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, is the gentleman aware that the Sentencing Commission did in fact respond to what we asked them to do and made some major adjustments in the process for evaluating whether to enhance or not?

Mr. BUYER. Reclaiming my time, they chose not to enhance the penalties. So what I am saying here is I agree with your point about reverent, I agree with your point about deference.

What we have here, though, are victims in our society who are asking the Congress to respond. We did it in the 1994 crime bill, whether it was three-strikes-and-you're-out. We have also done it with this bill on increasing the penalties.

We asked them to take a look at increasing the penalties against the most vulnerable in our society, the children and the elderly, and they chose not to increase it. So when they chose not, I think it is now very appropriate and I applaud the gentleman from Michigan [Mr. CHRYSLER] for bringing the bill.

I am also concerned, though, on how this bill in fact is getting saddled down with a lot of other things. The point of the gentleman from North Carolina [Mr. WATT] is very well taken. But I do not believe we should be redirecting the Sentencing Commission to do that which is highly predictable, which they will do, and that is, they are not going to take the action. I think the impetus for the legislation is in fact their failure to act and we are now telling them what they have to do.

His amendment in fact kills this bill, and I agree with the chairman of the Subcommittee on Crime and Criminal Justice that we must vote down the Watt amendment.

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

Mr. Chairman, let me begin by first thanking the gentleman from North Carolina for raising so many important constitutional and civil rights questions in this particular bill. I know a number of us thought this legislation would move through the course of this evening very quickly and a number of issues have been raised.

I must say that the gentleman from North Carolina raises some extremely important points, and this particular amendment unfortunately I know will not get the attention from Members that it deserves, but it should. This is an amendment that says we have a process, let us follow it.

Too often these days we find that the public, particular constituencies, particular communities, are not really pleased with the American process, whether it is judicial or legislative process. We can say the same thing about our political process. People are in many cases fed up. We can talk about certain high-profile jury verdicts that have come down, where people have said perhaps we should totally undo the jury process.

But we have a process and fortunately we have a Constitution that says we have to stick to a process. The Congress quite some time ago said we need a process to make sure we legislate appropriately when it comes to criminal matters. We have to make sure that people who are committing crimes are swiftly punished and appropriately punished for what they do.

We set up a Commission. That Commission was free of the politics that occurs day in and day out in this Chamber. We said, ''We will charge you to tell us what you think we should do on these particular issues that we bring to your attention.''

That is what we have been doing, is bringing these issues to their attention, directing them to take a look at certain things and get back to us. We have every right, as the gentleman from Florida has said, to disagree with the Commission and do something differently. That is what we have before us in this case with this bill.

The Congress, or a majority of Members, I suspect, in this Congress object to what the Commission has done. Does that mean it is right? Well, chances are what we are going to see happen is passage of this bill, and then we are going to have to revisit this in a few years because we are going to find that much of this is unworkable. Why? Because right now I think people are looking at November 1996, not May 7, 1996.

We charged a particular set of experts to tell us how best to conduct ourselves when legislating on issues of criminal law violations and we are telling them, ''You've done your work, we set a course for you, but we wish to ignore it.'' To me, that is the worst type of legislating, because what are we saying to folks is, ''Give us something that we can show folks, that we can hold up and say we've had something to look at,'' but then we just disregard it.

So we are acting like the experts, and I suspect most of the people who are going to push their button pretty soon on this bill will not even have heard the debate that is taking place on this floor, but that is where we have gone. We are now at the point of telling the Commission, you have done your work, and I have not even heard anybody say the work of the Commission was not good, but what we have decided to do is totally disregard it.

The Commission did take substantial measures, as it was requested to do so by this Congress two years ago, to see what we needed to do to make sure that people who committed crimes against the elderly and our young were severely and adequately punished, but we are going to ignore that right now because a majority of Members are going to vote to pass this bill. That is they way things are done these days, especially during an election year.

It is unfortunate, and it is most unfortunate when a Member is willing to bring this up, knowing full well that the chances of getting just a few votes or more than a few votes are unlikely. It is important at least because somewhere there will be a record that on May 7, 1996, somebody decided to speak up, have a rational voice and say this is not the way we conduct business, and certainly this is not the way the Constitution of the United States or the Founders of this country expected us to conduct ourselves in these hallowed Chambers.

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

Mr. Chairman, I believe this may be the last amendment to this measure. I would like to make a case that what we have done here, although it is outside the Sentencing Commission's responsibilities, it really has not been that bad.

Now, having said that, I would like to point out that the Sentencing Commission has not failed. The Sentencing Commission did what we asked it to do. As the chairman of the Subcommittee on Crime agreed with me earlier in the debate, the Sentencing Commission's work came back to this committee and was ratified.

I would argue that what we have done tonight is far less worse than many things that have happened on the criminal justice field, but that let us now repair the amendment that is on the floor, that is not a lot different from the controlling language in the Chrysler bill.

The Chrysler bill says the U.S. Sentencing Commission shall amend the Federal sentencing guidelines. The Watt amendment says the U.S. Sentencing Commission shall review the Federal sentencing guidelines to determine appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

In other words, all he does is take the work that we are about to report tonight and pass it back through the Sentencing Commission. Is that so bad? What is wrong with that? We now have a work product that can now go

back to the Sentencing Commission. Guess what? It has got to come back to us, anyway. Nothing that the Sentencing Commission can do has any viability till it has passed through the House of Representatives.

I argue that much of the work tonight, I believe, will pass muster with the Sentencing Commission, and so I fail to see any great harm done in connection with this amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT], the author of the amendment.

Mr. WATT of North Carolina. I thank the gentleman for yielding, because he has made the very point I have been trying to make. We really are not opposing enhancements of sentences for people who commit crimes against vulnerable people. I do not think there is anybody who really opposes that, and certainly not the Sentencing Commission opposes that.

What we are talking about is public policy and how we set it. I think it is appropriate to read the last few lines of the letter from the Sentencing Commission to us and remind ourselves and let it resonate as we try to close this debate.

This is what they say. It says,

The Commission was designed to take the politics out of sentencing policy and to bring research and analysis to bear on sentencing policy. This bill sets a bad precedent for the Congress with respect to the Commission. There are other ways for Congress to speak on sentencing policy while still maintaining the integrity of sentencing reform as embodied by the Sentencing Reform Act.

That is it.

Mr. CONYERS. I thank the gentleman. Let me ask the gentleman from Michigan [Mr. CHRYSLER], the author of the measure, that were this amendment to prevail, namely, that the Commission shall review our collective works tonight as opposed to us directing the Sentencing Commission to amend the guidelines, would that work an irreparable injury on the objectives that the gentleman has worked so hard to bring to the floor?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

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

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman to answer the gentleman's question, yes, it would. It would gut the bill.

Mr. CONYERS. In what respect, sir? It would not change a line in the bill. It would take the bill, assuming that it is passed, send it to the commission, and guess what? Anything that the commission does that we do not approve of, guess what we can do? Change it. So for that reason I suggest that it would not do any harm at all to the gentleman's work here tonight and the work that others have done to add on to it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to comment on the present legislation as we have it before the Chair, and I noted earlier the rising concern, not only on the sense of violent crimes but the fact that it results in the murder of our children. I have noted previously that the FBI cited generic statistics that said that children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994, and between 1976 and 1994 an estimated 37,000 children were murdered. Half of all murders in 1994 were committed with a handgun and about 7 in 10 victims age 15 to 17 were killed with a handgun.

In my community in Houston and surrounding, we have certainly had our share of children being murdered, one very heinous crime where the individual who murdered that child happened to be a neighbor.

But I think the important point is the ability of law enforcement to track down the offenders of this particular crime, whether it is a sex offense, or a sex offense that results in murder, or a murder of a child. I note that the legislation before us does not include the ability for the FBI to maintain a separate database of information on child sex offenders, and one that I would like to raise through legislation, a separate database on child murderers.

It is difficult in our local jurisdictions, when we find individuals who have a propensity for these acts, to find out that we have no basis of tracking them from one State to the next or from one incident to the next. I would like to work on legislation to address these particular data base gathering efforts by the FBI.

□ 2100

If I might, I would like to inquire of the chairman of the committee to raise this issue of concern about our FBI gathering data. We do realize they have been an important and useful tool in helping local communities in incidents like this. I would offer to say that if we could raise this issue before our Subcommittee on Crime or find a way for this legislation to be presented through a hearing process, and then, of course, to the floor, I think we are certainly missing an important element by not providing or allowing for the FBI to maintain or to enhance the keeping of a separate data base, one, on child sex offenders, but then on child murderers.

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, John Walsh, the father of Adam Walsh, one of the more famous victims in sad cases in this Nation involving a child, has testified before our subcommittee that we do need to enhance these data bases that the FBI has, and certainly this chairman is willing to look into that, is currently examining that issue, and perhaps there will be either a hearing opportunity or legislative opportunity later this year.

I would be delighted to have the gentlewoman work with me and the subcommittee staff to accomplish what we can in this session of Congress along these lines.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman for his input on that. I would simply say just in the name of a 4-year-old, Monique Miller, in my community, who lost her life both by being sexually assaulted and then brutally attacked resulting in her very tragic and violent death, that I think it would be extremely helpful that we proceed through hearings as well as legislation to ensure that we have labeled those individuals who are sex offenders and child murderers.

Mr. Chairman, I rise today in support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, which would provide enhanced penalties for violent crimes committed against children, the elderly and other vulnerable individuals.

Unfortunately as we all know, the most vulnerable in our society are often in the most danger of abuse. Strengthened penalties for criminals who prey on the vulnerable will send a clear message that crimes against children and the elderly will not be tolerated.

According to the Bureau of Justice Statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. I will be offering legislation that will help local law enforcement in preventing child murders and sexual assaults by requiring the FBI to keep separate and distinct data on child sex offenders and child murderers nationwide.

And a National Victim Center survey estimated that 61 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12.

Similarly, according to the U.S. Department of Justice, in 1992, persons 65 or older experienced about 2.1 million criminal victimizations. Furthermore, injured elderly victims of violent crime are more likely than younger victims to suffer a serious injury. Violent offenders injure about a third of all victims. Among violent crime victims age 65 or older, 9 percent suffer serious injuries like broken bones and loss of consciousness.

Elderly victims of violent crime are almost twice as likely as younger victims to be raped, robbed, or assaulted at or near their home. Half of the elderly victims of violence are victimized at or near their home. Public opinion surveys conducted during the last 20 years among national samples of persons age 50 or older consistently show that about half of those persons feel afraid to walk alone at night in their own neighborhood.

Clearly, we must do more to protect our children and senior citizens. H.R. 2974 is an

important step in deterring the victimization of children, senior citizens and vulnerable individuals in our communities and putting an end to senseless violence across the country. I urge my colleagues to support this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

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

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 370, not voting 22, as follows:

[Roll No. 147]

AYES—41

Barrett (WI)	Fields (LA)	Rohrabacher
Becerra	Flake	Roybal-Allard
Bishop	Hastings (FL)	Rush
Campbell	Hilliard	Scarborough
Clay	Jackson (IL)	Scott
Clayton	Jefferson	Serrano
Clyburn	Lewis (GA)	Stokes
Collins (MI)	McDermott	Thompson
Conyers	Meek	Towns
Coyne	Millender-McDonald	Velazquez
Cummings	Payne (NJ)	Waters
Dellums	Pelosi	Watt (NC)
Dixon	Rangel	Williams
Fattah		Wynn

NOES—370

Abercrombie	Chrysler	Filner
Ackerman	Clement	Flanagan
Allard	Clinger	Foley
Andrews	Coble	Forbes
Archer	Coburn	Fox
Armey	Coleman	Frank (MA)
Bachus	Collins (GA)	Franks (CT)
Baesler	Collins (IL)	Franks (NJ)
Baker (CA)	Combest	Frelinghuysen
Baker (LA)	Condit	Frisa
Baldacci	Cooley	Frost
Ballenger	Costello	Funderburk
Barcia	Cox	Furse
Barr	Cramer	Gallegly
Barrett (NE)	Crane	Ganske
Bartlett	Crapo	Gejdenson
Barton	Cremeans	Gekas
Bass	Cubin	Gephardt
Bateman	Cunningham	Geren
Bentsen	Danner	Gilchrest
Bereuter	Davis	Gillmor
Berman	de la Garza	Gilman
Bevill	Deal	Gonzalez
Bilbray	DeFazio	Goodlatte
Bilirakis	DeLauro	Goodling
Bliley	DeLay	Gordon
Blute	Deutsch	Goss
Boehlert	Diaz-Balart	Graham
Bonior	Dickey	Green (TX)
Bono	Dicks	Greene (UT)
Borski	Dingell	Greenwood
Boucher	Doggett	Gutierrez
Brewster	Dooley	Gutknecht
Browder	Doolittle	Hall (OH)
Brown (FL)	Dornan	Hall (TX)
Brown (OH)	Doyle	Hamilton
Brownback	Dreier	Hancock
Bryant (TN)	Duncan	Hansen
Bryant (TX)	Dunn	Hastert
Bunn	Durbin	Hastings (WA)
Bunning	Edwards	Hayworth
Burr	Ehlers	Hefley
Burton	Ehrlich	Hefner
Buyer	Emerson	Heineman
Callahan	Engel	Herger
Calvert	English	Hilleary
Camp	Ensign	Hinchey
Canady	Eshoo	Hobson
Cardin	Evans	Hoekstra
Castle	Everett	Hoke
Chabot	Ewing	Holden
Chambliss	Farr	Horn
Chapman	Fawell	Hostettler
Chenoweth	Fazio	Houghton
Christensen	Fields (TX)	Hoyer
Hunter	McNulty	Schaefer
Hutchinson	Meehan	Schiff
Hyde	Menendez	Schroeder
Inglis	Metcalf	Schumer
Jackson-Lee (TX)	Meyers	Seastrand
Jacobs	Mica	Sensenbrenner
Johnson (CT)	Miller (CA)	Shadegg
Johnson (SD)	Miller (FL)	Shaw
Johnson, E.B.	Minge	Shays
Johnson, Sam	Mink	Shuster
Johnston	Moakley	Sisisky
Jones	Montgomery	Skaggs
Kanjorski	Moorhead	Skeen
Kaptur	Morella	Skelton
Kasich	Murtha	Slaughter
Kelly	Myers	Smith (MI)
Kennedy (MA)	Myrick	Smith (NJ)
Kennedy (RI)	Nadler	Smith (TX)
Kennelly	Neal	Smith (WA)
Kildee	Nethercutt	Solomon
Kim	Neumann	Spence
King	Ney	Spratt
Kingston	Norwood	Stearns
Kleczka	Nussle	Stenholm
Klink	Oberstar	Stockman
Klug	Obey	Stump
Knollenberg	Olver	Stupak
Kolbe	Ortiz	Talent
LaFalce	Orton	Tanner
LaHood	Oxley	Tate
Lantos	Packard	Tauzin
Largent	Pallone	Taylor (MS)
Latham	Parker	Taylor (NC)
LaTourette	Pastor	Tejeda
Laughlin	Paxon	Thomas
Lazio	Payne (VA)	Thornberry
Leach	Peterson (FL)	Thornton
Levin	Peterson (MN)	Thurman
Lewis (CA)	Petri	Tiahrt
Lewis (KY)	Pickett	Torkildsen
Lightfoot	Pombo	Torres
Lincoln	Pomeroy	Torricelli
Linder	Porter	Traficant
Lipinski	Portman	Upton
Livingston	Poshard	Vento
LoBiondo	Pryce	Volkmer
Lofgren	Quillen	Vucanovich
Longley	Quinn	Walker
Lowey	Radanovich	Walsh
Lucas	Rahall	Wamp
Luther	Ramstad	Ward
Maloney	Reed	Watts (OK)
Manton	Regula	Waxman
Manzullo	Richardson	Weldon (FL)
Markey	Riggs	Weldon (PA)
Martinez	Rivers	Weller
Martini	Roemer	White
Mascara	Rogers	Whitfield
Matsui	Ros-Lehtinen	Wicker
McCarthy	Rose	Wilson
McCollum	Roth	Wise
McCrery	Roukema	Wolf
McHale	Royce	Woolsey
McHugh	Sabo	Yates
McIntosh	Salmon	Young (AK)
McKeon	Sanders	Young (FL)
McKinney	Sanford	Zeliff
	Sawyer	Zimmer
	Saxton	

NOT VOTING—22

Beilenson	Gunderson	Owens
Boehner	Harman	Roberts
Bonilla	Hayes	Souder
Brown (CA)	Istook	Stark
Foglietta	McDade	Studds
Ford	Molinari	Visclosky
Fowler	Mollohan	
Gibbons	Moran	

□ 2123

Messrs. GUTKNECHT, BOUCHER, and PORTER, Ms. BROWN of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Messrs. FATTAH, CAMPBELL, and TOWNS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOBSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2974), to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, pursuant to House Resolution 421, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 4, not voting 15, as follows:

[Roll No. 148]

AYES—414

Abercrombie	Boehlert	Chapman
Ackerman	Boehner	Chenoweth
Allard	Bonilla	Christensen
Andrews	Bonior	Chrysler
Archer	Bono	Clay
Armey	Borski	Clayton
Bachus	Boucher	Clement
Baesler	Brewster	Clinger
Baker (CA)	Browder	Clyburn
Baker (LA)	Brown (CA)	Coble
Baldacci	Brown (FL)	Coburn
Ballenger	Brown (OH)	Coleman
Barcia	Brownback	Collins (GA)
Barr	Bryant (TN)	Collins (IL)
Barrett (NE)	Bryant (TX)	Collins (MI)
Barrett (WI)	Bunn	Combest
Bartlett	Bunning	Condit
Barton	Burr	Conyers
Bass	Burton	Cooley
Bateman	Buyer	Costello
Bentsen	Callahan	Cox
Bereuter	Calvert	Coyne
Berman	Camp	Cramer
Bevill	Campbell	Crane
Bilbray	Canady	Crapo
Bilirakis	Cardin	Cremeans
Bishop	Castle	Cubin
Bliley	Chabot	Cummings
Blute	Chambliss	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
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
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
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
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
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Becerra
Scott
Waters
Watt (NC)

NOT VOTING—15

Beilenson
Ford
Gibbons
Gunderson
Harman
Hayes
McDade
Molinari
Mollohan
Owens
Souder
Stark
Studds
Visclosky
Yates

☐ 2143

Mr. JOHNSTON of Florida changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2974, the Clerk be instructed to correct cross references and section designations and to make any other clerical corrections that may be necessary.

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

There was no objection.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2974.

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

There was no objection.

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 3120, REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3120, pursuant to House Resolution 422, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

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

There was no objection.

☐ 2145

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2406, UNITED STATES HOUSING ACT OF 1996.

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–564) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families and increase community control over such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–565) on the resolution (H. Res. 427) providing for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3286, ADOPTION PROMOTION AND STABILITY ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–566) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF LAST VOTE OF THE DAY

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

Mr. MCCOLLUM. Mr. Speaker, I asked to speak for 1 minute so I can advise Members that, as a result of what we have just done, the next vote will be the last vote of the evening. I simply want to use the 1 minute to advise the Members of this body that, contrary to

anything they may have heard otherwise, that after this next vote, the suspension vote that we are about to take, there will be no more votes tonight because of the granting of unanimous consent awhile ago.

So, we can all go home after the next vote.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed today.

MEGAN'S LAW

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2137, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 149]

YEAS—418

Abercrombie	Borski	Coleman
Ackerman	Boucher	Collins (GA)
Allard	Brewster	Collins (IL)
Andrews	Browder	Collins (MI)
Archer	Brown (CA)	Combest
Armey	Brown (FL)	Condit
Bachus	Brown (OH)	Conyers
Baesler	Brownback	Cooley
Baker (CA)	Bryant (TN)	Costello
Baker (LA)	Bryant (TX)	Cox
Baldacci	Bunn	Coyne
Ballenger	Bunning	Cramer
Barcia	Burr	Crane
Barr	Burton	Crapo
Barrett (NE)	Buyer	Cremeans
Barrett (WI)	Callahan	Cubin
Bartlett	Calvert	Cummings
Barton	Camp	Cunningham
Bass	Campbell	Danner
Bateman	Canady	Davis
Becerra	Cardin	de la Garza
Bentsen	Castle	Deal
Bereuter	Chabot	DeFazio
Berman	Chambliss	DeLauro
Bevill	Chapman	DeLay
Bilbray	Chenoweth	Dellums
Bilirakis	Christensen	Deutsch
Bishop	Chrysler	Diaz-Balart
Bliley	Clay	Dickey
Blute	Clayton	Dicks
Boehlert	Clement	Dingell
Boehner	Clinger	Dixon
Bonilla	Clyburn	Doggett
Bonior	Coble	Dooley
Bono	Coburn	Doolittle
Dornan	Kanjorski	Pelosi
Doyle	Kaptur	Peterson (FL)
Dreier	Kasich	Peterson (MN)
Duncan	Kelly	Petri
Dunn	Kennedy (MA)	Pickett
Durbin	Kennedy (RI)	Pombo
Edwards	Kennelly	Pomeroy
Ehlers	Kildee	Porter
Ehrlich	Kim	Portman
Emerson	King	Poshard
Engel	Kingston	Pryce
English	Kleczka	Quillen
Ensign	Klink	Quinn
Eshoo	Klug	Radanovich
Evans	Knollenberg	Rahall
Everett	Kolbe	Ramstad
Ewing	LaFalce	Rangel
Farr	LaHood	Reed
Fattah	Lantos	Regula
Fawell	Largent	Richardson
Fazio	Latham	Riggs
Fields (LA)	LaTourette	Rivers
Fields (TX)	Laughlin	Roberts
Filner	Lazio	Roemer
Flake	Leach	Rogers
Flanagan	Levin	Rohrabacher
Foglietta	Lewis (CA)	Ros-Lehtinen
Foley	Lewis (GA)	Rose
Forbes	Lewis (KY)	Roth
Fowler	Lightfoot	Roukema
Fox	Lincoln	Roybal-Allard
Frank (MA)	Linder	Royce
Franks (CT)	Lipinski	Rush
Franks (NJ)	Livingston	Sabo
Frelinghuysen	LoBiondo	Salmon
Frisa	Lofgren	Sanders
Frost	Longley	Sanford
Funderburk	Lowey	Sawyer
Furse	Lucas	Saxton
Gallegly	Luther	Scarborough
Ganske	Maloney	Schaefer
Gejdenson	Manton	Schiff
Gekas	Manzullo	Schroeder
Gephardt	Markey	Schumer
Geren	Martinez	Scott
Gilchrest	Martini	Seastrand
Gillmor	Mascara	Sensenbrenner
Gilman	Matsui	Serrano
Gonzalez	McCarthy	Shadegg
Goodlatte	McCollum	Shaw
Goodling	McCrery	Shays
Gordon	McDermott	Shuster
Goss	McHale	Sisisky
Graham	McHugh	Skaggs
Green (TX)	McInnis	Skeen
Greene (UT)	McIntosh	Skelton
Greenwood	McKeon	Slaughter
Gutierrez	McKinney	Smith (MI)
Gutknecht	McNulty	Smith (NJ)
Hall (OH)	Meehan	Smith (TX)
Hall (TX)	Meek	Smith (WA)
Hamilton	Menendez	Solomon
Hancock	Metcalf	Spence
Hansen	Meyers	Spratt
Hastert	Mica	Stearns
Hastings (FL)	Millender-McDonald	Stenholm
Hastings (WA)	Miller (CA)	Stockman
Hayworth	Miller (FL)	Stokes
Hefley	Minge	Stump
Hefner	Mink	Stupak
Heineman	Moakley	Talent
Herger	Montgomery	Tanner
Hilleary	Moorhead	Tate
Hilliard	Moran	Tauzin
Hinchey	Morella	Taylor (MS)
Hobson	Murtha	Taylor (NC)
Hoekstra	Myers	Tejeda
Hoke	Myrick	Thomas
Holden	Nadler	Thompson
Horn	Neal	Thornberry
Hostettler	Nethercutt	Thornton
Houghton	Neumann	Thurman
Hoyer	Ney	Tiahrt
Hunter	Norwood	Torkildsen
Hutchinson	Nussle	Torres
Hyde	Oberstar	Torricelli
Inglis	Obey	Towns
Istook	Olver	Traficant
Jackson (IL)	Ortiz	Upton
Jackson-Lee (TX)	Orton	Velazquez
Jacobs	Oxley	Vento
Jefferson	Packard	Volkmer
Johnson (CT)	Pallone	Vucanovich
Johnson (SD)	Parker	Walker
Johnson, E. B.	Pastor	Walsh
Johnson, Sam	Paxon	Wamp
Johnston	Payne (NJ)	Ward
Jones	Payne (VA)	Waters
Watts (OK)	Whitfield	Woolsey
Waxman	Wicker	Wynn
Weldon (FL)	Williams	Young (AK)
Weldon (PA)	Wilson	Young (FL)
Weller	Wise	Zeliff
White	Wolf	Zimmer

NOT VOTING—15

Beilenson	Hayes	Souder
Ford	McDade	Stark
Gibbons	Molinari	Studds
Gunderson	Mollohan	Visclosky
Harman	Owens	Yates

☐ 2205

Ms. WATERS, Mr. SCOTT, and Mr. WATT of North Carolina changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3120.

☐ 2205

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering, and jury tampering, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

Under the rules the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, in recent years, criminal sentences have increased in response to the scourge of drugs and violent crime, yet the penalties for retaliating against or tampering with witnesses, jurors, and court officials in criminal cases have remained unchanged. Some Federal and State prosecutors blame witness intimidation and juror tampering for the falling conviction rates in some parts of the country. Indeed, under current law, a defendant facing a Federal criminal sentence of 10 years or more may believe he or she is better off trying to influence the outcome of the trial by intimidating a witness, or tampering with a juror or court officer, because the maximum punishment for such crime is generally 10 years in prison.

In order to deter criminals and their associates from attempting to illegally influence the outcome of a criminal trial, H.R. 3120, introduced by the gentleman from Pennsylvania [Mr. FOX], increases the penalty for witness intimidation, and tampering with a juror or court official, so that it equals the maximum penalty of incarceration for the crime being tried in the case. As a result, criminals will no longer be tempted to illegally influence their trial in the hope that, even if caught, their punishment for the act of intimidation or tampering will be less than what they would have faced had they been convicted on the original charges. Specifically, this bill makes three specific amendments to the Federal criminal law.

First, this bill amends the title 18 provisions relating to retaliation against witnesses, victims, or informants. Current law provides for a maximum penalty of 10 years imprisonment for persons convicted of this crime. This bill will amend that law to provide that if the retaliation occurred because of attendance at a criminal trial, the maximum punishment will be the higher of that in the present statute, or the maximum term of imprisonment for any offense charged in the criminal case to which the retaliation related.

Second, this bill would amend the title 18 provision relating to tampering with a witness, victim, or informant. Current law provides for a maximum penalty of 10 years if the act involves intimidation or the threat of physical force—not involving death—or 1 year if the act constitutes ''harassment.'' This bill would provide that if the offense occurred in connection with a criminal trial, the maximum punishment will be the higher of that provided by the present statute or the maximum term of imprisonment for any offense charged in the criminal case in question.

Finally, this bill would amend the title 18 provision relating to jury tampering and influencing or injuring court officials. Under current law the maximum punishment is 10 years imprisonment, unless the tampering or influence involved killing a person, in which case the punishment is death. This bill provides that if the offense occurred in connection with a criminal trial and involved the use of physical force or threat of physical force, the maximum punishment will be the higher of that provided by the present statute or the maximum term of imprisonment for any offense charged in the criminal case in question.

Mr. Chairman, the integrity of the criminal justice system is vital to public safety. Defendants must believe that any attempt to affect the rule of law by undermining the judicial process will be punished severely. This bill will help deter acts which would undermine the workings of the criminal justice system.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume, but merely to initiate a discussion around this measure by pointing out that we have a rather large-size problem about drafting.

Mr. Chairman, this bill carries with is some incredible possibilities in that those who might interfere with witnesses could be subject to the same underlying penalties of a defendant, for example, the death penalty, but the defendant might be acquitted, and someone who was guilty of jury tampering could face the death penalty.

What I am saying, Mr. Chairman, is that if we decide to increase the penalties for witness retaliation, jury tampering, it should be done on a much more rational basis than the one that has been dumped into this measure. I think we really may want to examine this measure much more closely than we have at the committee level.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

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

Mr. Chairman, again, this is one of those bills that the general purpose one finds hard to argue with but, again, the drafting leaves some of us shuddering at the potential consequences of where we might end up. I want to point out two or three different concerns that we have with the bill. I had considered the possibility of trying to offer some amendments to address some of these items, but given what happened on the last bill, I do not want to tax the patience of my colleagues, so I just want to point these things out so that Members will know some of the concerns about the bill.

First of all, Mr. Chairman, I think the bill is unnecessary. There are underlying statutes which already provide severe penalties for witness or jury tampering and retaliation. Section 1503 provides for a penalty of up to 20 years and a fine for jury tampering. Section 1512 provides for the death penalty for murdering a witness to prevent his or her testimony at trial. Section 1513 provides the death penalty for murdering a witness in retaliation for his or her testimony at trial. So there are already severe penalties in the law for jury tampering and witness tampering, and for retaliation.

However, the more troubling aspect of this bill is that it would hold a violate, or a person engaged in jury tampering or retaliation, liable for a crime that he or she had absolutely nothing to do with and no connection to, and it would do it in a way that really fails to distinguish between people who engage in serious misconduct and people who do not engage in serious misconduct.

□ 2215

This is not your typical co-conspirator kind of situation. If you are involved in a conspiracy, you are already a part of the underlying crime.

The link here is that we are going to give you the same penalty that is charged in the underlying crime if you try to get involved with a jury or a witness in that case, and sometimes that just may not be justified.

Mr. Chairman, let me kind of play out the example that is an extreme example but a realistic example of what could happen under this bill.

Let us assume that we have a criminal case in which there are two defendants. One of those defendants is charged with some small offense. The second defendant is charged with a very, very serious offense. Both of these defendants may be tried together at the trial of the underlying offenses. If I, having no connection with either the minor offense or the major offense, decide that I would like to help my brother who is charged with the minor offense by trying to encourage a witness not to testify against my brother who is charged with the minor offense, or if I tamper with the jury to help my brother who is charged with the minor offense, then I end up being subjected to the same penalties as if I had tampered with the jury or tried to influence a witness in connections with the major offense.

So, Mr. Chairman, there is absolutely no distinction in this bill for very different kinds of conduct for which there should be distinctions drawn.

If I engage in jury tampering or witness tampering by sitting in the courtroom and casting a dirty or intimidating look at somebody, the prosecutor has the discretion to charge me with an offense that could subject me to life imprisonment, I think actually would subject me to the death penalty, even though the gentleman from Florida [Mr. MCCOLLUM] denies that this bill is intended to do that.

So there are serious drafting problems in this bill, and we tried to address those in the committee. We tried to offer amendments that would have made the kinds of distinctions between somebody who is tampering with a jury or tampering with a witness in a case which is a minor offense as opposed to someone who is doing the same thing in a case that might justify the death penalty or life imprisonment. My colleagues on the other side say, ''Well, we don't care about that. We just want to be hard on crime. We want to have that reputation for being hard on crime. This is a tough year.''

So we are back here with one of these bills that superficially is a good idea but is drawn in such a way and so broadly that it ceases to be rational in its potential application. Apparently we just do not care.

Mr. Chairman, my colleagues on the committee rejected amendment after amendment that would have made this a better bill, that would have allowed there to be bipartisan support, or strong support for this bill. They simply did not care.

So, I cannot let this go without expressing severe reservations I have

about this bill, not the general underlying intent of the bill, which I think is good; but its failure to discriminate between bad actors and worse actors and not-so-bad actors is contrary to sound public policy. My colleagues need to be aware of that.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 2 minutes.

I simply want to respond to what I know are genuine concerns my colleagues have expressed about what the language of this bill is and what it does, but I believe that their concerns are not with merit. The bill itself has explicit language in it that any reasonable interpretation would see that it does not contain a chance whatsoever, that anybody could get the death penalty because they violated this particular bill.

Mr. Chairman, what it says is if the retaliation, or if the offense occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case. And that is repeated three times in the bill for the three different parts of the criminal code which this applies to, that exact same language.

We are talking about the maximum term of imprisonment. That is the most, the greatest amount of punishment that anybody could receive is the maximum term of imprisonment that the underlying crime would have imposed if the person who was on trial at the time the jury tampering, the witness tampering had occurred had been convicted and been sentenced. That does not contemplate the death penalty.

Mr. Chairman, I might also add that I believe the severity of this punishment is warranted. We are not convicting somebody of the underlying crime when they are tampering. They are indeed being convicted of those existing Federal crimes that have been on the books for many years, for witness tampering and jury tampering and intimidation. We need to send a message that, when you do that kind of crime, you are going to get punished for that crime, for the jury tampering and the witness tampering in a very severe manner.

We are simply using what the gentleman from Pennsylvania [Mr. FOX] has creatively come up with, and that is the maximum punishment for the underlying crime as the crime for these crimes. But there is no new crime somebody is being convicted of.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX], who is the author of this bill.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise today to speak on behalf of the bill, H.R. 3120, which addresses in my legislation three of the important issues facing the American judicial system, jury and witness tampering and witness retaliation.

An overlooked shortcoming of our criminal statutes has allowed these three offenses to create opportunities and incentives for criminals in this country. I believe the legislation will close this loophole, provide prosecutors with additional leverage in combating criminals, and ensure that justice in our courts may not be impeded by additional criminal activity.

Currently, tampering in a Federal court can bring sentences which may be significantly less than those which come with serious crimes such as first and second degree murder, kidnaping, air piracy and drug trafficking. Over the years, as Federal penalties for these crimes have increased, the penalties for tampering with a witness or jury have failed to keep pace. This discrepancy has thereby created an incentive for individuals standing trial to attempt to intimidate witnesses and jurors or to offer a bribe.

The need for the bill, Mr. Chairman, was outlined well in a Wall Street Journal story in January of 1995 where it detailed the proliferation of tampering and intimidation cases throughout the country. Take, for example the case of Newark, New Jersey, in 1988 where 20 defendants stood trial on charges of racketeering in connection with their alleged membership in a well-known crime family. All 20 defendants were acquitted. However, in 1994 two of the defendants pleaded guilty to jury tampering after co-defendants in a separate case turned them in. Instead of being able to apply a sentence equal to that of the original crime, those two defendants benefited from the present system and faced lesser sentences for the jury tampering offense. What is worse than a case like this is that the most successful tampering goes unnoticed, or at least unprosecuted, leading to the acquittals of dangerous criminals, high number of unsolved cases, and a perceived failure of our own justice system.

The bill before Members today is the combined version of three bills I had previously introduced in H.R. 1143, 1144 and 1145. Those three bills had garnered broad bipartisan support including the chairman and ranking member of the full Judiciary Committee as well as the chairman and ranking member of the Subcommittee on Crime. We appreciate the gentleman from Michigan who was an original cosponsor of those pieces of legislation and a special thanks of course to the gentleman from Florida [Mr. MCCOLLUM] who has shepherded the legislation and given us a great deal of advice on the bill as it relates to his own experience in working with crime prevention and in making sure we move legislation like this forward.

I thank those four of my distinguished colleagues as well as the other cosponsors of this legislation and the committee staff for their support and diligence in working the bill to the floor. I am certain that by equating the penalties for these crimes with the potential sentences for other Federal crimes, this legislation creates a disincentive for those facing stiff sentences for egregious offenses to tamper with a jury or intimidate a witness.

As a former assistant district attorney in Montgomery County, Pennsylvania, I have experienced firsthand the frustration that is faced by citizens and members of the criminal justice system when cases go unsolved because witnesses will not step forward. Recently in my own home district a burglary suspect was arrested after returning a car to a rental agency. While in the country correctional facility, the suspect placed 15 threatening phone calls to a rental agency employee to keep her from testifying against him. Police said that the suspect made the calls through a third party who set up a conference call. The warden is now correcting the procedural problem of phone use but we as legislators need to do what we can to eliminate the incentive to tamper.

I empathize with distinguished prosecutors such as Montgomery County District Attorney Michael Marino and District Attorney Lynne Abraham of Philadelphia who daily face the challenges posed by both jury and witness tampering and witness retaliation. Both have endorsed this legislation as well as the National District Attorneys Association and the Pennsylvania District Attorneys Association. I also should note, Mr. Chairman, that the Department of Justice has stated its support for this penalty enhancement which, in their words, ''is clearly and rationally designed to deter the commission of this type of offense'' and being appropriate, is not overly broad.

At the State level we believe the penalties for jury tampering can vary state to state, from less than a year up to 7 years. District Attorney Abraham recently blamed witness intimidation as a chief cause of the high number of unsolved homicides in Philadelphia. Twenty years ago Philadelphia police solved 86 percent of homicides but last year that number was down to 58 percent. District Attorney Abraham has blamed the trend primarily on a growing lack of cooperation from witnesses fearing retribution from criminals. I am particularly hopeful that the legislation before members today will set a standard for the States to follow and lead to greater uniformity nationwide for tampering penalties, increased security for jurors and witnesses, and a more effective system of justice for all.

In that light I am speaking out today to each of the States to reexamine their sentences for tampering offenses.

Mr. Chairman, I urge that the House pass this corrective legislation to protect witnesses, jurors, victims and the justice system that we so much cherish.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gentleman for yielding time.

Mr. Chairman, I believe the gentleman from North Carolina stated very eloquently the problems with this particular legislation. Let me again begin by stating, as I believe I did in the previous bill, that the idea here behind this legislation is a good one. I support the stated objective of H.R. 3120. If someone, it can be proven, violated the law by tampering with a juror or a witness in order to try to help out a defendant, that person should be penalized. If the penalties that we have under current law for the specific crime of jury tampering or witness tampering do not seem to be commensurate to the type of offense that may have been committed in tampering and perhaps helping someone get off without penalty, then we should consider extending the violation of law and the penalties thereby to that person who tampered with a juror or with a witness. Where this legislation loses me is in its scope. It overreaches. We had the discussion in committee, and I respect the gentleman from Florida's position that it does not, but it does in two respects.

□ 2230

First, I would disagree with the gentleman from Florida that in fact the language in the bill is clear that no one could face the death penalty. I think it is very ambiguous as to whether someone could face the death penalty under this legislation for having tampered with a juror or a witness.

In fact, it probably can be cured fairly readily with some language that made it clear that when we have language that talks about the maximum term that could have been imposed for any offense charged in such case, if it were to be clear that it would include any term other than the death penalty, that would make it very clear that the previous language where it talks about the maximum term of imprisonment is meant to exclude the death penalty.

But that is not my biggest concern, because it is the fact that you can get to that stage which concerns me, and that is what I would like to focus the rest of my remarks with regard to this legislation on.

It seems to me that in trying to penalize someone for having done the misdeed, and it is a terrible misdeed, of trying to help someone get off in a prosecution by tampering with a witness, threatening a juror, or anything like that, that we go beyond that sensibility that we try to maintain in our judicial system, and is some cases we mock justice by saying that someone who may have tampered with a juror or with a witness in an effort to try to help someone in a low-level offense that may be related in a case with a number of other offenses, including very high level offenses, for example, first degree murder, that that individual that tampered with the juror, and, remember, tampering could be offering an incentive to someone, a juror or a witness, that that person all of a sudden can face the same penalty that that criminal defendant that may have killed five people is facing, of either the death penalty or imprisonment without the possibility of parole.

Mr. Chairman, let me see if I can try to come up with an example that makes it a little bit clearer what I am trying to say. We tried to do this in committee, and I know to some degree folks get lost.

But if you have an individual, let us call him Joe, involved in a crime, let us say he is out there with some friends, and his friends tell him to come along, they are going to get some cash. They need some money, so they are going to stop by and rob a convenience store. Joe has no idea that his friends may do anything more than just try to get some quick cash.

Say one of Joe's friends does the worst thing of all and kills the guy in the convenience store working there, the clerk. That individual who did the shooting is now subject to first degree murder charges, and, because Joe may have been, let us say, in the car driving at the time, waiting for these guys to come back out, he, as a result of the felony murder, is also subject to up to the death penalty for that first degree murder.

That is rightfully so. He participated, maybe not totally knowingly, but he participated in a crime that could have and did in fact, lead to the death of an individual.

So, now Joe goes home and he tells his mother he has to flee the law because he just did a bad thing. He does not necessarily explain to his mother what he did. Let us say his mother tries to harbor him for a few days. Now she has abetted a first degree murder defendant. She can be charged with having abetted a criminal defendant.

Now, let us say all these folks get charged in the same case, including the mother, because she tried to protect her son before maybe even she even turned him in. Somehow she is involved in a low level offense.

Mr. Chairman, let us say Joe's father is totally broken up by this. His son is now subject to first degree murder charges, his wife tried to abet her son, and so now he sees his son and his wife facing criminal charges. Say he goes and speaks to a witness and says, ''My wife didn't mean it; can't you have mercy? Let her go. Judge, do whatever you have to do with my son, just be fair,'' et cetera, et cetera.

The witness comes back and tells the prosecutor, ''You know what? Joe's father tried to talk me into helping Joe's mother in this case so she would be let go and I wouldn't testify against her.''

What penalty should he pay? Well, we have the current law that says anyone who tampers with a jury or witness can face criminal punishment. That is already in existing law. Joe's father can face penalties for witness tampering or jury tampering right now. But this bill says that Joe's father, because he went to the witness or a juror and said ''Help my wife out, she didn't really know what she was getting into,'' that Joe's father now can face the same first degree murder penalties that Joe faces, and, really, that the gunman who did the killing faces for what was done?

Now, Joe's father may have been trying to help his wife get off of a small offense, and it was wrong, and he should be penalized, But should he now face the death penalty or life imprisonment without possibility of parole because he tried to help his wife out? Most people I think would say no. But this bill says yes, he can.

Mr. Chairman, I would not mind seeing Joe's father charged with something similar to what his wife was being charged with if it was greater in penalty than what he faced exclusively under our witness or juror tampering laws right now. But I do not believe Joe's father should have to now go before a jury that may decide to give him the death penalty. I do not think most juries would, to begin with, and I do not think we ever really get to that stage very often. But because we do not think anyone would go to that extreme, it does not mean we should legislate to those extremes, and we should not legislate to the point where we mock justice and sensibility. That is where we are heading.

I do not know if this runs afoul of the Constitution as something approaching cruel and unusual punishment. I certainly think that we could have corrected this in committee, and it still can be corrected, to make it clear that we can relate the punishment for those who tamper with witnesses and jurors to those crimes that are related to the person they were trying to help get off, those defendants they were trying to help get off from criminal penalties.

But this goes a little bit beyond, not a little bit, quite a bit beyond, and I think it is unfortunate that the drafting of this legislation makes it very difficult for someone who really takes the time to read this bill to support it.

Otherwise it would be a good bill. If it was connected to the purpose, I think we could find we could get total support. As I said before, it is unfortunate the drafting was not done very well.

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

Mr. Chairman, I know the gentleman from California is very genuine in his comments. He made similar comments and concerns expressed in the committee when we considered this bill, but I believe the illustration the gentleman gave in and of itself is flawed in terms of what the legislation that we are here dealing with today would do.

First of all, I think it is the very, very situation in which you would find joint trials involving the more minor offense, the aiding and abetting and so forth at one time which could conceivably mean when somebody tampers or

intimidates a juror or a witness in a case because they were concerned with the lesser offense, they could wind up, because there were several joint defendants or codefendants, getting a much more serious penalty than would be justified for the maximum sentence for the one defendant they were concerned about when they went and messed around with him.

Frankly, for that particular illustration, I am not terribly concerned about that, because I think if somebody goes and messes with a juror or tries to do the kind of witness tampering we would prohibit under this bill that the gentleman from Pennsylvania [Mr. FOX] has drafted, then I think that it does not make much difference what the underlying crime is. If they are doing that, we need to send a very tough message out there and say, ''Look, you are doing that. Even if it was a lesser crime, and you are going to get a really tough punishment because you are being tried with some codefendant with a greater crime and therefore your sentence will be greater, then so be it.'' It is a bigger message that goes not there and says if you mess around, you are going to get yourself in really deep, deep, deep trouble if you are messing with a witness or juror.

Second, the illustration you gave about the issue of the tampering that occurred would not be actually covered by this particular underlying bill we are dealing with today. If it were a juror, there was no force or physical intimidation being used in your illustration. That is what is required to get this bill going with respect to the increased penalties with respect to a jury tampering situation. There has to be physical force or the threat of physical force to do that.

With respect to somebody attempting to tamper with a witness or victim or an informant, this is based on the underlying statute, section 1512 of title 18, you have to knowingly use intimidation or physical force or threaten or corruptly persuade another person or attempt to do so or engage in misleading conduct toward another person with the intent to influence, delay, et cetera. Just talking to a witness, just talking with a victim or informant and saying, ''Gosh, my son was a good guy, he really didn't do anything that wrong,'' or the way you went about it, I do not believe that person would be covered.

I get your point. I do not agree with it. But I thought we ought to make it very clear that the illustration, as mild as you were making that tampering, probably would not be a crime in any event. But if it were truly tampering, truly intimidation under either the juror, physical threat definition of the current law or under the corrupting as well as physical threat interpretation of current law dealing with the witness tampering provisions, I think that the sentence we are putting out in this bill is very justified to deter that kind of activity across the board nationally, and society as a whole will benefit by having that deterrence placed in the law we are going to do tonight in this bill, and that is by placing into law a provision that says if you tamper with a jury or tamper with a witness in a Federal trial, you are going to subject yourself to precisely the same penalty that is there and existed for the defendant or the accused and in that underlying trial, except, and I think this is very clear, and I realize some of my colleagues over there do not want to think it is so clear, but it is very clear you could not get the death penalty under this bill that is being considered tonight that the gentleman from Pennsylvania [Mr. FOX] wrote. But you could get the maximum imprisonment term under the wording of this bill that the accused could get. I think that is very appropriate.

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

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I reserve my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], the author of the bill, who wishes to respond a little further.

Mr. FOX of Pennsylvania. Mr. Chairman, in relationship to the comments made by the gentleman from California, and I do appreciate his sincerity of purpose and interest in this subject, and I know the gentleman shares, as well as the Members on both sides of the aisle, the interests of making sure we protect victims and also have fair trials.

When it comes to the situation discussing about Joe, obviously under the coconspiracy rule, all those in the conspiracy, regardless of whether or not they pull the trigger are involved and of course would be felony murder to all. Obviously the mother is aiding and abetting. The father in this case takes justice in his own hand. Albeit we have sympathy for a father whose son has committed a felonious crime and been involved with something certainly very upsetting to the family, we know that under our system of justice, he had an alternative, and that alternative was to go to court at the time of sentencing and make his plea for clemency for his son. Obviously the mother's case is de minimis as far as the court is concerned, because she did not really get involved in the major offense.

I think Mr. MCCOLLUM is very clear when he spoke of the face that in this case, in this bill, there is no death penalty that would apply. What we are trying to do is look out for the victims in the United States, and that is to make sure we have fair trials and that those who commit felonies have to answer them in a court of law.

It also should be pointed out for the RECORD we were very much persuaded by the cogent arguments of the gentleman from North Carolina [Mr. WATT], at the time of the subcommittee hearing, and we accepted one of his amendments, which, by the way, does add some very important language to make sure that this case would apply where we have a criminal defendant involved with tampering which involves a threat of physical force. That clarification was a very important amendment which I think was an improving amendment, which shows the bipartisan spirit with which the gentleman from Florida [Mr. MCCOLLUM] and the committee and the gentleman from Michigan [Mr. CONYERS] and others moved forward in making this legislation hopefully a reality.

I believe that the prosecutors who we are dealing with here want to make sure we have a fair bill and the Justice Department that carefully looks over legislation has endorsed it.

☐ 2245

Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I was looking through the code book to try to see if I could understand what the gentleman from Florida was saying with regard to my example. The gentleman from Florida said that it would only apply if there were a case of physical force in the jury tampering or witness tampering. I failed to find the exclusion or the requirement that there be physical tampering.

It can include a number of things which would provide for intimidation and physical force, but that is not a requirement within the statute. So it could include a number of other things.

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

Mr. BECERRA. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the way that this is worded in the bill with respect to the question of jury tampering limits it to physical force. Part of that was the amendment that was offered by the gentleman from North Carolina [Mr. WATT] in the full committee. So, if the gentleman is dealing with the witness tampering, that is not the story. But jury tampering very clearly is only physical force.

Mr. BECERRA. Mr. Chairman, so the example that I gave still applies, that there is not always a need for physical force in order for these enhanced penalties to attach. I think the gentleman left the impression that, unless someone went out there and committed physical force, that witness or juror tampering could not include the enhanced penalties.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will continue to yield, under the tampering with a witness under existing law, the language I was reading from the statute says, uses intimidation or physical force, threatens or corruptly persuades, which I would

interpret to mean bribery in some other way, another person, or attempts to do so, or engages in misleading conduct towards another person. Those are the prerequisites.

I just thought that the gentleman's point is well made. There are other things besides physical force. But I thought that the illustration the gentleman gave would have been a father talking with a witness without any offering of a bribe or any intimidation the way the gentleman described it. That is a mild enough version that I do not think we could get the fellow on the underlying crime. That is all.

Mr. BECERRA. I appreciate the gentleman's comments. I want to make sure it is clear that what the gentleman has said to try to further explain makes it clear that you do not have to have only physical force in to face these particular enhanced penalties, that you can engage in misleading conduct. If that father had engaged in misleading conduct to try to help his wife be relieved of the penalties in a criminal prosecution, he still could face not the penalties that relate to witness or jury tampering under current law and not just the penalties that his wife may have faced, which may have been greater penalties than what he would face under the current juror or witness tampering laws, but he could face the penalties that some kid unknown to him faces for having shot that convenience store clerk, which could be first degree murder and therefore the death penalty.

What I am just trying to make clear is there is a disconnect between what this bill ultimately can do and I believe what the gentleman is trying to do. I believe the gentleman from Pennsylvania [Mr. FOX], is onto something that is crucial. That is to make sure that, if someone is going to tamper with a witness or with a juror or retaliate, that we penalize them. And if we find that the penalties under current law for that type of activity tampering are too minimal, then maybe we should attach to them penalties that relate to the tampering they did, but keep it consistent.

If that person tried to tamper to try to help someone who was a low level offender, make sure they pay the price that the low level offender would have paid, not the price that someone totally perhaps unrelated to that person faces. I think, if he had done that, I have no problems with it whatsoever. But it just goes beyond, I think it overreaches, and it makes it very difficult to believe that we would really want to say this in our statutes.

My only problem is, again, it is not with the intent. It is that we are passing laws here, and what we are saying to the people of this country, quite honestly to the history of the United States, is that we are trying to do the best by America. And it does not seem to me the best thing to do for America is to pass laws that ultimately someone is going to say, whoa, we have to redefine this and go back into it.

Mr. McCOLLUM. Mr. Chairman, I have no further speakers, and I reserve the balance of my time to close.

Mr. CONYERS. Mr. Chairman, I yield back to the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume to close.

I will not spend much of that time doing it. I would like to point out to my colleagues that the circumstances that we are developing about these various scenarios could well be taken care of, and I hope they will be, if there are mitigating extenuating circumstances by the Sentencing Commission. What we are passing tonight is a much more severe maximum penalty. But we are not in any way preventing the Sentencing Commission from coming along as we would anticipate they would do and suggesting that there would be something lesser given in those situations where there were extenuating mitigating circumstances, perhaps those types of things involving cases where there are more than one accused being tried at one time or some unusual circumstances such as the gentleman from California was describing.

Mr. Chairman, the bottom line though is that what we are doing tonight, the really significant thing we are doing by passing this bill, and I certainly urge its adoption, is what the gentleman from Pennsylvania [Mr. FOX] was creative enough to come forward with. This is to send a message to those who would commit jury tampering and witness tampering that, if they commit that, they are really going to get the book thrown at them. This is not something you do, that this is taken as seriously as a lot of other very, very serious crimes are taken, and that they could serve a lot of time in jail because they are doing that, not just the maximum 10 years we have today.

They could serve 30 years or 40 years or 50 years or longer in jail if they commit witness tampering and jury tampering in a Federal trial. That is the significance of what is being done today. We are saying that the maximum penalty in witness tampering and jury tampering in a Federal trial after this becomes law will be the maximum of the underlying crime for which the accused in the case being tried is charged.

I would urge my colleagues to accept it. Again, I commend the gentleman from Pennsylvania for offering this. I think it is a very constructive and appropriate new deterrent in the Federal criminal justice system.

Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of H.R. 3120, legislation to prevent jury and witness tampering and witness retaliation.

This Member was a cosponsor of each of these separate bills as they were originally introduced by the gentleman from Pennsylvania [Mr. FOX] before they were placed in one piece of legislation and also a cosponsor of the H.R. 3019. Existing penalties for these crimes do not create a deterrent for criminals often facing life imprisonment or the death penalty for their crimes. Criminals will risk a small fine in order to be declared not guilty.

A Nebraska jury tampering case, involving the murder trial of Roger Bjorklund in 1993, demonstrates the need for changes in the Federal jury tampering law. We have no teeth in our jury tampering laws. The present weak laws actually encourage accused individuals to interfere with a jury or witnesses. They have very little to lose. This is a loophole that must be closed.

Mr. Chairman, this Member urges his colleagues to support this important measure.

Mr. DOYLE. Mr. Chairman, whether in the national spotlight or in our hometown, attempts to derail law enforcement investigations and influence judicial decisions through coercion is increasingly becoming the criminal's preferred line of defense. No longer is the arm of intimidation restricting itself to organized crime. When individuals employ this type of behavior in a small or close knit community, the effect of the manipulation can literally freeze that neighborhood's sense of community in its tracks. When individuals successfully exercise intimidation in the courtroom, we are in danger of knowingly forfeiting an inalienable right; the right to a fair trial.

I realize the limited effect deterrents such as the provisions of H.R. 3120 can have if they are not enforced. It is my hope however, that the message of H.R. 3120 will bolster law enforcement's efforts and will break through to individuals who might otherwise resort to witness and jury tampering tactics. It is also my hope that this legislation will sound a voice of support and encouragement to individuals who are a witness to, or victim of crime. In order for our communities to be safe environments, we must make it clear that every individual is equally important and deserves protection. An aware and involved resident is our best tool to preventing and combating crime.

As a cosponsor of the original components of this bill, H.R. 1143, H.R. 1144, and H.R. 1145, I strongly believe that increasing the maximum sentence for individuals convicted of tempering or harassing juries and witnesses in criminal cases is a reasonable and just response to such actions. I urge my colleagues to support final passage of H.R. 3120, the Increased Punishment for Witness and Jury Tampering Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended—

(1) in section 1513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding at the end the following:

''(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment

which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.'';

(2) in section 1512, by adding at the end the following:

''(i) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case,''; and

(3) in section 1503(a), by adding at the end the following: ''If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.''.

The CHAIRMAN. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

Pursuant to the order of the House of today, the chairman of the Committee of the Whole House may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electric device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. SHADEGG) having assumed the chair, Mr. LATOURETTE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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.

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 Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI 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 gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON 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 gentleman from California [Mr. FILNER] is recognized for 5 minutes.

[Mr. FILNER 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 gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

[Mr. MICA 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 gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

[Mr. GEJDENSON 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 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 gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH 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 gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF 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 gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

OUTSTANDING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I will just take a few moments to address the House, just to congratulate my colleagues today who introduced outstanding legislation which was passed. DICK CHRYSLER's bill which is going to increase the penalties for those who commit crimes against children and the elderly, and by doing this we will put a disincentive in our criminal justice system for those who were thinking about committing violent crimes against children under 14 and the elderly.

I also commend Congressman ROYCE from California for his outstanding legislation which will for the first time create the Federal offense of stalking between States. I was pleased to hear from one of his constituents who had a 13-year ordeal with someone stalking her and her life in jeopardy constantly. Others have not been as fortunate to be able to live through the experience and thank goodness for EDWARD ROYCE's legislation that will now put some teeth in the law to add a disincentive in severe penalties for those who would commit the crime of Federal stalking.

Finally, I wish to congratulate DICK ZIMMER, who passed today with our help Megan's law. The Kanka family, Megan Kanka, who was brutally murdered and raped by a criminal who lived right across the street virtually in her neighborhood in New Jersey.

□ 2300

That crime was so egregious that we now have a new Federal law which will require that there be, by those criminals who have committed prior acts of sexual offenses, to be registered, and so we can make sure that we limit the amount of crimes like these again and so that Megan's life will not have been in vain.

Her parents, Maureen and Richard Kanka, gave eloquent testimony this morning here at the Capitol about the importance of Megan's law in requiring that our States notify communities of the presence of convicted sex offenders who might pose a danger, just like they did to their daughter. And our hearts

and prayers go out to that family. We thank them for their efforts in what they have done, working with Congressman ZIMMER to pass this important law.

I also thank my colleagues as well for their support of my anticrime legislation which will add severe penalties for those who would tamper with witnesses, tamper with jurors or intimidate witnesses, and I appreciate the fact that here today in Congress we passed four important anticrime laws which will go to protect our citizens and further to make sure that our justice system is preserved.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and for the balance of the week on account of maternity leave.

Mr. MCDADE (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI for 5 minutes today.

Mr. FILNER for 5 minutes today.

Mr. GEJDENSON for 5 minutes today.

Mr. FIELDS of Louisiana for 60 minutes today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. MICA for 5 minutes today.

Mr. RIGGS for 5 minutes today.

Mr. SMITH of Michigan for 5 minutes today.

Mr. METCALF for 5 minutes today.

Ms. PRYCE for 5 minutes each day on May 8 and 9.

Mr. KINGSTON for 5 minutes today.

Mr. CHAMBLISS for 5 minutes on May 8.

EXTENSION OF REMARKS

By unanious consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. REED in three instances.

Mr. DOYLE.

Mr. LANTOS.

Mr. OLVER.

Mr. STARK in two instances.

Mr. SKAGGS.

Mr. MANTON in two instances.

Mr. MORAN.

Mr. LIPINSKI.

Mr. GORDON in nine instances.

Mr. GEJDENSON in two instances.

Mr. ROEMER.

Mrs. COLLINS of Illinois.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. FIELDS of Texas.

Ms. ROS-LEHTINEN.

Mr. TAYLOR of North Carolina.

Mr. BILIRAKIS.

Mr. FRANKS of Connecticut.

Mr. DORNAN.

Mr. BALLENGER.

Mr. DAVIS.

Mr. SOLOMON.

Mr. COBLE.

Mr. HUNTER.

Mrs. MORELLA.

Mr. SMITH of Michigan.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

May 6, 1996:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chatahoochee Compact between the States of Alabama and Georgia; and

H.R. 2243. An act 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.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Wednesday, May 8, 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:

2839. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Assessment Rate (FV96–956–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2840. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington; Assessment Rate (FV96–946–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2841. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Assessment Rate (FV96–985–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2842. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Southeast Marketing Area (DA–95–22FR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2843. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1995, pursuant to 22 U.S.C. 3871; to the Committee on National Security.

2844. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for training personnel for the Education of Individuals with Disabilities Program and Program for Children and Youth with Serious Emotional Disturbance—received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

2845. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Child Restraint Systems (RIN: 2127–AF67) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy.

2846. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Products Containing Diphenhydramine Citrate or Diphenhydramine Hydrochloride; Enforcement Policy (RIN: 0901–AA01) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2847. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1996, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

2848. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Relief from reporting by small issuers (RIN: 3235–AG48) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2849. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for certain California limited issues (RIN: 3235–AG51) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2850. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 104–208); to the Committee on International Relations and ordered to be printed.

2851. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Changes in Survey Responsibilities for Certain Appropriated Fund Federal Wage System Wage Areas (RIN: 3206–AH28) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2852. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's interim rule—To Authorize Small Takes of Marine Mammals Incidental to Specified Activities in Arctic Waters (RIN: 0648–AG80) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2853. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service,

transmitting the Department's final rule—Summer Flounder Fishery; Adjustments to 1996 State Quotas (Docket No. 951116270–5308–02; I.D. 031296B) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2854. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials Regulations; Technical Amendment (RIN: 2125–AD90) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Bigfork, MN—Docket No. 95–AGL–20 (RIN: 2120–AA66) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change in Using Agency for Restricted Areas R–4102A and B, Fort Devens, MA—Docket No. 95–ANE–71 (RIN: 2120–AA66) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Richlands, VA—Docket No. 95–AEA–14 (RIN: 2120–AA66) (1996–0013) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of the Type Certification Procedures for Changes in Helicoper Type Design to Attach or Remove External Equipment (RIN: 2120–AF10) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2859. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Maule Aerospace Technologies, Inc. Models M–4–210 and M–4–210C airplanes; Docket No. 95–CE–22–AD (RIN: 2120–AA64) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2860. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Fibromyalgia (RIN: 2900–AH05) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2861. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs transmitting the Department's final rule—Appeals Regulations; Rules of Practice: Single Member and Panel Decisions; Reconsiderations; Order of Consideration (RIN: 2900–AH16) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2862. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Removal of references to ''vicious habits'' (RIN: 2900–AH87) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2863. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Miscellaneous Amendments (RIN: 2900–AI02) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3269. A bill to amend the impact aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes (Rept. 104–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2066. A bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the dietary guidelines for Americans under the school lunch and school breakfast programs; with an amendment (Rept. 104–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2464. A bill to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes (Rept. 104–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. H.R. 3230. 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, and for other purposes; with amendments (Rept. 104–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 426. Resolution providing for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 104–564). Referred to the House Calendar.

Ms. GREENE of Utah: Committee on rules. House Resolution 427. Resolution providing for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. 104–565). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 428. Resolution providing for consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children (Rept. 104–566). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOX (for himself, Mr. LANTOS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BALLENGER, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. CAMPBELL, Mr. CHABOT, Mr. DELLUMS, Mr. DOYLE, Mr. ENGEL, Mr. FARR, Mr. FOLEY, Mr. HEINEMAN, Mr. HOLDEN, Mr. HORN, Mr. JACOBS, Mrs. KELLY, Mr. KLECZKA, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mr. MANTON, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. TORRES, Mr. POSHARD, and Mr. BARCIA of Michigan):

H.R. 3393. A bill to amend the Animal Welfare Act to prevent the crime of pet theft; to the Committee on Agriculture.

By Mr. LEWIS of California (for himself and Mr. STUMP):

H.R. 3394. A bill to repeal the Low-Level Radioactive Waste Policy Act and to provide new authority for the disposal of low-level radioactive waste; to the Committee on Commerce.

By Mr. BENTSEN:

H.R. 3395. A bill to amend the Internal Revenue Code of 1986 to provide a temporary suspension of 4.3 cents per gallon in the rates of tax on gasoline and diesel fuel; to the Committee on Ways and Means.

By Mr. BARR (for himself, Mr. LARGENT, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. VOLKMER, Mr. SKELTON, Mr. BRYANT of Tennessee, and Mr. EMERSON):

H.R. 3396. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

By Mr. BARTON of Texas.

H.R. 3397. A bill to amend the Federal Election Campaign Act of 1971 to require that contributions to candidates in odd-numbered years be from individuals only; to the Committee on House Oversight.

By Mr. CANADY (for himself, Mr. BROWN of California, Mr. DORNAN, Mr. HUTCHINSON, Mr. GOSS, Mr. MURTHA, and Mr. FOLEY):

H.R. 3398. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. CASTLE (by request):

H.R. 3399. A bill to authorize appropriations for the United States contribution to the 10th replenishment of the resources of the International Development Association, to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the African Development Bank, to authorize consent to and authorize appropriations for a United States contribution to the interest subsidy account of the successor [ESAF II] to the Enhanced Structural Adjustment Facility of the International Monetary Fund, and to provide for the establishment of the Middle East Development Bank; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHRISTENSEN (for himself, Mr. BEREUTER, Mr. BARRETT of Nebraska, and Mr. GILCHREST):

H.R. 3400. A bill to designate the United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, NE, as the ''Roman L. Hruska United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. FAZIO of California:

H.R. 3401. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3402. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to

the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3403. A bill to amend title III of the Job Training Partnership Act to provide employment and training assistance for individuals who work full time at a plant, facility, or enterprise that is a part of an economically depressed industry and is located in an economically depressed area; to the Committee on Economic and Educational Opportunities.

By Mr. MCINTOSH:

H.R. 3404. A bill to amend title VI of the Housing and Community Development Act of 1974 to establish a consensus committee for maintenance and revision of the Federal manufactured home construction and safety standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MEEHAN:

H.R. 3405. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a Component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. ROEMER (for himself, Mr. ROYCE, Mr. CALVERT, Mr. GONZALEZ, Mr. HEINEMAN, Mr. VENTO, Mr. BAKER of California, Mr. KING, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. KANJORSKI, Mr. ROHRABACHER, Mr. STEARNS, Mr. BONO, Mr. DOOLEY, Mr. BENTSEN, Mr. LARGENT, Mr. MINGE, Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, and Mr. LINDER):

H.R. 3406. A bill to amend the Housing and Community Development Act of 1974 to establish a consensus committee for development, revision, and interpretation of manufactured housing construction standards; to the Committee on Banking and Financial Services.

By Mr. ROTH:

H.R. 3407. A bill to establish the Thrift Charter Merger Commission, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H.R. 3408. A bill to amend title 10, United States Code, to revise the provisions of law relating to payment of retired pay of retired members of the Armed Forces to former spouses, and for other purposes; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 3409. A bill to combat domestic terrorism; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to encourage production of oil and gas within the United States, to ease regulatory burdens, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGRICH:

H. Con. Res. 172. Concurrent resolution authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. EDWARDS, Mr. BOUCHER, Mr. STARK, Mr. EHRLICH, Mr. HASTINGS of Washington, Mr. TORKILDSEN, and Mrs. CLAYTON.

H.R. 294: Mr. JACKSON, Mr. BLUTE, and Mr. KENNEDY of Massachusetts.

H.R. 773: Mr. WHITE.

H.R. 991: Mr. LUTHER.

H.R. 1024: Mr. WELDON of Florida and Mrs. MYRICK.

H.R. 1209: Mr. HOKE.

H.R. 1210: Mr. FILNER.

H.R. 1246: Ms. WATERS, Mr. FATTAH, Mrs. SCHROEDER, Mr. ROMERO-BARCELO, Mr. RAHALL, Mr. MILLER of California, Ms. LOFGREN, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Ms. PELOSI, Mr. KANJORSKI, and Mr. MORAN.

H.R. 1352: Mr. PACKARD.

H.R. 1406: Mr. SPRATT and Ms. HARMAN.

H.R. 1462: Mr. GILCHREST, Mr. PORTMAN, Mr. CAMPBELL, Mr. BRYANT of Texas, Mr. MARTINEZ, Ms. PRYCE, and Mr. WILLIAMS.

H.R. 1482: Mr. NEY.

H.R. 1483: Mr. NEY, Mr. BOEHLERT, Ms. SLAUGHTER, and Mr. SOLOMON.

H.R. 1500: Mr. CAMPBELL.

H.R. 1618: Mr. NEY, Mr. COOLEY, and Mr. LUCAS.

H.R. 1625: Mr. CRANE.

H.R. 1711: Mr. KLUG, Mr. QUINN, and Mr. DICKEY.

H.R. 1776: Mr. LEWIS of California, Mr. DEAL of Georgia, Mr. FAWELL, Mr. OXLEY, Mr. BILIRAKIS, Mr. BASS, Mr. COLLINS of Georgia, Mr. DOOLITTLE, Mr. BOEHNER, Mr. GOODLING, Mr. HASTERT, Mr. WALSH, Mr. RIGGS, Mr. WILSON, Mr. HUTCHINSON, Mr. CLEMENT, Mr. HOLDEN, Mr. THORNTON, Mr. KOLBE, Mr. STUDDS, Mr. GEKAS, Mr. MEEHAN, Mr. LINDER, Mr. DAVIS, and Mr. HOKE.

H.R. 1876: Mr. TORRICELLI and Mr. HAMILTON.

H.R. 1889: Mr. MORAN.

H.R. 1893: Mr. KENNEDY of Rhode Island, Mr. FLAKE, Mr. TRAFICANT, and Mr. BARCIA of Michigan.

H.R. 2011: Mr. STARK, Mr. PASTOR, Mr. PETERSON of Minnesota, Ms. ESHOO, and Mrs. KELLY.

H.R. 2026: Mr. LAHOOD, Mr. THORNTON, Mr. SPRATT, Mr. FARR, Mrs. MORELLA, Mr. HAYES, Mr. HEFLEY, Mr. LAUGHLIN, Mr. MCKEON, Mr. CRAMER, Mr. QUILLEN, Mr. DORNAN, Mr. HUTCHINSON, and Mr. DIAZ-BALART.

H.R. 2066: Mr. LIPINSKI, Ms. WOOLSEY, Mr. MCKEON, and Mr. JOHNSON of South Dakota.

H.R. 2167: Mr. TAYLOR of North Carolina.

H.R. 2214: Mr. UNDERWOOD, Mr. MANTON, and Mr. HINCHEY.

H.R. 2244: Mr. BALDACCI, Mrs. SEASTRAND, Mr. BEREUTER, Mrs. FOWLER, and Mr. GOODLATTE.

H.R. 2270: Mr. PETRI and Mr. COBURN.

H.R. 2400: Mr. PALLONE and Mr. WELLER.

H.R. 2416: Mr. CLINGER.

H.R. 2618: Ms. SLAUGHTER.

H.R. 2665: Ms. SLAUGHTER.

H.R. 2682: Mr. OLVER.

H.R. 2690: Mr. MINGE.

H.R. 2727: Mr. BROWNBACK and Mr. PACKARD.

H.R. 2757: Mr. STARK and Mr. BARR.

H.R. 2800: Ms. NORTON.

H.R. 2827: Mr. PETRI.

H.R. 2893: Mr. THORNTON.

H.R. 2908: Mr. COOLEY and Mr. FAZIO of California.

H.R. 2928: Mr. RIGGS.

H.R. 2930: Mr. RIGGS.

H.R. 2938: Mr. COOLEY and Mr. BACHUS.

H.R. 2994: Mr. HEFNER, Mr. COYNE, Mr. MURTHA, and Mr. CANADY.

H.R. 3011: Mr. HEINEMAN, Ms. WOOLSEY, and Mr. CONYERS.

H.R. 3042: Ms. NORTON and Mr. BAKER of California.

H.R. 3059: Ms. SLAUGHTER.

H.R. 3067: Mr. BERMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Ms. WATERS, and Mr. MCKEON.

H.R. 3079: Mr. HILLIARD.

H.R. 3083: Mr. HAYWORTH and Mr. NORWOOD.

H.R. 3118: Mr. WATTS of Oklahoma and Mr. EMERSON.

H.R. 3123: Mr. COBURN and Mr. EMERSON.

H.R. 3138: Mr. NETHERCUTT, Mrs. THURMAN, Mr. LIPINSKI, and Mr. HEFNER.

H.R. 3142: Ms. LOFGREN, Mr. CALLAHAN, Mr. MORAN, Mr. SKELTON, Mrs. MEEK of Florida, Mr. BISHOP, Mr. DOYLE, Mr. BOUCHER, Mr. MCCOLLUM, Mr. ALLARD, Mr. SPENCE, Mr. MCCRERY, Mr. HANSEN, Mr. BENTSEN, Mr. SOLOMON, Mr. WYNN, Mr. FUNDERBURK, Mr. MANTON, Mr. TANNER, and Mr. FALEOMAVAEGA.

H.R. 3172: Mr. FRAZER, Mrs. JOHNSON of Connecticut, Ms. SLAUGHTER, and Mr. BROWN of California.

H.R. 3173: Mr. UPTON.

H.R. 3195: Mr. NEY.

H.R. 3199: Mr. HUTCHINSON, Mr. STOCKMAN, Mr. GOODLATTE, Mr. MINGE, Mr. FLANAGAN, Mr. BAKER of California, and Mr. RAHALL.

H.R. 3201: Mr. COOLEY, Mrs. SEASTRAND, Mr. SHADEGG, Mr. SAM JOHNSON, Mr. RIGGS, Mr. CANADY, Mr. MINGE, Mr. FLANAGAN, and Mr. HOEKSTRA.

H.R. 3226: Mr. MCHUGH, Mr. NETHERCUTT, Mr. ROBERTS, Mr. TORKILDSEN, Mrs. LOWEY, Mr. LAFALCE, Mrs. MALONEY, Mr. CLYBURN, Mr. HILLIARD, Mr. DEFAZIO, Mr. SANDERS, Mr. FOGLIETTA, Mr. ACKERMAN, Ms. LOFGREN, and Mr. MATSUI.

H.R. 3246: Ms. KAPTUR.

H.R. 3251: Mr. BARRETT of Nebraska.

H.R. 3253: Mr. RAHALL, Mr. GRAHAM, Mr. MCKEON, Mrs. MEEK of Florida, Mrs. LINCOLN, Mr. THORNBERRY, Mr. UNDERWOOD, Mr. CALLAHAN, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. WALSH, Mr. LIVINGSTON, Mr. SHUSTER, Mr. NEAL of Massachusetts, Mr. BUYER, Mr. DINGELL, Mr. DAVIS, Ms. DELAURO, and Ms. KAPTUR.

H.R. 3260: Mrs. CHENOWETH, Mr. COOLEY, Mr. THORNBERRY, and Mr. GANSKE.

H.R. 3261: Mr. EVANS, Mr. BARRETT of Wisconsin, and Mr. OLVER.

H.R. 3267: Mr. RAHALL.

H.R. 3275: Mr. HANSEN, Mr. TRAFICANT, Mr. SKELTON, Mr. CANADY, and Mr. EHLERS.

H.R. 3293: Mr. SHAYS, Mr. MARKEY, Mr. SANDERS, Mr. OWENS, Mr. FOGLIETTA, and Mr. GREEN of Texas.

H.R. 3294: Mr. LAFALCE, Ms. SLAUGHTER, and Ms. ROYBAL-ALLARD.

H.R. 3299: Mr. FRAZER.

H.R. 3311: Mr. BRYANT of Texas, Mr. CONYERS, Mr. DOYLE, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. WILLIAMS, Mr. CLAY, and Mr. LEWIS of Georgia.

H.R. 3326: Mr. SKEEN.

H.R. 3343: Mr. CRANE.

H.R. 3348: Mr. ENGLISH of Pennsylvania.

H.R. 3379: Mr. SMITH of Texas, Mr. HAYES, Mr. KLUG, Mr. LIPINSKI, Mr. HALL of Texas, and Mr. SOUDER.

H.R. 3392: Mr. DELLUMS.

H.J. Res. 117: Mr. MCDERMOTT.

H. Con. Res. 10: Mr. MCNUTLY.

H. Con. Res. 47: Mr. BOEHLERT and Mr. GOODLATTE.

H. Con. Res. 95: Mr. HASTINGS of Florida, Mr. DIAZ-BALART, and Mr. BROWN of Ohio.

H. Con. Res. 154: Mr. RANGEL, Mr. RICHARDSON, Mr. BAESLER, Mr. BERMAN, Mr. LIPINSKI, and Mr. HILLIARD.

H. Con. Res. 160: Mr. MANTON, Mr. BOEHLERT, Ms. ESHOO, Mr. JACKSON, Mr. HILLIARD, Mr. BALLENGER, and Mr. HAMILTON.

H. Con. Res. 165: Mr. HOLDEN, Mr. MURTHA, Mr. DURBIN, Mr. OLVER, Mr. BONO, Ms. KAPTUR, and Mr. BILIRAKIS.

H. Con. Res. 167: Mr. RICHARDSON, Mr. PORTER, Mr. BERMAN, Ms. SLAUGHTER, Mr. BARRETT of Wisconsin, and Mr. PALLONE.

H. Con. Res. 169: Mr. CRANE, Mr. CHRYSLER, Mr. CHABOT, Mr. FAWELL, Mr. HAYWORTH, Mrs. CHENOWETH, Mr. HEINEMAN, Mr.

FRELINGHUYSEN, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. GOSS, Mr. HUTCHINSON, Mrs. FOWLER, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. MILLER of Florida, Mr. LEWIS of California, Mr. COOLEY, Mr. HEFLEY, and Mr. BASS.

H. Res. 358: Mr. MINGE.

H. Res. 374: Mr. HUTCHINSON, Mrs. MEYERS of Kansas, Mr. TORKILDSEN, and Mr. FRANKS of New Jersey.

H. Res. 385: Mr. FROST, Ms. FURSE, Mr. HAYWORTH, Mr. PETE GEREN of Texas, and Mr. THOMPSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2406

OFFERED BY: MR. BARRETT of WISCONSIN

AMENDMENT NO. 1: Page 41, line 13, strike ''EXCEPTIONS.—'' and insert ''EXCEPTION FOR VOLUNTEERS.—''.

Page 41, strike lines 16 through 18 and insert the following:

to public housing, shall not apply to any individual who—

Page 42, strike lines 3 through 8.

H.R. 2406

OFFERED BY: MR. EHRLICH

AMENDMENT NO. 2: Page 43, after line 16, insert the following new section:

SEC. 115. PROHIBITION ON USE OF FUNDS.

Notwithstanding any other provision of law, none of the amounts provided under this Act may be used for the purpose of funding the relocation of public housing residents and applicants from Baltimore City, Maryland, to other jurisdiction in the State of Maryland if such relocation is in connection with any settlement, consent decree, injunction, judgment, or other resolution of litigation brought by public housing residents of Balitmore City, Maryland, concerning the demolition of certain public housing uinits in such city.

H.R. 2406

OFFERED BY: MR. EHRLICH

AMENDMENT NO. 3: Page 181, after line 6, insert the following new section:

SEC. 374. PROHIBITION OF USE OF RACE IN DEFINING AREAS FOR USE OF RENTAL ASSISTANCE

The Secretary, a local housing and management authority, and any other entity involved in the provision of housing assistance under this title, may not define, establish, or otherwise indicate any geographical region for purposes of any requirement, limitation, or other provision relating to the use of such assistance that is based, in whole or in part, on the racial charactersitics of the population (or any portion of the population) of such region.

H.R. 2406

OFFERED BY: MR. FIELDS of LOUISIANA

AMENDMENT NO. 4: Page 14, strike line 18 and all that follows through page 16, line 18, and insert the following:

(A) IN GENERAL.—In localities in which a local housing and management authority is governed by a board of directors or other similar body, not less than 25 percent of the members of the board or body shall be individuals who are—

(i) residents of public housing dwelling units owned or operated by the authority; or

(ii) members of assisted families under title III.

(B) ELECTION AND TRAINING.—Members of the board of directors or other similar body by reason of subparagraph (A) shall be selected for such membership in an election in which only residents of public housing dwelling units owned or operated by the authority and members of assisted families under title III who are assisted by the authority are eligible to vote. The authority shall provide such members with training appropriate to assist them to carry out their responsibilities as members of the board or other similar body.

H.R. 2406

OFFERED BY: MR. FIELDS of LOUISIANA

AMENDMENT NO. 5: Page 17, after line 17, insert the following new subsection:

(d) LOCAL ADVISORY BOARD.—

(1) IN GENERAL.—Except as provided in paragraph (4), each local housing and management authority shall establish one or more local advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent all of the residents of the dwelling units owned, operated, or assisted by the local housing and management authority.

(2) MEMBERSHIP.—Each local advisory board established under this subsection shall be composed of the following members:

(A) TENANTS.—Not less than 60 percent of the members of the board shall be tenants of dwelling units owned, operated, or assisted by the local housing and management authority, including representatives of any resident organizations.

(B) OTHER MEMBERS.—The members of the board, other than the members described in subparagraph (A), shall include—

(i) representatives of the community in which the local housing and management authority is located; and

(ii) local government officials of the community in which the local housing and management authority is located.

(3) PURPOSE.—Each local advisory board established under this subsection shall assist and make recommendations regarding the development of the local housing management plan for the authority. The local housing and management authority shall consider the recommendations of the local advisory board in preparing the final local housing management plan, and shall include a copy of those recommendations in the local housing management plan submitted to the Secretary under section 107.

(4) WAIVER.—The Secretary may waive the requirements of this subsection with respect to tenant representation on the local advisory board of a local housing and management authority, if the authority demonstrates to the satisfaction of the Secretary that a resident council or other tenant organization of the local housing and management authority adequately represents the interests of the tenants of the authority.

H.R. 2406

OFFERED BY: MR. FILNER

AMENDMENT NO. 6: Page 170, after line 3, insert the following new section:

SEC. 330. ASSISTANCE FOR RENTAL OF MANUFACTURED HOMES.

(a) AUTHORITY.—Nothing in this title may be construed to prevent a local housing and management authority from providing housing assistance under this title on behalf of a low-income family for the rental of—

(1) a manufactured home that is the principal residence of the family and the real property on which the home is located; or

(2) the real property on which is located a manufactured home, which is owned by the family and is the principal residence of the family.

(b) ASSISTANCE FOR CERTAIN FAMILIES OWNING MANUFACTURED HOMES.—

(1) AUTHORITY.—Notwithstanding section 351 or any other provision of this title, a local housing and management authority that receives amounts under a contract under section 302 may enter into a housing assistance payment contract to make assistance payments under this title to a family that owns a manufactured home, but only as provided in paragraph (2).

(2) LIMITATIONS.—In the case of a low-income family that owns a manufactured home, rents the real property on which it is located, and to whom housing assistance under this title has been made available for the rental of such property, the local housing and management authority making such assistance available shall enter into a contract to make housing assistance payments under this title directly to the family (rather than to the owner of such real property) if—

(1) the owner of the real property refuses to enter into a contract to receive housing assistance payments pursuant to section 351(a);

(2) the family was residing in such manufactured home on such real property at the time such housing assistance was initially made available on behalf of the family;

(3) the family provides such assurances to the agency, as the Secretary may require, to ensure that amounts from the housing assistance payments are used for rental of the real property; and

(4) the rental of the real property otherwise complies with the requirements for assistance under this title.

A contract pursuant to this subsection shall be subject to the provisions of section 351 and any other provisions applicable to housing assistance payments contracts under this title, except that the Secretary may provide such exceptions as the Secretary considers appropriate to facilitate the provision of assistance under this subsection.

H.R. 2406

OFFERED BY: MR. FRANK of MASSACHUSETTS

AMENDMENT NO. 7: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by a family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located may not exceed 30 percent of the family's adjustment monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 158, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, lines 9 through 11, strike ''the amount of the resident contribution determined in accordance with section 322'' and insert ''the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income''.

H.R. 2406

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 8: Page 41, line 13, strike ''EXCEPTIONS.—'' and insert ''EXCEPTION FOR VOLUNTEERS.—''.

Page 41, strike lines 16 through 18 and insert the following:

to public housing, shall not apply to any individual who—

Page 42, strike lines 3 through 8.

H.R. 2406

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 9: Page 9, strike line 12 and all that follows through page 10, line 12.

Page 13, line 2, after ''Samoa,'' insert ''and''.

Page 13, line 3, strike '', and Indian tribes''.

Page 13, lines 19 and 20, strike ''or Indian housing authority''.

Page 14, after line 8, insert the following:

The term does not include any entity that is Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the enactment of this Act) or a tribally desingated housing entity, as such term is defined in section 604.

Page 43, after line 4, insert the following new section:

SEC. 114. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles II, III, and IV shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

Page 53, strike line 19 and all that follows through page 54, line 5.

Page 57, line 20, strike ''and Indian''.

Page 89, strike lines 11 through 15.

Page 102, lines 19 and 20, strike '', except that it does not include Indian housing authorities''.

Page 144, line 2, strike ''and Indian''.

Page 144, strike lines 11 through 15.

Page 144, line 16, strike ''(d)'' and insert ''(c)''.

Page 217, strike lines 16 through 20.

At the end of the bill, insert the following new title:

TITLE VI—NATIVE AMERICAN HOUSING ASSISTANCE

SECTION 601. SHORT TITLE.

This title may be cited as the ''Native American Housing Assistance and Self-Determination Act of 1996''.

SEC. 602. CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;

(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a trust responsibility to protect Indian tribes;

(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their socio-economic status so that they are able to take greater responsibility for their own economic condition;

(5) providing affordable and healthy homes is an essential element in the special role of the United States in helping tribes and their members to achieve a socio-economic status comparable to their non-Indian neighbors;

(6) the need for affordable and healthy homes on Indian reservations, in Indian communities, and in Native Alaskan villages is acute and the Federal Government should work not only to provide housing assistance, but also, to the extent practicable, to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for tribes and their members; and

(7) Federal assistance to meet these responsibilities should be provided in a manner that recognizes the right of tribal self-governance by making such assistance available directly to the tribes or tribally designated entities.

SEC. 603. ADMINISTRATION THROUGH OFFICE OF NATIVE AMERICAN PROGRAMS.

The Secretary of Housing and Urban Development shall carry out this title through the Office of Native American Programs of the Department of Housing and Urban Development.

SEC. 604. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) AFFORDABLE HOUSING.—The term ''affordable housing'' means housing that complies with the requirements for affordable housing under subtitle B. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

(2) FAMILIES AND PERSONS.—

(A) SINGLE PERSONS.—The term ''families'' includes families consisting of a single person in the case of (i) an elderly person, (ii) a disabled person, (iii) a displaced person, (iv) the remaining members of a tenant family, and (v) any other single persons.

(B) FAMILIES.—The term ''families'' includes families with children and, in the cases of elderly families, near-elderly families, and disabled families, means families whose heads (or their spouses), or whose sole members, are elderly, near-elderly, or persons with disabilities, respectively. The term includes, in the cases of elderly families, near-elderly families, and disabled families, 2 or more elderly persons, near-elderly persons, or persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(C) ABSENCE OF CHILDREN.—The temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size for purposes of this title.

(D) ELDERLY PERSON.—The term ''elderly person'' means a person who is at least 62 years of age.

(E) PERSON WITH DISABILITIES.—The term ''person with disabilities'' means a person who—

(i) has a disability as defined in section 223 of the Social Security Act,

(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (I) is expected to be of long-continued and indefinite duration, (II) substantially impedes his or her ability to live independently, and (III) is of such a nature that such ability could be improved by more suitable housing conditions, or

(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

(F) DISPLACED PERSON.—The term ''displaced person'' means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(G) NEAR-ELDERLY PERSON.—The term ''near-elderly person'' means a person who is at least 50 years of age but below the age of 62.

(3) GRANT BENEFICIARY.—The term ''grant beneficiary'' means the Indian tribe or tribes on behalf of which a grant is made under this title to a recipient.

(4) INDIAN.—The term ''Indian'' means any person who is a member of an Indian tribe.

(5) INDIAN AREA.—The term ''Indian area'' means the area within which a tribally designated housing entity is authorized to provide assistance under this title for affordable housing.

(6) INDIAN TRIBE.—The term ''Indian tribe'' means—

(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975; and

(B) any tribe, band, nation, pueblo, village, or community that—

(i) has been recognized as an Indian tribe by any State; and

(ii) for which an Indian housing authority is eligible, on the date of the enactment of this title, to enter into a contract with the Secretary pursuant to the United States Housing Act of 1937.

(7) LOCAL HOUSING PLAN.—The term ''local housing plan'' means a plan under section 612.

(8) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 80 percent of the median income for the area, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the authority's findings that such variations are necessary because of unusually high or low family incomes.

(9) MEDIAN INCOME.—The term ''median income'' means, with respect to an area that is an Indian area, the greater of—

(A) the median income for the Indian area, which the Secretary shall determine; or

(B) the median income for the United States.

(10) RECIPIENT.—The term ''recipient'' means the entity for an Indian tribe that is authorized to receive grant amounts under this title on behalf of the tribe, which may only be the tribe or the tribally designated housing entity for the tribe.

(11) TRIBALLY DESIGNATED HOUSING ENTITY.—The terms ''tribally designated housing entity'' and ''housing entity'' have the following meaning:

(A) EXISTING IHA'S.—For any Indian tribe that has not taken action under subparagraph (B) and for which an Indian housing authority—

(i) was established for purposes of the United States Housing Act of 1937 before the date of the enactment of this title that meets the requirements under the United States Housing Act of 1937,

(ii) is acting upon such date of enactment as the Indian housing authority for the tribe, and

(iii) is not an Indian tribe for purposes of this title,

the terms mean such Indian housing authority.

(B) OTHER ENTITIES.—For any Indian tribe that, pursuant to this Act, authorizes an entity other than the tribal government to receive grant amounts and provide assistance under this title for affordable housing for Indians, which entity is established—

(i) by exercise of the power of self-government of an Indian tribe independent of State law, or

(ii) by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska,

the terms mean such entity.

A tribally designated housing entity may be authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity. Nothing in this title may be construed to affect the existence, or the ability to operate, of any Indian housing authority established before the date of the enactment of this title by a State-recognized tribe, band, nation, pueblo, village, or community of Indian or Alaska Natives that is not an Indian tribe for purposes of this title.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development, except as otherwise specified in this title.

Subtitle A—Block Grants and Grant Requirements

SEC. 611. BLOCK GRANTS.

(a) AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make grants under this section on behalf of Indian tribes to carry out affordable housing activities. Under such a grant on behalf of an Indian tribe, the Secretary shall provide the grant amounts for the tribe directly to the recipient for the tribe.

(b) CONDITION OF GRANT.—

(1) IN GENERAL.—The Secretary may make a grant under this title on behalf of an Indian tribe for a fiscal year only if—

(A) the Indian tribe has submitted to the Secretary a local housing plan for such fiscal year under section 612; and

(B) the plan has been determined under section 613 to comply with the requirements of section 612.

(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in whole or in part, if the Secretary finds that an Indian tribe has not complied or can not complied with such requirements because of circumstances beyond the control of the tribe.

(c) AMOUNT.—Except as otherwise provided under subtitle B, the amount of a grant under this section to a recipient for a fiscal year shall be—

(1) in the case of a recipient whose grant beneficiary is a single Indian tribe, the amount of the allocation under section 641 for the Indian tribe; and

(2) in the case of a recipient whose grant beneficiary is more than 1 Indian tribe, the sum of the amounts of the allocations under section 641 for each such Indian tribe.

(d) USE FOR AFFORDABLE HOUSING ACTIVITIES.—Except as provided in subsection (f), amounts provided under a grant under this section may be used only for affordable housing activities under subtitle B.

(e) EFFECTUATION OF LHP.—Except as provided in subsection (f), amounts provided under a grant under this section may be used only for affordable housing activities that are consistent with the approved local housing plan under section 613 for the grant beneficiary on whose behalf the grant is made.

(f) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this title for any administrative and planning expenses of the recipient relating to carrying out this title and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title and expenses of preparing a local housing plan under section 612.

(2) CONTENTS OF REGULATIONS.—The regulations referred to in paragraph (1) shall provide that—

(A) the Secretary shall, for each recipient, establish a percentage referred to in paragraph (1) based on the specific circumstances of the recipient and the tribes served by the recipient; and

(B) the Secretary may review the percentage for a recipient upon the written request of the recipient specifying the need for such review or the initiative of the Secretary and, pursuant to such review, may revise the percentage established for the recipient.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—Each recipient shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing the approved local housing plan for the tribe that is the grant beneficiary.

SEC. 612. LOCAL HOUSING PLANS.

(a) IN GENERAL.—

(1) SUBMISSION.—The Secretary shall provide for an Indian tribe to submit to the Secretary, for each fiscal year, a local housing plan under this section for the tribe (or for the tribally designated housing entity for a tribe to submit the plan under subsection (e) for the tribe) and for the review of such plans.

(2) LOCALLY DRIVEN NATIONAL OBJECTIVES.—A local housing plan shall describe—

(A) the mission of the tribe with respect to affordable housing or, in the case of a recipient that is a tribally designated housing entity, the mission of the housing entity;

(B) the goals, objectives, and policies of the recipient to meet the housing needs of low-income families in the jurisdiction of the housing entity, which shall be designed to achieve the national objectives under section 621(a); and

(C) how the locally established mission and policies of the recipient are designed to achieve, and are consistent with, the national objectives under section 621(a).

(b) 5-YEAR PLAN.—Each local housing plan under this section for an Indian tribe shall contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

(1) LOCALLY DRIVEN NATIONAL OBJECTIVES.—The information described in subsection (a)(2).

(2) CAPITAL IMPROVEMENT OVERVIEW.—If the recipient will provide capital improvements for housing described in subsection (c)(3) during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the recipient to meet its goals, objectives, and mission.

(c) 1-YEAR PLAN.—A local housing plan under this section for an Indian tribe shall contain the following information relating to the upcoming fiscal year for which the assistance under this title is to be made available:

(1) FINANCIAL RESOURCES.—An operating budget for the recipient for the tribe that includes—

(A) identification and a description of the financial resources reasonably available to the recipient to carry out the purposes of this title, including an explanation of how amounts made available will leverage such additional resources; and

(B) the uses to which such resources will be committed, including eligible and required affordable housing activities under subtitle B to be assisted and administrative expenses.

(2) AFFORDABLE HOUSING.—For the jurisdiction within which the recipient is authorized to use assistance under this title—

(A) a description of the estimated housing needs and the need for assistance for very low-income and moderate-income families;

(B) a description of the significant characteristics of the housing market, indicating how such characteristics will influence the use of amounts made available under this title for rental assistance, production of new units, rehabilitation of old units, or acquisition of existing units;

(C) an description of the structure, means of cooperation, and coordination between the recipient and any units of general local government in the development, submission, and implementation of their housing plans, including a description of the involvement of any private industries, nonprofit organizations, and public institutions;

(D) a description of how the plan will address the housing needs identified pursuant to subparagraph (A), describing the reasons for allocation priorities, and identify any obstacles to addressing underserved needs;

(E) a description of any homeownership programs of the recipient to be carried out with respect to affordable housing assisted under this title and the requirements and assistance available under such programs;

(F) a certification that the recipient will maintain written records of the standards and procedures under which the recipient will monitor activities assisted under this title and ensure long-term compliance with the provisions of this title;

(G) a certification that the recipient will comply with title II of the Civil Rights Act of 1968 in carrying out this title, to the extent that such title is applicable;

(H) a statement of the number of families for whom the recipient will provide affordable housing using grant amounts provided under this title;

(I) a statement of how the goals, programs, and policies for producing and preserving affordable housing will be coordinated with other programs and services for which the recipient is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line; and

(J) a certification that the recipient has obtain insurance coverage for any housing units that are owned or operated by the tribe or the tribally designated housing entity for the tribe and assisted with amounts provided under this Act, in compliance with such requirements as the Secretary may establish.

(3) INDIAN HOUSING DEVELOPED UNDER UNITED STATES HOUSING ACT OF 1937.—A plan describing how the recipient for the tribe will comply with the requirements under section 623 relating to low-income housing owned or

operated by the housing entity that was developed pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937, which shall include—

(A) a certification that the recipient will maintain a written record of the policies of the recipient governing eligibility, admissions, and occupancy of families with respect to dwelling units in such housing;

(B) a certification that the recipient will maintain a written record of policies of the recipient governing rents charged for dwelling units in such housing, including—

(i) the methods by which such rents are determined; and

(ii) an analysis of how such methods affect—

(I) the ability of the recipient to provide affordable housing for low-income families having a broad range of incomes;

(II) the affordability of housing for families having incomes that do not exceed 30 percent of the median family income for the area; and

(III) the availability of other financial resources to the recipient for use for such housing;

(C) a certification that the recipient will maintain a written record of the standards and policies of the recipient governing maintenance and management of such housing, and management of the recipient with respect to administration of such housing, including—

(i) housing quality standards;

(ii) routine and preventative maintenance policies;

(iii) emergency and disaster plans;

(iv) rent collection and security policies;

(v) priorities and improvements for management of the housing; and

(vi) priorities and improvements for management of the recipient, including improvement of electronic information systems to facilitate managerial capacity and efficiency;

(D) a plan describing—

(i) the capital improvements necessary to ensure long-term physical and social viability of such housing; and

(ii) the priorities of the recipient for capital improvements of such housing based on analysis of available financial resources, consultation with residents, and health and safety considerations;

(E) a description of any such housing to be demolished or disposed of, a timetable for such demolition or disposition, and any information required under law with respect to such demolition or disposition;

(F) a description of how the recipient will coordinate with tribal and State welfare agencies to ensure that residents of such housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency; and

(G) a description of the requirements established by the recipient that promote the safety of residents of such housing, facilitate the housing entity undertaking crime prevention measures (such as community policing, where appropriate), allow resident input and involvement, and allow for creative methods to increase resident safety by coordinating crime prevention efforts between the recipient and tribal or local law enforcement officials.

(4) INDIAN HOUSING LOAN GUARANTEES AND OTHER HOUSING ASSISTANCE.—A description of how loan guarantees under section 184 of the Housing and Community Development Act of 1992, and other housing assistance provided by the Federal Government for Indian tribes (including grants, loans, and mortgage insurance) will be used to help in meeting the needs for affordable housing in the jurisdiction of the recipient.

(5) DISTRIBUTION OF ASSISTANCE.—A certification that the recipient for the tribe will maintain a written record of—

(A) the geographical distribution (within the jurisdiction of the recipient) of the use of grant amounts and how such geographical distribution is consistent with the geographical distribution of housing need (within such jurisdiction); and

(B) the distribution of the use of such assistance for various categories of housing and how use for such various categories is consistent with the priorities of housing need (within the jurisdiction of the recipient).

(d) PARTICIPATION OF TRIBALLY DESIGNATED HOUSING ENTITY.—A plan under this section for an Indian tribe may be prepared and submitted on behalf of the tribe by the tribally designated housing entity for the tribe, but only if such plan contains a certification by the recognized tribal government of the grant beneficiary that such tribe has had an opportunity to review the plan and has authorized the submission of the plan by the housing entity.

(e) COORDINATION OF PLANS.—A plan under this section may cover more than 1 Indian tribe, but only if the certification requirements under subsection (d) are complied with by each such grant beneficiary covered.

(f) PLANS FOR SMALL TRIBES.—

(1) SEPARATE REQUIREMENTS.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to small Indian tribes and small tribally designated housing entities. Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such tribes and housing entities.

(2) SMALL TRIBES.—The Secretary shall define small Indian tribes and small tribally designated housing entities based on the number of dwelling units assisted under this subtitle by the tribe or housing entity or owned or operated pursuant to a contract under the United States Housing Act of 1937 between the Secretary and the Indian housing authority for the tribe.

(g) REGULATIONS.—The requirements relating to the contents of plans under this section shall be established by regulation, pursuant to section 616.

SEC. 613. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing plan submitted to the Secretary to ensure that the plan complies with the requirements of section 612. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each Indian tribe for which a plan is submitted and any tribally designated housing entity for the tribe whether the plan complies with such requirements not later than 45 days after receiving the plan. If the Secretary does not notify the Indian tribe, as required under this subsection and subsection (b), the plan shall be considered, for purposes of this title, to have been determined to comply with the requirements under section 612 and the tribe shall be considered to have been notified of compliance upon the expiration of such 45-day period.

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 612, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 612.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 612 only if—

(1) the plan is not consistent with the national objectives under section 621(a);

(2) the plan is incomplete in significant matters required under such section;

(3) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(4) the Secretary determines that the plan violates the purposes of this title because it fails to provide affordable housing that will be viable on a long-term basis at a reasonable cost; or

(5) the plan fails to adequately identify the capital improvement needs for low-income housing owned or operated by the Indian tribe that was developed pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937.

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a plan shall be considered to have been submitted for an Indian tribe if the appropriate Indian housing authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this title) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such tribes to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 612.

(e) UPDATES TO PLAN.—After a plan under section 612 has been submitted for an Indian tribe for any fiscal year, the tribe may comply with the provisions of such section for any succeeding fiscal year (with respect to information included for the 5-year period under section 612(b) or the 1-year period under section 612(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

SEC. 614. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

(a) PROGRAM INCOME.—

(1) AUTHORITY TO RETAIN.—Notwithstanding any other provision of law, a recipient may retain any program income that is realized from any grant amounts under this title if—

(A) such income was realized after the initial disbursement of the grant amounts received by the recipient; and

(B) the recipient has agreed that it will utilize the program income for affordable housing activities in accordance with the provisions of this title.

(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for any Indian tribe based solely on (1) whether the recipient for the tribe retains program income under paragraph (1), or (2) the amount of any such program income retained.

(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the recipient.

(b) TREATMENT OF LABOR STANDARDS.—The use of amounts provided under this title to finance (in whole or in part) a contract for construction or rehabilitation work shall not cause such contract to be subject to the requirements of the Act of March 3, 1931 (40 U.S.C. 276a–276a-5; commonly known as the

Davis-Bacon Act) or to any other provision of law requiring payment of wages in accordance with such Act.

SEC. 615. ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—In order to ensure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title, and to ensure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for the release of amounts for particular projects to recipients of assistance under this title who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality. The regulations shall provide—

(1) for the monitoring of the environmental reviews performed under this section;

(2) in the discretion of the Secretary, to facilitate training for the performance of such reviews; and

(3) for the suspension or termination of the assumption of responsibilities under this section.

The Secretary's duty under the preceding sentence shall not be construed to limit or reduce any responsibility assumed by a recipient of grant amounts with respect to any particular release of funds.

(b) PROCEDURE.—The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, at least 15 days prior to such approval and prior to any commitment of funds to such projects the recipient of grant amounts has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of subsection (c). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

(c) CERTIFICATION.—A certification under the procedures authorized by this section shall—

(1) be in a form acceptable to the Secretary,

(2) be executed by the chief executive officer or other officer of the recipient of assistance under this title qualified under regulations of the Secretary,

(3) specify that the recipient has fully carried out its responsibilities as described under subsection (a), and

(4) specify that the certifying officer (A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to subsection (a), and (B) is authorized and consents on behalf of the recipient of assistance and such officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the certifying officer's responsibilities as such an official.

SEC. 616. REGULATIONS.

(a) INTERIM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this title, the Secretary shall, by notice issued in the Federal Register, establish any requirements necessary to carry out this title in the manner provided in section 617(b), which shall be effective only for fiscal year 1997. The notice shall invite public comments regarding such interim requirements and final regulations to carry out this title and shall include general notice of proposed rulemaking (for purposes of section 564(a) of title 5, United States Code) of the final regulations under paragraph (2).

(b) FINAL REGULATIONS.—

(1) TIMING.—The Secretary shall issue final regulations necessary to carry out this title not later than September 1, 1997, and such regulations shall take effect not later than the effective date under section 617(a).

(2) NEGOTIATED RULEMAKING.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, the final regulations required under paragraph (1) shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code. The Secretary shall establish a negotiated rulemaking committee for development of any such proposed regulations, which shall include representatives of Indian tribes.

SEC. 617. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b) and as otherwise specifically provided in this title, this title shall take effect on October 1, 1997.

(b) INTERIM APPLICABILITY.—For fiscal year 1997, this title shall apply to any Indian tribe that requests the Secretary to apply this title to such tribe, subject to the provisions of this subsection, but only if the Secretary determines that the tribe has the capacity to carry out the responsibilities under this title during such fiscal year. For fiscal year 1997, this title shall apply to any such tribe subject to the following limitations:

(1) USE OF ASSISTANCE AMOUNTS AS BLOCK GRANT.—Amounts shall not be made available pursuant to this title for grants under this title for such fiscal year, but any amounts made available for the tribe under the United States Housing Act of 1937, title II or subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993 shall be considered grant amounts under this title and shall be used subject to the provisions of this title relating to such grant amounts.

(2) LOCAL HOUSING PLAN.—Notwithstanding section 613 of this title, a local housing plan shall be considered to have been submitted for the tribe for fiscal year 1997 for purposes of this title only if—

(A) the appropriate Indian housing authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 or under the comprehensive improvement assistance program under such section 14;

(B) the Secretary has approved such plan before January 1, 1996; and

(C) the tribe complies with specific procedures and requirements for amending such plan as the Secretary may establish to carry out this subsection.

(c) ASSISTANCE UNDER EXISTING PROGRAM DURING FISCAL YEAR 1997.—Notwithstanding the repeal of any provision of law under section 501(a) and with respect only to Indian tribes not provided assistance pursuant to subsection (b), during fiscal year 1997—

(1) the Secretary shall carry out programs to provide low-income housing assistance on Indian reservations and other Indian areas in accordance with the provisions of title II of the United States Housing Act of 1937 and related provisions of law, as in effect immediately before the enactment of this Act;

(2) except to the extent otherwise provided in the provisions of such title II (as so in effect), the provisions of title I of such Act (as so in effect) and such related provisions of law shall apply to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority; and

(3) none of the provisions of title I, II, III, or IV, or of any other law specifically modifying the public housing program that is enacted after the date of the enactment of this Act, shall apply to public housing operated pursuant to a contract between the Secretary and an Indian housing authority, unless the provision explicitly provides for such applicability.

SEC. 618. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for grants under subtitle A $650,000,000, for each of fiscal years 1998, 1999, 2000, and 2001.

Subtitle B—Affordable Housing Activities

SEC. 621. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

(a) PRIMARY OBJECTIVE.—The national objectives of this title are—

(1) to assist and promote affordable housing activities to develop, maintain, and operate safe, clean, and healthy affordable housing on Indian reservations and in other Indian areas for occupancy by low-income Indian families;

(2) to ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;

(3) to coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;

(4) to plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and

(5) to promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

(b) ELIGIBLE FAMILIES.—

(1) IN GENERAL.—Except as provided under paragraph (2), assistance under eligible housing activities under this title shall be limited to low-income Indian families on Indian reservations and other Indian areas.

(2) EXCEPTION TO LOW-INCOME REQUIREMENT.—A recipient may provide assistance for model activities under section 622(a)(6) to families who are not low-income families, if the Secretary approves the activities pursuant to such subsection because there is a need for housing for such families that cannot reasonably be met without such assistance. The Secretary shall establish limits on the amount of assistance that may be provided under this title for activities for families who are not low-income families.

(3) NON-INDIAN FAMILIES.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title for a non-Indian family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) PREFERENCE FOR INDIAN FAMILIES.—The local housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title on behalf of such tribe,

to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable local housing plan for an Indian tribe provides for preference under this subsection, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this title for such tribe are subject to such preference.

(5) EXEMPTION.—Title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 shall not apply to actions by Indian tribes under this subsection.

SEC. 622. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Affordable housing activities under this subtitle are activities, in accordance with the requirements of this subtitle, to develop or to support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) INDIAN HOUSING ASSISTANCE.—The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

(2) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development of utilities and utility services, conversion, demolition, financing, administration and planning, and other related activities.

(3) HOUSING SERVICES.—The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, energy auditing, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

(4) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and management of affordable housing projects.

(5) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

(6) MODEL ACTIVITIES.—Housing activities under model programs that are designed to carry out the purposes of this title and are specifically approved by the Secretary as appropriate for such purpose.

SEC. 623. REQUIRED AFFORDABLE HOUSING ACTIVITIES.

(a) MAINTENANCE OF OPERATING ASSISTANCE FOR INDIAN HOUSING.—Any recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall, using amounts of any grants received under this title, reserve and use for operating assistance under section 622(1) such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

(b) DEMOLITION AND DISPOSITION.—This title may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in such subsection. Notwithstanding section 114, section 261 shall apply to the demolition or disposition of Indian housing referred to in subsection (a).

SEC. 624. TYPES OF INVESTMENTS.

(a) IN GENERAL.—Subject to section 623 and the local housing plan for an Indian tribe, the recipient for such tribe shall have—

(1) the discretion to use grant amounts for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments under subsection (b), or any other form of assistance that the Secretary has determined to be consistent with the purposes of this title; and

(2) the right to establish the terms of assistance.

(b) LEVERAGING PRIVATE INVESTMENT.—A recipient may leverage private investments in affordable housing activities by pledging existing or future grant amounts to assure the repayment of notes and other obligations of the recipient issued for purposes of carrying out affordable housing activities.

SEC. 625. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Housing shall qualify as affordable housing for purposes of this title only if—

(1) each dwelling unit in the housing—

(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit; and

(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

(2) except for housing assisted under section 202 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (A) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure, and (B) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

SEC. 626. CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.

With respect to housing assisted with grant amounts provided under this title, the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be considered to be satisfied upon certification by the recipient of the assistance to the Secretary that the combination of Federal assistance provided to any housing project is not any more than is necessary to provide affordable housing.

SEC. 627. LEASE REQUIREMENTS AND TENANT SELECTION.

(a) LEASES.—Except to the extent otherwise provided by or inconsistent with tribal law, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the owner or manager of the housing shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) require the owner or manager to maintain the housing in compliance with applicable housing codes and quality standards;

(3) require the owner or manager to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or employees of the owner or manager is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) require that the owner or manager may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, tribal, State, or local law, or for other good cause; and

(5) provide that the owner or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the resident's household, or any guest or other person under the resident's control, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the owner or manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity).

(b) TENANT SELECTION.—The owner or manager of affordable rental housing assisted under with grant amounts provided under this title shall adopt and utilize written tenant selection policies and criteria that—

(1) are consistent with the purpose of providing housing for low-income families;

(2) are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease; and

(3) provide for (A) the selection of tenants from a written waiting list in accordance with the policies and goals set forth in the local housing plan for the tribe that is the grant beneficiary of such grant amounts, and (B) the prompt notification in writing of any rejected applicant of the grounds for any rejection.

SEC. 628. REPAYMENT.

If a recipient uses grant amounts to provide affordable housing under activities under this subtitle and, at any time during the useful life of the housing the housing does not comply with the requirement under section 625(a)(2), the Secretary shall reduce future grant payments on behalf of the grant beneficiary by an amount equal to the grant amounts used for such housing (under the authority under section 651(a)(2)) or require repayment to the Secretary of an amount equal to such grant amounts.

SEC. 629. CONTINUED USE OF AMOUNTS FOR AFFORDABLE HOUSING.

Any funds for programs for low-income housing under the United States Housing Act of 1937 that, on the date of the applicability of this title to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this title and subject to the provisions of this title relating to use of such assistance.

Subtitle C—Allocation of Grant Amounts

SEC. 641. ANNUAL ALLOCATION.

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 642, among Indian tribes that comply with the requirements under this title for a grant under this title.

SEC. 642. ALLOCATION FORMULA.

The Secretary shall, by regulations issued in the manner provided under section 616, establish a formula to provide for allocating

amounts available for a fiscal year for block grants under this title among Indian tribes. The formula shall be based on factors that reflect the need of the Indian tribes and the Indian areas of the tribes for assistance for affordable housing activities, including the following factors:

(1) The number of low-income housing dwelling units owned or operated at the time pursuant to a contract between an Indian housing authority for the tribe and the Secretary.

(2) The extent of poverty and economic distress within Indian areas of the tribe.

(3) Other objectively measurable conditions as the Secretary may specify.

The regulations establishing the formula shall be issued not later than the expiration of the 12-month period beginning on the date of the enactment of this title.

Subtitle D—Compliance, Audits, and Reports

SEC. 651. REMEDIES FOR NONCOMPLIANCE.

(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Secretary shall—

(1) terminate payments under this title to the recipient;

(2) reduce payments under this title to the recipient by an amount equal to the amount of such payments which were not expended in accordance with this title;

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply; or

(4) in the case of noncompliance described in section 652(b), provide a replacement tribally designated housing entity for the recipient, under section 652.

If the Secretary takes an action under paragraph (1), (2), or (3), the Secretary shall continue such action until the Secretary determines that the failure to comply has ceased.

(b) NONCOMPLIANCE BECAUSE OF TECHNICAL INCAPACITY.—If the Secretary makes a finding under subsection (a), but determines that the failure to comply substantially with the provisions of this title—

(1) is not a pattern or practice of activities constituting willful noncompliance, and

(2) is a result of the limited capability or capacity of the recipient,

the Secretary may provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability and capacity of the recipient to administer assistance provided under this title in compliance with the requirements under this title.

(c) REFERRAL FOR CIVIL ACTION.—

(1) AUTHORITY.—In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if the Secretary has reason to believe that a recipient has failed to comply substantially with any provision of this title, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) CIVIL ACTION.—Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this title which was not expended in accordance with it, or for mandatory or injunctive relief.

(d) REVIEW.—

(1) IN GENERAL.—Any recipient who receives notice under subsection (a) of the termination, reduction, or limitation of payments under this title may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) PROCEDURE.—The Secretary shall file in the court record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) DISPOSITION.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify the Secretary's findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and the Secretary shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file the Secretary's recommendation, if any, for the modification or setting aside of the Secretary's original action.

(4) FINALITY.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United State Code.

SEC. 652. REPLACEMENT OF RECIPIENT.

(a) AUTHORITY.—As a condition of the Secretary making a grant under this title on behalf of an Indian tribe, the tribe shall agree that, notwithstanding any other provision of law, the Secretary may, only in the circumstances set forth in subsection (b), require that a replacement tribally designated housing entity serve as the recipient for the tribe, in accordance with subsection (c).

(b) CONDITIONS OF REMOVAL.—The Secretary may require such replacement tribally designated housing entity for a tribe only upon a determination by the Secretary on the record after opportunity for a hearing that the recipient for the tribe has engaged in a pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements under this title.

(c) CHOICE AND TERM OF REPLACEMENT.—If the Secretary requires that a replacement tribally designated housing entity serve as the recipient for a tribe (or tribes)—

(1) the replacement entity shall be an entity mutually agreed upon by the Secretary and the tribe (or tribes) for which the recipient was authorized to act, except that if no such entity is agreed upon before the expiration of the 60-day period beginning upon the date that the Secretary makes the determination under subsection (b), the Secretary shall act as the replacement entity until agreement is reached upon a replacement entity; and

(2) the replacement entity (or the Secretary, as provided in paragraph (1)) shall act as the tribally designated housing entity for the tribe (or tribes) for a period that expires upon—

(A) a date certain, which shall be specified by the Secretary upon making the determination under subsection (b); or

(B) the occurrence of specific conditions, which conditions shall be specified in written notice provided by the Secretary to the tribe upon making the determination under subsection (b).

SEC. 653. MONITORING OF COMPLIANCE.

(a) ENFORCEABLE AGREEMENTS.—Each recipient, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this title. Such measures shall provide for (1) enforcement of the provisions of this title by the grant beneficiary or by recipients and other intended beneficiaries, and (2) remedies for the breach of such provisions.

(b) PERIODIC MONITORING.—Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title. Such review shall include on-site inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 654 and made available to the public.

SEC. 654. PERFORMANCE REPORTS.

(a) REQUIREMENT.—For each fiscal year, each recipient shall—

(1) review the progress it has made during such fiscal year in carrying out the local housing plan (or plans) for the Indian tribes for which it administers grant amounts; and

(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

(b) CONTENT.—Each report under this section for a fiscal year shall—

(1) describe the use of grant amounts provided to the recipient for such fiscal year;

(2) assess the relationship of such use to the goals identified in the local housing plan of the grant beneficiary;

(3) indicate the recipient's programmatic accomplishments; and

(4) describe how the recipient would change its programs as a result of its experiences.

(c) SUBMISSION.—The Secretary shall establish dates for submission of reports under this section, and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this title.

(d) PUBLIC AVAILABILITY.—A recipient preparing a report under this section shall make the report publicly available to the citizens in the recipient's jurisdiction in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the recipient may determine. The report shall include a summary of any comments received by the grant beneficiary or recipient from citizens in its jurisdiction regarding its program.

SEC. 655. REVIEW AND AUDIT BY SECRETARY.

(a) ANNUAL REVIEW.—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(1) whether the recipient has carried out its eligible activities in a timely manner, has carried out its eligible activities and certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws, and has a continuing capacity to carry out those activities in a timely manner;

(2) whether the recipient has complied with the local housing plan of the grant beneficiary; and

(3) whether the performance reports under section 654 of the recipient are accurate.

Reviews under this section shall include, insofar as practicable, on-site visits by employees of the Department of Housing and Urban Development.

(b) REPORT BY SECRETARY.—The Secretary shall submit a written report to the Congress regarding each review under subsection (a). The Secretary shall give a recipient not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the recipient, the Secretary may revise the report and shall make the recipient's comments and the report, with any revisions, readily available to the public not later than 30 days after receipt of the recipient's comments.

(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of the annual grants under this title in accordance with the Secretary's findings pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the Secretary's reviews and audits under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided on behalf of an Indian tribe.

SEC. 656. GAO AUDITS.

To the extent that the financial transactions of Indian tribes and recipients of grant amounts under this title relate to amounts provided under this title, such transactions may be audited by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such tribes and recipients pertaining to such financial transactions and necessary to facilitate the audit.

SEC. 657. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to the Congress a report that contains—

(1) a description of the progress made in accomplishing the objectives of this title; and

(2) a summary of the use of such funds during the preceding fiscal year.

(b) RELATED REPORTS.—The Secretary may require recipients of grant amounts under this title to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

Subtitle E—Termination of Assistance for Indian Tribes under Incorporated Programs

SEC. 661. TERMINATION OF INDIAN PUBLIC HOUSING ASSISTANCE UNDER UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—After September 30, 1997, financial assistance may not be provided under the United States Housing Act of 1937 or pursuant to any commitment entered into under such Act, for Indian housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless such assistance is provided from amounts made available for fiscal year 1997 and pursuant to a commitment entered into before September 30, 1997.

(b) TERMINATION OF RESTRICTIONS ON USE OF INDIAN HOUSING.—Except as provided in section 623(b) of this title, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this title.

SEC. 662. TERMINATION OF NEW COMMITMENTS FOR RENTAL ASSISTANCE.

After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date.

SEC. 663. TERMINATION OF YOUTHBUILD PROGRAM ASSISTANCE.

(a) IN GENERAL.—Subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is amended—

(1) by redesignating section 460 as section 461; and

(2) by inserting after section 459 the following new section:

"SEC. 460. INELIGIBILITY OF INDIAN TRIBES.

''Indian tribes, Indian housing authorities, and other agencies primarily serving Indians or Indian areas shall not be eligible applicants for amounts made available for assistance under this subtitle for fiscal year 1997 and fiscal years thereafter.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsection (a) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under subtitle D of title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 664. TERMINATION OF HOME PROGRAM ASSISTANCE.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended—

(1) in section 217(a)—

(A) in paragraph (1), by striking ''reserving amounts under paragraph (2) for Indian tribes and after''; and

(B) by striking paragraph (2); and

(2) in section 288—

(A) in subsection (a), by striking '', Indian tribes,'';

(B) in subsection (b), by striking '', Indian tribe,''; and

(C) in subsection (c)(4), by striking '', Indian tribe,''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsection (a) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 665. TERMINATION OF HOUSING ASSISTANCE FOR THE HOMELESS.

(a) MCKINNEY ACT PROGRAMS.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) in section 411, by striking paragraph (10);

(2) in section 412, by striking '', and for Indian tribes,'';

(3) in section 413—

(A) in subsection (a)—

(i) by striking '', and to Indian tribes,''; and

(ii) by striking '', or for Indian tribes'' each place it appears;

(B) in subsection (c), by striking ''or Indian tribe''; and

(C) in subsection (d)(3)—

(i) by striking '', or Indian tribe'' each place it appears; and

(ii) by striking '', or other Indian tribes,'';

(4) in section 414(a)—

(A) by striking 'or Indian tribe'' each place it appears; and

(B) by striking '', local government,'' each place it appears and inserting ''or local government'';

(5) in section 415(c)(4), by striking ''Indian tribes,'';

(6) in section 416(b), by striking ''Indian tribe,'';

(7) in section 422—

(A) in by striking ''Indian tribe,''; and

(B) by striking paragraph (3);

(8) in section 441—

(A) by striking subsection (g);

(B) in subsection (h), by striking ''or Indian housing authority''; and

(C) in subsection (j)(1), by striking '', Indian housing authority'';

(9) in section 462—

(A) in paragraph (2), by striking '', Indian tribe,''; and

(B) by striking paragraph (4); and

(10) in section 491(e), by striking '', Indian tribes (as such term is defined in section 102(a) of the Housing and Community Development Act of 1974),''.

(b) INNOVATIVE HOMELESS DEMONSTRATION.—Section 2(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note) is amended—

(1) in paragraph (3), by striking '' 'unit of general local government', and 'Indian tribe' '' and inserting ''and 'unit of general local government' ''; and

(2) in paragraph (4), by striking ''unit of general local government (including units in rural areas), or Indian tribe'' and inserting ''or unit of general local government''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsections (a) and (b) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under title IV of the Stewart B. McKinney Homeless Assistance Act and section 2 of the HUD Demonstration Act of 1993, respectively, for fiscal year 1998 and fiscal years thereafter.

SEC. 666. SAVINGS PROVISION.

Except as provided in sections 661 and 662, this title may not be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement lawfully entered into before October 1, 1997, under the United States Housing Act of 1937, subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title II of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993.

SEC. 667. EFFECTIVE DATE.

Sections 661, 662, and 666 shall take effect on the date of the enactment of this title.

Subtitle F—Loan Guarantees for Affordable Housing Activities

SEC. 671. AUTHORITY AND REQUIREMENTS.

(a) AUTHORITY.—To such extent or in such amounts as provided in appropriation Acts, the Secretary may, subject to the limitations of this subtitle and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designated housing entities, for the purposes of financing affordable housing activities described in section 622.

(b) LACK OF FINANCING ELSEWHERE.—A guarantee under this subtitle may be used to assist an Indian tribe or housing entity in obtaining financing only if the Indian tribe or housing entity has made efforts to obtain such financing without the use of such guarantee and cannot complete such financing

consistent with the timely execution of the program plans without such guarantee.

(c) TERMS OF LOANS.—Notes or other obligations guaranteed pursuant to this subtitle shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this subtitle on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

(d) LIMITATION ON OUTSTANDING GUARANTEES.—No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the issuer's total outstanding notes or obligations guaranteed under this subtitle (excluding any amount defeased under the contract entered into under section 672(a)(1)) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to title III.

(e) PROHIBITION OF PURCHASE BY FFB.—Notes or other obligations guaranteed under this subtitle may not be purchased by the Federal Financing Bank.

(f) PROHIBITION OF GUARANTEE FEES.—No fee or charge may be imposed by the Secretary or any other Federal agency on or with respect to a guarantee made by the Secretary under this subtitle.

SEC. 672. SECURITY AND REPAYMENT.

(a) REQUIREMENTS ON ISSUER.—To assure the repayment of notes or other obligations and charges incurred under this subtitle and as a condition for receiving such guarantees, the Secretary shall require the Indian tribe or housing entity issuing such notes or obligations to—

(1) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this subtitle;

(2) pledge any grant for which the issuer may become eligible under this title;

(3) demonstrate that the extent of such issuance and guarantee under this title is within the financial capacity of the tribe and is not likely to impairment the ability to use of grant amounts under subtitle A, taking into consideration the requirements under section 623(a); and

(4) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this title or dispositions proceeds from the sale of land or rehabilitated property.

(b) REPAYMENT FROM GRANT AMOUNTS.—Notwithstanding any other provision of this title—

(1) the Secretary may apply grants pledged pursuant to subsection (a)(2) to any repayments due the United States as a result of such guarantees; and

(2) grants allocated under this title for an Indian tribe or housing entity (including program income derived therefrom) may be used to pay principal and interest due (including such servicing, underwriting, and other costs as may be specified in regulations issued by the Secretary) on notes or other obligations guaranteed pursuant to this subtitle.

(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this subtitle. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

SEC. 673. PAYMENT OF INTEREST.

The Secretary may make, and contract to make, grants, in such amounts as may be approved in appropriations Acts, to or on behalf of an Indian tribe or housing entity issuing notes or other obligations guaranteed under this subtitle, to cover not to exceed 30 percent of the net interest cost (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) to the borrowing entity or agency of such obligations. The Secretary may also, to the extent approved in appropriation Acts, assist the issuer of a note or other obligation guaranteed under this subtitle in the payment of all or a portion of the principal and interest amount due under the note or other obligation, if the Secretary determines that the issuer is unable to pay the amount because of circumstances of extreme hardship beyond the control of the issuer.

SEC. 674. TREASURY BORROWING.

The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out the obligations of the Secretary under guarantees authorized by this subtitle. The obligations issued under this section shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this section, and for such purposes may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which such securities may be issued under such chapter are extended to include the purchases of the Secretary's obligations hereunder.

SEC. 675. TRAINING AND INFORMATION.

The Secretary, in cooperation with eligible public entities, shall carry out training and information activities with respect to the guarantee program under this subtitle.

SEC. 676. LIMITATIONS ON AMOUNT OF GUARANTEES.

(a) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this subtitle, to the extent approved or provided in appropriation Acts, the Secretary shall enter into commitments to guarantee notes and obligations under this subtitle with an aggregate principal amount of $400,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There is authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this subtitle, $40,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(c) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this subtitle shall not at any time exceed $2,000,000,000 or such higher amount as may be authorized to be appropriated for this subtitle for any fiscal year.

(d) FISCAL YEAR LIMITATIONS ON TRIBES.—The Secretary shall monitor the use of guarantees under this subtitle by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under subsection (c) has been committed, the Secretary may—

(1) impose limitations on the amount of guarantees any one Indian tribe may receive in any fiscal year of $50,000,000; or

(2) request the enactment of legislation increasing the aggregate limitation on guarantees under this subtitle.

SEC. 677. EFFECTIVE DATE.

This subtitle shall take effect upon the enactment of this title.

Subtitle G—Other Housing Assistance for Native Americans

SEC. 681. LOAN GUARANTEES FOR INDIAN HOUSING.

(a) DEFINITION OF ELIGIBLE BORROWERS TO INCLUDE INDIAN TRIBES.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z–13a) is amended—

(1) in subsection (a)—

(A) by striking ''and Indian housing authorities'' and inserting '', Indian housing authorities, and Indian tribes,''; and

(B) by striking ''or Indian housing authority'' and inserting '', Indian housing authority, or Indian tribe''; and

(2) in subsection (b)(1), by striking ''or Indian housing authorities'' and inserting '', Indian housing authorities, or Indian tribes''.

(b) NEED FOR LOAN GUARANTEE.—Section 184(a) of the Housing and Community Development Act of 1992 is amended by striking ''trust land'' and inserting ''lands or as a result of a lack of access to private financial markets''.

(c) LHP REQUIREMENT.—Section 184(b)(2) of the Housing and Community Development Act of 1992 is amended by inserting before the period at the end the following: ''that is under the jurisdiction of an Indian tribe for which a local housing plan has been submitted and approved pursuant to sections 612 and 613 of the Native American Housing Assistance and Self-Determination Act of 1996 that provides for the use of loan guarantees under this section to provide affordable homeownership housing in such areas''.

(d) LENDER OPTION TO OBTAIN PAYMENT UPON DEFAULT WITHOUT FORECLOSURE.—Section 184(h) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (1)(A)—

(A) in the first sentence of clause (i), by striking ''in a court of competent jurisdiction''; and

(B) by striking clause (ii) and inserting the following new clause:

''(ii) NO FORECLOSURE.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interests of the United States. Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (e)). The Secretary shall be subrogated to the rights of the holder of the guarantee and the holder shall assign the obligation and security to the Secretary.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(e) LIMITATION OF MORTGAGEE AUTHORITY.—Section 184(h)(2) of the Housing and Community Development Act of 1992, as so redesignated by subsection (e)(3) of this section, is amended—

(1) in the first sentence, by striking ''tribal allotted or trust land,'' and inserting ''restricted Indian land, the mortgagee or''; and

(B) in the second sentence, by striking ''Secretary'' each place it appears, and inserting ''mortgagee or the Secretary''.

(f) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Section 184(i)(5)(C) of

the Housing and Community Development Act of 1992 is amended by striking ''1993'' and all that follows through ''such year'' and inserting ''1997, 1998, 1999, 2000, and 2001 with an aggregate outstanding principal amount note exceeding $400,000,000 for each such fiscal year''.

(g) AUTHORIZATION OF APPROPRIATIONS FOR GUARANTEE FUND.—Section 184(i)(7) of the Housing and Community Development Act of 1992 is amended by striking ''such sums'' and all that follows through ''1994'' and inserting ''$30,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001''.

(h) DEFINITIONS.—Section 184(k) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (4), by inserting after ''authority'' the following: ''or Indian tribe'';

(2) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) is authorized to engage in or assist in the development or operation of—

''(i) low-income housing for Indians; or

''(ii) housing subject to the provisions of this section; and''; and

(B) by adding at the end the following:

''The term includes tribally designated housing entities under the Native American Housing Assistance and Self-Determination Act of 1996.''; and

(3) by striking paragraph (8) and inserting the following new paragraph:

''(8) The term 'tribe' or 'Indian tribe' means any Indian tribe, band, notation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.

SEC. 682. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

(a) AUTHORITY TO LEASE.—Notwithstanding any other provision of law, any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for residential purposes.

(b) TERM.—Each lease pursuant to subsection (a) shall be for a term not exceeding 50 years.

(c) OTHER CONDITIONS.—Each lease pursuant to subsection (a) and each renewal of such a lease shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior.

(d) RULE OF CONSTRUCTION.—This section may not be construed to repeal, limit, or affect any authority to lease any restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law; or

(2) provides for leases for any period exceeding 50 years.

SEC. 683. TRAINING AND TECHNICAL ASSISTANCE.

There is authorized to be appropriated for assistance for the a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities $2,000,000, for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

SEC. 684. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect upon the enactment of this title.

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 10: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by an elderly family or a disabled family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 11: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by an elderly family or a disabled family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family that is an elderly family or a disabled family, for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 159, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, line 11, before the period insert the following:

; except that in the case of an assisted family that is an elderly family or a disabled family, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 12: Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family that is an elderly family or a disabled family, for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 159, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, line 11, before the period insert the following:

; except that in the case of an assisted family that is an elderly family or a disabled family, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 69, strike lines 18 through 23 and insert the following new subsection:

(c) INCOME MIX.—

(1) LHMA INCOME MIX.—Of the public housing dwelling units of a local housing and management authority made available for occupancy after the date of the enactment of this Act—

(A) not less than 40 percent shall be occupied by low-income families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes; and

(B) not more than 15 percent shall be occupied by low-income families whose incomes exceed 60 percent of the area median income.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A local housing and management authority may not comply with the requirements under paragraph (1) by concentrating very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of local housing and management authorities to ensure compliance with the provisions of this paragraph.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 14: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by a family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act) for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 15: Page 133, line 17, strike ''September 30, 1996'' and insert ''September 30, 2001''.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 16: Page 150, strike line 3 and all that follows through line 25, insert the following:

(b) ADDITIONAL ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for choice-based housing assistance under this title—

(A) to be used in accordance with paragraph (2)(A), $50,000,000 for fiscal year 1997, and such sums as may be necessary for each subsequent fiscal year; and

(B) to be used in accordance with paragraph (2)(B), $195,000,000 for fiscal year 1997, and such sums as may be necessary for each subsequent fiscal year.

(2) USE.—

(A) NONELDERLY DISABLED FAMILIES.—The Secretary shall provide amounts made available under paragraph (1)(A) to local housing and management authorities only for use to

provide housing assistance under this title for nonelderly disabled families (including such families relocating pursuant to designation of a public housing development under section 227 and other nonelderly disabled families who have applied to the authority for housing assistance under this title).

(B) WELFARE AND HOMELESS FAMILIES.—The Secretary shall provide amounts made available under paragraph (1)(B) to local housing and management authorities only for use to provide housing assistance under this title for, as determined by the Secretary, the following families:

(i) Families participating in programs that link housing assistance to State and local welfare reform strategies for the purposes of assisting families making the transition from welfare to work and empowering families to choose housing in locations that offer the best access to jobs, education, training, and other services needed to achieve long-term self-sufficiency.

(ii) Homeless families with children.

(iii) Other eligible families.

(3) ALLOCATION OF AMOUNTS.—The Secretary shall allocate and provide amounts made available under paragraph (1) to local housing and management authorities as the Secretary determines appropriate based on the relative levels of need among the authorities for assistance for families described in subparagraphs (A) and (B) of paragraph (2) and such other relevant factors as the Secretary deems appropriate.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 17: Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike ''(b)'' and insert ''(c)''.

Page 152, line 18, strike ''(c)'' and insert ''(d)''.

Page 153, line 11, strike ''(d)'' and insert ''(e)''.

Page 153, line 16, strike ''(c)'' and insert ''(d)''.

Page 154, line 11, strike ''(e)'' and insert ''(f)''.

Page 155, line 16, strike ''(f)'' and insert ''(g)''.

Page 156, line 1, strike ''(g)'' and insert ''(h)''.

Page 156, line 15, strike ''(h)'' and insert ''(i)''.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 18: Page 157, after line 26, inset the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act) for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling of the applicable size and located in the market area in which such assisted dwelling unit is located may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike ''(b)'' and insert ''(c)''.

Page 158, line 9, strike ''(c)'' and insert ''(d)''.

Page 159, line 1, strike ''(d)'' and insert ''(e)''.

Page 172, line 9, after ''exceeds'' insert ''(A)''.

Page 172, line 11, before the period insert the following: '', or (B) in the case of a family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act), the lesser of the amount of such resident contribution or 30 percent of the family's adjusted monthly income''.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 19: At the end of title V of the bill, insert the following new section:

SEC. 504. AUTHORITY FOR HUD TO RELEASE RETURN INFORMATION TO LHMA'S.

Section 6103(a)(7)(D) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ix), by inserting after ''officers and employees of the Department of Housing and Urban Development'' the following: ''(and by officers and employees of local housing and management authorities, as defined in section 102 of the United States Housing Act of 1996 (including Indian housing authorities and recipients of assistance under such Act on behalf of Indian tribes) to whom the Secretary of Housing and Urban Development has made such return information available)''; and

(2) in the matter following clause (ix), by striking the last sentence.

H.R. 2406

OFFERED BY: MR. LAZIO OF NEW YORK

AMENDMENT NO. 20: Page 7, lines 9 and 10, strike ''and become self-sufficient; and'' and insert the following: '', become self-sufficient, and transition out of public housing and federally assisted dwelling units;''.

Page 7, line 15, strike the period and insert ''; and''.

Page 7, after line 15, insert the following:

(7) remedying troubled local housing and management authorities and replacing or revitalizing severely distressed public housing developments.

Page 10, line 23, after the comma insert ''as determined by the Secretary with adjustments for smaller and larger families,''.

Page 13, line 7, after the comma insert ''as determined by the Secretary with adjustments for smaller and larger families,''.

Page 14, line 3, strike ''or''.

Page 14, strike line 4 and insert the following:

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pur-

Page 14, strike line 23 and all that follows through page 15, line 5, and insert the following:

ber who is an elected public housing resident member (as such term is defined in paragraph (5)). If the board includes 2 or more resident members, at least 1 such member shall be a member of an assisted family under title III.

Page 15, line 7, strike ''a resident member'' and insert ''elected public housing resident members and resident members''

Page 16, strike lines 3 through 6.

Page 16, line 7, strike ''(iv)'' and insert ''(iii)''.

Page 16, line 13, strike ''(v)'' and insert ''(iv)''.

Page 17, strike lines 4 through 10, and insert the following new paragraph:

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term ''elected public housing resident member'' means, with respect to the local housing and management authority involved, an individual who is a resident member of the board of directors (or other similar governing body of the authority) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the authority;

(II) have not been convicted of a felony and do not reside in a household that includes an individual convicted of a felony; and

(III) have not, during the 5-year period ending upon the date of such election, been convicted of a misdemeanor;

(ii) in which only residents of dwelling units of public housing administered by the authority may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term ''resident member'' means a member of the board of directors or other similar governing body of a local housing and management authority who is a resident of a public housing dwelling unit owned, administered, or assisted by the authority or is a member of an assisted family (as such term is defined in section 371) assisted by the authority.

Page 17, line 18, insert ''**AND MEDIAN INCOME**'' before the last period.

Page 17, line 19, strike ''IN GENERAL'' and insert ''ADJUSTED INCOME''.

Page 19, line 1, after ''MINORS'' insert '', STUDENTS, AND PERSONS WITH DISABILITIES''.

Page 19, line 5, before the period insert the following: '', or who is 18 years of age or older and is a person with disabilities''.

Page 20, after line 10, insert the following new subsection:

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine

or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

Page 20, strike line 11 and all that follows through page 21, line 22, and insert the following new section:

SEC. 105. OCCUPANCY LIMITATIONS BASED ON ILLEGAL DRUG ACTIVITY AND ALCOHOL ABUSE.

(a) INELIGIBILITY BECAUSE OF EVICTION FOR DRUG-RELATED CRIMINAL ACTIVITY.—Any tenant evicted from housing assisted under title II or title III by reason of drug-related criminal activity (as such term is defined in section 102) shall not be eligible for any housing assistance under title II or title III during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the local housing and management authority (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a local housing and management authority shall establish standards for occupancy in public housing dwelling units and housing assistance under title II—

(A) that prohibit occupancy in any public housing dwelling unit by, and housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) if the local housing and management authority determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project; and

(B) that allow the local housing and management authority to terminate the tenancy in any public housing unit of, and the housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the local housing and management authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1), to deny occupancy or assistance to any person based on a pattern of use of a controlled substance or a pattern of abuse of alcohol, a local housing and management authority may consider whether such person—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) OTHER SCREENING.—A local housing and management authority may deny occupancy as provided in section 642 of the Housing and Community Development Act of 1992.

Page 22, line 4, strike ''(b)'' and insert ''(c)''.

Page 22, strike line 8 and all that follows through line 13, and insert the following:

member of the family shall contribute not less than 8 hours of work per month within the community in which the family resides. The requirement under this subsection shall be incorporated in the terms of the tenant self-sufficiency contract under subsection (b).

(b) TENANT SELF-SUFFICIENCY CONTRACT.—

(1) REQUIREMENT.—Except as provided in subsection (c), each local housing and management authority shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family who has custody of, or is responsible for, a minor living in his or her care shall enter into a legally enforceable self-sufficiency contract under this section with the authority.

(2) CONTRACT TERMS.—The terms of a self-sufficiency contract under this subsection shall be established pursuant to consultation between the authority and the family and shall include a plan for the resident's or family's residency in housing assisted under this Act that provides—

(A) a date specific by which the resident or family will graduate from or terminate tenancy in such housing;

(B) specific interim and final performance targets and deadlines relating to self-sufficiency, which may relate to education, school participation, substance and alcohol abuse counseling, mental health support, jobs and skills training, and any other factors the authority considers appropriate; and

(C) any resources, services, and assistance relating to self-sufficiency to be made available to the resident or family.

(3) INCORPORATION INTO LEASE.—A self-sufficiency contract under this subsection shall be incorporated by reference into a lease under section 226 or 324, as applicable, and the terms of such contract shall be terms of the lease for which violation may result in—

(A) termination of tenancy, pursuant to section 226(4) or 325(a)(1), as applicable; or

(B) withholding of assistance under this Act.

The contract shall provide that the local housing and management authority or the resident who is a party to the contract may enforce the contract through an administrative grievance procedure under section 110.

(4) PARTNERSHIPS FOR SELF-SUFFICIENCY ACTIVITIES.—A local housing and management authority may enter into such agreements and form such partnerships as may be necessary, with State and local agencies, nonprofit organizations, academic institutions, and other entities who have experience or expertise in providing services, activities, training, and other assistance designed to facilitate low- and very-low income families achieving self-sufficiency.

(5) CHANGED CIRCUMSTANCES.—A self-sufficiency contract under this subsection shall provide for modification in writing and that the local housing and management authority may for good cause or changed circumstances waive conditions under the contract.

(6) MODEL CONTRACTS.—The Secretary shall, in consultation with organizations and groups representing resident councils and residents of housing assisted under this Act, develop a model self-sufficiency contract for use under this subsection. The Secretary shall provide local housing and management authorities with technical assistance and advice regarding such contracts.

Page 22, line 16, strike ''requirement under subsection (a)'' and insert ''requirements under subsections (a) and (b)(1)''.

Page 27, lines 19 and 20, strike ''section 110'' and insert ''section 111''.

Page 29, line 18, after ''WELFARE'' insert ''AND OTHER APPROPRIATE''.

Page 29, line 20, after ''welfare agencies'' insert the following: ''and other appropriate Federal, State, or local government agencies or nongovernment agencies or entities''.

Page 29, line 25, strike ''requirements'' and all that follows through ''ensure'' on page 30, line 1, and insert the following: ''policies established by the authority that increase or maintain''.

Page 30, line 7, strike ''local law'' and insert the following: ''Federal, State, and local law''.

Page 34, line 8, strike ''or''.

Page 30, after line 8, insert the following new paragraph:

(13) POLICIES FOR LOSS OF HOUSING ASSISTANCE.—A description of policies of the authority requiring the loss of housing assistance and tenancy under titles II and III, pursuant to sections 222(e) and 321(g).

Page 34, line 12, strike the period and insert a semicolon.

Page 34, after line 12, insert the following new paragraphs:

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the authority;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the authority;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

Page 36, line 24, after the semicolon insert ''or''.

Page 37, after line 17, insert the following new section:

SEC. 109. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each local housing and management authority shall annually submit to the Accreditation Board established under section 401, on a date determined by such Board, a performance and evaluation report concerning the use of funds made available under this Act. The report of the local housing and management authority shall include an assessment by the authority of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The local housing and management authority shall certify that the report was available for review and comment by affected tenants prior to its submission to the Board.

(b) REVIEW OF LHMA'S.—The Accreditation Board established under section 401 shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each local housing and management authority receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan;

(2) has a continuing capacity to carry out its local housing management plan in a timely manner; and

(3) has satisfied, or has made reasonable progress towards satisfying, such performance standards as shall be prescribed by the Board.

(c) RECORDS.—Each local housing and management authority shall collect, maintain, and submit to the Accreditation Board established under section 401 such data and other program records as the Board may require, in such form and in accordance with such schedule as the Board may establish.

Page 37, line 18, strike ''**SEC. 109.**'' and insert ''**SEC. 110.**''.

Page 38, line 6, strike ''**SEC. 110.**'' and insert ''**SEC. 111.**''.

Page 38, lines 10 and 11, strike ''and assisted families under title III''.

Page 38, line 16, after ''impartial party'' insert ''(including appropriate employees of the local housing and management authority)''.

Page 39, strike lines 13 through 17 and insert the following new subsection:

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any local housing and management authority to establish or implement an administrative grievance procedure with respect to assisted families under title III.

Page 39, line 18, strike ''**SEC. 111.**'' and insert ''**SEC. 112.**''.

Page 40, line 18, strike ''**SEC. 112.**'' and insert ''**SEC. 113.**''.

Page 39, lines 22 and 23, strike ''to provide incremental housing assistance under title III'' and insert ''for use''.

Page 40, line 2, after ''subsection (a)'' insert ''or appropriated or otherwise made available for use under this section''.

Page 40, strike lines 12 through 17 and insert the following:

(4) providing technical assistance, training, and electronic information systems for the Department of Housing and Urban Development, local housing and management authorities, residents, resident councils, and resident management corporations to improve management of such authorities, except that the provision of assistance under this paragraph may not involve expenditure of amounts retained under subsection (a) for travel;

(5)(A) providing technical assistance, directly or indirectly, for local housing and management authorities, residents, resident councils, resident management corporations, and nonprofit and other entities in connection with implementation of a homeownership program under section 251, except that grants under this paragraph may not exceed $100,000; and (B) establishing a public housing homeownership program data base; and

(6) needs related to the Secretary's actions regarding troubled local housing and management authorities under this Act.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

Page 42, line 4, after ''who'' insert ''(A)''.

Page 42, line 6, strike ''and'' and insert a comma.

Page 42, line 7, strike ''or production''.

Page 42, line 8, before the period insert the following: '', and (C) is not a member of a bargaining unit represented by a union that has a collective bargaining agreement with the local housing and management authority''.

Page 42, after line 8, insert the following:

(3) RESIDENTS IN TRAINING PROGRAMS.—Any individuals participating in a job training program or other program designed to promote economic self-sufficiency.

(c) DEFINITION.—For purposes of this section, the terms ''operation'' and ''production'' have the meanings given the term in section 273.

Page 42, line 9, strike ''**SEC. 113.**'' and insert ''**SEC. 114.**''.

Page 43, after line 4, insert the following new section:

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, local housing and management authorities, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

Page 43, line 5, strike ''**SEC. 114.**'' and insert ''**SEC. 115.**''.

Page 45, strike line 22 and insert the following:

SEC. 202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

Page 46, after line 2, insert the following new subsection:

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible local housing and management authorities under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—A local housing and management authority may use up to 10 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 203(a)(2) to be funded with amounts from the operating fund.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a local housing and management authority for a fiscal year shall be the amount of the allocation for the authority determined under section 204, except as otherwise provided in this title and subtitle B of title IV.

Page 46, line 3, strike ''(b)'' and insert ''(d)''.

Page 46, line 19, strike ''(d)'' and insert ''(e)''.

Page 47, line 3, strike ''(e)'' and insert ''(f)''.

Page 47, strike lines 7 through 11.

Page 47, line 12, strike ''(d)'' and insert ''(e)''.

Page 48, line 22, strike ''not''.

Page 49, line 12, strike ''(e)'' and insert ''(f)''.

Page 49, line 20, strike ''(f)'' and insert ''(g)''.

Page 50, strike line 4 and all that follows through page 54, line 5, and insert the following new subsection:

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may only be used only for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing work program under section 106, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

Page 54, line 11, after ''title III'' insert a comma.

Page 54, strike lines 16 through 25 and insert the following:

sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the local housing and management authority cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimate cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title III for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Local housing and management agencies shall identify properties that meet the definition of subparagraphs (A) through (E).

Page 55, line 3, strike ''formula'' and insert ''formulas''.

Page 55, line 6, strike ''incremental''.

Page 55, strike line 7 and all that follows through ''assistance'' on line 10.

Page 56, line 14, after ''and'' insert ''take''.

Page 58, line 10, strike ''formula'' and insert ''formulas''.

Page 58, line 12, strike ''formula'' and insert ''formulas''.

Page 58, strike line 15 and all that follows through line 22, and insert the following new subsection:

(c) EXTENSION OF DEADLINES.—The Secretary may, for a local housing and management authority, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

Page 59, line 11, strike ''**BLOCK**''.

Page 59, line 13, strike ''section 111'' and insert ''section 112''.

Page 59, line 24, strike ''a formula described in'' and insert ''the formulas described in paragraphs (1) and (2) of''.;

Page 60, lines 1 and 2, strike ''formula'' and insert ''formulas''.

Page 60, strike line 10 and all that follows through line 23 and insert the following:

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the local housing and management authority, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the local housing and management authority to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the local housing and management authority, including backlog and projected future needs of the authority;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the local housing and management authority to carry out activities that provide a safe and secure environment in public housing units owned or operated by the local housing and management authority.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(A) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(B) the number of public housing dwelling units owned or operated by the local housing and management authority; and

(C) the need of the local housing and management authority to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents.

Page 60, line 24, strike ''(2)'' and insert ''(3)''.

Page 60, line 25, strike ''formula'', and insert ''formulas''.

Page 61, line 4, strike ''formula'', and insert ''formulas''.

Page 61, line 6, strike ''(3)'' and insert ''(4)''.

Page 61, line 9, strike ''formula'', and insert ''formulas''.

Page 61, line 10, strike ''(2)'' and insert ''(3)''.

Page 62, line 10, after ''costs'' insert the following: ''and other necessary costs (such as costs necessary for the protection of persons and property)''.

Page 62, after line 16, insert the following new subparagraph:

(D) INCREASES IN INCOME.—The Secretary may revise the formula referred to in subparagraph (B) to provide an incentive to encourage local housing and management authorities to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families with a broad range of incomes, including families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the local housing and management authority shall derive the full benefit of an increase in nonrental income, and such increase shall not directly result in a decrease in amounts provided to the authority under this title.

Page 63, after line 13, insert the following new subsection:

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a local housing and management authority uses proceeds from the sale of units under a homeownership program in accordance with section 251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the authority under this section until sale by the authority, but in any case no longer than 5 years.

Page 69, line 21, strike ''25 percent'' and insert ''30 percent''.

Page 69, line 23, strike the period insert the following: '', as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.''.

Page 71, after line 11, insert the following new subsection:

(e) LOSS OF ASSISTANCE FOR TERMINATION OF TENANCY.—A local housing and management authority shall, consistent with policies described in the local housing management plan of the authority, establish policies providing that a family residing in a public housing dwelling unit whose tenancy is terminated for serious violations of the terms or conditions of the lease shall—

(1) lose any right to continued occupancy in public housing under this title; and

(2) immediately become ineligible for admission to public housing under this title or for housing assistance under title III—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; or

(B) for other terminations, for a reasonable period of time as determined period of time as determined by the local housing and management authority.

Page 71, line 22, strike the period and all that follows through ''sources'' in line 24.

Page 72, strike line 11 and all that follows through page 74, line 20, and insert the following new subsection:

(b) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for, or tenants of, public housing as provided in section 646 of the Housing and Community Development Act of 1992.

Page 76, strike line 2 and all that follows through page 77, line 14, and insert the following:

(a) RENTAL CONTRIBUTION BY RESIDENT.—

(1) IN GENERAL.—A family shall pay as monthly rent for a dwelling unit in public housing the amount that the local housing and management authority determines is appropriate with respect to the family and the unit, which shall be—

(A) based upon factors determined by the authority, which may include the adjusted income of the resident, type and size of dwelling unit, operating and other expenses of the authority, or any other factors that the authority considers appropriate; and

(B) an amount that is not less than the minimum monthly rental amount under subsection (b)(1) nor more than any maximum monthly rental amount established for the dwelling unit pursuant to subsection (b)(2).

In determining the amount of the rent charged under this paragraph for a dwelling unit, a local housing and management authority shall take into consideration the characteristics of the population served by the authority, the goals of the local housing management plan for the authority, and the goals under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction.

(2) EXCEPTIONS.—Notwithstanding any other provision of this section, the amount paid for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is residing in any dwelling unit in public housing and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

(b) ALLOWABLE RENTS.—

(1) MINIMUM RENTAL.—Each local housing and management authority shall establish, for each dwelling unit in public housing owned or administered by the authority, a minimum monthly rental contribution toward the rent (which rent shall include any amount allowed for utilities), which—

(A) may not be less than $25, nor more than $50; and

(B) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly rental contribution in effect for the preceding year.

Notwithstanding the preceding sentence, a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 82, line 14, before the semicolon, insert ''on or off such premises''.

Page 83, strike line 1 and all that follows through page 89, line 15, and insert the following new section:

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a local housing and management authority for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the local housing and

management authority may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a local housing and management authority determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the authority may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in section 105(b)(1)(B), any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any local housing and management authority pursuant to this section.

(c) RELOCATION ASSISTANCE.—A local housing and management authority that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the authority and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title III, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—A local housing and management authority may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the authority, as part of the authority's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term 'supportive services' means services designed to meet the special needs of residents. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) EFFECTIVENESS.—

(1) Initial 5-year effectiveness.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 108(a) of the local housing and management authority that the information complies with the requirements under section 107 and this section.

(2) RENEWAL.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an authority may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a local housing and management authority extends the effectiveness of a designation and information under this paragraph.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a local housing and management authority shall be considered to have submitted the information required under this section if the authority has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) that has not been approved or disapproved before such date of enactment.

(4) TRANSITION PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) before such date of enactment shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(g) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(h) USE OF AMOUNTS.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120) may also be used for choice-based rental housing assistance under title III for local housing and management authorities to implement this section.

Page 89, after line 23, insert the following new subsection:

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each local housing and management authority that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each local housing and management authority shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an authority-wide basis.

Page 89, line 24, strike ''(b)'' and insert ''(c)''.

Page 90, strike lines 13 through 16 and insert the following:

dwellings, with such applicable

Page 90, lines 20 and 21, strike the period ''subparagraph (A)'' and insert ''paragraph (1)''.

Page 91, strike ''and'' in line 12 and all that follows through line 16 and insert a period.

Page 92, strike lines 4 through 11, and insert the following:

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through the end and inserting ''assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs.''; and

(B) in subparagraph (B)(ii), by striking ''managed by the public or Indian housing agency'' and inserting ''assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through ''section 14 of that Act'' and inserting ''assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs''; and

(B) in subparagraph (B)(ii), by striking ''operated by the public or Indian housing agency'' and inserting ''assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''.

Page 93, line 3, insert ''on a regular basis'' before the period.

Page 97, line 8, strike ''is''.

Page 108, line 16, after the period insert the following: ''In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize local housing and management authorities or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

Page 109, after line 17, insert the following new paragraph:

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

Page 110, line 19, after the period the following:

An authority may transfer a unit only pursuant to a homeownership program approved

by the Secretary. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section.

Page 111, line 5, insert after ''sales'' the following: ''by purchasing units for resale to low-income families''.

Page 111, line 16, after the period insert the following:

In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.

Page 113, line 9, after ''propriate'' insert ''(whether the family purchases directly from the authority or from another entity)''.

Page 115, line 4, after the period insert the following new sentence:

Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

Page 127, line 19, insert ''and'' after the semicolon.

Page 127, line 21, strike ''; and'' and insert a period.

Page 127, strike line 22 and all that follows through page 128, line 2, and insert the following:

The Secretary shall give preference in selection to any local housing and management authority that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

Page 129, line 4, before the period insert the following: ''or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee''.

Page 129, line 9, after ''troubled'' insert ''or dysfunctional''.

Page 133, line 5, strike lines 4 and 5 and insert the following:

under this section $480,000,000 for each of fiscal years 1996, 1997, and 1998''.

Page 133, line 17, strike ''1996'' and insert ''1998''.

Page 133, after line 17, insert the following new section:

SEC. 263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A local housing and management authority may convert any public housing development (or portion thereof) owned and operated by the authority to a system of choice-based rental housing assistance under title III, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the local housing and management authority shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the authority;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title III for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development; and

(4) identify the actions, if any, that the local housing and management authority will take with regard to converting any public housing development or developments (or portions thereof) of the authority to a system of choice-based rental housing assistance under title III.

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a local housing and management authority, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A local housing and management authority may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will not be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the local housing and management authority, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the local housing and management authority to provide choice-based rental housing assistance under title III shall be added to the housing assistance payment contract administered by the local housing and management authority or any entity administering the contract on behalf of the local housing and management authority.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed immediately before the enactment of this Act).

Page 135, line 18, strike ''section 202(b)'' and insert ''section 202(d)''.

Page 138, strike line 5 and all that follows through line 7 and insert the following:

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1997, 1998, 1999, and 2000; and

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,800,000,000 for each of fiscal years 1997, 1998, 1999, and 2000.

Page 141, line 7, strike ''(5)'' and insert ''(4)''.

Page 141, line 10, strike ''(6)'' and insert ''(5)''.

Page 140, line 21, after ''title'' insert the following: ''pursuant to the formula established under section 304(a)''.

Page 141, lines 16 and 17, strike ''subsection (c) and section 109'' and insert ''subsections (b)(3) and (c), and section 112''.

Page 143, line 19, after ''including'' insert the following: ''funding for the headquarters reserve fund under section 112,''.

Page 143, line 25, after ''displacement'' insert ''from public or assisted housing''.

Page 144, line 9, strike ''loan'' and insert ''portfolio''.

Page 148, line 22, strike ''the Secretary'' and all that follows through page 149, line 21, and insert the following: ''the Secretary shall take such steps as may be necessary to ensure that the local housing and management authority that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).''.

Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 50 percent shall be families whose incomes do not exceed 60 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike ''(b)'' and insert ''(c)''.

Page 152, line 18, strike ''(c)'' and insert ''(d)''.

Page 153, strike line 11 and all that follows through line 25 on page 155, and insert the following new subsection:

(d) PORTABILITY OF HOUSING ASSISTANCE.—

(1) NATIONAL PORTABILITY.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a local housing and management authority may require that any family not living within the jurisdiction of the local housing and management authority at the time the family applies for assistance from the authority shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from that authority, lease and occupy an eligible dwelling unit located within the jurisdiction served by the authority. The authority for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) SOURCE OF FUNDING FOR A FAMILY THAT MOVES.—For a family that has moved into the jurisdiction of a local housing and management authority and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another authority, the authority for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other authority under that authority's contract.

(3) AUTHORITY TO DENY ASSISTANCE TO CERTAIN FAMILIES WHO MOVE.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) FUNDING ALLOCATIONS.—In providing assistance amounts under this title for local housing and management authorities for any fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an authority in the preceding fiscal year as a result of this subsection.

Page 156, line 3, strike ''may, to the extent such policies are'' and insert ''shall, consistent with the policies''.

Page 156, lines 4 and 5, strike ''and included in the lease for a dwelling unit''.

Page 156, strike lines 11 through 14 and insert the following new paragraph:

(2) immediately become ineligible for housing assistance under this title or for admission to public housing under title II—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; and

(B) for other terminations, for a reasonable period of time as determined by the local housing and management authority.

Page 156, line 15, strike ''(h)'' and insert ''(f)''.

Page 156, after line 24, insert the following new subsections:

(i) DENIAL OF ASSISTANCE TO CRIMINAL OFFENDERS.—In making assistance under this title available on behalf of eligible families, a local housing and management authority may deny the provision of such assistance in the same manner, for the same period, and subject to the same conditions that an owner of federally assisted housing may deny occupancy in such housing under subsections (b) and (c) of section 642 of the Housing and Community Development Act of 1992.

(j) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for housing assistance under this title and assisted families under this title to the same extent an owner of federally assisted housing may obtain such records regarding an applicant for or tenant of federally assisted housing under section 646 of the Housing and Community Development Act of 1992.

Page 157, strike line 2 and all that follows through page 158, line 8, and insert the following new subsections:

(a) AMOUNT.—

(1) IN GENERAL.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the local housing and management authority determines is appropriate with respect to the family and the unit, but shall not be less than the minimum monthly rental contribution determined under subsection (b).

(2) EXCEPTIONS FOR CERTAIN CURRENT RESIDENTS.—Notwithstanding paragraph (1), the amount paid by an assisted family for monthly rent for an assisted dwelling unit, may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is an assisted family and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

Any amount payable under paragraph (3) shall be in addition to the amount payable under this paragraph.

(3) EXCESS RENTAL AMOUNT.—In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) or (2) of this subsection for such family) such entire excess rental amount.

(b) MINIMUM MONTHLY RENTAL CONTRIBUTION.—

(1) IN GENERAL.—The local housing and management authority shall determine the amount of the minimum monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the authority considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) HARDSHIP EXCEPTION.—Notwithstanding paragraph (1), a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 161, line 21, strike ''section 325'' and insert ''this title''.

Page 162, line 19, before the period, insert ''on or off such premises''.

Page 163, strike lines 9 through 16 and insert the following new paragraph:

(1) IN GENERAL.—Notwithstanding subsection (a), a local housing and management authority—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial of participation takes effect.

If the local housing and management authority takes action under subparagraph (B), the authority shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

Page 163, strike line 23 and all that follows through page 164, line 2.

Page 164, line 8, before the period insert ''and any applicable law''.

Page 165, line 17, strike ''subsection (b)'' and insert ''subsection (c)''.

Page 166, strike lines 9 through 22 and insert the following new paragraph:

(2) EXPEDITIOUS INSPECTION.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the local housing and management authority. The performance of the authority in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the authority.

Page 167, line 14, strike ''The authority'' and all that follows through line 19 and insert the following new sentence: ''The authority shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary and the Inspector General for the Department of Housing and Urban Development, the Housing Foundation and Accreditation Board established under title IV, and any auditor conducting an audit under section 432.''.

Page 168, line 18, before ''income'' insert ''sufficient''.

Page 170, line 18, after ''dwelling units'' insert the ''(other than public housing)''.

Page 170, line 22, strike ''or the owner''.

Page 171, strike line 15 and all that follows through page 172, line 11, and insert the following new section:

SEC. 352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located—

(1) the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 322(a)(1); or

(2) in the case only of families described in paragraph (2) of section 322(a), the amount by which such payment standard exceeds the lesser of (i) the resident contribution determined in accordance with section 322(a)(1), or (ii) 30 percent of the family's adjusted monthly income.

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the local housing and management authority. Amounts in the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The local housing and management authority making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the authority for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by local housing and management authorities and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 329, the term ''gross rent'' shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

Page 173, line 3, strike ''large''.

Page 173, strike ''For purposes'' in line 15 and all that follows through line 19.

Page 174, line 5, after ''unit'' insert ''(with respect to initial contract rents and any rent revisions)''.

Page 179, line 25, strike ''section 110'' and insert ''section 111''.

Page 182, line 17, strike ''2'' and insert ''at least 2, but not more than 4''.

Page 183, after line 15, insert the following new subparagraph:

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

Page 186, after line 2, insert the following new paragraph:

(3) IMPROVEMENT OF INDEPENDENT AUDITS.—Providing for the development of effective means for conducting comprehensive financial and performance audits of local housing and management authorities under section 432 and, to the extent provided in such section, providing for the conducting of such audits.

Page 186, line 3, strike ''(3)'' and insert ''(4)''.

Page 186, strike lines 6 through 8 and insert the following:

grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, ensuring that financial and performance audits under section 432

Page 186, line 12, strike ''(4)'' and insert ''(5)''.

Page 187, after line 13, insert the following new subsection:

(c) ASSISTANCE FROM NATIONAL CENTER FOR HOUSING MANAGEMENT.—

(1) IN GENERAL.—During the period referred to in subsection (a), the National Center for Housing Management established by Executive Order 11668 (42 U.S.C. 3531 note) shall, to the extent agreed to by the Center, provide the Board with ongoing assistance and advice relating to the following matters:

(A) Organizing the structure of the Board and its operations.

(B) Establishing performance standards and guidelines under section 431(a).

Such Center may, at the request of the Board, provide assistance and advice with respect to matters not described in paragraphs (1) and (2) and after the expiration of the period referred to in subsection (a).

(2) ASSISTANCE.—The assistance provided by such Center shall include staff and logistical support for the Board and such operational and managerial activities as are necessary to assist the Board to carry out its functions during the period referred to in subsection (a).

Page 188, after line 22, insert the following new paragraph:

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of annual financial and performance audits of local housing and management authorities under section 432. The Inspector General may advise the Board with respect to other activities and functions of the Board.

Page 189, line 4 and 5, strike ''research or surveys'' and insert ''evaluations under section 404(b), audits of local housing and management authorities as provided under section 432, research, and surveys''.

Page 189, line 6, before the period insert the following: '', and may enter into contracts with the National Center for Housing Management to conduct the functions assigned to the Center under this title''.

Page 190, line 5, strike ''and'' and insert a comma.

Page 190, line 6, before the period insert '', and conducting audits of authorities under section 432''.

Page 190, after line 13, insert the following new subsection:

(a) REPORT ON COORDINATION WITH HUD FUNCTIONS.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Board shall submit a report to the Congress that—

(1) identifies and describes the processes, procedures, and activities of the Department of Housing and Urban Development which may duplicate functions of the Board, and makes recommendations regarding activities of the Department that may no longer be necessary as a result of improved auditing of authorities pursuant to this title;

(2) makes recommendations for any changes to Federal law necessary to improve auditing of local housing and management authorities; and

(3) makes recommendations regarding the review and evaluation functions currently performed by the Department of Housing and Urban Development that may be more efficiently performed by the Board and should be performed by the Board, and those that should continue to be performed by the Department.

Page 190, line 14, before ''The'' insert ''(b) ANNUAL REPORTS.—''.

Page 190, after line 23, insert the following new section:

SEC. 408. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Page 196, strike line 10 and all that follows through page 198, line 25, and insert the following new section:

SEC. 432. FINANCIAL AND PERFORMANCE AUDITS.

(a) REQUIREMENT.—A financial and performance audit under this section shall be conducted for each local housing and management authority for each fiscal year that the authority receives grant amounts under this Act, as provided under one of the following paragraphs:

(1) LHMA PROVIDES FOR AUDIT.—If neither the Secretary nor the Board takes action under paragraph (2) or (3), the Secretary shall require the local housing and management authority to have the audit conducted. The Secretary may prescribe that such audits be conducted pursuant to guidelines set forth by the Department.

(2) SECRETARY REQUESTS BOARD TO PROVIDE FOR AUDIT.—The Secretary may request the Board to contract directly with an auditor to have the audit conducted for the authority.

(3) BOARD PROVIDES FOR AUDIT.—The Board may notify the Secretary that it will contract directly with an auditor to have the audit conducted for the authority.

(b) OTHER AUDITS.—Pursuant to risk assessment strategies designed to ensure the integrity of the programs for assistance under this Act, which shall be established by the Inspector General for the Department of Housing and Urban Development in consultation with the Board, the Inspector General may request the Board to conduct audits under this subsection of local housing and management authorities. Such audits may be in addition to, or in place of, audits under subsection (a), as the Board shall provide.

(c) SUBMISSION OF RESULTS.—

(1) SUBMISSION TO SECRETARY AND BOARD.—The results of any audit conducted under this subsection shall be submitted to the local housing and management authority, the Secretary, and the Board.

(2) SUBMISSION TO LOCAL OFFICIALS.—

(A) REQUIREMENT.—A local housing and management authority shall submit each audit conducted under this section to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the local housing and management authority for review and comment. Any such comments shall be submitted, together with the audit, to the Secretary and the Board and the Secretary and the Board shall consider such comments in reviewing the audit.

(B) TIMING.—An audit shall be submitted to local officials as provided in subparagraph (A)—

(i) in the case of an audit conducted under subsection (a)(1), not later than 60 days before the local housing and management authority submits the audit to the Secretary and the Board; or

(ii) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), not later than 60 days after the authority receives the audit.

(d) PROCEDURES.— The requirements for financial and performance audits under this section shall—

(1) be established by the Board, in consultation with the Inspector General of the Department of Housing and Urban Development;

(2) provide for the audit to be conducted by an independent auditor selected—

(A) in the case of an audit under subsection (a)(1), by the authority; and

(B) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), by the Board;

(3) authorize the auditor to obtain information from a local housing and management authority, to access any books, documents, papers, and records of an authority that are pertinent to this Act and assistance received pursuant to this Act, and to review any reports of an authority to the Secretary;

(4) impose sufficient requirements for obtaining information so that the audits are useful to the Board in evaluating local housing and management authorities; and

(5) include procedures for testing the reliability of internal financial controls of local housing and management authorities.

(e) PURPOSE.—Audits under this section shall be designed to—

(1) evaluate the financial performance and soundness and management performance of the local housing and management authority board of directors (or other similar governing body) and the authority management officials and staff;

(2) assess the compliance of an authority with all aspects of the standards and guidelines established under section 431(a)(1);

(3) provide information to the Secretary and the Board regarding the financial performance and management of the authority and to determine whether a review under section 225(d) or 353(c) is required; and

(4) identify potential problems in the operations, management, functioning of a local housing and management authority at a time before such problems result in serious and complicated deficiencies.

(f) INAPPLICABILITY OF SINGLE AUDIT ACT.—Notwithstanding the first sentence of section 7503(a) of title 31, United States Code, an audit conducted in accordance with chapter 75 of such title shall not exempt any local housing and management authority from conducting an audit under this section. Audits under this section shall not be subject to the requirements for audits under such chapter. An audit under this section for a local housing and management authority for a fiscal year shall be considered to satisfy any requirements under such chapter for such fiscal year.

(g) WITHHOLDING OF AMOUNTS FOR COSTS OF AUDIT.—

(1) LHMA RESPONSIBLE FOR AUDIT.—If the Secretary requires a local housing and management authority to have an audit under this section conducted pursuant to subsection (a)(1) and determines that the authority has failed to take the actions required to submit an audit under this section for a fiscal year, the Secretary may—

(A) arrange for, and pay the costs of, the audit and withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); or

(B) request the Board to conduct the audit pursuant to subsection (a)(2) and withhold amounts pursuant to paragraph (2) of this subsection.

(2) BOARD RESPONSIBLE FOR AUDIT.—If the Board is responsible for an audit for a local housing and management authority pursuant to paragraph (2) or (3) of subsection (a), subsection (b), or paragraph (1)(B) of this subsection, the Secretary shall—

(A) withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the audit, but in no case more than the reasonable cost of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); and

(B) transfer such amounts to the Board.

Page 201, line 21, strike ''to prepare''.

Page 201, line 23, after ''housing'' insert ''or functions''.

Page 202, lines 1 and 2, strike ''to prepare''.

Page 203, lines 17 and 18, strike ''the expiration'' and all that follows through ''437(b)(2)'' on line 19, and insert the following: ''such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 438''.

Page 203, line 19, strike ''437(b)(2)'' and insert ''438(b)(2) or (b)(5)''.

Page 207, line 16, strike ''section 435'' and insert ''section 436''.

Page 209, line 9, strike ''if'' and all that follows through the comma on line 12.

Page 210, line 9, before the semicolon insert '', but only after efforts to renegotiate such contracts have failed''.

Page 210, line 19, after ''laws'' insert the following: ''relating to civil service requirements, employee rights, procurement, or financial or administrative controls''.

Page 210, line 20, strike ''receiver'' and insert ''Secretary''.

Page 212, line 24, strike ''(D'' and insert ''(D)''.

Page 212, line 25, after ''laws'' insert the following: ''relating to civil service requirements, employee rights, procurement, or financial or administrative controls''.

Page 213, after line 23, insert the following new subsection:

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

Page 215, line 7, strike ''for the first year beginning after the date of enactment of this Act''.

Page 216, line 2, strike ''section 438(b)'' and insert ''section 439(b)''.

Page 217, line 7, strike ''section 432'' and insert ''section 433''.

Page 217, line 9, strike ''and 436'' and insert ''436, and 438''.

Page 218, strike lines 19 through 22 (and redesignate subsequent paragraphs accordingly).

Page 226, after line 9, insert the following new subsection:

(f) CONVERSION OF PROJECT-BASED ASSISTANCE TO CHOICE-BASED RENTAL ASSISTANCE.—

(1) SECTION 8 PROJECT-BASED CONTRACTS.—Upon the request of the owner of a multifamily housing project for which project-based assistance is provided under a contract entered into under section 8 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project and shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(2) SECTION 236 CONTRACTS.—Upon the request of the owner of a multifamily housing project for which assistance is provided under a contract for interest reduction payments under section 236 of the National Housing Act, notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project. The amount of the interest reduction payments made on behalf of the owner shall be reduced by a fraction for which the numerator is the aggregate basic rent for the units which are no longer assisted under the contract for interest reduction payments and the denominator is the aggregate basic rents for all units in the project. The requirements of section 236(g) of the National Housing Act shall not apply to rental charges collected with respect to dwelling units for which assistance in terminated under this paragraph. Such reduction shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(3) ELIGIBLE UNITS.—A unit may be removed from coverage by a contract pursuant to paragraph (1) or (2) only—

(A) upon the vacancy of the unit; and

(B) in the case of—

(i) units assisted under section 8 of the United States Housing Act of 1937, if the contract rent for the unit is not less than the applicable fair market rental established pursuant to section 8(c) of such Act for the area in which the unit is located; or

(ii) units assisted under an interest reduction contract under section 236 of the National Housing Act, if the reduction in the amount of interest reduction payments on a monthly basis is less than the aggregate amount of fair market rents established pursuant to section 8(c) of such Act for the number and type of units which are removed from coverage by the contract.

(4) RECAPTURE.—Any budget authority that becomes available to a local housing and management authority or the Secretary pursuant to this section shall be used to provide choice-based rental assistance under title III, during the term covered by such contract.

Page 231, line 24, after the period insert the following new sentence: ''The plan shall be developed with the participation of residents and appropriate law enforcement officials.''.

Page 240, after the matter following line 17, insert the following new subsection:

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a local housing and management authority within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c).

At the end of title V of the bill, insert the following new sections:

SEC. 504. TREATMENT OF CERTAIN PROJECTS.

Rehabilitation activities undertaken by Pennrose Properties in connection with 40 dwelling units for senior citizens in the Providence Square development located in New Brunswick, New Jersey, are hereby deemed to have been conducted pursuant to the approval of and an agreement with the Secretary of Housing and Urban Development under clauses (i) and (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

SEC. 505. AMENDMENTS RELATING TO COMMUNITY DEVELOPMENT ASSISTANCE.

(a) ELIGIBILITY OF METROPOLITAN CITIES.—Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) is amended—

(1) by striking the second sentence and inserting the following new sentence: ''Any city that was classified as a metropolitan city for at least 1 year after September 30, 1989, pursuant to the first sentence of this paragraph, shall remain classified as a metropolitan city by reason of this sentence until the first year for which data from the 2000 Decennial Census is available for use for purposes of allocating amounts this title.''; and

(2) by striking the fifth sentence and inserting the following new sentence: ''Notwithstanding that the population of a unit of general local government was included, after September 30, 1989, with the population of an urban county for purposes of qualifying for assistance under section 106, the unit of general local government may apply for assistance under section 106 as a metropolitan city if the unit meets the requirements of the second sentence of this paragraph.''.

(b) PUBLIC SERVICES LIMITATION.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 1997'' and inserting ''through 1998''.

SEC. 506. AUTHORITY TO TRANSFER SURPLUS REAL PROPERTY FOR HOUSING USE.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended by adding at the end the following new subsection:

''(r)(1) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for homeless individuals or families, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

''(2) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for low-income individuals or families such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

''(3) In making transfers under this subsection, the Administrator shall take such action, which shall include grant agreements with an organization receiving a grant, as may be necessary to ensure that—

''(A) assistance provided under this subsection is used to facilitate and encourage homeownership opportunities through the construction of self-help housing, under terms which require that the person receiving the assistance contribute a significant amount of labor toward the construction; and

''(B) the dwellings constructed with property transferred under this subsection shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below the prevailing market prices.

''(4)(A) Where the Administrator has transferred a significant portion of a surplus real property, including buildings, fixtures, and equipment situated thereon, under paragraph (1) or (2) of this subsection, the transfer of the entire property shall be deemed to be in compliance with title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

''(B) For the purpose of this paragraph, the term 'a significant portion of a surplus real property' means a portion of surplus real property—

''(i) which constitutes at least 5 acres of total acreage;

''(ii) whose fair market value exceeds $100,000; or

''(iii) whose fair market value exceeds 15 percent of the surplus property's fair market value.

''(5) The provisions of this section shall not apply to buildings and property at military installations that are approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and shall not supersede the provisions of section 2(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (10 U.S.C. 2687 note).''.

SEC. 507. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: '', and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000''.

SEC. 508. TREATMENT OF OCCUPANCY STANDARDS.

(a) NATIONAL STANDARD PROHIBITED.—The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

(b) STATE STANDARD.—If a State establishes an occupancy standard—

(1) such standard shall be presumed reasonable for purposes of any laws administered by the Secretary; and

(2) the Secretary shall not suspend, withdraw, or deny certification of any State or local public agency based in whole or in part on that State occupancy standard or its operation.

(c) ABSENCE OF STATE STANDARD.—If a State fails to establish an occupancy standard, an occupancy standard of 2 persons per bedroom established by a housing provider shall be presumed reasonable for the purposes of any laws administered by the Secretary.

(d) DEFINITION.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the term ''occupancy standard'' means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can properly manage in a dwelling for any 1 or more of the following purposes—

(A) providing a decent home and services for each resident;

(B) enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident; and

(C) avoiding undue physical deterioration of the dwelling and property.

(2) EXCEPTION.—The term ''occupancy standard'' does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(e) EFFECTIVE DATE.—This section shall take effect January 1, 1996.

SEC. 509. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—Within 120 days after the enactment of this Act, the Secretary of Housing and Urban Development shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law. The Secretary shall consider and make any waivers to existing regulations consistent with such plan to enable timely implementation of such plan.

(b) REPORT.—Such city shall submit a report to the Secretary on progress in implementing the plan not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000. The report shall include quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the city's consolidated plan, identification of regulatory and statutory obstacles which have or are causing unnecessary delays in the plan's successful implementation or are contributing to unnecessary costs associated with the revitalization, and any other information as the Secretary considers appropriate.

SEC. 510. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) The Secretary may—

''(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

''(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.''.

SEC. 511. AMENDMENTS RELATING TO SECTION 236 PROGRAM.

Section 236(f)(1) of the National Housing Act (12 U.S.C. 1715z–1) (as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, and by section 228(a) of The Balanced Budget Downpayment Act, II) is amended—

(1) in the second sentence, by striking ''the lower of (i)'';

(2) in the second sentence, by striking ''(ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for the market area in which the housing is located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''; and

(3) by inserting after the second sentence the following: ''However, in the case of a project which contains more than 5,000 units, is subject to an interest reduction payments contract, and is financed under a State or local program, the Secretary may reduce the rental charge ceiling, but in no case shall the rent be below basic rent. For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing is located, as represents 30 percent of the tenant's adjusted income, but in no case shall the rent be below basic rent.''.

SEC. 512. PROSPECTIVE APPLICATION OF GOLD CLAUSES.

Section 5118(d)(2) of title 31, United States Code, is amended by adding at the end the following new sentence: ''This paragraph shall continue to apply to any obligations issued on or before October 27, 1977, notwithstanding any assignment and/or novation of such obligations after such date, unless all parties to the assignment and/or novation specifically agree to include a gold clause in the new agreement.''.

SEC. 513. MOVING TO WORK DEMONSTRATION FOR THE 21ST CENTURY.

(a) PURPOSE.—The purpose of this demonstration under this section is to give local housing and management authorities and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that—

(1) reduce cost and achieve greater cost effectiveness in Federal expenditures;

(2) give incentives to families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and

(3) increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—

(1) SELECTION OF PARTICIPANTS.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1997 under which local housing and management authorities (including Indian housing authorities) administering the public or Indian housing program and the choice-based rental assistance program under title III of this Act shall be selected by the Secretary to participate. In first year of the demonstration, the Secretary shall select 100 local housing and management authorities to participate. In each of the next 2 year of the demonstration, the Secretary shall select 100 additional local housing and management authorities per year to participate. During the first year of the demonstration, the Secretary shall select for participation any authority that complies with the requirement under subsection (d) and owns or administers more than 99,999 dwelling units of public housing.

(2) TRAINING.—The Secretary, in consultation with representatives of public housing

interests, shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 30 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration.

(3) USE OF HOUSING ASSISTANCE.—Under the demonstration, notwithstanding any provision of this Act, an authority may combine operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act), modernization assistance provided under section 14 of such Act, assistance provided under section 8 of such Act for the certificate and voucher programs, assistance for pubic housing provided under title II of this Act, and choice-based rental assistance provided under title III of this Act, to provide housing assistance for low-income families and services to facilitate the transition to work on such terms and conditions as the authority may propose.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance refereed to in subsection (b)(3);

(2) shall be submitted only after the local housing and management authority provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the authority that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent; and

(B) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION CRITERIA.—In selecting among applications, the Secretary shall take into account the potential of each authority to plan and carry out a program under the demonstration and other appropriate factors as reasonably determined by the Secretary. An authority shall be eligible to participate in any fiscal year only if the most recent score for the authority under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) is 90 or greater.

(e) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Section 261 of this Act shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 113 of this Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON PROGRAM ALLOCATIONS.—The amount of assistance received under titles II and III by a local housing and management authority participating in the demonstration under this section shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each authority shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each authority shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH LHMA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of local housing and management authorities and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

SEC. 514. OCCUPANCY SCREENING AND EVICTIONS FROM FEDERALLY ASSISTED HOUSING.

(a) OCCUPANCY SCREENING.—Section 642 of the Housing and Community Development Act of 1992 (42 U.S.C. 13602)—

(1) by inserting ''(a) GENERAL CRITERIA.—'' before ''In''; and

(2) by adding at the end the following new subsections:

''(b) AUTHORITY TO DENY OCCUPANCY FOR CRIMINAL OFFENDERS.—In selecting tenants for occupancy of dwelling units in federally assisted housing, if the owner of such housing determines that an applicant for occupancy in the housing or any member of the applicant's household is or was, during the preceding 3 years, engaged in any activity described in paragraph (2)(C) of section 645, the owner may—

''(1) deny such applicant occupancy and consider the applicant (for purposes of any waiting list) as not having applied for such occupancy ; and

''(2) after the expiration of the 3-year period beginning upon such activity, require the applicant, as a condition of occupancy in the housing or application for occupancy in the housing, to submit to the owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such 3-year period.

''(c) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—An owner of federally assisted housing may require, as a condition of providing occupancy in a dwelling unit in such housing to an applicant for occupancy and the members of the applicant's household, that each adult member of the household provide the owner with a signed, written authorization for the owner to obtain records described in section 646(a) regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

''(d) DEFINITION.—For purposes of subsections (b) and (c), the term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).''.

(b) TERMINATION OF TENANCY.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended by adding at the end the following new section:

''SEC. 645. TERMINATION OF TENANCY.

''Each lease for a dwelling unit in federally assisted housing (as such term is defined in section 642(d)) shall provide that—

''(1) the owner may not terminate the tenancy except for violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

''(2) any activity, engaged in by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the owner or other manager of the housing,

''(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises, shall be cause for termination of tenancy.''.

(c) AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended adding after section 645 (as added by subsection (b) of this section) the following new section:

''SEC. 646. AVAILABILITY OF RECORDS.

''(a) IN GENERAL.—

''(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraph (2), upon the request of an owner of federally assisted housing, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the owner of federally assisted housing information regarding the criminal conviction records of an adult applicant for, or tenants of, the federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the owner requests such information and presents to such Center, department, or agency with a written authorization, signed by such applicant, for the release of such information to such owner.

''(2) EXCEPTION.—The information provided under paragraph (1) may not include any information regarding any criminal conviction of an applicant or resident for any act (or failure to act) for which the applicant or resident was not treated as an adult under the laws of the convicting jurisdiction.

''(b) CONFIDENTIALITY.—An owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer or employee of the owner. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to an owner is used, and confidentiality of such information is maintained, as required under this section.

''(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for federally assisted housing on the

basis of a criminal record, the owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

''(d) FEE.—An owner of federally assisted housing may be charged a reasonable fee for information provided under subsection (a).

''(e) RECORDS MANAGEMENT.—Each owner of federally assisted housing that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the owner is—

''(1) maintained confidentially;

''(2) not misused or improperly disseminated; and

''(3) destroyed, once the purpose for which the record was requested has been accomplished.

''(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term 'person' as used in this subsection shall include an officer or employee of any local housing and management authority.

''(g) CIVIL ACTION.—Any applicant for, or resident of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any owner, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

''(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ADULT.—The term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

''(2) FEDERALLY ASSISTED HOUSING.—The term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).''.

(d) DEFINITIONS.—Section 683 of the Housing and Community Development Act of 1992 (42 U.S.C. 13643) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''section 3(b) of the United States Housing Act of 1937'' and inserting ''section 102 of the United States Housing Act of 1996'';

(B) in subparagraph (B), by inserting before the semicolon at the end the following; ''(as in effect before the enactment of the United States Housing Act of 1996)'';

(C) in subparagraph (F), by striking ''and'' at the end;

(D) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following new subparagraph:

''(H) for purposes only of subsections (b) and (c) of sections 642, and section 645 and 646, housing assisted under section 515 of the Housing Act of 1949.'';

(2) in paragraph (4), by striking ''public housing agency'' and inserting ''local housing and management authority''; and

(3) by adding at the end the following new paragraph:

''(6) DRUG-RELATED CRIMINAL ACTIVITY.—The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act).''.

At the end of the bill, insert the following new title:

TITLE VI—NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAMS COST

SEC. 601. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Housing Assistance Programs Cost (in this title referred to as the ''Commission'').

SEC. 602. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 9 members, who shall be appointed not later than 90 days after the date of the enactment of this Act. The members shall be as follows:

(1) 3 members to be appointed by the Secretary of Housing and Urban Development;

(2) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate; and

(3) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives.

(b) QUALIFICATIONS.—The 3 members of the Commission appointed under each of paragraphs (1), (2), and (3) of subsection (a)—

(1) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(2) shall include—

(A) 1 individual who is an elected public official at the State or local level;

(B) 1 individual who is a distinguished academic engaged in teaching or research;

(C) 1 individual who is a business leader, financial officer, management or accounting expert.

In selecting members of the Commission for appointment, the individuals appointing shall ensure that the members selected can analyze the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no member of the Commission has a personal financial or business interest in any such program.

SEC. 603. ORGANIZATION.

(a) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(c) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(d) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(e) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 604. FUNCTIONS.

(a) IN GENERAL.—The Commission shall —

(1) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs; and

(2) estimate the future liability that will be borne by taxpayers as a result of activities under the Federal assisted housing programs before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term ''Federal assisted housing programs'' means—

(1) the public housing program under the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(2) the public housing program under title II of this Act;

(3) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(4) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(5) the programs for project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(6) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(7) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(8) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(9) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(10) the program under section 236 of the National Housing Act;

(11) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(12) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine.

(c) FINAL REPORT.—Not later than 18 months after the Commission is established pursuant to section 602(a), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under subsection (a).

(c) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

SEC. 605. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require for carrying out this title, including—

(A) local housing management plans submitted to the Secretary of Housing and Urban Development under section 107;

(B) block grant contracts under title II;

(C) contracts under section 302 for assistance amounts under title III; and

(D) audits submitted to the Secretary of Housing and Urban Development under section 403.

(2) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary—

(A) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this title; and

(B) provide the Commission with technical assistance in carrying out its duties under this title.

(d) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this title, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this Act and assistance received pursuant to this Act.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(f) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this title.

(g) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) LIMITATION.—Paragraphs (1) and (2) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(4) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no such individual has a personal financial or business interest in any such program.

(h) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 606. FUNDING.

Of any amounts made available for policy, research, and development activities of the Department of Housing and Urban Development, there shall be available for carrying out this title $750,000, for fiscal year 1997. Any such amounts so appropriated shall remain available until expended.

SEC. 607. SUNSET.

The Commission shall terminate upon the expiration of the 18-month period beginning upon the date that the Commission is established pursuant to section 602(a).

H.R. 2406

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 21: Page 37, line 19, strike ''A'' and insert ''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a''.

Page 37, line 25, strike ''Notwithstanding the preceding sentence, pet'' and insert the following:

(b) FEDERALLY ASSISTED RENTAL HOUSING FOR THE ELDERLY OR DISABLED.—PET

Page 38, after line 5, insert the following new subsection:

(c) ELDERLY FAMILIES IN PUBLIC AND ASSISTED HOUSING.—Responsible ownership of common household pets shall not be denied any elderly or disabled family who resides in a dwelling unit in public housing or an assisted dwelling unit (as such term is defined in section 371), subject to the reasonable requirements of the local housing and management authority or the owner of the assisted dwelling unit, as applicable. This subsection shall not apply to units in public housing or assisted dwelling units that are located in federally assisted rental housing for the elderly or handicapped referred to in subection (b).

H.R. 2406

OFFERED BY: MR. ROEMER

AMENDMENMT NO. 22: At the end of the bill, insert the following new title:

TITLE VI—NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CONSENSUS COMMITTEE

SEC. 601. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''National Manufactured Housing Construction and Safety Standards Act of 1996''.

(b) REFERENCE.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Housing and Community Development Act of 1974.

SEC. 602. STATEMENT OF PURPOSE.

Section 602 (42 U.S.C. 5401) is amended by striking the first sentence and inserting the following: ''The Congress declares that the purposes of this title are to reduce the number of personal injuries and deaths and property damage resulting from manufactured home accidents and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.''.

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(14) 'consensus committee' means the committee established under section 604(a)(7); and

''(15) 'consensus standards development process' means the process by which additions and revisions to the Federal manufactured home construction and safety standards shall be developed and recommended to the Secretary by the consensus committee.''.

(b) CONFORMING AMENDMENTS.—

(1) OCCURRENCES OF ''DEALER''.—The Act (42 U.S.C. 5401 et seq.) is amended by striking ''dealer'' and inserting ''retailer'' in each of the following provisions:

(A) In section 613, each place such term appears.

(B) In section 614(f), each place such term appears.

(C) In section 615(b)(1).

(D) In section 616.

(2) OTHER AMENDMENTS.—The Act (42 U.S.C. 5401 et seq.) is amended—

(A) in section 615(b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(B) by striking ''dealers'' and inserting ''retailers'' each place such term appears—

(i) in section 615(d);

(ii) in section 615(f); and

(iii) in section 623(c)(9).

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards. Each such Federal manufactured home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to manufactured home safety and construction. The Secretary shall issue all such orders pursuant to the consensus standards development process under this subsection. The Secretary may issue orders which are not part of the consensus standards development process only in accordance with subsection (b).

''(2) CONSENSUS STANDARDS DEVELOPMENT PROCESS.—Not later than 180 days after the date of enactment of the National Manufactured Housing Construction and Safety Standards Act of 1996, the Secretary shall enter into a cooperative agreement or establish a relationship with a qualified technical or building code organization to administer the consensus standards development process and establish a consensus committee under paragraph (7). Periodically, the Secretary shall review such organization's performance and may replace the organization upon a finding of need.

''(3) REVISIONS.—The consensus committee established under paragraph (7) shall consider revisions to the Federal manufactured home construction and safety standards and shall submit revised standards to the Secretary at least once during every 2-year period, the first such 2-year period beginning upon the appointment of the consensus committee under paragraph (7). Before submitting proposed revised standards to the Secretary, the consensus committee shall cause the proposed revised standards to be published in the Federal Register, together with a description of the consensus committee's considerations and decisions under subsection (e), and shall provide an opportunity

for public comment. Public views and objections shall be presented to the consensus committee in accordance with American National Standards Institute procedures. After such notice and opportunity public comment, the consensus committee shall cause the recommended revisions to the standards and notice of its submission to the Secretary to be published in the Federal Register. Such notice shall describe the circumstances under which the proposed revised standards could become effective.

''(4) REVIEW BY SECRETARY.—The Secretary shall either adopt, modify, or reject the standards submitted by the consensus committee. A final order adopting the standards shall be issued by the Secretary not later than 12 months after the date the standards are submitted to the Secretary by the consensus committee, and shall be published in the Federal Register and become effective pursuant to subsection (c). If the Secretary—

''(A) adopts the standards recommended by the consensus committee, the Secretary may issue a final order directly without further rulemaking;

''(B) determines that any portion of the standards should be rejected because it would jeopardize health or safety or is inconsistent with the purposes of this title, a notice to that effect, together with this reason for rejecting the proposed standard, shall be published in the Federal Register no later than 12 months after the date the standards are submitted to the Secretary by the consensus committee;

''(C) determines that any portion of the standard should be modified because it would jeopardize health or safety or is inconsistent with the purposes of this title—

''(i) such determination shall be made no later that 12 months after the date the standards are submitted to the Secretary by the consensus committee;

''(ii) within such 12-month period, the Secretary shall cause the proposed modified standard to be published in the Federal Register, together with an explanation of the reason for the Secretary's determination that the consensus committee recommendation needs to be modified, and shall provide an opportunity for public comment in accordance with the provisions of section 553 of title 5, United States Code; and

''(iii) the final standard shall become effective pursuant to subsection (c).

''(5) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (4) and publish notice of the action in the Federal Register within the 12-month period under such paragraph, the recommendations of the consensus committee shall be considered to have been adopted by the Secretary and shall take effect upon the expiration of the 180-day period that begins upon the conclusion of the 12-month period. Within 10 days after the expiration of the 12-month period, the Secretary shall cause to be published in the Federal Register notice of the Secretary's failure to act, the revised standards, and the effective date of the revised standards. Such notice shall be deemed an order of the Secretary approving the revised standards proposed by the consensus committee.

''(6) INTERPRETIVE BULLETINS.—The Secretary may issue interpretive bulletins to clarify the meaning of any Federal manufactured home construction and safety standards, subject to the following requirements:

''(A) REVIEW BY CONSENSUS COMMITTEE.—Before issuing an interpretive bulletin, the Secretary shall submit the proposed bulletin to the consensus committee and the consensus committee shall have 90 days to provide written comments thereon to the Secretary. If the consensus committee fails to act or if the Secretary rejects any significant views recommended by the consensus committee, the Secretary shall explain in writing to the consensus committee, before the bulletin becomes effective, the reasons for such rejection.

''(B) PROPOSALS.—The consensus committee may, from time to time, submit to the Secretary proposals for interpretive bulletins under this subsection. If the Secretary fails to issue or rejects a proposed bulletin within 90 days of its receipt, the Secretary shall be considered to have approved the proposed bulletin and shall immediately issue the bulletin.

''(C) EFFECT.—Interpretative bulletins issued under this paragraph shall become binding without rulemaking.

''(7) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—The consensus committee referred to in paragraph (2) shall have as its purpose providing periodic recommendations to the Secretary to revise and interpret the Federal manufactured home construction and safety standards and carrying out such other functions assigned to the committee under this title. The committee shall be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions.

''(B) MEMBERSHIP.—The consensus committee shall be composed of 25 members who shall be appointed as follows:

''(i) APPOINTMENT BY PROCESS ADMINISTRATOR.—Members shall be appointed by the qualified technical or building code organization that administers the consensus standards development process pursuant to paragraph (2), subject to the approval of the Secretary.

''(ii) BALANCED MEMBERSHIP.—Members shall be appointed in a manner designed to include all interested parties without domination by any single interest category.

''(iii) SELECTION PROCEDURES AND REQUIREMENTS.—Members shall be appointed in accordance with selection procedures for consensus committees promulgated by the American National Standards Institute, except that the American National Standards Institute interest categories shall be modified to ensure representation on the committee by individuals representing the following fields, in equal numbers under each of the following subclauses:

''(I) Manufacturers.

''(II) Retailers, insurers, suppliers, lenders, community owners and private inspection agencies which have a financial interest in the industry.

''(III) Homeowners and consumer representatives.

''(IV) Public officials, such as those from State or local building code enforcement and inspection agencies.

''(V) General interest, including academicians, researchers, architects, engineers, private inspection agencies, and others.

Members of the consensus committee shall be qualified by background and experience to participate in the work of the committee, but members by reason of subclauses (III), (IV), and (V), except the private inspection agencies, may not have a financial interest in the manufactured home industry, unless such bar to participation is waived by the Secretary. The number of members by reason of subclause (V) who represent private inspection agencies may not constitute more than 20 percent of the total number of members by reason of subclause (V). Notwithstanding any other provision of this paragraph, the Secretary shall appoint a member of the consensus committee, who shall not have voting privileges.

''(C) MEETINGS.—The consensus committee shall cause advance notice of all meetings to be published in the Federal Register and all meetings of the committee shall be open to the public.

''(D) AUTHORITY.—Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to the members of the consensus committee. Members shall not be considered to be special government employees for purposes of part 2634 of title 5, Code of Federal Regulations. The consensus committee shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act.

''(E) ADMINISTRATION.—The consensus committee and the administering organization shall operate in conformance with American National Standards Institute procedures for the development and coordination of American National Standards and shall apply to such Institute to obtain accreditation.

''(F) STAFF.—The consensus committee shall be provided reasonable staff resources by the administering organization. Upon a showing of need and subject to the approval of the Secretary, the administering organization shall furnish technical support to any of the various interest categories on the consensus committee.

''(b) OTHER ORDERS.—The Secretary may issue orders that are not developed under the procedures set forth in subsection (a) in order to respond to an emergency health or safety issue, or to address issues on which the Secretary determines the consensus committee will not make timely recommendations, but only if the proposed order is first submitted by the Secretary to the consensus committee for review and the committee is afforded 90 days to provide its views on the proposed order to the Secretary. If the consensus committee fails to act within such period or if the Secretary rejects any significant change recommended by the consensus committee, the public notice of the order shall include an explanation of the reasons for the Secretary's action. The Secretary may issue such orders only in accordance with the provisions of section 553 of title 5, United States Code.'';

(2) by striking subsection (e);

(3) in subsection (f), by striking the matter preceding paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS.—The consensus committee, in recommending standards and interpretations, and the Secretary, in establishing standards or issuing interpretations under this section, shall—'';

(4) by striking subsection (g);

(5) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(6) by redesignating subsections (h), (i), and (j) as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL.

Section 605 (42 U.S.C. 5404) is hereby repealed.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following new sentence: ''Such cost and other information shall be submitted to the consensus committee by the Secretary for its evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public,''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. INSPECTION FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''SEC. 620. (a) AUTHORITY TO ESTABLISH FEES.—In carrying out the inspections required under this title and in developing standards pursuant to section 604, the Secretary may establish and impose on manufactured home manufacturers, distributors, and retailers such reasonable fees as may be necessary to offset the expenses incurred by the Secretary in conducting such inspections and administering the consensus standards development process and for developing standards pursuant to section 604(b), and the Secretary may use any fees so collected to pay expenses incurred in connection therewith. Such fees shall only be modified pursuant to rulemaking in accordance with the provisions of section 553 of title 5, United States Code.

''(b) DEPOSIT OF FEES.—Fees collected pursuant to this title shall be deposited in a fund, which is hereby established in the Treasury for deposit of such fees. Amounts in the fund are hereby available for use by the Secretary pursuant to subsection (a). The use of these fees by the Secretary shall not be subject to general or specific limitations on appropriated funds unless use of these fees is specifically addressed in any future appropriations legislation. The Secretary shall provide an annual report to Congress indicating expenditures under this section. The Secretary shall also make available to the public, in accordance with all applicable disclosure laws, regulations, orders, and directives, information pertaining to such funds, including information pertaining to amounts collected, amounts disbursed, and the fund balance.''.

SEC. 608. ELIMINATION OF ANNUAL REPORT REQUIREMENT.

Section 626 (42 U.S.C. 5425) is hereby repealed.

SEC. 609. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is published as a proposed rule pursuant to the provisions of section 553 of title 5, United States Code, on or before that date.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 23: Page 77, strike lines 7 through 9 and insert the following new subparagraph:

(B) shall be reduced by any amount the resident contributes toward allowable utilities; and

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 24: Page 92, strike line 14 and insert the following:

(a) RESIDENT COUNCILS.—

(1) ESTABLISHMENT.—The residents of a public.

Page 93, after line 3, insert the following new paragraph:

(2) REQUIRED CONSULTATION.—

(A) TWICE ANNUALLY.—Any local housing and management authority that owns or administers any public housing development for which a resident council has been established shall consult with each such council not less than twice each year regarding issues concerning such development.

(B) ISSUES SIGNIFICANTLY AFFECTING RESIDENTS.—The authority shall also consult with the appropriate resident council for any development for which the authority will make a significant decision affecting the interests of residents in the development, not later than 60 days before such decision is made, except in cases of compelling circumstances, requiring expedited action on the part of the authority, as the Secretary shall provide, in which case such consultation shall be made as soon as possible. The Secretary shall establish guidelines describing such significant decisions, which shall include decisions regarding rent levels and any changes in such levels, maintenance policies, security arrangements, major renovations and repairs, community policies, and demolition or sale of the development.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 25: Page 145, line 23, strike ''600'' and insert ''1500''.

Page 146, line 3, strike ''600'' and insert ''1500''.

Page 146, line 4, strike ''600'' and insert ''1500''.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 26: Page 147, strike lines 13 through 16 and insert the following new paragraph:

(4) INCREASE.—If the Secretary finds that there are higher costs of administering small programs operating over large geographic areas, the Secretary shall increase the fee to reflect the difference in cost.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 27: Page 157, strike lines 12 through 14 and insert the following new paragraph:

(3) shall be reduced by any amount the assisted family contributes toward allowable utilities; and

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 28: Page 21, line 11, strike 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of—

(1) illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act); or

(2) illegal possession of any controlled substance on 3 or 4 more occasions.

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 29: Page 21, line 11, strike 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act).

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 30: Page 21, line 11, strike lines 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of—

(1) illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act); or

(2) illegal possession of any controlled substance on 3 or more occasions.

This subsection may not be construed to require the termination of tenancy or eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 31: Page 21, line 11, strike lines 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act). This subsection may not be construed to require the termination of tenancy or eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

H.R. 2406

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 32: At the end of title V of the bill, insert the following new section:

SEC. 504. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

H.R. 2406

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 33: Page 77, strike lines 6 through 14 and insert the following:

(A) except as provided in subparagraphs (B) and (C), shall be an amount determined by the authority, which shall not exceed $25;

(B) in cases in which a family demonstrates that payment of the amount determined under subparagraph (A) would create financial hardship on the family, as determined pursuant to guidelines which the Secretary shall establish, shall be an amount less than the amount determined under subparagraph (A) (as determined pursuant to such guidelines); and

(C) in such other circumstances as may be provided by the authority, shall be an amount less than the amount determined under subparagraph (A).

H.R. 2406

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 34: Page 157, line 10, after the semicolon insert ''and''.

Page 157, strike lines 11 through 18 and insert the following new paragraph:

(2)(A) except as provided in subparagraphs (B) and (C), shall be an amount determined by the authority, which shall not exceed $25;

(B) in cases in which a family demonstrates that payment of the amount determined under subparagraph (A) would create financial hardship on the family, as determined pursuant to guidelines which the Secretary shall establish, shall be an amount less than the amount determined under subparagraph (A) (as determined pursuant to such guidelines); and

(C) in such other circumstances as may be provided by the authority, shall be an amount less than the amount determined under subparagraph (A).

H.R. 2406

OFFERED BY: MR. VENTO

AMENDMENT NO. 35: Page 11, line 2, strike ''authority's'' and insert in lieu thereof ''Secretary's''.

Page 13, line 10, strike ''authority's'' and insert in lieu thereof ''Secretary's''.

H.R. 2406

OFFERED BY: MR. VENTO

AMENDMENT NO. 36: Page 239, line 11, strike ''fiscal year 1996'' and insert ''fiscal years 1997, 1998, 1999, 2000, and 2001''.

Page 239, line 25, after the period insert''.''.

Page 240, strike lines 1 through 4.

Page 240, strike line 17 and the matter following such line and insert the following:

and inserting the following new item:

''Sec. 5130 Funding.''.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 37: Page 69, line 23, after the period insert the following new sentence: ''Notwithstanding any preference established under section 223, in selecting residents, the local housing and management authority shall not skip over any applicant already on the waiting list to select an applicant who has a higher income.''.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 38: Page 69, line 23, after the period insert the following: ''Notwithstanding any preferences established under section 223, in selecting low-income families whose incomes do not exceed 30 percent of the area median income, the authority shall not skip over any family on the waiting list who meets such income requirement to select another family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 39: Page 108, lines 6 and 7, strike ''To the extent budget authority is available under this title'' and insert ''Using budget authority made available under paragraph (4)''.

Page 108, after line 16, insert the following new paragraph:

(2) ASSISTANCE FOR RESIDENT COUNCILS.—Using budget authority made available under paragraph (4), the Secretary shall provide financial assistance to resident councils established in accordance with section 234(a) to encourage increased involvement by such councils in the consideration of issues affecting residents, the representation of residents interests, and the consultation with local housing and management authorities. Such assistance may be used for activities (in addition to resident management activities under paragraph (1)) that improve living conditions and resident satisfaction in public housing communities, including resident council capacity building, training on policies governing the operation of public housing, and increasing participating in consultations with local housing and management authorities regarding decisions that significantly affect the public housing community.

Page 108, line 17, strike ''(2)'' and insert ''(3)''.

Page 108, line 18, strike ''this subsection'' and insert ''paragraph (1)''.

Page 108, line 20, after the period insert the following: ''The financial assistance provided under this paragraph (2) with respect to any public housing development may not exceed $100,000.''.

Page 108, line 21, strike ''(3)'' and insert ''(4)''.

Page 109, line 6, strike ''(4)'' and insert ''(5)''.

Page 109, line 10, strike ''(5)'' and insert ''(6)''.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 40: Page 153, after line 10, insert the following:

(3) INCOME SKIPPING.—Notwithstanding any preferences established under this subsection, in selecting families to be offered assistance, the local housing and management authority shall not skip over any family already on the waiting list to select any family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 41: Page 156, after line 24, insert the following new subsection:

(i) INCOME MIX.—Of the families offered assistance by a local housing and management authority after the date of enactment of this Act, not less than 75 percent shall be offered to low-income families whose incomes do not exceed 30 percent of the area median income. Notwithstanding any preferences established under subsection (c), in selecting low-income families whose incomes do not exceed 30 percent of the area median income, the authority shall not skip over any family on the waiting list who meets such income requirement to select another family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 42: At the end of title V, insert the following new section:

SEC. 504. LIMITATION ON EXTENT OF USE OF LOAN GUARANTEES FOR HOUSING PURPOSES.

Section 108 of the Housing and Community Development Act of 1992 (42 U.S.C. 5308) is amended by inserting after subsection (h) the following new section:

''(i) LIMITATION ON USE.—Of any amounts obtained from notes or other obligations issued by an eligible public entity or public agency designated by an eligible public entity and guaranteed under this section pursuant to an application for a guarantee submitted after the date of the enactment of the Housing and Community Development Act of 1992, the aggregate amount used for the purposes described in clauses (2) and (4) of subsection (a), and for other housing activities under the purposes described in clauses (1) and (3) of subsection (a), may not exceed 10 percent of such amounts obtained by the eligible public entity or agency.''.

H.R. 2406

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 43: Page 5, strike line 20 and all that follows through page 6, line 2, and insert the following new paragraphs:

(2) it is a goal of our Nation that all citizens have decent and affordable housing;

(3) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments and by promoting and protecting the independent and collective actions of private citizens, organizations, and the private sector to develop housing and strengthen their own neighborhoods;

Page 6, line 3, strike ''(3)'' and insert ''(4)''.

Page 6, line 3, strike ''should act only'' and insert ''has a responsibility to act''.

Page 6, line 6, strike ''(4)'' and insert ''(5)''.

H.R. 2406

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 44: Page 34, line 9, after ''determines that the plan'' insert ''does not comply with Federal law or''.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 1: At the end of title II, insert the following:

SEC. 202. STATES REQUIRED TO HAVE STANDBY GUARDIANSHIP LAW AS A CONDITION OF ELIGIBILITY FOR FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

''SEC. 478. STANDBY GUARDIANSHIP LAWS AND PROCEDURES.

''To be eligible for payments under this part, a State must have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

''(1) the death of the parent;

''(2) the mental incapacity of the parent; or

''(3) the physical debilitation and consent of the parent.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the first calendar quarter that begins 60 or more months after the date of the enactment of this Act, and shall apply to payments under part E of title IV of the Social Security Act for the quarter and payments made under such part for any succeeding quarter.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 2: At the end of title II, insert the following:

SEC. 202. PLACEMENT OF FOSTER CHILDREN IN PERMANENT KINSHIP CARE ARRANGEMENTS.

(a) STATE OPTION TO DEEM KINSHIP PLACEMENT AS ADOPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

''(7) If a State places a child (who has been in foster care under the supervision of the State) with a blood relative of the child or of a half-sibling of the child, and transfers legal custody of the child to the relative, pursuant to a written agreement, entered into between the State and the relative, that contains provisions of the type described in section 475(3), then, at the option of the State, for purposes of this part—

''(A) the placement is deemed an adoption;

''(B) the initiation of the proceeding to so place the child is deemed an adoption proceeding;

''(C) the relative is deemed the adoptive parent of the child;

''(D) the agreement is deemed an adoption assistance agreement;

''(E) the payments made under the agreement are deemed to be adoption assistance payments; and

''(F) any reasonable and necessary court costs, attorneys fees, and other expenses

which are directly related to the placement or the transfer of legal custody and are not in violation of State or Federal law are deemed nonrecurring adoption expenses.''.

(b) CONSIDERATING OF KINSHIP PLACEMENT OPTION AT DISPOSITIONAL HEARING.—Section 475(5)(C) of such Act (42 U.S.C. 675(5)(c)) is amended by inserting ''should be placed with a relative of the child as provided in section 473(a)(7),'' before ''should be placed for adoption''.

SEC. 203. EFFECTIVE DATE.

The amendments made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 3: At the end of title II, insert the following:

SEC. 202. FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE AVAILABLE ONLY TO STATES THAT REQUIRE STATE AGENCIES, IN CONSIDERING APPLICATIONS TO ADOPT CERTAIN FOSTER CHILDREN, TO GIVE PREFERENCE TO APPLICATIONS OF A FOSTER PARENT OR CARETAKER RELATIVE OF THE CHILD.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 201(b) of this Act, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of this section, the Secretary may not make any payment to a State under this section, for any calendar quarter ending after the 5-year period that begins with the date of the enactment of this subsection, unless the State has in effect laws and procedures requiring a State agency to complete the processing of an application to adopt a child who is in foster care under the responsibility of State that has been submitted by a foster parent or caretaker relative of the child, before completing the processing of any other application to adopt the child if—

''(1) a court has approved a permanent plan for adoption of the child, or the child has been freed for adoption; and

''(2) the agency with authority to place the child for adoption determines that—

''(A) the child has substantial emotional ties to the foster parent or caretaker relative, as the case may be; and

''(B) removal of the child from the foster parent or caretaker relative, as the case may be, would be seriously detrimental to the well-being of the child.''.

SEC. 203. EFFECTIVE DATE.

The amendment made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 4. At the end of title II, insert the following:

SEC. 202. PROCEDURES TO EXPEDITE THE PERMANENT PLACEMENT OF FOSTER CHILDREN.

(a) IN GENERAL.—Section 474 of the Social Security Act (42 U.S.C. 674), as amended by sections 201(b) and 202 of this Act, is amended by adding at the end the following:

''(f) The Secretary may not make a payment to a State for a calendar quarter under subsection (a) unless the State has in effect procedures requiring the State agency, at the time a child is removed from home and placed in foster care under the supervision of the State, to locate any parent of the child who is not living at the home, and evaluate the ability of the parent to provide a suitable home for the child.''

(b) APPLICABILITY.—The amendment made by subsection (a) of this section shall not apply with respect to any child who, on the date of the enactment of this Act, is in foster care under the supervision of a State (as defined in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act).

SEC. 203. EFFECTIVE DATE.

The amendment made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 5: At the end of title II, insert the following:

SEC. 202. REQUIREMENT THAT STATES ADMINISTER QUALIFYING EXAMINATIONS TO ALL STATE EMPLOYEES WITH NEW AUTHORITY TO MAKE DECISIONS REGARDING CHILD WELFARE SERVICES.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 201(b) of this Act, is amended by adding at the end the following:

''(e) the Secretary may not make a payment to a State under subsection (a) for any calendar quarter beginning after the 18-month period that begins with the date of the enactment of this subsection, unless the State has in effect procedures to ensure that, before the State provides to a prospective child welfare decisionmaker the authority to make decisions regarding child welfare services, the individual must take and pass an examination, administered by the State, that tests knowledge of such subjects as child development, family dynamics, dysfunctional behavior, substance abuse, child abuse, and community advocacy. as used in the preceding sentence, the term 'prospective child welfare decisionmaker' means an individual who, on the date of the enactment of this subsection, does not have any authority to make a decision regarding child welfare services.''

SEC. 203. EFFECTIVE DATE.

The amendments made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 6: Strike Title III.

H.R. 3322

OFFERED BY: MR. CRAMER

AMENDMENT NO. 1: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by striking ''60-day'' in subsection (c)(2) and inserting in lieu thereof ''30-day'';

(B) by amending subsection (b)(6) to read as follows:

''(6) any recommendations of the Committee submitted under section 707(c) that evaluate the certification.'';

(C) by amending subsection (d) to read as follows:

''(d) FINAL DECISION.—If the Secretary decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish the certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.''; and

(D) by amending subsection (f) to read as follows:

''(f) PUBLIC LIAISON.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

''(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

''(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.''; and

(2) by amending section 707(c) to read as follows:

''(c) DUTIES.—The Committee may review any certification under section 706, for which the Secretary has provided a notice of intent to certify, in the plan, including any certification for which there is a significant potential for degradation of service within the affected areas. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the certification. The Committee shall evaluate any certification reviewed on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service, and advise the Secretary accordingly.''.

H.R. 3322

OFFERED BY: MR. CRAMER

AMENDMENT NO. 2: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

''(b) CERTIFICATION.—The Secretary may not close, consolidate, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of services to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.'';

(B) by striking subsections (c), (d), and (e);

(C) by redesignating subsection (f) as subsection (d); and

(D) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, unless the Secretary, in consultation with the Secretary of Transportation and the Committee, first conducts an air safety appraisal, determines that such action will not result in degradation of service and affects aircraft safety, and includes such determination in the certification required under subsection (b). This air safety appraisal shall be issued jointly by the Department of Commerce and the Department of Transportation before September 30, 1996, and shall be based on a coordinated review of all the airports in the United States subject to the certification requirements of subsection (b). The appraisal shall—

''(1) consider the weather information required to safely conduct aircraft operations and the extent to which such information is currently derived through manual observations provided by the National Weather Service and the Federal Aviation Administration, and automated observations provided from other sources including the Automated Weather Observation Service (AWOS), the Automated Surface Observing System

(ASOS), and the Geostationary Operational Environmental Satellite (GOES); and

''(2) determine whether the service provided by ASOS, and ASOS augmented when necessary by human observation, provides the necessary level of service consistent with the service standards encompassed in the criteria for automation of the field offices.''; and

(2) in section 707—

(A) by amending subsection (c) to read as follows:

''(c) DUTIES.—The Committee shall advise the Congress and the Secretary on—

''(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

''(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service.''; and

(B) by amending subsection (f) to read as follows:

''(f) TERMINATION.—The Committee shall terminate—

''(1) on September 30, 1996; or

''(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.''.

H.R. 3322

OFFERED BY: MR. GEKAS

AMENDMENT NO. 3: Page 87, after line 21, insert the following new subsection:

(h) REPORT.—Section 704 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended by adding at the end the following new subsection:

''(c) REPORT.—The National Weather Service shall conduct a review of the NEXRAD Network radar coverage pattern for a determination of areas of inadequate radar coverage. After conducting such review, the National Weather Service shall prepare and submit to the Congress, no later than 1 year after the date of the enactment of the Omnibus Civilian Science Authorization Act of 1996, a report which—

''(1) assesses the feasibility of existing and future Federal Aviation Administration Terminal Doppler Weather Radars to provide reliable weather radar data, in a cost-efficient manner, to nearby weather forecast offices; and

''(2) makes recommendations for the implementation of the findings of the report.''.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 4: Page 30, after line 13, insert the following new section:

SEC. 218. EARTH OBSERVING SYSTEM IMPLEMENTATION.

(a) FINDING.—The Congress finds that the National Research Council's 1995 review of the Earth Observing System and Mission to Planet Earth validated the scientific requests and priorities of the Mission to Planet Earth program.

(b) IMPLEMENTATION.—Notwithstanding any other provision of this Act, the National Aeronautics and Space Administration should implement the recommendations of the National Research Council's 1995 review of the Earth Observing System and Mission to Planet Earth, including the recommendations that ''NASA should implement most of the near-term components of the MTPE/EOS, including Landsat 7, AM–1, PM–1, and the Tropical Rainfall Measuring Mission (TRMM), without delay or reduction in overall observing capability'', and that ''Chemistry-1 mission should not be delayed''.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 5: Page 118, line 16, strike paragraph (1).

Page 118, line 17, through page 119, line 12, redesignate paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

H.R. 3322

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 6: Page 118, line 18, strike paragraph (3).

Page 118, line 19, through page 119, line 12, redesignate paragraphs (4) through (11) as paragraphs (3) through (10), respectively.

H.R. 3322

OFFERED BY: MR. THORNBERRY

AMENDMENT NO. 7: Page 87, after line 21, insert the following new subsection:

(h) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall take immediate steps to ensure that NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range function as fully committed, reliable elements of the national weather radar network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRADs.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range are to be considered as integral parts of the National Weather Radar Network.

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Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, we thank You for this moment of quiet in which we can reaffirm who we are, whose we are, and why we are here. Once again we commit ourselves to You as Sovereign Lord of our lives and our Nation. Our ultimate goal is to please and serve You. You have called us to be servant-leaders who glorify You in seeking to know and to do Your will for what is best for America.

So we spread out before you the specific decisions that must be made today. We claim Your presence all through the day. Guide our thinking and our speaking. May our convictions be based on undeniable truth which has been refined by You.

Bless the women and men of this Senate as they work together to find solutions to the problems before our Nation. Help them to draw on the super-national resources of Your spirit. Grant them divine wisdom, penetrating discernment, and courageous vision.

And when the day draws to a close may our deepest joy be that we received Your best for us and worked together for what is best for our Nation. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President. Today, there will be a period for morning business until the hour of 12:30 p.m. Following morning business, the Senate will resume consideration of H.R. 2937, a bill regarding the White House Travel Office. The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. today in order to accommodate the respective party luncheons.

Under a previous order, the first vote today will occur at 2:15 p.m. and will be on the cloture motion to the White House Travel Office bill. As a reminder, in conjunction with the cloture vote today, Senators have until 12:30 p.m. to file second-degree amendments to the bill. Other votes are likely throughout the day on H.R. 2937 or any other items cleared for action.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m., with Senators to speak for not to exceed 5 minutes each, with the following Senators reserving time: The Senator from Texas [Mrs. HUTCHISON] is recognized for 60 minutes; the Senator from Alaska [Mr. MURKOWSKI] is recognized for 15 minutes; the Senator from Montana [Mr. BURNS] is recognized to speak up to 5 minutes.

The Senator from Montana [Mr. BURNS] is recognized for 5 minutes.

AMERICA IS ON MY MIND

Mr. BURNS. Mr. President, I thank the Chair and thank my good friend, the distinguished Senator from Texas, for allowing me to speak for about 5 minutes leading off today. Again, when we come to this time of the year, America does weigh strongly on everybody's mind, because I rise today to celebrate tax freedom day.

Actually in Montana, it comes around May 3, but I did not get around to getting my work done on time, and I would like to talk about that just a little bit. The average American will work 128 days this year to pay for the Federal, State, and local taxes and sets a new record high for this country at 38.2 percent of his or her yearly income.

Now, think about that a little bit. We wonder why our bank accounts do not grow and our savings accounts are almost nonexistent, and we think about stagnation. It is not really stagnation, it is trying to pay for this moderately huge Government that was talked about back in January by our President who said the era of big government was over, and now he says ''it is kind of over.''

In my State of Montana, for an average family of four making around $39,000, $40,000 a year, to average it out, Federal taxes come to $7,400. Total State and local taxes are around $5,700. Mr. President, $13,216—and this has all been verified—is the tax burden of that family of four living in my State of Montana. One-third—one-third—of the money they earn is going to the support of government. And we wonder where our money goes.

So the President's words ring sort of empty. The words do not match the actions. Then we have to decide whether we want to go on with this kind of rhetoric, because he vetoed the balanced budget, he vetoed the tax cut, he vetoed welfare reform, he vetoed product liability—all those contribute to a mounting, mounting tax burden. Contrary to popular belief, government has not always been big or moderately huge, as this would indicate.

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

Back in 1925, freedom day was February 6. In 1945, it was April 1. And in 1965, it was April 14. On the average, since World War II, the date has moved up nearly a week every decade.

One has to ask oneself, when does it stop? I know we work on averages in this body, and it seems to me that if you had one foot in a bucket of ice and the other in the oven, on the average you should feel pretty good. But we know that does not always work, that there is somebody who falls through the cracks. Basically, that is what is happening to our society today.

We are all very familiar with the 1993 tax increase, and now is the time to give part of it back to America's working families. The Clinton crunch has to come to an end, despite the rhetoric we hear out of the White House. Taxes must come down, spending must be restrained, and government must be put on a budget, and I mean a balanced budget.

Now is the time to do it. With America on my mind, let us not let another day be added next year to the burden of this year. Let us work to move it back a day or two. Let us dedicate ourselves, because there are a lot who think this is the most important debate of this century, and we need the help of the American people because our country has to figure out a way to eliminate this devastating debt that we are passing on to our young.

Let us put our Government back on a balanced budget. Let us make Government work for the people instead of the other way around.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized for 60 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

AMERICAN TROOPS IN BOSNIA

Mrs. HUTCHISON. Mr. President, I want to talk today about a matter that concerns all Americans: the presence of 35,000 young American men and women supporting the peace implementation force in Bosnia. Those troops were sent as a part of a NATO force to monitor the Bosnian peace agreement reached in Dayton, OH, last year. The Senate voted last December to support those troops, to provide them whatever they needed to do what they have been asked to do. But in the resolution submitted by the distinguished Republican leader, Senator DOLE, and Senator MCCAIN of Arizona, the Senate also said by a margin of 69 to 30 that it does not endorse the President's decision or the agreement reached in Dayton.

The House of Representatives was even more harsh. The House voted 287 to 141 to condemn the Dayton agreement, while expressing support for the troops that have been sent on this mission.

There is never a doubt that we will support fully American troops anywhere when they are performing a mission for this country. We will always be there for them. But, Mr. President, that does not mean we cannot question the policy, and this Senate and the House of Representatives did just that.

Many wanted a vote to deny the President the ability to dispatch the troops by withholding the funds needed to pay for such a deployment. That was not the right thing to do, and it failed, as it should have. But, Mr. President, there are many good reasons why we disagreed with the decision to send American troops, even while we acknowledged the President's right to do it.

First, we did not feel that the administration had made a compelling case that there was a national security interest in Bosnia to justify the deployment of tens of thousands of Americans, with the potential loss of American life. Mr. President, that is an essential element of any mission upon which we would embark with troops from our country.

There must be a U.S. security interest for American lives to be at risk. But, more importantly, Mr. President, many of us voiced strong concern that the administration lacked a strategy for removing those troops once they had dug in and become part of the troubled landscape in the troubled country of Bosnia.

What made many of us particularly skeptical was the administration's insistence that not only was there an exit strategy, but that the troops would be able to perform their complex mission of creating two nations from one, patrolling rugged mountain terrain, separating hostile belligerents, and ending a 500-year-old civil war in just 1 year.

In fact, Mr. President, the Dole-McCain resolution that expressed support for the troops and acknowledged the President's authority to deploy them specifically noted that the Senate support was conditioned on the return of those troops to the United States within 1 year.

Mr. President, let me remind my colleagues what senior administration officials, including the President, assured us as we wrestled with the question of whether to support sending young Americans to Bosnia:

On October 13, 1995, Robert Hunter, the U.S. Ambassador to NATO, told the Washington Post:

> This is going to be a limited-duration operation— 12 months max. We're not going to take responsibility beyond that.

On October 18, 1995, Defense Secretary William Perry and Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, told the House Committee on National Security and the House Committee on International Relations:

> The implementation force will complete its mission in a period not to exceed 12 months. We believe this will be more than adequate to accomplish the needed tasks that will allow the peace to become self-sustaining. We anticipate the IFOR will go in heavy and, if successful, would begin drawing down significantly far in advance of the final exit date.

On October 18, 1995, Secretary of State Warren Christopher told the House Committee on National Security:

> The force would have a limited mission and remain for a limited period of time, approximately 1 year.

On November 28, 1995, President Clinton told the American people in a televised address:

> Our Joint Chiefs of Staff have concluded that this mission should—and will—take about 1 year.

Mr. President, none of these knowledgeable officials left any room for doubt that the American mission in Bosnia would be limited in scope and duration. Specifically we were told, with no uncertainty, by everyone from the U.S. Ambassador to NATO, to the President of the United States, that our troops would be home within 1 year.

Mr. President, we now learn this is not so. December 20, 1996, was the date set as the 1-year mark. That is the date that we have been focusing on since the beginning of this mission. We now learn that this administration has said to our allies that it intends to keep American troops in Bosnia at least until early 1997 and, according to the United States Commander of NATO forces, Gen. George Joulwan, maybe longer.

Mr. President, the reason we got into the mission in Bosnia with NATO is because our President told our allies that we would be there with troops on the ground if there was a peace agreement. He told them that a long time ago. Once we make a commitment to our allies, of course, America must stand by the commitment.

But now, Mr. President, we have the dilemma of two commitments. We have the President making a commitment to the American people, to Senator DOLE, and to the troops that are there, that this would be a mission of 1 year. Everyone connected with this mission and with the leadership of this administration has repeatedly said 1 year. Now, Mr. President, we have the President making a different commitment to our allies, saying it is not going to be 1 year, but leaving it rather open-ended, into 1997.

Mr. President, I want to highlight the difference between last year's message from the administration and an April 26, 1996, article in the Washington Post:

> ''A substantial number of American troops will remain in Bosnia for at least one month after the NATO-led mission ends in December. In a departure from the original plan, NATO commanders have decided to keep a significant force in Bosnia up to the final day of the mission or one year after the peace enforcement began,'' according to spokesman Kenneth Bacon. Earlier officials had said the pullout would begin at least a few months before the December 20 closing date in order to have nearly everyone out by then. Kenneth Bacon said the change in

plans stemmed from a request by the Organization for Security and Cooperation in Europe, which is assisting preparations for Bosnia's elections, that NATO keep its full force there until after the elections.

And, on April 30, 1996, the London Times reported:

The Clinton administration has scrapped plans to withdraw its forces by the end of this year, and may maintain a substantial American presence in the Balkans for months after the deadline set by Congress. Only weeks ago the White House repeated its promise to Republicans that the troops would be back by December 20, the date agreed at Dayton for the end of the NATO mission in Bosnia. The Pentagon, however, under pressure from allies, international officials and its own Gen. George Joulwan, has admitted that it plans to keep a significant force in the region until the end of January, and maybe longer.

Those are excerpts from quotes from newspapers.

Mr. President, this stunning reversal of a critical policy that affects the lives of thousands of Americans has been made in such a casual way that we must ask if the administration's original commitment to withdraw in 1 year was a serious one. It was so casual, many people were not even aware that all of a sudden this commitment that was made to this Congress to a December 20 deadline by which our troops would be out of Bosnia has now been put off, really indefinitely, into 1997.

The President is breaking his promise to the American people to the United States Congress, and, most importantly, to the troops in Bosnia.

Moreover, Senator DOLE had earlier argued forcefully and persuasively about arming the Bosnian Government and allowing the Bosnians to defend themselves so American troops would not need to be sent in the first place. This would have required lifting the U.N. arms embargo on the former Yugoslavia, for which our leader argued forcefully and persuasively, many times for over a year on this Senate floor. We voted to lift the arms embargo on the former Yugoslavia so that the Bosnians could arm themselves and fight to save their country.

Senator DOLE led the fight to let the Moslems fight for their own freedom with help from legitimate sources so that it would be legal to help the Bosnian people defend themselves. No Member of the Senate has been more outspoken for years about the need for the United States to lead our allies in establishing a policy on Bosnia that would avoid the need for American troops than our leader, BOB DOLE. But each time the Congress voted to urge the lifting of the arms embargo, the administration refused to respond.

Now, Mr. President, in addition to the total abrogation of his word to the American people regarding when the troops would come home from Bosnia, we now learn that, in fact, while President Clinton was stopping us from lifting the arms embargo, he was allowing another country to provide arms in violation of the embargo. Was it a legitimate ally of the United States? No, Mr. President, it was not a legitimate ally of the United States that was allowed to violate the arms embargo that we in this Congress were trying to lift. No, it was an enemy of the United States, a terrorist country: Iran.

Despite widespread rumors that Iranian arms were being shipped to Bosnia in violation of the arms embargo, an embargo this administration said we must support, and despite senior officials' strong denials, we learn we were deceived. Here we have the quotes, Mr. President. On April 15, 1995, a State Department spokesman, Nicholas Burns, told the Los Angeles Times, ''We do not endorse violations of U.N. embargo resolutions whatever. We are not violating those resolutions. We don't endorse anyone else who is violating them.''

On June 16, 1995, Secretary of State Warren Christopher said, ''I think you get some instant gratification from lifting the arms embargo. It is kind of an emotional luxury, but you have to ask yourself, what are the consequences of that?'' As late as March of this year, President Clinton himself told Congress that ''Iran continued to engage in activities that represent a threat to the national security, foreign policy, and economy of the United States.''

Mr. President, despite all of those statements by senior administration officials and the President himself, we have learned in recent weeks that this was not the case at all. Just 3 weeks after the President's report to Congress on Iran, it has been reported that the administration had given its tacit approval of the shipment by Iran, one of America's most hostile adversaries, of weapons to the Bosnian Muslim government.

We are justified in concluding, Mr. President, that the Clinton administration policy on Bosnia has been cynical. What many of us were advocating for so long—arming the Bosnians and allowing them to defend themselves with legitimate sales of arms by people who cared about the people—was, in fact, being opposed by the administration by day, but by night secret arms shipments from Iran were moving forward with the administration's blessing.

Now, Mr. President, we are faced with similar cynicism regarding the deployment of American troops. Those troops are there precisely because the administration refused the suggestions by Senator DOLE and others in the Senate that arming the Bosnians and letting them fight for themselves was the best way to go. Instead, the administration adopted a half-a-loaf policy of covert arms shipments from Iran, which was too little, too late, from the wrong source.

As with arm sales to Bosnia, the American people have been deceived by the Clinton administration on the question of withdrawing American troops from Bosnia. Very simply, the President made a commitment to the American people, and he is now saying he will not honor that commitment.

Mr. President, many in the Senate personally have opposed the administration's policy on Bosnia but honored their belief that the President had the authority to deploy troops without permission from Congress. Many people on this floor were torn during that debate because they so violently disagreed with the policy, but they did believe that the President had the right to do it and that the troops needed the support from Congress.

Our Republican leader did so at great political risk. He supported the President's right to deploy troops, even though he thought it was wrong, but he did so only after getting a commitment from the President himself that those troops would have a mission of limited duration, limited scope, and they would be home within 1 year. That was the promise the President made to our leader.

We now learn this will not happen. The administration's disregard of its commitments to Senator DOLE, to the U.S. Congress, and to the American people amount to broken promises. Broken promises—there is no other way you can put it.

Today, Mr. President, I am going to ask the President to look at this policy, which is a policy of broken promises, broken commitments, and contradictory commitments to the American people and to our allies.

I am going to ask the President to do two things. First of all, to honor his commitment to the American people about troop withdrawals from Bosnia and to tell our allies this commitment was made. If, in fact, he decides that he cannot keep his commitment to the American people, I ask him to come back to Congress and talk to us about this, rather than just announcing very quietly that the troops are not going to be out by December 20 as promised. OK, President Clinton, if that is what you believe, come to Congress, talk to us about it, tell us why you think this is necessary, and let us have the option of working with you if you think you can make the case that we should be there beyond the date you promised in your commitment to the American people.

That is what I ask the President to do today. Either keep his commitment to the American people, or come to Congress and discuss it. Mr. President, this is too important. We have a policy now in which the President is going to expand the use of our American troops beyond his commitment to Senator DOLE and the American people and this U.S. Congress. We have the second revelation that arm shipments from Iran were being permitted by this administration at the same time that he was keeping us in Congress from lifting the arms embargo, which we voted repeatedly to do so that the Moslems in Bosnia could have arms from legitimate sources.

Mr. President, I just ask you, what kind of policy is that? What must the

people of the world think when our President would make commitments that he does not keep and when he would keep legitimate arms sources from the Bosnian people while allowing Iran, a hostile nation to our country, a country with a background and history of terrorism against innocent victims, to, in fact, violate the very arms embargo that he would not let us lift? Mr. President, this is not the way our country should be represented.

Mr. President, I yield up to 15 minutes to the Senator from Idaho, Senator CRAIG.

Mr. CRAIG. Mr. President, I will not take that much time this morning. I have a few moments before I have to be to another commitment. Let me thank my colleague from Texas for her statement and for taking out this special order.

Let me read two quotes that I think speak volumes about what our President has caught himself in—that is, doublespeak. Mr. President, today you are not telling the American people the truth. For the last several months, you have been caught in a very difficult and very deceptive game of doublespeak.

Your representative, Richard Holbrooke, who immediate repudiated the Dayton peace accord was quoted on May 3 in a Reuters article saying:

I will state flatly for the record that this policy was correct—

He is referring to allowing the Iranians to move arms into the former Yugoslavia.

and that if it hadn't taken place, the Bosnian Muslims would not have survived and we would not have gotten to Dayton.

That is an absolute opposite from what our President has been telling us. Mr. President, that is double speak.

The next quote from Richard Holbrooke:

We knew that the Iranians would try to use the aid to buy political influence. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices, and the choice that was chosen kept the Sarajevo government alive. But it left a problem—were the Iranians excessively influential on the ground?

Mr. President, President Clinton once again was caught in double speak. This Congress gave our President an option, a viable, responsible, well-thought-out option, to allow the arms embargo to be lifted so that parity could be built on both sides. He chose not to do that. He chose to openly and publicly deceive the American people.

Mr. President, part of the debate on the crisis in the former Yugoslavia has been over the arms embargo, first imposed against the Yugoslavian Government in 1991.

I was part of the majority in Congress that supported lifting the arms embargo and felt it was a preferable alternative to the deployment of our troops to Bosnia. Along those same lines, I voted against the President's proposed deployment last year, and voted against funding for that deployment.

Mr. President, some very disconcerting information has been coming to light during the last few months. The importance of these developments has led to the establishment of a select committee in the House or Representatives. Therefore, I would like to take a moment this morning to express some of my concerns and frustrations about the situation in Bosnia.

As I mentioned, a main part of the debate on the crisis in the former Yugoslavia has involved the arms embargo, first imposed against the Yugoslavian Government in 1991.

Information continues to surface, showing that while the Congress was openly debating the lifting of the arms embargo, the administration was giving a green light to Iran, allowing them to circumvent the arms embargo.

Richard Holbrooke, the administration's representative who helped to mediate the Dayton Peace Accord, was quoted in a May 3, 1996, Reuters article saying:

I will state flatly for the record that this policy was correct and that if it hadn't taken place, the Bosnian Muslims would not have survived and we would not have gotten to Dayton.

Mr. President, I would agree with the comment made by Mr. Holbrooke. Allowing Iran to circumvent the arms embargo was not this administration's only choice—it was certainly not a correct choice. The Congress, just last year, provided President Clinton a viable alternative by the passage of S. 21, legislation that would have unilaterally lifted the U.N. arms embargo illegally enforced against Bosnia.

There was ample reason to question the enforcement of the 1991 embargo against Bosnia. The original embargo was not imposed on Bosnia, because it did not exist in 1991. Rather, it was imposed on Yugoslavia.

In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. charter.

The legal, unilateral lifting of the arms embargo that was called for in S. 21, would have allowed rough parity to exist in this conflict.

The President chose to veto S. 21, citing concerns that it would be breaking from an agreement with our allies, and diminish our credibility with Europe.

Mr. President, the only credibility that has been diminished here has been through the administration's efforts to allow one of the strongest supporters of terrorism around the world, Iran, to violate the arms embargo and gain a foothold in Europe.

In addition, Iran only provided light weaponry to the Bosnian's, which was fine for providing a little protection. However, it was not enough to provide the needed shift in the strategic military balance, altering Serbia's enormous advantage in the conflict. Therefore, even after this evasion of the arms embargo had begun, thousands of Bosnians were still being killed, and the Serbian forces continued to capture more territory.

Mr. President, as we continue to see this situation unravel, we now face an extended deployment of our troops. After repeated assertions by administration officials that our troops' deployment in the IFOR mission would be for only 1 year, we now are informed that time will be extended. On May 1, the Clinton administration endorsed a recent NATO recommendation that IFOR remain at full strength to maintain peace until after the Bosnian elections.

Mr. President, these elections will not occur until September at the earliest. It is, therefore, likely that our troops will not be withdrawn until January 1997.

Mr. President, Richard Holbrooke made another assertion about the administration's decision in the May 3 reuters article, with respect to the risks of dealing with Iran.

We knew that the Iranians would try to use the aid to buy political influence. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices, and the choice that was chosen kept the Sarajevo Government alive. But, it left a problem—were the Iranians excessively influential on the ground?

The article continues with Mr. Holbrooke claiming that this problem was adequately dealt with through the negotiations of the Dayton accord, by including in the agreement that all foreign forces would have to leave the country. This is precisely one of the problems that our troops have had to face: the removal of foreign forces including Iranian forces.

In addition, it is my understanding that this arms transfer operation was allowed to continue until January of this year—after our troops were beginning to be deployed as peacekeepers in Bosnia.

In closing, the Iranian presence that the Clinton administration helped to promote is now actively threatening the Dayton accord, the American and NATO peacekeepers seeking to enforce it, and the military viability and democratic character of Bosnia itself.

Mr. President, this situation needs to be addressed, and our troops need to be brought home.

I thank my colleague from Texas for taking out this special order. I hope the select committee in the House will thoroughly investigate what this President is failing to do in foreign policy.

I yield the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Mike

Montelongo, of my staff, during this period of morning business.

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

Mrs. HUTCHISON. Mr. President, I want to talk for a minute about the importance of arming and training the Bosnians.

One of the commitments that the President made to Senator DOLE and Senator MCCAIN was to arm and train the Moslems. I want to read from the Dole floor speech of November 30, 1995. He said:

> What is needed is a concrete effort, led by the United States, to arm and train the Bosnians. This effort should not be contingent on so-called ''builddown provisions'' in the Dayton agreement. I understand administration officials said this morning that the U.S. or NATO would not be involved in enabling Bosnia to defend itself.
>
> In my view, it is an abdication of responsibility to rely on unspecified third countries to create the conditions that will allow withdrawal of American forces. The sooner we start to enable Bosnia to defend itself, the sooner U.S. forces can come home. In my view, the definition of a success of this deployment must include a real end to the war. That is only possible with the creation of stable military balance which enables Bosnia to defend itself. Anything less simply exposes American forces to great risk in order to monitor a temporary interlude in the fighting.

That is what Senator DOLE said on the floor on November 30, 1995. Both he and Senator MCCAIN repeatedly talked about the importance of that element. It is absolutely true. I have been to Bosnia twice in the last 8 or 9 months, and I have seen what the three warring factions are doing and what their relative strengths are. There is a strong Croatia; there is a strong Serb force in Bosnia; there is a good, strong force of Moslems, but they are underarmed and undertrained.

To be very practical, Mr. President, any reader of military history or, indeed, history of the world, knows that a lasting peace is best kept with strength. The parity of strength among the three parties will give Bosnia the very best chance for peace that it could possibly have. The reverse is also true. If we do not strengthen the Bosnian Moslems, they could be overrun by either of the other two stronger parties. That could happen because we have not kept our commitment.

Mr. President, if we want to have a lasting impact on this country, with the vast amount of resources, human and monetary, which our country has put forward already, we must take the last step. This administration is not doing it. There is no large-scale effort to arm and train the Moslems, which was a promise that President Clinton made to Senator DOLE and to this Congress. It was a promise made.

Mr. President, that is the key for a lasting cease-fire and the possibility for lasting peace in Bosnia. There must be rough parity among the three parties. Right now, we are almost halfway into the IFOR mission, the NATO mission, of which this country is a part, and we have yet to see a real effort in arming and training the Moslems.

Now, one of the reasons given, Mr. President, is that the Iranian contingency has not left Bosnia, has not left Sarajevo. Well, Mr. President, why have the Iranians not left Sarajevo?

Could it be because Iran was the one country that violated the arms embargo to help the Bosnian Moslems with arms in their time of need?

This should come as no surprise. This Congress spoke forcefully time and time again: lift the arms embargo. Let arms from legitimate sources go into that country and help those people fight for themselves. But this administration continued to refuse to allow that to happen, and so there was one country that provided the arms. And we now learn that this administration knew and did not object to the Iranians providing those arms, in violation of the U.N. embargo, which the administration refused to let Congress lift.

Mr. President, it is a botched policy, and I would call today on the President of the United States to say just what his policy is. Where is the integrity of the policy of this country when two promises that were very important have been broken: That we would not violate the arms embargo despite repeated attempts by Congress to lift it legitimately, and that our troops would go in with a purpose of separating the warring factions and leave December 20—two commitments that we now see are being broken?

Mr. President, I see my colleague from Georgia has come to the floor, and I am happy to yield up to 10 minutes to my colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia [Mr. COVERDELL] is recognized for 10 minutes.

Mr. COVERDELL. Mr. President, I rise to support the admirable efforts by the Senator from Texas who has come to the floor this morning to raise and bring attention to a subject that needs considerable attention.

Last year, when we were debating the entire question about whether to send United States troops on the ground in Bosnia there was much debate—hearings before the Armed Services Committee, hearings before the Foreign Relations Committee, of which I am a member. General Shalikashvili, Secretary Perry, and others tried to sort out what should and should not happen.

For one, I never believed that the United States should bear the amount of responsibility it did in Bosnia. I felt that it was a European theater, that the Europeans should have been the predominant force, and that the U.S. support, which should have been there, should have been just that, in support of a European initiative. I have always been worried about this—why around the world when we have a real problem; it is in the European theater; the Europeans cannot work it out, so we will send in Uncle Sam.

I think it is a bad precedent to set. But the President made that decision, and from that point forward, of course, all of us have been unanimous in trying to do everything we can to make certain that our soldiers, our men and women, have every support they need.

But again, the idea that the European theater cannot work it out so that the United States has to be the one that leads the way I think sets a bad precedent, not only in terms of who bears the responsibility but it would be a little bit like the United Kingdom working out Haiti. I do not think in anybody's mind the leading force in Haiti would have been the United Kingdom or France. It was in our hemisphere. It was our back door, and we have borne the brunt of that situation. Here we are in the underbelly of Europe, and we are bearing the brunt of it again.

In addition to, I think, setting a political precedent that could lead to problems in the future, let us just look at the financial ramifications of it. The United States, which is now the single world power, in a period of enormous domestic financial pressure cannot be the ultimate financial resource in resolving these world conflicts. And the cost of the operation in Bosnia has been and continues to be enormous. The effect of that is to squeeze training, squeeze logistical support, and squeeze research and development in our own standing military. These vast sums of money going into the peacekeeping operations put enormous pressure on the ultimate mission of our own military, which is to defend the integrity and the shores of the United States.

At the time we were discussing all these questions, Secretary Perry came before our Foreign Relations Committee, and in testimony before the Foreign Relations Committee Secretary Perry indicated that the maximum duration of the U.S. commitment would be 1 year. And I can remember on the lips of virtually every member of the committee was the assertion or the worry, the anxiety that there would be mission creep; that we would get into nation building; that we would begin to assume the responsibility of rebuilding this poor and war-torn country and circumstance. And there was worry because of the ethnic divisions that in 1 year how would all that be quelled. But the assurances from the administration, the assurances from Secretary Perry were that we would not be in a mission of nation building; it was a military mission, as suggested by the Senator from Texas, and that it would be 1 year and that would have to suffice. That was the U.S. commitment.

As the Senator from Texas has suggested this morning and has read some of the quotes of the London Times of April 30:

> The Clinton administration has scrapped plans to withdraw its forces by the end of the year.

And we are beginning to hear pleas from the European theater and suggestions that, well, we maybe cannot conclude this at the end of the year, and,

yes, maybe we will be involved in other activities other than the initial military mission of separating the warring parties.

That suggestion leaves the American people once again unclear as to how to respond to a Presidential commitment. You go to the American people and say we are going to send your sons and daughters over there but they are only going to be there a year. You come to the Congress. You say we are only going to go for 1 year. We are going to have a very narrow, very defined mission.

When we began to discuss an exit strategy, it was quelled in a minute because the administration said the exit strategy was we are out of there in a year. And now with the slippage of time, we begin to undermine those commitments. Not only does that leave the American people, not only does it leave their Representatives, the Congress of the United States, unclear as to just where we are and where this all leads, but it is almost a certainty to mean more resources, more dollars.

What that means is more pressure on the principal mission of the military, more pressure on the budget, more pressure on the funds necessary to train American soldiers, more pressure on the budget to enter into research and development to keep us the technological military we displayed in the Persian Gulf—keep it at the edge.

We have spent the last 2 years talking about the financial dilemma in America. We fought for balanced budgets. We have eliminated programs. We have fought through the 1996 budget, and now we will be into the 1997 budget, trying to save billions of dollars in order to keep the country financially healthy, because at the end of the day, without a healthy Nation, we cannot fulfill our obligations at home or abroad.

So those financial questions must be at the core of decisions we make about where we put those resources and how long we can suffer those resources being spent. That was the worry when this debate began, that the peacekeeping missions were putting too much pressure on the fundamental mission of the military. Here we are, already beginning to take those initial promises to the American people, the initial promises to the Congress, and you get this fudging, this fuzzy look here.

I think the Senator from Texas has been absolutely correct in calling on the administration to clarify to the people and to the Congress that it is going to adhere to the promises made when this mission began, that it is going to withdraw at the time it said, that it is not going to engage in mission creep, and we are not going to use the U.S. military components to be engaged in social rebuilding of the war-torn country. I reiterate, it is a good time to reassess the fundamental responsibility of the United States as an ally and in support of NATO, but at the same time acknowledging that the final responsibility for the European theater rests with the Europeans.

Mr. President, I see my 10 minutes has expired, and I yield back to the Senator from Texas.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas is recognized for the remainder of her 60 minutes.

Mrs. HUTCHISON. Mr. President, we have been talking for the last 45 minutes about this administration's Bosnia policy. I would just sum it up with ''promises made, promises broken.''

This administration promised: On December 20, 1996, American troops would be gone from Bosnia. The second promise was that the arms embargo would not be lifted by the President, despite repeated attempts by Congress to do so. He refused to lift the arms embargo so that legitimate sources could provide arms for Bosnians to fight for themselves and their country and their freedom, despite the fact they begged us in this Congress to do so. I will never forget the poignant testimony of then-Vice President Ganic, who said, ''Let us die fighting for our freedom. We are dying anyway. Help us die for a cause.''

But at the same time the administration was saying we are not going to allow legitimate sources of arms for the Moslems. Instead, according to news reports, this administration did not object to arms sales from another source which was not legitimate, Iran.

What is the result of that? The result is the Iranian mujaheddin is still in Sarajevo. Significant arming and training of the Moslems has yet to begin, and the excuse used is the Iranians are still in Sarajevo, despite the fact that in the Dayton accords they were to have been expelled from Bosnia. And the result is that the December 20 deadline is not going to be met.

So we have an administration that would not come to the American people and state a policy that the American people could count on and that our allies and our enemies would know would stay in place. That is the result. The issue of arming and training the Moslems was a key part of the negotiations between Senator DOLE and the President when we were trying to support the President's right to deploy even as we were disagreeing with the policy of deployment.

I want to quote from Senator DOLE's statement on the floor, again, November 30, 1995:

> In my view, the definition of success of this deployment must include a real end to the war that is only possible with the creation of a stable military balance which enables Bosnia to defend itself. Anything less simply exposes American forces to great risks in order to monitor a temporary interlude in the fighting. In other words, I guess if they all came home next year there might be a temporary interlude to get us through the November activities of 1996, and I am not certain it would last very long.

Senator MCCAIN, November 30, 1995, in his statement on the floor:

> Further, we must ensure that the goals of their mission are clear and achievable and will justify to some extent the risks we will incur. A clear exit strategy is not time-based but goal-based. We must ensure that the peace we enforce for 12 months has a realistic prospect to endure in the 13th, 14th, 15th month, and hopefully for years beyond that. Essential to that goal is a stable military balance. To achieve that balance, we will have to see to it that the Bosnian Federation has the means and the training to provide for its own defense from aggression after we have withdrawn. Therefore, I believe our authorization of this deployment must be conditioned on the concrete assurances that the United States will do whatever is necessary, although without using our soldiers who are part of the implementation force, to ensure that the Bosnians can defend themselves at the end of our mission.

It was clear from Senator DOLE and Senator MCCAIN that it was a condition of this Senate that the Moslems be armed and trained, to create a stable military balance. The President wrote a letter confirming that. The President said:

> In the view of my military advisers, this requires minimizing the involvement of U.S. military personnel. But we expect that some individual military officers, for example, working in OSD, DSAA, or other agencies, will be involved in planning this effort. I agree that maintaining flexibility is important to the success of the effort to achieve a stable military balance within Bosnia. But I will do nothing that I believe will endanger the safety of American troops on the ground in Bosnia. I am sure you will agree this is my primary responsibility.

That is giving the President his due. We agree with that. The President went on to say in his letter to Senator DOLE and Senator MCCAIN:

> I have given you my word that we will make certain that the Bosnian Federation will receive the assistance necessary to achieve an adequate military balance when IFOR leaves. I intend to keep it.

That is what the President said in writing, December 12, 1995. He said the Americans would not be leading that effort, but that we would make sure that it would happen. ''I intend to keep my word.'' That is what he said. It was a condition. It was a condition for the approval of the President's right to deploy.

We have a policy. We have a promise that is being broken. Either the President must keep his commitment to the American people that he will withdraw the troops by December 20, as he promised, or the President should come back to Congress and tell us why he is breaking his word.

Why does he feel it is necessary to do this? I think he owes us that much. I think he owes the American people that much, and I think he owes our troops on the ground that much.

Mr. President, I think it is time for this administration to understand the importance of keeping a promise, whether it is to the American people or to our allies or in general to the world, so that everyone knows that if we say we are going to do something, we will do it. But telling the American people we will withdraw troops by December

20 and telling our allies that we will leave troops on the ground into 1997 is not keeping the integrity of the American word, and I think we have the right to expect that from our President who is representing our country.

This is a serious issue, and I hope the President will address it with integrity.

Thank you, Mr. President. I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, until 10:30.

GAS TAX REDUCTION LEGISLATION

Mr. DORGAN. Mr. President, I have noted the last several days a number of people coming to the floor to talk about tax freedom day. I noted this morning on the television programs that the majority leader, Senator DOLE, was talking about bringing a vote to the floor of the Senate, perhaps today, he said, to repeal the 4.3-cent gas tax or reduce the gas tax by 4.3 cents.

I will make a couple of observations about those issues.

First, tax freedom day. The suggestion, I guess, by those who talk about tax freedom day and the date beyond which they now can spend money on themselves, the suggestion is, I guess, that the money that is spent by them to build their children's schools, to pay for the police force, to pay for the Defense Department to defend our country, to provide for the resources for Social Security and Medicare, which incidentally are the four largest areas of public spending—schools, health care, defense, and local policing functions—the implication is somehow that those are not investments or those are not expenditures that count.

I think a lot of people would say that the payment of money to fund a school system to be able to send your children to good schools does count and does matter. That is an investment in your family. I just observe that some taxes are levied in order to do things we must do together as a country—educate our kids, build roads, defend our country, provide for the general welfare such as Social Security, Medicare, Medicaid, and so on. Some of them, I think, deserve a more thoughtful response than the implication somehow that it is just money that goes into some dark hole. Much of that is an investment in our children, an investment in security, an investment in health care.

Having said all that, would we like to see lower taxes in our country? Yes. Would we like to find a way to reduce the tax burden? Sure. We have a circumstance in this country now where we spend more money than we take in; 2 years ago, 2½ years ago, in 1993, we passed a bill on the floor of the Senate by one vote to reduce the Federal deficit. It was not easy to do. We only passed it by one vote on a strictly partisan vote. We did not get even one vote from the other side of the aisle by accident. Normally you think somebody makes a mistake, but we did not get one vote by accident. A group of us passed this piece of legislation, and 2½ years later the deficit is reduced by half. The deficit is half of what it was nearly 3 years ago.

Now I am glad we did that. It was not popular. The popular thing was to vote ''no.'' Certainly it was not popular to vote ''yes'' to cut spending and increase some taxes, but we did it. I am glad we did it. The deficit is down as a result of it.

Now, what has happened in the last number of weeks is gasoline prices have spiked up by 20 to 25 cents a gallon. Gasoline prices spike up, and then we have people come to the floor of the Senate and say, well, our solution to that is to reduce the gas tax by 4.3 cents. There is really no connection, of course, but that is the solution. It is kind of like a person driving down the road in a vehicle and it overheats and steam starts flooding from under the hood and the driver pulls off the road, gets out, opens the trunk, and changes the tire. There is no relationship between the 20- or 25-cent-per-gallon spike in gas taxes and the 4.3-cent gas tax reduction that is being proposed. It is purely political. In fact, it is trotted out here on tax day, I guess it is called tax freedom day. It is trotted out as a purely political hood ornament. That is fine. You have the right to do it.

My point is this: When we consider the issue of the 4.3-cent-per-gallon reduction in the gas tax, I intend to offer an amendment here in the Senate that asks the question, whose pocket is this money going to go in? If you are going to relieve the oil industry of collecting 4.3 cents a gallon in gasoline taxes, who ends up getting the cash? I said the other day in this country there are a lot of pockets. There are big pockets, there are small pockets, there are high pockets, there are low pockets. The question is, who will pocket the reduction in the gasoline tax? I will offer an amendment that says, if you reduce the gasoline tax, we should make sure it goes into the right pocket, the pocket of the consumer, the driver, the taxpayer. If we do not pass an amendment like that that provides the guarantee, guess who pockets the reduction in the gas tax? The oil industry.

Does anybody here honestly think that if we reduce the gas tax by 4.3 cents a gallon and do not provide an ironclad guarantee that it goes back to the consumer, does anybody believe that the oil industry will not grab that money? It is cash in their pockets. They are the ones who set the price of gasoline. We can have people boast on the floor of the Senate about reducing the gas tax. It will not mean a thing to drivers and consumers unless they end up paying 4.3 cents less a gallon than they now pay.

I say to the majority leader and others, if you intend to bring a bill to the floor of the Senate to reduce the gas tax and increase the deficit, make sure you provide for the allowance for amendments, because some of us will insist on our right to offer amendments. If you develop procedures that prohibit us from offering amendments to make sure that the reduction in the gas tax goes in the right pockets, then we intend to slow this Senate down until we have an opportunity to offer amendments of that type.

I understand it is a Presidential election. It is an even-numbered year. When the Framers wrote the Constitution of America, they created a miracle. At least old Claude Pepper, the former member of this body and the House of Representatives, used to call it a miracle—a miracle that every even-numbered year the American people are able to grab the American steering wheel and make adjustments to where the country is headed. They have the right to grab the steering wheel and make the adjustments. It is an election year, an even-numbered year in America. There are lots of politics floating back and forth here and there; the only time in our country's history, I believe, where the majority leader of the Senate is running against an incumbent President. I have great respect for both people. But the floor of the Senate is not, of course, a political party convention auditorium. It is the U.S. Senate. Is there an inclination to engage in a great deal of politics here on the floor of the Senate on behalf of both sides? Yes. That has always been the case. Will there be more of an inclination now in the coming weeks to do that? I am sure. Is the gas tax reduction that is being proposed political? Obviously.

Someone wanting to know what caused a 20- or 25-cents-per-gallon runup in gas prices at the pumps might have said, well, try to investigate what happened. Ask the Justice Department to investigate the oil industry to ask what happened to the price of gas. Who did it? Why? The President asked the Justice Department to do that. Some saw it as an opportunity to say, ''Well, come to the floor of the Senate and talk about the 4.3-cent gas tax that was added in 1993 as part of the deficit reduction act.'' That is politics. That is fine. They could have said, how about the other 10-cent-per-gallon gas tax that was added, supported by the majority leader and others here in this body? There has been 10 cents supported previously, so, make it 14.3 cents, as long as it is a political issue. Do the whole thing.

My point is this: Do not do anything to it unless you guarantee American taxpayers and drivers that they will get the benefit. There is not any way that we guarantee drivers in this country they will get the benefit of lower gasoline taxes at the pump if we are not allowed to offer and if the Senate does not pass the amendment I have described. The amendment is very simple: It would require certification by the oil companies that they have passed along this reduction in the gas tax and a lower pump price, subject to criminal penalties and subject to enforcement by the appropriate people in the Federal Government. We can talk about gas taxes until we are blue in the face and you can repeal gas taxes from now until next month. But if you do not guarantee that drivers in this country get the benefit, guess who will walk off into the sunset with bulging pockets? The oil company.

When I heard this morning the majority leader say we will have a vote on that today, first of all, I do not think we will because it would require unanimous consent to have a vote on the reduction in the gas tax. But, second, I say to Members on the other side who are in charge of planning the activities of the Senate on the floor, when you decide to have a vote, we will insist that you give us the opportunity to offer an amendment that guarantees the drivers and the taxpayers in this country, not the oil industry, get the benefit of the reduction in the gas tax.

One additional point, and it is probably the most important point. We have also talked on the floor of the Senate about the minimum wage. The gas tax is about $25 or $27 a year in benefits if the consumers get the benefit, and they will not unless my amendment is passed. The minimum wage means about $1,800 a year to those folks who are out there, 40 percent of whom are working as a sole breadwinner on minimum wage, trying to make ends meet, having had their wage frozen for 5 years. We are simply saying we want an opportunity, as well, to address the minimum wage issue. We think the minimum wage should be adjusted for those folks.

We have been told that, well, there will be some point at which we will vote on that. We also ask that when the gas tax reduction is brought to the floor of the Senate, we have an opportunity to consider, as well, in those circumstances, a reasonable adjustment of the minimum wage.

So those are the issues that we are going to ask be addressed by the majority leader and other Members of the Senate in the coming couple of days as we discuss these issues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO THE LATE WALTER S. MONTGOMERY, SR.

Mr. THURMOND. Mr. President, if the Palmetto State is famous for textiles, then Mr. Walter S. Montgomery, Sr., is one of a handful of South Carolinians whose name is synonymous with that industry. Without question, he is a man who has left his mark on our State and Nation, and it is with great sadness that I rise today to note his recent passing.

''Mr. Walter,'' as he was affectionately known by his friends and employees, died late last month, ending what was a lifelong commitment to service and industry. From the time he took over his family's textile mill to the day he died, Walter Montgomery worked hard to advance textile manufacturing, to strengthen the South Carolina economy, and to improve the quality of life for the South Carolina Upstate, especially his beloved hometown of Spartanburg.

Known as a benevolent boss, Mr. Walter would stroll the floors of his factories in his shirtsleeves, supervising operations and talking with his employees. His interest in those who worked for him extended beyond the plant walls, and he was known to spend afternoons on the front porches of the homes of Spartan Mills workers, passing the time and getting to know those in his employ. Additionally, Walter Montgomery worked hard to create a job place that was modern, clean, and safe, a far cry from the old style mills of the 19th and early 20th centuries.

Walter Montgomery joined the family run Spartan Mills shortly after his graduation from the Virginia Military Institute and eventually became its president and chairman of the board. Through his hard work, determination, and business acumen, Spartan Mills grew from 1 plant to 10, and became the largest employer in Spartanburg County. A young and dynamic executive, Mr. Montgomery became a force in the national textile industry and held leadership positions with the South Carolina Textile Manufacturers Association, the J.E. Sirrine Foundation, the Institute of Textile Technology, and the American Textile Manufacturers Association. His professional accomplishments earned him recognitions from the South Carolina Chamber of Commerce, which named him Businessman of the Year; and from the ATMI, their organization's prestigious and coveted Samuel Slater Award.

Equally important to the contributions Mr. Montgomery made to business was the role he filled as a civic leader. Spartanburg and the Upstate Region benefited handsomely from the efforts of Mr. Montgomery who helped to establish the University of South Carolina at Spartanburg; served as a trustee of the Spartanburg Music Foundation and the Spartanburg Historical Society; and, organized the Spartanburg County Foundation. He also served for 55 years on the board of trustees at Converse College, was a booster for educational causes, and was an active leader in the United Way. For these undertakings, and many others, Mr. Montgomery was awarded the Order of the Palmetto; inducted into the South Carolina Business Hall of Fame; was awarded three honorary degrees; and, was recognized with almost countless citations from various business and community groups.

Mr. President, Walter Montgomery was the type of person that any community or State would be fortunate to have as one of its citizens. I can think of no more fitting tribute to Walter than the fact that he was so well thought of, that hundreds of people came to pay their last respects to this man. As a matter of fact, on the day of his funeral, the Episcopal Church of the Advent was packed to capacity and loudspeakers had to be placed outside the church in order for mourners to be able to hear the service. While we will all miss Walter, I hope that others will honor his legacy by trying to match the example he set for service to business and community. I join a long list of people who express their sympathy and condolences to the family of Mr. Walter Montgomery, including his sisters, Kate Montgomery Ward and Lucile Montgomery Cart; his son, Mr. Walter Montgomery, Jr.; his daughter, Rose M. Johnston; and his many grandchildren, and great-grandchildren. These people are kin to a man who was one of a kind.

OMNIBUS PARKS BILL

Mr. HATCH. Mr. President, last Wednesday, the Senate passed H.R. 1296, the omnibus parks bill, by unanimous consent. I recognize that this legislation had indeed gone through the mill. However, I am pleased that we reached this agreement and passed this important bill with strong bipartisan support.

In particular, I want to express my strong support for one title of this bill, the Snowbasin Land Exchange Act, which was included within the bill.

This measure contains provisions that will enable the U.S. Forest Service and the Sun Valley Co. to prepare the Snowbasin Ski Resort, which is located 40 miles north of Salt Lake City, for the major alpine skiing events of the 2002 Winter Olympic Games to be held in Utah. It also concludes a land exchange process that began more than 11 years ago.

I want to acknowledge the efforts of Senators DOLE and MURKOWSKI, who have worked diligently to forge this package so that this particular measure could pass the Senate and move forward in the legislative process.

As my colleagues know, the International Olympic Committee selected Salt Lake City to host the 2002 Winter

Olympic Games last June. I was honored to be present in Budapest when this announcement was made.

Snowbasin, which is owned by the Sun Valley Co., was identified as the site of six major Olympic downhill and slalom ski events. It was selected due to its magnificent mountain with ideal terrain, elevation, and techincal difficulty for Olympic competition.

It is estimated that Olympic racers will reach speeds exceeding 80 miles per hour in the first 5 seconds of competition on the Snowbasin downhill course, a course that has been designed by Bernard Russi of Switzerland, an Olympic medalist and internationally recognized Alpine course designer.

In order to accommodate the planned events at Snowbasin, which are estimated to have a television audience of nearly 3 billion people worldwide, major new skiing, visitor, and support facilities will have to be constructed at Snowbasin. Some of these facilities will be constructed on the ski mountain, while other facilities are needed at the base of the mountain.

Failure to pass the provisions that are included in this bill for Snowbasin would have greatly jeopardized the success of the 2002 Olympic Games and, in general, sullied the reputation of U.S. Olympic hosts before an international audience. So I appreciate the support of my colleagues for these provisions.

My colleagues should understand that this legislation is a land exchange—not a giveaway. The legislation exchanges 1,320 acres of national forest land at the base of Snowbasin to the Sun Valley Co. This transfer will allow development of base facilities that are needed for the Olympics.

These facilities include a new access road, the Olympic stadium and gateway, parking, day lodges, restaurants, and other support buildings. These facilities will greatly increase services and amenities to the public during the Olympics. They will also become the nucleus of a world-class competitive venue at Snowbasin in future years.

It is altogether consistent with Forest Service policy that base lands at ski areas be privatized for development. As my colleagues are well aware, land exchanges have been routinely utilizied for this purpose.

In return for the 1,320 acres, the Forest Service will receive more than 4,100 acres of private lands with outstanding environmental, recreational, and other values. Each of these lands has been identified by Forest Service officials as highly desirable for acquisition to benefit the public and the long-term management purposes of the Forest Service in northern Utah.

Some of this acreage is immediately adjacent to Snowbasin; another parcel is on the outskirts of the city of Ogden. In fact, one of the parcels—Lightning Ridge—will open access to thousands of acres of Forest Service land that is currently inaccessible to the public.

These are precisely the types of public benefits that should be realized in land exchanges. The new Olympic quality recreational opportunities added at Snowbasin, coupled with major additions to the national forest, clearly make the exchange a win-win for the public.

When completed, the land exchange will add over 4 square miles of land to the National Forest System in Utah.

Mr. President, there has been considerable discussion on this bill regarding the so-called sufficiency language in the bill that exempts the initial portions of development at Snowbasin from certain Federal environmental laws. Let me discuss this for my colleagues.

Once the land exchange is completed, the ski mountain will remain as National Forest System land. In order to prepare the ski mountain for the Olympic events, numerous modifications are needed. These modifications are referred to in the overall development plan for Snowbasin as phase I and relate to the race courses for the competitors as well as needed amenities for the public.

These items include new chair lifts, new and expanded courses, helicopter pads for medivac purposes, snowmaking, safety netting, and a mountain restaurant for food and warming purposes. It is estimated that at least three summer construction seasons will be needed to construct these facilities.

Moreover, to enable ski competitors to race the mountain prior to the Olympics, and to test the new facilities for safety and other purposes, international skiing events have been scheduled at Snowbasin beginning in 1999.

I hope my colleagues can see that we must immediately begin the process of preparing Snowbasin for important Olympic and pre-Olympic events.

To accomplish this goal, Congress needs to provide general approval to facilities that need to be constructed on national forest lands at Snowbasin for the Olympics, to put the construction of these facilities on a timetable, and to protect the decisions of the Forest Service during this process from appeals and lawsuits. Without such action, construction of these facilities could be delayed for years. Regrettably, this type of delay is precisely what is currently being experienced at Snowbasin.

A 1994 Forest Service decision to allow construction of a small chair lift and new ski run on the mountain has been appealed and litigated and is now before a Federal district court in Salt Lake City. Construction of the lift has already been delayed for 2 years and the matter could remain in the courts well into the future. Therefore, this legislation allows the construction of traditional mountain facilities at Snowbasin that are needed for important Olympic and pre-Olympic events.

However, my colleagues should realize that over the years, Snowbasin has been subject to numerous environmental studies and reviews. In fact, in testimony before the Senate Subcommittee on Forests and Public Land Management, I displayed a huge stack of these studies.

Since 1990, the Forest Service has prepared, among many items, an environmental impact statement and an environmental analysis on base mountain lands at Snowbasin. The public was fully involved in the development of these documents.

The Snowbasin master plan, referenced in the legislation, has been developed taking into full account the environmental considerations noted in these studies. Also, the Sun Valley Company has frequently consulted with the Forest Service to ensure that environmental aspects of the land exchange are properly considered.

Our legislation directs the Secretary of Agriculture to impose construction and operation conditions on the Sun Valley Co. that are consistent with Forest Service policies to protect forest resources. Further, the Forest Service is empowered to make any changes to the facilities to protect public health and safety, including water quality.

I think it is also safe to say that no one would want to visit this area if it were an environmental wreck. There is clearly an economic incentive to doing this the right way. Responsible development of this land is necessary any way you look at it.

Also, we learned from testimony provided by the members of the Salt Lake organizing committee that one of the reasons Snowbasin was selected as the site for the Olympic downhill races was to keep Olympic downhill events from being conducted in the environmentally sensitive canyon areas immediately adjacent to Salt Lake City.

I am pleased to note that the significant addition of land to the National Forest System resulting from this legislation will be accomplished without having to spend scarce land and water conservation fund dollars.

Moreover, our legislation ensures that an equal value exchange in every respect will be conducted, and there will not be a giveaway of any kind to the Sun Valley Company. Instead, the Sun Valley Company will assume the economic risks and costs of preparing Snowbasin to the highest of Olympic standards for the 2002 Winter Games.

Mr. President, I again want to extend my sincere thanks to each member of the Senate Energy and Natural Resources Committee—all of whom endorsed this legislation. The efforts of Senators MURKOWSKI, CRAIG, and BUMPERS, and my Utah colleague, Senator BENNETT, have helped to perfect this bill and move it forward.

Again, I want to thank the majority leader for his leadership in solving the impasse that had developed over the earlier version of the omnibus parks bill.

Having said that, I must admit my disappointment that one title of the original package, the Utah wilderness

bill, has been deleted from the bill. I would have preferred that the Senate adopt this measure as well, but I know a roadblock when I see one. I will continue to work on those provisions that could not be included in this package.

However, everyone in this chamber should know that this is a temporary setback for our Utah wilderness bill. Our bill is not dead, as many have said or wished. I am just as committed today as I was during the recent filibuster to see this body pass legislation that resolves this 17-year-old problem that has plagued our State.

As I mentioned, Senator DOLE has demonstrated tremendous leadership to forge the compromise that allowed the omnibus bill to pass, and his suggestion for a temporary detour around the matter of Utah Wilderness and Sterling Forest enables the other important provisions of the omnibus parks bill to move forward, including the Snowbasin exchange. I commend him for that.

Mr. President, Snowbasin will be an electrifying site for the prestigious skiing events of the 2002 Winter Olympic Games. The huge challenge that Snowbasin will present to the international competitors will be a true test of their Olympic ability. America is fortunate to be selected as the host nation for these games, and Salt Lake City is honored to be the host city. I thank my colleagues for supporting this urgently needed legislation to make these games a reality at Snowbasin.

I ask unanimous consent that a letter from Utah Governor Mike Leavitt, a resolution from the Ogden City Council, an editorial from the Salt Lake Tribune, and a resolution from the Utah State Legislature—all expressing support for this legislation—be inserted in the RECORD at this point.

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

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, December 12, 1995.

Representative JAMES V. HANSEN,
Chairman, Subcommittee on National Parks, Forests and Lands, Rayburn House Office Building, Washington, DC.

DEAR JIM: I am writing in strong support of H.R. 2402, the Snowbasin Land Exchange legislation, and its companion bill in the Senate, S. 1371. I applaud your efforts, as Chairman of the subcommittee of jurisdiction, in holding hearings and gaining cosponsors.

Utah has been given an extraordinary opportunity in hosting the 2002 Winter Olympics. Snowbasin is the venue for some of the most visible and popular downhill events. Over 3 billion people around the world will have their eyes set on Snowbasin during the Olympics. We must be ready for them.

In order to successfully host this venue, certain facilities must be built and improvements added to accommodate all of the activities which are demanded of an Olympic site. For over seven years, those plans have been under review and scrutiny by the public and the Forest Service. Environmental impacts have been carefully reviewed. The required land exchange between Snowbasin and the Forest Service has now bogged down in the administrative appeals process. Further delays would seriously threaten the timetable needed to be met for the 2002 games. That is why your legislation is so vital.

I am also supportive of the land exchange authorized by the legislation because it will enhance economic development for Northern Utah by making Snowbasin a true world-class tourist destination. Further, the public stands to benefit greatly by receiving access to large tracts of pristine recreational lands, such as Taylor Canyon, Lighting Ridge Wheeler Creek, and the North Fork Ogden River-Devil's Gate Valley, which are now in private ownership.

This legislation represents a win-win for the state of Utah and the people of Weber County. I urge you to continue to work for passage of this legislation and stand ready to assist you in any way possible.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

RESOLUTION OF THE OGDEN CITY COUNCIL NO. 96–6

Whereas the property development of a year-round ski and recreational destination resort in the Snowbasin area would be beneficial to the people of the City of Ogden; and

Whereas the recent awarding of the 2002 Winter Olympic Games to Salt Lake City increases ski and recreational opportunities of the Snowbasin area; and

Whereas Snowbasin has been designated as the site of several 2002 Winter Olympic events, with pre-Olympic events scheduled in 1998, 1999, 2000, and 2001; and

Whereas these Olympic and pre-Olympic events add to the urgency to develop the Snowbasin area; and

Whereas Snowbasin Resort and its owner Sun Valley Company have requested 1,320 acres of public land be transferred to Snowbasin Resort for the purpose of developing a year-round recreational destination resort; and

Whereas Snowbasin Resort has agreed to transfer into the public domain at least 4,100 acres of land which possesses outstanding recreational, environmental and other values, and which opens access to other Forest Service lands for public enjoyment; and

Whereas much of the land presently under Forest Service supervision in the Snow Basin area was originally transferred without monetary consideration into the public domain by Ogden City for the purpose of promoting and fostering the future development thereof, and where previous Ogden City Councils have adopted resolutions supporting this land transfer of 1,320 acres of property to Snowbasin in order to effectuate such desired development; and

Whereas the proper development of the Snowbasin area would increase tourism in the State of Utah and would be beneficial to the residents of northern Utah; and

Whereas a delay in facilitating the desired exchange could hamper the State's hosting of several Olympic and international alpine skiing events; and

Whereas the United States Congress is currently considering legislation which would complete the Snowbasin land exchange and enable the timely construction of facilities at Snowbasin needed for Olympic and pre-Olympic events. Now, Therefore, be it

Resolved, That the Ogden City Council urges the United States Forest Service, the United States Congress and President William Clinton to enact Snowbasin Land Exchange legislation for the purpose of preparing Snowbasin for Olympic and pre-Olympic events, and for developing Snowbasin as a multi-use, four season recreational resort area.

Passed and adopted this 9th day of April 1996.

RALPH W. MITCHELL,
Chair.

[From the Salt Lake Tribune, Apr. 1, 1996]

APPROVE SNOWBASIN SWAP

When the Utah wilderness legislation submerged an omnibus parks bill in the U.S. Senate last week, one of the dozens of items that sank with it was another proposal of keen interest to Utah—the Snowbasin/Forest Service land exchange. The Snowbasin proposal deserves resuscitation and passage, either as part of a revived omnibus bill sans Utah wilderness or as stand-alone legislation.

This plan would provide long-term benefits to Utah, the most conspicuous being the development of a four-season resort at Snowbasin by an operator, the Sun Valley Company, that has a proven record of good stewardship. And, as part of that development, the site of the downhill and Super-G ski races for the 2002 Winter Olympics would be completed on a faster track.

Under the legislation, Snowbasin would acquire 1,320 acres from the U.S. Forest Service in exchange for some 4,100 acres, spread across four different parcels in the same general area, that are currently owned by Sun Valley. Assuming a fair appraisal process—and the legislation calls for an exchange of equal value—this proposal amounts to an even land swap, not the land grab that opponents claim it is.

Granted, this legislation does carry some baggage. For instance, its supporters have couched this bill as a necessity in order for the Olympic ski races to be held at Snowbasin, but that's not quite right. Sun Valley may need the 1,320 acres for condos and residential units, but it doesn't need nearly that many for an Olympic ski venue.

In addition, granting an exemption from environmental laws—as this bill does for Phase I, or the mountain development aspect, of the plan—is not a step that should be taken cavalierly, particularly in the name of an Olympic movement that holds the environment as a top priority. Adherence to local and state laws will mitigate this concern, but it won't completely erase it.

And it hasn't helped the bill's cause that its chief proponent, Utah Rep. Jim Hansen, has made some ill-chosen comments recently, to the effect that the downhill could be run at Snowbird if the Snowbasin bill fails. This needlessly resurrected a dead-and-buried concern that the Cottonwood canyons might be used for the Olympics; it only aroused the opposition to his own bill.

Still, Rep. Hansen's rhetoric aside, the voice that counts most on this proposal should be that of the U.S. Forest Service, the current steward of the 1,320 acres in question. And the Forest Service, which had already approved an exchange of 695 of those acres in 1990, has signed off on this one after finding boundary problems with the parcel it had earmarked five years ago.

While legitimate complaints can be raised over the manner in which the Snowbasin proposal has been maneuvered around normal USFS channels and over the use of the Olympics as a wedge to gain congressional support, there still is nothing fundamentally objectionable about the land exchange itself. As long as the USFS can be assured that it will obtain equal value for those 1,320 acres, this is a development plan that Utahns—and Congress—can and should support.

STATE OF UTAH CONCURRENT RESOLUTION NO. 4

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein

Whereas the proper development of a year-round ski and recreational resort in the

Snowbasin area would be beneficial to the people of the state of Utah;

Whereas the recent awarding of the 2002 Olympics to Salt Lake City increases the ski and recreational opportunities of the Snowbasin area;

Whereas Snowbasin has been designated as the site of several 2002 Winter Olympic event, with pre-olympic events scheduled for 1998, 1999, 2000, and 2001;

Whereas these olympic and pre-olympic events add to the urgency to develop the Snowbasin area;

Whereas approximately 55 years ago, 4,300 acres of land in the Snowbasin area was transferred with little monetary consideration from private ownership to the United States Forest Service under the leadership of the Ogden Chamber of Commerce to stop overgrazing and to develop a year-round recreation area;

Whereas the Ogden-Weber Chamber of Commerce and many civic leaders now favor the transfer of 1,320 acres of this same land at Snowbasin to the Sun Valley Company for the purpose of developing a year-round recreational resort;

Whereas the Sun Valley Company has agreed to acquire and transfer into the public domain property of comparable value as selected by the United States Forest Service in exchange for the 1,320 acres received in the Snowbasin area;

Whereas Earl Holding, developer of world famous Sun Valley Resort, has established a proven track record as a developer of high-quality recreational resort facilities;

Whereas the proper development of the Snowbasin area would increase tourism in the state of Utah and would be extremely beneficial to the residents of northern Utah by creating numerous jobs and business opportunities;

Whereas the state of Utah has expended an excess of $14,000,000 to construct the Trappers Loop Highway for the purpose of servicing the Snowbasin/Upper Ogden Valley area;

Whereas the delay in facilitating the exchange of the number of areas requested by the Sun Valley Company could hamper the state's hosting of several olympic and international alpine skiing events and may make the development of a year-round resort economically infeasible;

Whereas the exchange of property to the Sun Valley Company would allow the United States Forest Service to acquire additional property as an exchange that, if property selected, would open up large areas of the public domain and better suit the Forest Service's objective of preserving the public land for public use than the retention of the proposed transfer property;

Whereas the intended use of the property in question when it was transferred into Forest Service supervision was to develop a ski and recreational area; and

Whereas The United States Congress is currently considering legislation that would complete the Snowbasin land exchange and enable the timely construction of facilities at Snowbasin needed for olympic and pre-olympic events: Now, therefore, be it

Resolved, that the Legislature of the state of Utah, the Governor concurring therein, the United States Forest Service, the United States Congress and President William J. Clinton to enact Snowbasin Land Exchange legislation for the purpose of preparing Snowbasin for olympic and pre-olympic events, and for developing Snowbasin as a multi-use, four season recreational resort area. Be it further

Resolved, that copies of this resolution be sent to the Sun Valley Company, the United States Forest Service, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and President Clinton.

GAYLE FITZGERALD CORY, A TRIBUTE

Mr. HOLLINGS. Mr. President, on behalf of my fellow Senators, I would like to take a moment to pay tribute to a dedicated Senate worker, a courageous woman and a wonderful person. Gayle Fitzgerald Cory worked in the Senate for 35 years, serving in many capacities. She was indispensable to the late Senator Muskie for 22 years, holding positions from receptionist to executive assistant and making the transition to the State Department with him in 1980. She was also a valued member of Senator George Mitchell's staff as his personal assistant.

A person who has filled these roles can't help but accumulate a tremendous amount of knowledge on the workings of the Senate. Gayle Fitzgerald Cory was exceptionally qualified to take on the position of postmaster in 1989.

Up until her retirement in 1995, Mrs. Cory worked hard for the U.S. Senate, she was experienced, organized and capable of handling any task or crisis that came her way. Most of all, she was a great person. The post office employees—indeed, everyone with whom she came in contact—appreciated her warmth and her sense of fairness. An extremely professional woman, she had an almost uncanny understanding of the special needs of the Senate, and she was instrumental in making it work.

My condolences go out to her husband, Don, her three daughters, Laurie, Melissa, and Carol, and all the members of her large and loving family. She was a courageous, strong person and we will all miss her.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

Mr. GRASSLEY. Mr. President, I wish to speak on the bill that is before us—the bill to reimburse the people that were harmed in the unfair firing at the White House in January 1993, the bill that is for reimbursement to the people that are called the Travelgate 17.

Mr. President, I think it is very obvious that when politics stands in the way of resolving a right or wrong issue, politics always gets trampled. Right means that politics has to be put to the side. Some examples come to mind: The civil rights laws of the 1960's; the end of the defense buildup in the 1980's; the Congressional Accountability Act of 1995, which I sponsored.

This bill before us falls into that category. It is to reimburse the Travelgate 7. Now, obviously, it is much less in scope than all of these other major pieces of legislation I mentioned over the last 30 years. However, let me make it very clear that it is a microcosm of the same reality. It is a right and wrong issue. And politics is standing in its way. But I predict that politics will stand in its way only temporarily. Travelgate is the story of an arrogant White House trampling all over the rights of seven dedicated public servants.

The purpose behind the abuse was so that cronies of the President could win the spoils of political gain for themselves.

One of these people was a rich Hollywood producer, friend of Bill, high-dollar campaign contributor, buddy and crony by the name of Harry Thomason. The other was a distant cousin of the President's, Catherine Cornelius.

The White House, apparently including the President and First Lady, unleashed the Federal Bureau of Investigation, the Internal Revenue Service, and the Department of Justice to harass these seven citizens. As if that were not enough, the White House also used its authority and its access to the media to conduct a public smear campaign against the seven innocent people. Following something that is too customary in this town, they used leaks, innuendoes, and falsities to continue their public harassment even after their primary target, Billy Dale, was acquitted by a jury, and it only took the jury less than 2 hours of deliberation to declare his innocence.

The net effect of all of this harassment took a real toll—these are real people—not only on the seven employees but maybe even more so on their families as well. These innocent people

had their reputations, their dignity, and their psychological well-being suffer at the hands of an irresponsible White House. This is a White House that to this very day refuses to accept its wrongdoing. No one takes responsibility for their firings of these seven people.

What do we get out of the White House? All you get is finger pointing. All you get is passing the buck. By the way, the harassment continues. But now it is not harassment from the White House; it is legislative harassment as we have legislation here trying to right this wrong. So the legislation that has just been laid down for today's discussion, the bill we have before us is to make these seven innocent people economically whole.

Well, maybe you cannot do that, but at least pay for their legal expenses. I do not know how you can right the wrongs that have been committed, but at least there is precedent for legislation to pay for legal expenses, legal expenses for people who were innocent, declared innocent by a jury of their peers.

So activity moves from the finger pointing at the White House to activity up here on the Hill in the legislative process, but the White House is still involved, fanning out its lieutenants to sabotage this bill in the dark of night. The objective of the White House and the opponents of this legislation, the people who are not willing to admit a wrong in the firing of seven innocent people, is to bring this bill down so that the President is spared the embarrassment of signing a bill, the only reason for the existence of which in the first place is that the White House fired seven innocent people. In other words, I might add, the same President who passed the buck in the first place in not taking responsibility for the firings at the White House is behind this effort to sabotage this legislation on the Hill to right this wrong.

The legislative harassment strategy began with Democrat Senators putting a hold on the bill. For those watching who maybe do not understand how Congress works, a hold is a way that any Senator can prevent a bill from being considered, and the instigator of any hold does not have to identify himself. He can do it in the secrecy of the Cloakroom out of the public's eye. But last week the people with the hold were smoked out. The rock was lifted. And the instigators of the hold went scurrying for cover of darkness once again. Having retreated from the back room, they are now positioned at the next line of defense, out on the floor of the Senate to use a legislative roadblock. It is called muddying the waters, or in this case you might say the ''whitewaters.''

This strategy goes like this: how can we as opponents bog down the bill on a technicality or some counter argument that sounds reasonable but gives us sufficient cover so that we can filibuster the underlying legislation, the Travelgate bill, that pays the legal expenses of seven innocent people who were fired within the first month that the Clintons came to office.

So the White House, getting their lieutenants on the Hill to take all this activity against this simple little bill, comes up with a counterargument: If the Travelgate seven are going to get reimbursed, why not reimburse everyone associated with the Whitewater investigation? And they also came up with a technicality. They say we just want to use this bill as a vehicle for other items that are on our agenda. They would argue it is our right as minority Members of this body.

So here we are, Mr. President, with politics getting in the way of a right and wrong issue, where right ought to win out, but politics, if it is played correctly and sophisticated enough, can win. If we cannot deal with apples, let us just throw in some oranges. Put it into the mix. Confuse the situation. So now in this Chamber to fool the public we are dealing with apples and oranges legislation generated by the other side of the aisle because they want to protect the President not having to veto this legislation.

However, political barriers to correcting a wrong will not stand. Ultimately, public opinion will weigh in against the Democrats and the White House on this issue. All the harassment strategies to save the President from embarrassment will only make the final embarrassment bigger and worse. It is inevitable. It is predictable. It will happen. You cannot forever cover up wrong in our open society.

There is a moral to this story: Nothing is politically right which is morally wrong. I wish to repeat the moral of the story: Nothing is politically right that is morally wrong.

That is why all this political maneuvering is destined to fail. The public will not tolerate political interference with righting a wrong. Frankly, it is time that the President of the United States, the occupant of the White House, take responsibility for his actions in firing these seven dedicated public servants. What do we get instead? He continues the campaign to prevent his own embarrassment over the firings. The truth is if the firings and the circumstances were not wrong, there would be no embarrassment. But the obvious fact is the firings were wrong.

Why should we expect the President of the United States to accept responsibility for his actions? First of all, because he is the President of the United States. In that position, he is the moral leader of our Nation. A leader is expected to take responsibility for his actions or for those who act in his stead. That includes both good actions and bad actions.

Furthermore, I think the President himself has spoken out very loudly and clearly about responsibility and, in his saying this, implied that he saw the Office of the Presidency as one for moral leadership and he was going to assume that moral leadership because of things that he said when he was a candidate. While running for office in 1992, he said the following: ''Responsibility starts at the top. That's what the New Covenant is all about.''

In a further quote, and this was criticizing, in 1992, then-President Bush, candidate Clinton had this to say: ''The buck doesn't stop with George Bush; it doesn't even slow down there.''

I think it is fair to say that on this issue, the buck does not even slow down with the President. In fact, I have rarely seen a buck change hands so many times. From the perspective of the Office of the President and its occupant being moral leader for our Nation, what kind of example does that set for the American people? What kind of moral leadership is that? Each time that a leader fails to take responsibility for his actions, he undercuts his moral authority to lead. Over time, a leader like that loses the confidence of those he is leading, the people of our country.

So, more so than anything else that deals with this issue, dollars and cents aside, righting wrongs aside, that is the issue here, that is the reality of whether moral leadership is going to be the example at the White House. The bill is all about Congress taking the initiative to right a wrong, and those trying to block it are conspiring against the President taking responsibility for his mistakes. But the issue is moral leadership of the White House, a President saying when he is wrong that he is wrong.

So I urge my colleagues on the other side to save the President any more embarrassment. Stop legislative shenanigans. Work with us to do what little we can to repair what was unjustly done to seven dedicated public servants, innocent by a determination of the jury, unfairly fired within just a matter of days of a new President being sworn in.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, again, speaking about the bill that is before us, the bill to reimburse Mr. Dale for his legal expenses that were attributed to him in his defense when the jury found him innocent of the wrongdoing he was charged with supposedly at the running of the White House Travel Office and his firing by the White House, I want to continue my discussion of this legislation by referring to one of the evening news shows. I believe it is NBC that has a segment called ''In Their Own Words,''

that lets real people tell a story in their own words without the filter of a journalist's slant on that story. I would like to do my own version of ''In Their Words.''

On January 24 of this year, a hearing was held in the other body by the Committee on Government Reform and Oversight. The witnesses included the seven fired from the White House Travel Office. I want my colleagues to know firsthand of the indignity suffered by these seven at the hands of our leaders in the White House. So, for the RECORD, I will quote these seven employees in their own words from their own testimony, their own prepared statements before the House committee.

The first statement—and I am not going to quote the whole statement, just portions of it—the first statement is by Billy Dale, the person that the legislation before us involves. He was former director of the White House Travel Office. These are a couple paragraphs from his statement:

It was not easy for me or my family. We were subjected to the most intense intrusions and harassment you can imagine. We were sustained during those very difficult times by our faith and the many friends and professional colleagues who stood by our side.

I had hoped that after the jury found me not guilty so quickly, we could return to the very quiet and simple life we used to live. However, since the release of David Watkins' memorandum describing how he was supposedly pressured to fire the entire staff at the White House Travel Office, I have been subjected to false attacks at least as vicious as the ones I was tried and acquitted. This time, however, there is no trial pending.

To further quote at another point in Mr. Dale's testimony:

What matters to me is that fancy lawyers and others who speak for the White House not be allowed to get away with the lie that my colleagues and I were involved in other kinds of wrongdoing. It also matters to me that people not be allowed to spread the equally vicious lie that I was willing to plead guilty to embezzlement before trial. And, finally, it matters to me that these same people not be allowed to tell the public that the Travel Office was cleaned up and is now managed better.

A further quote from Mr. Dale at another point in his testimony:

All these facts lead us to conclude that the financial mismanagement that the White House says is the reason we were fired is just a convenient excuse. If the President or the First Lady or anyone else wanted us out in order to give the business to their friends and supporters, that was their privilege. But why can't they just admit that that is what they wanted to do, rather than continue to make up accusations to hide that fact?

Another person who testified before the House Government Operations Committee is Barney Brasseux, and I quote from his testimony:

For me, the 19th of May, 1993 was the beginning of a difficult time and the first of several eventful days that turned my life upside down. I was fired, told to vacate the premises within 2 hours, driven out of the White House in the back of a cargo van with no seats, implicated by the White House in criminal wrongdoing and placed under investigation by the United States Justice Department, even though I had no financial responsibility whatsoever in the office.

Many questions and concerns have been raised in these reports regarding the handling of our termination. The manner of our dismissal, the damage to our reputations, the impact of this action on our families, the possible involvement of the First Lady of the United States, and the role of the Federal Bureau of Investigation are just a few. All of these issues are very important to me and I trust to you as well.

A further quote from John P. McSweeney. The title of his position at the White House was assistant to the director, White House Travel Office:

Although I have been a registered Democrat for 44 years, it was not a political but a civil service appointment. This came to an abrupt halt while I was on leave in Ireland when my son Jim called to inform me that the evening news shows had just announced that the entire staff of our office had been fired and that the FBI was starting an investigation for possible criminal activity.

Continuing to quote Mr. McSweeney:

Although the White House recognized that not all of us had any financial authority, for the next 30 months we all became part of a full-blown Department of Justice investigation with Billy Dale as their target. For myself, it involved FBI agents interviewing my neighbors, two grand jury appearances, two Justice Department and FBI interviews, and one meeting with the IRS, along with legal fees of over $65,000 of my retirement funds.

Over time, where before I had been intimidated, it now turned to complete frustration as the White House had free reign with the media in putting out its story while we were muzzled by the Justice Department. They presented me with a letter that stated that I was not a subject or target of their investigation at the present time, which meant that anything I said could be used against me.

Again, from Mr. McSweeney, he had this to say:

We were already described as no more than glorified bellmen for the press. I would only quote the President at his press conference of last week when he said, ''an allegation is not the same thing as a fact'' and also that [quoting the President] ''the American people are fundamentally fair-minded.'' [End of quote of the President.]

Mr. McSweeney goes on to say.

I would hope that he [meaning the President] would repeat his statement to some of his spokesmen.

Along these same lines, during your hearings of last week, a new so-what, who-cares attitude seemed to be the new theme for some in this room. During a recent First Lady interview, Mrs. Clinton expressed, as would any parent, how concerned she was and the effort she had made to help her daughter cope with hearing the many negative comments being made about her mother.

Blanche Dale, unfortunately, was not able to do so for her daughters over the past 30 months. She had to sit and watch as her daughter Kim who, 2 days after returning from her honeymoon, had to report to the Department of Justice and show how she had paid for her wedding, her reception, her honeymoon, and, since we were present at her reception, answer questions about any discussions we may have had.

Her daughter Vickie, when interviewed by the Justice Department, in explaining that she was giving her cash car payments to her father so that he could deposit them in the White House Credit Union for her, was asked if she was not uncomfortable with giving her cash to someone who was stealing money from the Travel Office.

To those who say so what, you should remember that the American people may have a gray area on legalese, but they know right from wrong.

That is the end of quoting from the House document.

The American people do know right from wrong. That is why a jury of peers of Mr. Dale acquitted him. That is why this legislation is before us, because the American people do know right from wrong. But the White House has not admitted right from wrong yet.

So, Madam President, I want to conclude by saying something that Shakespeare had to say in the play ''Othello,'' because the character of Iago in that play seemed to sum up nicely what each of these seven employees and their families went through. I will quote from Shakespeare.

Who steals my purse steals trash. But he that filches from me my good name, robs me of that which not enriches him, and makes me poor indeed.

That is what we are talking about here, Madam President. And this bill before us does not even begin to address what really makes these citizens poor. Money alone cannot do it, but this bill is a start. So I urge my colleagues to help make a start for them on their road to recovery.

I yield the floor and 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 (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to make a few comments about this Billy Dale bill.

As everybody knows, Billy Dale was unjustly persecuted. His colleagues were mistreated. The costs to them are unfair. You would think everybody in the Senate would want to immediately rectify all of those wrongs. I hope that our colleagues on the other side will not filibuster this because of their concerns about other legislation that they will have an opportunity to bring up.

This is very, very important legislation. It is fair. It will establish a decent resolution to what really has been awful. Let me just give the time line of some of the Travel Office events so that everybody understands, at least to a certain degree, what happened here.

On May 19, 1993, the White House fired all seven Travel Office employees. At least two of those individuals first learned about their dismissals on the evening news. Talk about a crass way of doing it. The White House first stated that the firings came as a result of an internal audit revealing financial irregularities in the office.

Several months of independent review and oversight hearings uncovered

the actual motivation for the firings. Certain people, hoping to advance their own financial interests, attempted to destroy the reputations of the Travel Office employees and take over the Travel Office business of the White House, and, I might add, some indication of the whole Government. These same persons used White House staff members to initiate a baseless criminal investigation by the FBI. It was one of the low ebbs in criminal law enforcement in this country.

According to the congressional investigation, certain individuals were responsible for the firings—Catherine Cornelius, a cousin of the President employed at the White House; Harry Thomason, a close personal friend of the President and First Lady; Darnell Martins, Mr. Thomason's business partner; and David Watkins, assistant to the President for management and administration. These were the people primarily responsible for the firings.

In December 1992, discussions took place between Ms. Cornelius and World Wide Travel, the agency that served the Clinton-Gore campaign, about the eventual takeover of the White House Travel Office business.

In January 1993, Watkins hired Ms. Cornelius. Soon thereafter, the Travel Office began taking calls from Ms. Cornelius as the new head of the Travel Office.

In February 1993, Ms. Cornelius provided Watkins with a proposal that would make her a co-director of the White House Travel Office and would hire World Wide Travel as the outside travel specialist.

In April and May 1993, Ms. Cornelius began to focus on the Travel Office and with Harry Thomason claimed that there were allegations of corruption within the office. During this time, Ms. Cornelius and Mr. Thomason pushed to have World Wide take over the Travel Office business.

In May 1993, employees of the White House counsel's office, Ms. Cornelius, and others met with the FBI regarding the Travel Office. Although the FBI was unsure that enough evidence existed to warrant a criminal investigation, William Kennedy of the White House counsel's office, former partner of the First Lady, informed Bureau agents that a request for an FBI evaluation came from the highest levels. At this time, it was determined that the accounting firm of Peat Marwick would be asked to perform an audit of the Travel Office.

On May 14, Peat Marwick's management consultants made their first trip to the White House.

On May 17, Mr. Watkins and Mr. McLarty decided to fire the Travel Office staff. Although Mr. Dale offered to retire, Mr. Watkins told him to wait until the review was complete.

On May 19, Patsy Thomasson informed Mr. Kennedy that a decision had been made to fire the travel office workers. Kennedy informed the FBI, who warned him that the firings could interfere with their criminal investigation. Kennedy informed the Bureau that the firings would go ahead anyway.

That same day, before the bodies were even cold, Mr. Martens called a friend from Air Advantage to have her arrange the Presidential press charters. Meanwhile, Mr. Kennedy instructed Mr. Watkins to delete any reference to the FBI investigation from talking points on the firings.

At 10 a.m. that same morning, Watkins informed the travel office employees that they were being fired because a review revealed gross mismanagement in the office. They were initially told that they had 2 hours to pack up, clean out their desks, and leave. Watkins learned that press secretary Dee Dee Myers had publicly disclosed existence of the FBI investigation as well as the Peat Marwick review. Later that same day, Myers gave another press briefing in which she denied that an FBI investigation had taken place. She claimed that the firings were based on the Peat Marwick review.

Interestingly, the Peat Marwick review was not finalized until May 21, 1993, 2 days after the firings. The report was dated on May 17, however. The report gave no assurances as to either its completeness or its accuracy. In any event, while the report found certain accounting irregularities, it found no evidence of fraud.

In May 1994, the General Accounting Office reported to Congress that while the White House claimed the terminations were based on ''findings of serious financial mismanagement weaknesses, we noted that individuals who had personal and business interests in the travel office created the momentum that ultimately led to the examination of the travel office operations.'' GAO, the General Accounting Office, further noted that ''the public acknowledgment of the criminal investigation had the effect of tarnishing the employees' reputations, and the existence of the criminal investigation caused the employees to retain legal counsel, reportedly at considerable expense.''

Of course, as everyone in this body knows, Mr. Dale was the only travel office employee to be indicted. And it took a jury only 2 days to acquit Mr. Dale after a 13-day trial.

There was no reason to indict Mr. Dale. There was no reason to tarnish the reputation of these White House Travel Office employees. There was no reason to brutalize these people the way they were brutalized. And there is no reason for us in this body not to pass this legislation unanimously and to resolve this manner in an honorable, compassionate, reasonable, honest, and decent way. That is what this is all about. This is to right a wrong, or a series of wrongs.

It may never fully resolve the tarnishing of the reputations of these people. It may never do that. But at least we can do what we can do at this late date, because of the injustices that were committed at the White House by certain White House employees and whoever those were who were referred to as those at the top of the heap, at ''the highest levels of the White House.''

Frankly, whoever they were, they ought to be ashamed of themselves because in all honesty, these poor people, whose situation we are trying to resolve today, have been very badly damaged.

I do not know what it means, by ''the highest levels of the White House,'' but I have carefully stayed away from some of the characterizations that others have given, where there are some facts that would indicate who are at the highest levels of the White House and who were at that particular time.

Just so everybody knows about what is going on here, this legislation provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseux, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright. The legal expenses are in connection with the wrongful criminal investigation launched against these seven people subsequent to their firings.

Though Mr. Dale suffered the greatest financial loss, half a million dollars, the remaining six employees collectively incurred about $200,000 in their own defense. The appropriations bill for the Department of Transportation for fiscal 1994 provided approximately $150,000 in reimbursement of legal fees. This bill would provide the balance.

This bill would not provide for compensation of all expenses associated with the investigation into the Travel Office matter, such as legal costs incurred in preparation for appearing before Congress. But it would provide for attorney's fees and costs that resulted from these seven defending themselves against criminal charges.

The Travel Office employees will have 120 days after this legislation is enacted make a claim for legal expenses. All legal bills submitted will be reviewed for their appropriateness and any reimbursement will be reduced according to prior Department of Transportation reimbursements.

According to independent counsel statutes, attorneys' fees may be reimbursed to individuals confronted with the unique circumstance of being subject to the scrutiny of a Federal investigation. This is not something that the ordinary U.S. citizen is subject to. In the case of the White House Travel Office firings, the staff of the Travel office was investigated by the Department of Justice, Federal Bureau of Investigation, and the Internal Revenue Service. But for the fact that they were Federal employees, who were fired by the White House, these individuals would not have been investigated by these agencies. The White House was able to bring the power of Federal law enforcement to bear on otherwise

blameless individuals. And people know that they are blameless.

Reimbursement of legal fees under independent counsel statutes was designed, at least partially, because of the potential for political abuse of the investigative power of the independent counsel. The White House has the authority to wield tremendous power with respect to Federal investigations. None of the Travel Office employees held prominent posts in the White House, but they became a target of a Federal criminal investigation. These public servants never should have been scrutinized in this way and forced to defend themselves in this manner.

Hamilton Jordan, who worked for the Carter administration, is an example of a case in which attorney's fees were reimbursed. Mr. Hamilton Jordan was investigated for charges of cocaine use. After an independent counsel was appointed and the evidence was examined, all charges were dropped. I felt that was a low point in our country's history. In defending himself through this ordeal, Mr. Jordan spent thousands of dollars in legal fees. Since the charges were baseless, Congress provided reimbursement of his legal expenses and related costs. His legal fees were reimbursed, in part, because he was a Federal employee and would not, under ordinary circumstances, be subject to an independent counsel investigation. The circumstances of the Travel Office employees are similar in this respect.

Mr. President, I hope my colleagues on the other side are not going to delay this bill. I hope that, as serious and as deeply as they feel about other matters, that they will recognize the injustices that have occurred here and we will all vote 100 to zip to rectify these wrongs that have occurred to these White House people, former White House people.

Like I say, we may never be able to make it up to them because of the tarnishing of their reputations that occurred through this process. But we ought to do the best we can, and that is what this bill is all about. It is the right thing to do. It is the appropriate thing to do. It is the compassionate thing to do. And I think it is a long overdue thing to do.

I do not know anybody on the other side who would vote against this. I do not know anybody on the other side who would differ with what we are trying to do here.

This has been a bipartisan effort. Like I say, 350 Members of the House voted for it, only 43 against it. I think it is time for us to do what is right here, and I hope my colleagues on both sides of the floor will help us get this done today.

I see my colleague would like to speak. I have some other things I want to say on another matter. Is it on this matter?

Mr. PRYOR. Mr. President, if the distinguished Senator from Utah will allow me, I would like to make a few comments and maybe engage the Senator in a couple of questions, if that is permissible.

Mr. HATCH. That is fine. I will be happy to.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. HATCH. I yield.

The PRESIDING OFFICER (Mr. COATS). The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. I thank the Chair for recognizing me, and I also thank the distinguished Senator from Utah, the chairman of the Judiciary Committee, for allowing me to make a few comments and observations, plus ask a couple of questions.

First, the distinguished Senator from Utah, Mr. President, just said that the proposal to appropriate or to allocate some $487,000 to pay the legal fees for Mr. Billy Dale is to right a wrong. I think this body wants to right a wrong, and I think this body, if there has been a wrong committed in the Billy Dale matter, will support the distinguished chairman of the Judiciary Committee.

However, before we do that, I think we need to really ask ourselves what we are doing here.

First, to right this wrong, as the distinguished chairman has mentioned, we are going to be overlooking a very, very large number of individuals who have been wronged. Now, are we going to apply this same test and this same standard, are we then going to try to right this wrong for many, many people who have come to testify before the Special Watergate Committee, who have testified before Kenneth Starr's grand jury and before the trial in Little Rock, AR? What sort of a standard are we going to adopt for these individuals?

For example, Maggie Williams is the secretary to Mrs. Clinton at the White House. Today, she is not a target. Today, she does not expect, I assume, to be indicted. Today, there is no one who stands at the gate with shackles or leg irons to take Maggie Williams off to jail, but today she owes over $200,000 in legal bills. This is not someone who makes a great sum of money, relatively speaking, Mr. President. This is someone who, basically, was doing her job as she saw fit, along with many other people who are involved in the White House and who have been called before the special committee and before Mr. Starr.

We have had 45 hearings and 5 public meetings. This committee has met 250 hours. The committee has heard testimony from 123 individuals. They have taken depositions from 213 individuals. Some of these witnesses have testified and have been deposed two and three times. These numbers do not include the hundreds of other citizens who have been deposed and appeared as witnesses before committees in the House of Representatives, the independent counsel, the RTC, and the FDIC.

Mr. President, I ask my friend from Utah, is there not some degree of sentiment or concern for these individuals? Perhaps I can pose that question to my friend.

Mr. HATCH. This is considerably different from Whitewater. I have to say the Whitewater investigation is not completed. As a member of the Whitewater Committee, I have to say that there is an awful lot of undercurrent, an awful lot that is wrong with what went on in that area. There are a lot of unanswered questions. There are documents still to be delivered. There are questions concerning each of the witnesses who have appeared. I think until that is resolved, as was Billy Dale's, I do not think we can make a determination as to whether we should get involved with attorney's fees.

Let us assume there is a tremendous injustice at the end of the Whitewater matter. I think you are going to have a rough time making that case with all of what some would call the sleaze factor throughout the Whitewater hearings and proceedings. But let us assume that it turns out to be the same as Billy Dale's and the White House Travel Office employees' acquittal or even a clear-cut set of facts that there really was nothing wrong and nobody did anything wrong. I personally believe that is going to be a hard conclusion to reach after having listened and watched the Whitewater proceedings now for a long time. But let us assume that happens. Yes, I would be interested in righting that wrong as well.

In this case, we have come to a conclusion. I think the effective conclusion was when Billy Dale had to go through the litigation and the courtroom proceedings, having been accused of criminal activity, having been indicted and having gone through a jury trial and having a jury of his peers conclude that Billy Dale was an honest man. I think the facts showed he was an honest man throughout this process.

I think that is completely distinguishable, at least at this time. Now, if at the end of Whitewater there are those who have been unjustly treated in the same manner who had the same clear vindication that Mr. Dale and his colleagues have, yes, this Senator would want to do what is right there as well.

Until it is concluded, I do not see how you can argue that is the same situation. Although I have to tell you, I really believe there is far too much of this stuff going on, these counteraccusations back and forth, and far too many things that are done on a political basis.

Frankly, one last thing, since Whitewater—let me just make that point a little bit better, too. I think there is far too much politics played on both sides from time to time. But just to make the point on the Whitewater, I have to say, the subject of Whitewater is the subject of an independent counsel investigation, which Billy Dale's was not, and subjects of an independent counsel investigation will have a right to be compensated for attorney's fees, assuming there is no

wrong, if there is no indictment handed down, and that is the way the law is. So there is a protection built in on the Whitewater matter that is not built in on the Billy Dale matter.

Be that as it may, my colleague has been a friend of mine for a long time. He knows me, and I know him, and he is my friend. He knows if I think there is an injustice, I do not care about the politics, I am going to try to right that wrong. In this case, I do not think anybody denies there was an injustice. I do not think anybody denies there was a series of wrongs. I do not think anybody denies his reputation and those of his colleagues were besmirched and tarnished by inappropriate action by certain people at the White House and others. I do not think he would deny at all there is no other way to get them reimbursed for this travesty which happened to them other than our doing the right thing and compassionately standing up and saying we are going to reimburse them.

Mr. PRYOR. Mr. President, I think it is time to set the record straight. The distinguished Senator from Utah has stated if Billy Dale, who has been indicted and now we are about to pay his attorney's fees—if there is an indictment by the special counsel, by Kenneth Starr, or any other special counsel, if that indictment ever comes forth, then the attorney's fees are not automatically paid, they are not reimbursed if there is an indictment by the special counsel.

We are carving out a very special, new area here, Mr. President, and I think we ought to all know what we are doing.

Mr. HATCH. Let us make it clear. If Maggie Williams, to use the distinguished Senator's illustration, is not indicted, she is entitled to attorney's fees reimbursement. If she is indicted, she is not.

If she is indicted and she is tried in a court of law—and I do not mean to pick on Maggie. The Senator used the illustration. Let us use just a hypothetical. Let us say ''A'' is indicted. They go to the criminal trial, and ''A'' is convicted. We are not going to pay the attorney fees in that situation. But let us say ''A'' is acquitted, then I think it is an appropriate thing for us to come at that time and see what we can do to right the wrongs that were there.

Mr. PRYOR. I think once again, Mr. President, we are setting out Mr. Dale as a very special individual. This is special legislation to benefit him. Others do not have the benefit of this special legislation. I am simply saying that if we are going to do this for one, I do not understand why we do not do it for others.

Mr. HATCH. If the Senator would yield. I do not think we should do it prospectively. I think if we see wrongs, we can right them on the floor. I do not see any reason to have any problem righting this wrong. If there are wrongs that need to be righted in the future, as chairman of the Judiciary Committee I am going to do my best to right them. My colleague knows that is so. I do not care about the politics and who is on whose side. If I think it is wrong, we ought to do it. But I do not think we should do it prospectively for a blanket righting of wrongs without knowing what case it is.

This is special legislation, there is no question about it. But, Mr. Dale, Billy Dale, is a special case. He was singled out by the White House for an unjust prosecution, frankly, very unjustly so, wrongly so. I think, since my friend is from Arkansas and is the strongest supporter of the President here, that he would give credibility to even the President's comments that he thinks this ought to be righted, these wrongs ought to be resolved.

Mr. PRYOR. Once again, I think, Mr. President, we need to set the record straight. The White House did not prosecute Mr. Dale. The White House did not prosecute Mr. Dale. The Justice Department prosecuted Mr. Dale. He was indicted by a grand jury. He was acquitted. Maybe that is good. I am not here to argue that. I may very well support this, but what I would say——

Mr. HATCH. Will the Senator yield? The Justice Department leaked his plea arrangements. The Attorney General is appointed by the White House. I am not blaming her. The White House has a certain element of control there. White House officials brought in FBI people. They directed the FBI to investigate this.

Frankly, without the White House, this travesty would never have occurred. It was people in the White House who absolutely were wrong. Everybody knows today who brought this about. I have to say, Billy Dale went down the drain financially and reputationwise because of people down at the White House, some of whom have greed on their minds with outside people, who did not care about Billy Dale, did not care who they tramped on. They did not care about this poor little guy who served eight Presidents, and his colleagues, and put them through an untold amount of misery, that he still is suffering from, and has broken them without any justification whatsoever, not any. Even Peat Marwick agrees with that.

Mr. PRYOR. Mr. President, the distinguished Senator from Utah made an impassioned plea for justice, an impassioned plea to, so-called, right a wrong. I hope the Senator from Utah will apply that same passionate plea for justice to my sense-of-the-Senate resolution. I hope that the Senator from Utah will allow me, this Senator from Arkansas, to call up amendment No. 3959 to this Travelgate proposal and allow a sense-of-the-Senate resolution to go forth.

If I might ask the distinguished Senator, has the Senator filled up the tree or is an amendment possible?

Mr. HATCH. The tree is filled up.

Mr. PRYOR. Is there any reason why we cannot amend this bill? I want to know that.

Mr. HATCH. What is the sense-of-the-Senate resolution?

Mr. PRYOR. I am glad the Senator asks.

Sense of the Senate for the reimbursement to certain individuals for legal expenses relating to the Whitewater Development Corporation investigation.

FINDINGS. The Senate finds that—

(1) The Senate Special Committee to Investigate Whitewater Development Corporation and Related Matters . . . has required depositions from 213 individuals and testimony before the committee from 123 individuals;

(2) many public servants and other citizens have incurred considerable legal expenses responding to requests of the Committee;

(3) many of these public servants and other citizens were not involved with the Whitewater Development Corporation or related matters under investigation;

And here, I say to my friend:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a legal expense fund should be established to compensate individuals for legal expenses incurred responding to requests by the Committee; and [finally]

(2) only those individuals who have not been named, targeted, or convicted in the investigation of the Independent Counsel relating to the Whitewater Development Corporation should be eligible for reimbursement from the fund.

If they are indicted, they do not get any compensation for their attorneys. If they are not, if they are not named, if they are not a target—how in the world can we keep bringing these people up here, arraigning them before the committee, making them pay their own expenses, making them absorb all these legal fees? How can we do it? I hope you will allow me to introduce and present this sense-of-the-Senate resolution.

Mr. HATCH. Of course, we cannot do that. First of all, there would be somebody in here on every congressional hearing. So we cannot allow that. That is way too broad. Second, you know, our bill does not cover congressional hearings. This Billy Dale hearing does not cover congressional hearings. I am talking about the bipartisan bill of both sides. It does not cover congressional hearings. They are not going to be reimbursed for their attorney fees for that. They are reimbursed for their attorney fees to protect themselves from criminal charges.

Frankly, this is not going to reimburse Mr. Dale for everything he has incurred. It certainly is never going to get his reputation back, although I think everybody who knows him and knows what happened probably respects him even more today for having gone through what he did.

Let me just make a point here. Even some of the most partisan people in the House were in favor of this bill. A person I have a lot of respect for as one of the more intelligent Democrats in the House is BARNEY FRANK of Massachusetts. This is right out of the CONGRESSIONAL RECORD during the House debate. He said this:

Mr. Speaker, the Congress retains always not the right but the responsibility to make

judgments case by case. I think the gentleman from New Mexico has fairly pointed out, should some other individuals come before the Congress and be able to make claims that Congress finds similarly meritorious, they may benefit. I do have to differ a little bit with the argument that says, ''Well, we should not do it for anybody if we cannot do it for everybody.''

Then he goes on to say:

Mr. Speaker, we unfortunately rarely can do justice for everyone. I have myself, because I served on the Administrative Law Subcommittee, which dealt with claims on the Immigration Subcommittee, been part of bringing to this floor legislation that made some people whole when other people similarly situated were not made whole. We can never do it all. And I think it would be a mistake to say either we do all of it or we do none of it.

Then he goes on to say:

Mr. Speaker, I thank the gentleman from New Mexico, who I think stated it the best way we can. This neither sets a precedent nor precludes someone. Any new case will be judged on the same merits.

There is one of the leading Democrats on the Judiciary Committee in the House, one of the brightest people in the House of Representatives, a person I have worked with ever since he has been here, I have to say, someone who is known as a very intelligent, aggressive, and effective partisan in the Democratic Party, and someone whose liberal credentials I think would match anybody's over here. He made it clear that you just cannot solve every case with one bill.

I will just say this to my dear friend from Arkansas. I feel for people who are called before congressional hearings. I do. I wish we never had to call anybody, except to enlighten us and help us pass better legislation. I do think independent counsel are used far too often. I also think that far too often people do have to hire attorneys around here just to make sure they are protected and they have some protection for themselves.

I understand that personally. There were very unjust accusations against me where I had to hire attorneys that cost me over $300,000 just to make sure that nobody pulls any dirty tricks on you. Frankly, nobody understands that. Nobody reimbursed me, I have to say. I think there are many, many other Members who have had similar situations where they have been very unjustly treated and where they get stuck with attorney fees. I personally do not like it. I personally think it is wrong.

In Whitewater, I think we do have to wait until it is over, at least until we conclude the hearings, and then determine if people are indicted—if they are indicted; if they are not, they are not—and then determine which cases are those where there has been injustice. It has to be on a case-by-case basis. That is my experience in the Judiciary Committee. Otherwise, we would be the fountain of all money here.

Now, with respect to your amendment, I note that, No. 1, the Whitewater investigation is not complete. When it is, we can consider whether or not we will compensate people for testifying regarding Whitewater. Your sense-of-the-Senate resolution would set a bad precedent to provide compensation even before the investigation is complete.

No. 2, our bill, unlike your sense-of-the-Senate resolution, does not provide compensation, any compensation, for those who might testify before the Congress. It provides compensation in this case for what are legitimate reasons, what are compassionate reasons, what are honest and just reasons, that I think virtually everybody, except 43 Members of the House, would agree with.

I think if my colleague would take my word for it, I certainly will try to rectify any injustices that come in the future, whether from Whitewater or others, and I think maybe by remedying some of these things, maybe we can get Members of Congress and other people who are so quick to smear people to not do so much because it will cost the taxpayer occasionally to rectify these wrongs.

Frankly, I would like to get rid of the smear tactics in the White House, and sometimes in the Congress, and get down to doing our jobs and doing them modestly, without trying to make political advantage, as some have done—I am not accusing the Senator from Arkansas of doing this—as some have done in times past.

I think this is a completely distinguishable thing from Whitewater, even though I understand the distinguished Senator has many friends who have been involved in the investigation and is concerned about them, as I would be if I was their Senator. I think, justly, he is raising these issues so we will be more sensitive about them in the future. I assure my colleagues I will be sensitive about them.

Mr. PRYOR. Mr. President, I think there is another injustice here, and that injustice is that we are bringing this measure to the floor of the Senate and we are being precluded from offering any amendments to it whatever. We cannot offer any amendments to it.

Now, I wonder how defensible that position is by the Senator from Utah, when all that I have here is a simple sense-of-the-Senate resolution. It does not require anything. It does not appropriate one dime. It merely says that a legal defense fund should be established to compensate individuals for legal expenses incurred, responding to requests by the committee, and only those individuals who have not been named, targeted, or convicted in the investigation of the independent counsel related to the Whitewater Development Corp. should be eligible for reimbursement from the fund.

Does the Senator from Utah say that he is going to preclude me from offering this amendment, this simple sense-of-the-Senate resolution?

Mr. HATCH. I am saying that the Senator is already precluded because the trees are filled up.

Second, we should just understand here, the reason why the trees were filled is because this is a noncontroversial, bipartisan-supported, I think, 100 to zip vote in the Senate, and some of our colleagues on the other side want to load it up with controversial partisan amendments.

Frankly, I would just like to pass the bill and find the right vehicle to bring up the partisan amendments. With regard to the Senator's sense-of-the-Senate resolution, which I think he would have to admit would not be binding on anybody, frankly, I think the Senator should take my word that if there are injustices with these people, we will work them out in the future. As chairman of the Judiciary Committee, I do not want any injustices there any more than I do in the case of Billy Dale. Until the investigation is complete, I think it is untoward for us to try to set up or even mention in a sense-of-the-Senate resolution that we should set up a general fund to take care of these things. We can take care of these things.

In the past when we have had injustices, we have come in with special bills like this to resolve them. That is the way they ought to be done. We have not resolved all injustices in the past. I know some that should have been but were not. In this case, this is one everyone admits ought to be adjusted, except for 43 Members of the House of Representatives. I think everybody in the Senate thinks it ought to be adjusted and resolved. I personally want to get this resolved. I hope my colleagues will let us do it. I think, of all the things to filibuster, this should not be it.

I can see other heavyweight bills where there is widespread political disagreement when a filibuster is legitimate. I would be the first to say you have every right to do it. On this bill, I think it is unseemly. It smacks of looking like you are trying to protect a White House when we just want to get it over with, or I want to get it over with and right this wrong. By dragging it out, you are saying you are not willing to right a wrong.

Mr. PRYOR. Mr. President, there is not one Member on this side of the aisle of the U.S. Senate trying to slow this bill down. We are not trying to slow this bill down. We are trying to offer a simple sense-of-the-Senate resolution. We have been locked out. We are not going to be able to offer any amendments to this.

Now, another amendment that could slow this bill down—and I assume the Senator from Utah is not going to let this Senator offer that amendment, talking about ''to right a wrong''—and that is to deal with the GATT loophole, the GATT loophole as it relates to Glaxo and Zantac, forcing the seniors of America, forcing the consumers of America and the veterans of America to pay an unreasonable fee for Zantac and other drugs, $5 million a day—$5 million a day. I do not see the Senator

up here saying we have to right that wrong.

Mr. HATCH. Will the Senator yield?

Mr. PRYOR. Would you permit me to offer an amendment relative to righting that wrong, to protect the consumers from these unfair drug prices?

Mr. HATCH. If the Senator will yield, first of all, it is not a wrong. The Senate Judiciary Committee just passed a bill out to resolve that——

Mr. PRYOR. I want to talk about it.

Mr. HATCH. To resolve that matter, 10–7. That is the appropriate way to debate this. If the Senator disagrees with that bill, the Senator can do so.

I think it is telling here that we have a bill which passed the House 350 to 43 that the President said he would sign to right this wrong, that my friends on the other side of the aisle are attempting to derail.

Mr. PRYOR. We are not trying to derail anything.

Mr. HATCH. Sure you are, if you vote against cloture. Keep in mind, if we have cloture, any relevant amendment—this is amendable by any relevant amendment—if we get cloture, you can bring up any relevant amendment you want. Of course, the GATT amendment is not relevant. Any germane amendment, I should say.

I am really concerned that my colleagues on the other side are more concerned about partisanship than righting wrongs. Everybody knows that the GATT amendment which the distinguished Senator has tried to pass now for months and which is heartfelt on both sides, is certainly not germane to this bill. It is not relevant to this bill. It certainly would cloud this bill, as would any other amendment.

We want to pass a bill that rights this terrific wrong to Billy Dale and to his colleagues.

Mr. PRYOR. Mr. President, I hope my colleague will allow me to say something. No one knows more than the distinguished Senator from Utah that, under some conditions, relevancy does not matter as to an amendment in the Senate. It does in the House but not in Senate. So set that record straight.

Second, the Senator has mentioned that the Judiciary Committee on Thursday, 10 to 7, passed out the solution to the Glaxo amendment.

Mr. President, what this did, this particular measure, I say in all respect to the distinguished chairman of the Judiciary Committee, the Judiciary Committee's proposal to correct the Glaxo issue made matters worse for the generic drug companies by adding 20 more months of patent protection for Glaxo and for a handful of drug companies that are reaping a $5-million-a-day windfall from our error. That is what the bill did. This bill that came from the Judiciary Committee on Thursday added additional obstacles. It added months and perhaps years of court litigation.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 has arrived.

Mr. HATCH. Mr. President, I ask unanimous consent for another 30 seconds for each of us.

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

Mr. HATCH. What in the world does the Glaxo thing or the Zantac thing have to do with Billy Dale and getting compensation to Billy Dale? Tell me, what in the world does it have to do with this bill that everybody agrees ought to be passed, including the President?

Mr. PRYOR. Because it is based upon the same principle the Senator from Utah enunciated when he got up to speak. This is to right a wrong. The GATT issue is to right a wrong. I subscribe to that same issue.

Mr. HATCH. Well, there are two sides to that issue. Thus far, the Judiciary Committee has taken a side that the distinguished Senator from Arkansas does not agree with. The fact is, there is a time to debate that bill. Let us bring the bill up and have a full-fledged debate, and I think everybody will realize there is much merit as to what the Judiciary Committee did.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I ask unanimous consent that the time before the recesses be extended for 4 minutes.

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

REAL WELFARE REFORM

Mr. BREAUX. Mr. President, while the discussion has been interesting, I want to bring to the attention of my colleagues an article on Sunday with reference to the President's statement on welfare reform, which I think is very significant. While the Congress tries to come together on a welfare reform plan, it is very clear that the administration is trying to move forward on its own to get things done which are real reform. He said—and I totally agree—''We have to make it clear that a baby doesn't give you a right, and won't give you the money, to leave home and drop out of school.'' The President said that in his weekly radio address.

The Executive order that followed up on that statement, I think, is real welfare reform. What it does is simply require, through Executive order, without waiting on the Congress, that States require that teen mothers, who are having children, stay at home or live at home in adult supervision, or go to school, and that if they do neither, their welfare benefits would no longer be allowed to continue.

With this executive action, all 50 States will now be required to keep teen mothers, who are on welfare and who have children, in school; and that for the first time, the administration will now be able to—and intends to—audit all of those States to make sure that, in fact, they are doing that.

In addition, all 50 States will now be able to provide what are, in essence, rewards to encourage those who do stay in school, but also sanctions for those who do not. Teen mothers in all 50 States, who have dropped out of school, will now have to sign personal responsibility plans requiring them to get a job or go to school.

The whole idea behind this is self-sufficiency. It is clear that the whole system has not worked. In addition, all 50 States will be encouraged to require minor mothers to live at home, or with a responsible adult, in order to receive assistance.

Mr. President, it is clear, and we all know that about half of all welfare recipients in our country have their first child as a teenager. If we are really talking about true welfare reform, we have to encourage good behavior, staying in school, or living with an adult family, a mother and father, or a mother, or adult supervisor, to help provide the training for that person.

This action by the President is part of an ongoing effort to try and reform welfare. The administration has given welfare waivers to allow States to be creative to 37 of our 50 States, allowing them to impose tough time limits and tough, new work requirements. The whole idea is to be tough on work but good for children. It is high time that the Congress enact real welfare reform so that we do not have to continue to do it from an administrative standpoint.

But this was a very significant decision. I applaud the administration and President for taking it. Last, I think we are making some real progress in putting the welfare system back on the right track so that people will no longer have to be dependent on it.

It is clear, the President said once again, that having a child does not give you a right; it really gives you additional responsibility. This step on the part of the President will ensure that that responsibility on the part of teen mothers, working with adult supervision and going to school, is going to bring about real welfare reform.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:14 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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, hereby move to bring to a close debate on H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2937 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. PELL. Mr. President, on this vote, I have a live pair with the Senator from Vermont. If he were here, he would vote ''nay.'' If I were permitted to vote, I would vote ''yea.'' I therefore withhold my vote.

Mr. LOTT. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Inouye	Robb
Byrd	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
Dodd	Kerry	Wellstone
Dorgan	Kohl	Wyden
Exon	Levin	

PRESENT AND GIVING A LIVE PAIR

Pell, for

NOT VOTING—3

Chafee	Lautenberg	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I and many others are very disappointed we cannot move forward on this legislation. I believe this legislation is very important to provide relief for Mr. Dale and six other members of the White House Travel Office. I think it is the right thing to do. To me, the bill is a decent gesture that Congress can make to seven individuals who have been forced to endure a tremendous injustice. These people were publicly, knowingly, and wrongly accused of severe improprieties. They had their careers put in jeopardy, their finances devastated and their reputations forever stained for what appears to be an effort for personal gain of insiders.

Three years ago when Billy Dale and the other members of the Travel Office were fired, the statement released by the White House on the firings was a source of immediate concern. It said:

Within the Travel Office, we found sort of gross mismanagement, if you will. There is basically very shoddy accounting practices, mismanagement and a number of other things. In order to correct those, we thought it advisable to take immediate action.

My concern over those firings was certainly not eased when it was disclosed that the Travel Office staff was fired based on an audit that was neither complete nor available to anyone for review. The Travel Office staff was fired and accused of mismanagement without being given the opportunity for a hearing or a chance to clear their names. Finally, travel business that was handled by salaried employees of the Federal Government previously and done on a noncommissioned basis was turned over to a Little Rock travel group.

At that time, I was ranking member on the Treasury, Postal Appropriations Subcommittee, which has jurisdiction over the funding for the White House. I sent a personal letter to the President requesting answers to the questions and the reasoning for selecting the Little Rock travel agency.

Unfortunately, like so many things from the administration, we did not get straight answers. There were half-truths and misleading statements. What the White House should have done is have the courage to tell the public the individuals were fired so that business could be given to friends of the First Family.

But instead, the White House made the decision to question publicly the integrity of seven career civil servants. Unfortunately for Mr. Dale and his colleagues, they also launched an investigation and a prosecution and hid behind the accusations.

As one commentator stated:

The administration tried to transform a prosaic personnel change into an act of moral heroism.

The President immediately absolved himself saying:

I had nothing to do with any decision except to save the taxpayers and the press money. The only thing I know is we made a decision to save taxpayers and the press money. That's all I know.

The First Lady also denied any involvement. Then an embarrassing memo was released from David Watkins in the White House laying the responsibility for the firing squarely at the feet of the First Lady. Despite this memo, denials continued from the White House. She maintains that she just ''expressed concern'' regarding mismanagement.

The White House remained unflinching in their refusal to admit that the firings had anything to do with anything other than financial mismanagement on behalf of the Travel Office staff. It was undoubtedly to continue that perception that the White House pushed the Department of Justice on to Mr. Dale. They had a very weak case, and they went forward nevertheless at a tremendous personal and financial cost to Mr. Dale.

Despite the White House spin and the efforts to lay the blame at the feet of Mr. Dale and his colleagues, the facts have come out. These are not pretty.

No. 1, a cousin of the President who had worked on travel during the campaign wanted to head the White House Travel Office.

No. 2, a Hollywood friend of the President had an interest in an airline charter company that wanted to profit from the White House business, and he was not happy the Travel Office was not giving him any opportunities.

No. 3, the relative of the President and the Hollywood friend concocted stories of corruption and people on the take. The President's cousin even took documents and files out of the Office to try to make a case against the Travel Office staff.

No. 4, according to the memo from David Watkins, the First Lady said we would have hell to pay if we cannot comply with the First Lady's wishes to fire the staff.

Finally, the White House made a public statement accusing the staff of gross misconduct. The White House, despite longstanding policy to the contrary, without checking with the Department of Justice, contacted and politicized the FBI to try to back up their efforts.

Unfortunately, after much personal harassment and great disruption and embarrassment to all of the members of the White House travel staff, the punishment did not end there. Mr. Dale was indicted for allegedly embezzling funds. But, as all of us now know the jury found him not guilty in less than 2 hours. As the distinguished chairman of our Judiciary Committee has noted yesterday, that is usually the amount of time it takes most juries to get organized. Talk about an open-and-shut case. That one was clearly it.

Mr. Dale said after his acquittal he was relieved and prepared to go on with his life. Unfortunately, that is not what happened. Within weeks the Watkins memo surfaced—and it squarely contradicted the sworn testimony of the First Lady before GAO investigators—and the Clinton damage control team went into a full-court press. The White House spin doctors, Anne Lewis, the Clinton campaign, and high-priced Washington lawyers, including Mr. Bennett, and even the First Lady herself in interviews, continued to make allegations that had been thrown out in the criminal proceedings against Mr. Dale and the White House staff.

I think enough is enough. The dedicated public servants who worked in the Travel Office have suffered enough. I think that this bill is a small gesture which would not only offer some consolation to these people, but help them get out of the financial hole this whole matter has caused them. It was with great disappointment that we learned that the other side has chosen to filibuster this. My only guess is that this is an effort to save the President the embarrassment of having to sign this bill.

I urged last week that the majority leader bring this bill to the floor so we could hear arguments against it on the Senate floor. I am still waiting to hear any compelling argument. I appreciate the majority leader having called it up. I hope that one of these days very shortly we can get on with doing a very simple act of justice by providing compensation for some of the expenses and costs incurred. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I believe, considering the results of the last vote, where it is very clear that there is a filibuster by the opposition to hold this bill up, it is important that the public have a chance to weigh in because this is such a political issue here trying to avoid this bill coming to the White House to save the President the embarrassment of signing it. When there are this much politics in the issue, and the public at the grassroots weigh in, they can make a considerable impact on the legislative process here in the Congress of the United States.

This may be one of those times when the public can make a difference, because this is clearly such a political move by the other side of the aisle. If politics wins out over right, then in the end wrong wins. It seems to me that the public will not want that to happen and they cannot allow that to stand.

This is such a clear-cut issue. First of all, there are seven employees involved that were fired. We have already taken legislative action for the others, but for Mr. Dale, no, because at the time we took action for the others, his trial was pending. Mr. Dale was subsequently then found not guilty by the jury.

So now we are taking action to do for Mr. Dale the same as we did for everybody else. There was not any debate in this body whatsoever over the action that we took on the others. It went through noncontroversial. The situation with Mr. Dale should be handled the same way. It should have gone through here in what we call wrapup at the end of the day and do it where we do all the noncontroversial measures.

But what we have seen today is politics at its best—politics at its best in the sense that the stonewalling is at its best, to see something that is right not to go on, not to go through, because there might be some embarrassment for the President. The Democrats want to protect the President from that embarrassment. Today what we have seen is kind of a drive-by sabotage of this effort to right the wrong that has been conducted against Mr. Dale, because he was unfairly, wrongfully fired.

Maybe there is no question he could have been fired, but the point is how the White House has tried to explain it and supposedly explain it away as a legitimate way of doing business. All the harm that has come to the family, not only of the employee who was fired, but the family because they have been wrongly treated, wrongly treated by a person who ought to know because he preaches the communitarian spirit that we ought to have one toward the other. That is what the President of the United States preaches.

We ought to have charity. This does not show the charity that the President preaches that we all ought to have one toward the other when somebody is wrongfully fired, when you bring the FBI and the Justice Department to bring a guy to trial. Then he has gotten off, and then we are trying to right that wrong by covering the legal expenses of Mr. Dale. It is wrong for the other side, acting at the behest of the White House, to avoid embarrassment for the White House for this all to go on and then at the other time preach a spirit of charity and communitarianism towards one another in this country.

The whole effort is being sabotaged. Worse yet, it is being sabotaged without even the other side engaging in much debate on the issue. They have really succeeded in legislative harassment of Mr. Dale, the same sort of harassment, just in another environment, that has been done against Mr. Dale by the White House, by the Justice Department, by the IRS. Thus continues, as I see it, the White House campaign to avoid embarrassment on this issue.

It is very clearly a clear-cut, right-versus-wrong issue. Politics has won out this day. The President continues to avoid responsibility for his actions. The victims continue to be wronged. That is why when it is so clear-cut, when our judicial system has cleared somebody, then I think it is a time for the American people to weigh in.

I ask the American people to make their voices heard on this issue, to hold the President's feet to the fire. Even if you are a Democrat out there in Main Street America, it seems to me that you want your President to do what is right. What is right is to sign this legislation, to call off the hordes on Capitol Hill that are preventing this measure from coming to a vote, and have the President demonstrate his charitable attitude that he preaches. Tell the President of the United States to show moral leadership, to do the right thing, to sign this bill.

Lastly, if politics wins in this instance, then it wins over right. When that happens, politics wins over right, then wrong wins. The public cannot allow this to stand.

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

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

REPEAL THE GASOLINE TAX

Mr. GRAMM. Mr. President, there is a growing concern in our country about the rise of fuel prices, the rise of gasoline prices. Obviously, the President shares this concern. We have committee hearings underway. We have studies. We have investigations.

We all know that there is only one thing we can do that is going to bring down gasoline prices immediately. In fact, we have the capacity, by acting now, to bring down the cost of filling up the gas tank on your car, on your van, on your truck. We can save you about $1 a fill-up by repealing the 4.3-cent-a-gallon tax on gasoline that was adopted in 1993.

That gasoline tax increase did not go to build new highways; it went to general revenue. What we would like to do today is repeal that gasoline tax. We would like to repeal that tax on highway gasoline, on highway diesel fuel, on railroad diesel fuel, on inland waterway diesel fuel, on aviation gasoline, on noncommercial jet fuel, and on commercial jet fuel. We would like to repeal that 4.3-cent-a-gallon tax on each of those fuels, do it today and have that repeal in effect until the end of the year, giving us an opportunity to write a budget and to institute a permanent repeal as part of that new budget.

It would be our goal today to pay for this loss of revenue by cutting the overhead and travel budget of the Energy Department and by selling a very small part of the spectrum, something that the President has supported at a level of $38 billion of sales, something that the Congress is on record in favor of. On a $19 billion sale, we would have roughly a $2 billion sale as part of this package.

If you want to bring down the price of gasoline at the pump, if you want, by Friday morning, to have every filling station in America going out, opening for business, bringing down their posted price by 4.3 cents a gallon, saving every motorist in America about $1 when they fill up their tank, there is only one thing we can do, and that is repeal this tax on gasoline.

I hope we can do it today. I hope the House can act quickly, that the President will sign it, that we can grant relief. What a great thing it would be to do it on tax freedom day, when the average American family has worked from January 1 until today just to pay taxes.

For the first time this year, they are working for themselves. Today would be an excellent day to repeal this tax, to give relief to motorists and, in the process, let working families keep more of what they earn.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The majority leader is recognized.

Mr. DOLE. Mr. President, I particularly thank the Senator from Texas, who first raised this issue several weeks ago, and I thank him for his leadership. I think it would be an excellent day, since today is tax freedom day. Hopefully, we can reach an agreement here.

I think repeal of the gas tax will pass. The Senator from Texas has outlined how we pay for it—the spectrum sales, which is about $2.5 billion in savings, and the Energy Department, about $800 million over the next 7 years. This would repeal it through the end of this year, and the Budget Committee would then come forth with repeal thereafter.

I also add that, of course, it is tax freedom day, and a lot of people have noted that. I am not certain how many taxpayers have thought about it, but, as the Senator from Texas pointed out, tomorrow they are sort of on their own. For the first 128 days, they have been working for the local, State, and Federal Government, just to pay their taxes. That is on the average.

Since President Clinton came on board, we have added 1 week to that because of the big, big tax increase in 1993 of $265 billion to $268 billion. So it has already been extended. You have to work an extra week, after 3 years of President Clinton, to get to tax freedom day.

Some would say, well, 4.3 cents is not really worth it. I think that, from the standpoint of sending a signal to the American people, we are serious about tax reduction, serious about tax freedom day. It is not just a day to make an appearance somewhere or make a statement on the Senate floor. We are serious about it.

As the Senator from Texas pointed out, this 4.3 cents is not going for highways, or bridges, or mass transit, or construction of any kind. It is going for deficit reduction. I have voted for tax increases in the past, as has been pointed out by my colleagues on the other side, to build highways and bridges. That is what we thought the fuel taxes were all about.

In 1990, for a very short period of time, we had to divide a 5-cent tax increase between the deficit and the trust fund so that we could get our colleagues on the other side to go along with the budget agreement of 1990. That would have expired at the end of 5 years. But before that expiration date occurred, the big tax bill of 1993 took that 5 cents and put it all in the trust fund, but then added 4.3 cents to deficit reduction. Therein lies the problem of today. We have a permanent 4.3 cents gas tax for deficit reduction.

The people who build highways, who travel our highways, and use mass transit can understand if you are doing it to make the highway safer, for better transportation, better highways, and mass transit, but not deficit reduction. So we need to cut taxes for the average family. We also need to go back and look at some of the things that were vetoed last year, such as the $500-per-child tax credit, the expanded IRA's, tax relief for education expenses, estate tax relief for family businesses, marriage penalty relief, and a whole host of things we think are good incentives and should be adopted and would create jobs and opportunities.

American families—at least the ones I visit with—think they are paying enough in taxes. As I said, they are paying a lot more because of the legislation that was passed in 1993, without a Republican vote in the House or the Senate.

So today I am introducing, along with Senator GRAMM, and others, legislation repealing the 1993 gas tax hike. I am going to ask in a moment unanimous consent to bring the gas tax repeal to a vote on the taxpayer bill of rights. The taxpayer bill of rights 2 is pending at the desk. We can bring that up, offer an amendment, have 30 minutes of debate, and vote on it. It would then go to the House, and we will have repealed the 4.3-cent gas tax.

I hope we can have an agreement on this. It seems to me that we know it is going to pass. It is going to happen one of these days. It may as well happen today, as the Senator from Texas pointed out, on tax freedom day. So this would be a good day to indicate that we are serious about it.

There is some question as to whether the repeal would result in lower gas prices for consumers. On Friday, I was in Virginia at an Exxon station with Senator WARNER, Congressman TOM DAVIS, and others, and we were assured by the owner of the station—in fact, he is the owner of several Exxon stations—that, obviously, it was their intent to pass the 4.3 cents on to consumers. That is how they do business. They know their customers, and the customers are going to know whether or not it has been passed on to them.

Our amendment is drafted to ensure that this happens by providing an immediate tax cut against other applicable excise taxes. We also require that the Departments of Justice, Treasury, and Energy study fuel prices in June, July, and August 1996, to determine whether the gas tax repeal is passed through to consumers. Those Departments would be required to report back to Congress by September 30.

We also propose a sense of the Congress that the benefits of the gas tax repeal be made immediately available to consumers. So we have listened to the concerns expressed by our colleagues. We had the same concerns. We believe the benefits will go to the consumers. Just to make certain and erase any doubt or skepticism, we have added these provisions.

Repealing the 1993 gas tax will cut driving costs for families who drive to work, to school, to worship, or on vacation. There are many reasons for the skyrocketing gas prices. Maybe they will go up. We are not suggesting that the repeal of the gas tax is going to put the halt to rising gas prices, but they will be at least 4.3 cents less. It is one way of cut driving costs for American families and businesses. I think it is something we should do, something we will do. Also, we would like to scrap—and at the appropriate time we will talk about it, later this year—the current tax system and replace it with a flatter, fairer, and simpler system that no longer discourages savings and investment, economic growth, and job creation.

So I urge my colleagues not to object, so we can get on with the work of debating this. It should not take long. It is a fairly clear-cut issue at stake. I will now propound the unanimous-consent request, and I understand the distinguished Democratic leader may have some request of his own. I propound this request.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. DOLE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 374, H.R. 2337, an act to provide for increased taxpayer protections; that one amendment be in order to the measure, which will be offered by the majority leader, regarding the gas tax repeal; that no other amendments or motions be in order, other than a motion to table; further, that immediately following the disposition of the Dole-Gramm amendment, the bill be read

the third time, and the Senate proceed to passage of the measure, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President, let me begin by saying that I believe this whole effort has a lot more to do with politics than the price of gasoline. We all know what is going on here. We all recognize what day it is.

We all ought to recognize, as well, that this is the first time in our recent history—perhaps in 100 years—that we have been able to reduce the deficit for 4 years in a row—4 years in a row.

So, Mr. President, we find ourselves in a situation here where, because we were able to show some courage and send the right message to the American people 4 years ago with regard to meaningful deficit reduction, now the American people are less in debt and have less difficulty visualizing ultimate success with regard to a real balanced budget than they have had in generations.

So, Mr. President, a lot of our colleagues are very concerned about what this really means. If we can find so convenient an offset, what is wrong with dedicating that offset to real deficit reduction, rather than a gesture which may or may not help the American consumer?

I reserve the right to object now because, I must tell you, I am not convinced that a sense-of-the-Senate resolution, which is all this is, with regard to ensuring that the consumer gets the benefit, is going to provide any confidence to anybody out there. We cannot accept a simple sense-of-the-Senate resolution as our only message to the American consumer that indeed they are going to benefit. With every 1-cent decrease in the tax, we are talking about a billion dollars in new profit to the oil companies.

And so, Mr. President, because we do not have that assurance, because we really think this merits some debate, I would ask that Senator DOLE's request be modified to permit other amendments to be offered from our side of the aisle. Otherwise, this will be the fifth or sixth bill to which Democrats are completely precluded from offering any amendments.

We cannot accept that. If we want to serve in the House, we ought to be in the House. If we want to serve in the Senate, we ought to have a good and open debate about this bill and all other bills that come before us. That is what the Senate process is all about.

So unless we can ensure that other amendments will be offered, then I would object, but I will offer that as a modification and ask unanimous consent.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator is asking unanimous consent to modify the unanimous-consent request——

Mr. DASCHLE. That is correct.

The PRESIDING OFFICER. Of the Senator from Kansas?

Mr. DOLE. Mr. President, I will reserve the right to object.

First of all, if the amendment is to make certain that the savings are passed on to the consumers, I am not certain how that is going to be implemented. I cannot imagine how the Federal Government can in every case determine that in every service station in America—I do not know how many thousands there are—savings are passed on to the consumer. That might take an army of additional Federal employees.

We do require in our bill that the Department of Justice, Treasury, and Energy study fuel prices and make certain it is passed through and report back to Congress by September 30.

I assume, if we found cases of price gouging, then we could take appropriate action. I do not know how we would do it in advance, how we would monitor, police such an effort all across America. So I do not know what else—we did it to indicate our concern, too. Obviously, consumers want to get a price decrease. They are not looking for repeal of the tax and then nothing changes for the consumer.

So I say if the amendment is with reference to the gas tax, we might be able to reach some accommodation, but I assume the Senator has in mind other amendments that reach far beyond the gas tax. Is that correct?

Mr. DASCHLE. If the majority leader will yield to allow me to respond, the answer is in the affirmative. Obviously, we have attempted in good faith to offer the minimum wage amendment to a number of other bills simply because, as the minority, we do not have the opportunity to have an up-or-down vote on the minimum wage. Studies have shown that an increase in the minimum wage provide over 100 times more benefit to the consumer and to the average working family than this meager amount of tax relief will provide.

So what is wrong with having a good debate on this and other amendments? That is really the essence of the Senate. It is to have a debate about amendments, offered by the minority or the majority, to improve legislation—make it more responsive to people. We are simply trying as best we can to protect our rights in this case as we have in so many other cases. That seems to me to be the price of working through legislation on this bill and on other bills.

So, yes, it is our intention to offer the minimum wage amendment and other amendments to this bill as the current majority did when they were in the minority.

Mr. DOLE. Mr. President, further reserving the right to object, I have thought about this a great deal. I would be prepared to go, I think, further than many of my colleagues would be prepared to go. We would call up another revenue bill—and there are some on the calendar, I guess; H.R. 2684 comes to mind—and modify the text of that with the repeal of the gas tax and that would be considered, 1 hour of debate—I know the Senator from Massachusetts would only take 30 minutes on the minimum wage proposal; it is in the RECORD a couple of times—and then I would offer an amendment which would be the amendment discussed by the Senator from Massachusetts on minimum wage, 45 cents and then 45 cents, which would raise it from $4.25 to $5.15, and we would add to that the so-called TEAM Act.

So it would be repeal of the gas tax, the minimum wage proposal tendered by my colleagues on the other side, with the TEAM Act, and we would have 1 hour on that and then we would vote.

Now, that seems to me to address all the concerns raised by my colleagues on the other side. It would be the win-win that I read about over the weekend. You would have repeal of the gas tax, and you would also have the adoption of the minimum wage which would take you to $5.15. I am not certain it could be done by July 1. It will take probably longer than that to implement the first increase, and then the second increase would take place a year from then.

So if that offer would be acceptable to the Democratic leader, it seems to me that would answer all of his concerns; it is the minimum wage proposal discussed on the other side of the aisle; it is the gas tax repeal that I think many of my colleagues on the other side of the aisle would vote for, and it would contain a measure reported out of the Labor Committee called the TEAM Act.

I think that might be one way to resolve this, and we would have that debate, have it this afternoon, repeal the gas tax, pass the minimum wage, and send it on to the House. We would be happy to do that at this point.

Mr. DASCHLE. Mr. President, let me just respond briefly, and I know the distinguished Senator from Massachusetts is prepared to respond as well. We have discussed as many scenarios as the imagination will allow. This is yet another iteration.

Basically, all we have said is that we want an up-or-down, clean vote. There are a lot of scenarios that could bring that about. This is another example. Senator LOTT and I have discussed many different ways in which to do this. But we still have not been given the assurance that we could have an up-or-down vote on freestanding legislation. So if the majority leader is now proposing that as an option, not marrying the two but have them freestanding, we will consider that. That is not my understanding, however. I will yield to the distinguished Senator from Massachusetts.

Mr. GRAMM. Will the distinguished majority leader yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. I yield to the Senator from Texas, and then I will be happy to

yield to the Senator from Massachusetts.

Mr. GRAMM. Mr. President, the tragedy of this thing is that 23 percent of this gasoline tax we are trying to repeal today is paid by families that make less than $20,000 a year. So whatever we are going to do in the future about allowing management and employees to get together and talk about safety measures, something that I think makes perfectly good sense—I understand the National Labor Relations Board intervened and stopped companies from talking about safety clothing for pregnant women, and that is what the TEAM Act is trying to provide, to allow supervisors and workers to get together as teams—I am for that.

I know the distinguished minority leader is for raising the minimum wage. The point is we can today cut the gasoline tax by 4.3 cents a gallon, we can lower the cost of filling up your tank by the end of the week by a dollar a tank and 23 percent of those savings will go to families that make less than $20,000 a year.

Can we not do this one thing to help the very people whom we say we are helping with these other provisions? Can we not move ahead with this one provision today and debate these other provisions tomorrow? I do not see why we want to hold this up. The American people are strongly for it. I have heard the distinguished minority leader say that he does not object. We could pass this today. The House could pass it tomorrow. The President could sign it on Thursday. And Friday morning when filling stations all over America open, the posted price could come down by 4.3 cents a gallon, saving a dollar a tank for working people.

Mr. BREAUX. Will the Senator from Texas yield?

Mr. GRAMM. I do not control the floor.

The PRESIDING OFFICER. The majority leader controls the floor.

Mr. GRAMM. My point is that this is something that helps everybody, and 23 percent of the benefits of repealing this gasoline tax accrue to people who make $20,000 or less. Let us help them today and then we can debate whether something else helps or hurts tomorrow.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I just say that we would like, of course, first of all, to just pass the repeal of the gas tax today. We have the taxpayer bill of rights at the desk. We can amend that and send it back to the House, as I said earlier. I think it would be an overwhelming vote. We have it paid for. We are not going to add to the deficit. Keep in mind, this 4.3 cents does not go to highways or mass transit; it goes to deficit reduction and that is the big difference.

But in response to the indication from the distinguished Democratic leader that they would like to offer additional amendments, it occurred to me if we are prepared to repeal the gas tax, which I think a majority of both sides are for here, and are prepared to bring up the minimum wage that the other side has talked for, but with just little amendment called a TEAM Act, we ought to be able to come together on this. Everything they want is in the package, except we have one little piece. The TEAM Act amends Federal labor laws to make clear that employers and employees may meet together in committee or other employee involvement programs to address issues of mutual interest.

Who could be opposed to that, the employers and employees sitting down and talking about issues related to quality, productivity and efficiency, as long as they do not engage in collective bargaining? Who is opposed to this? Guess. The labor bosses. When the labor bosses say, ''We are opposed,'' it reverberates on the Senate floor.

So we are ready to, I guess, accommodate our colleagues on the other side in nearly every instance except in this one area. We would hope we could have an agreement. We could go ahead and finish this afternoon; have a couple of hours debate and pass it. If we cannot pass it, just repeal the gas tax in itself, then let us double up and repeal the gas tax, pass the minimum wage with the TEAM Act added to it, and send it on to the House. It seems to me that would be one way to satisfy concerns of Members on both sides of the aisle.

Mr. KENNEDY addressed the Chair.

Mr. DOLE. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. I am sure the Senator is aware that the value for the average family with the 4.3-cent elimination of the gas tax, if it is passed on—and I think, as has been pointed out here, there is no guarantee it would be passed on—would be about $28 a year. The increase in the minimum wage is $1,800 a year, for those who are working on the bottom of the ladder. So the idea that was suggested by the Senator from Texas that ''why do we not just do what we can this afternoon and leave that to future times?'' is, I think, unpersuasive.

Let me ask the leader, as I understand, on the measure that is currently before the Senate, H.R. 2937, the reimbursement of the White House Travel Office employees, as I understand from the parliamentary situation, it is not in order for either the minority leader or myself to offer the minimum wage amendment on that. Am I correct on that? Am I correct?

Mr. DOLE. That is correct.

Mr. KENNEDY. I am correct on it. Now, as I understand it, the proposal that is being put forward by the majority leader in effect would foreclose any opportunity under his unanimous consent agreement earlier to have any up-or-down vote on independent legislation with regards to the increase in the minimum wage.

Mr. DOLE. It contains the increase you suggested in the minimum wage, 45 cents and 45 cents.

Mr. KENNEDY. Just finally, I am puzzled by the need for attention—for cooperation that the Senator points out, because, under Senator KASSEBAUM's bill, under the findings, she points out that employee involvement, which operates successfully in both unionized and nonunionized settings, has been established by over 80 percent of employers, the largest employers in the United States, and exists in 30,000 workplaces.

That is already in effect at the present time, according to Senator KASSEBAUM's findings. In her report it says the survey found that 75 percent of responding employers, large and small, incorporate some means of employee involvement in their operations. Among larger employers, where there are about 5,000 or more employees, the percentage was at 96 percent.

So I am just wondering, while many of us wonder about the wisdom of putting in the law another piece of legislation that is unnecessary, why we ought to confuse that with the proposal of an increase in the minimum wage which the overwhelming majority of the American people support, and, in fact, the leader himself has supported four out of four times—opposed it eight times in the past but has voted in favor of it in the past, and obviously thought it was meritorious then. Why should we wait for an early resolution of that issue, rather than to follow the suggestions of the leader? Is the leader telling us that is the only way we are going to have an opportunity to address this issue?

Mr. DOLE. If the Senator will yield, I guess it is the other way around. Your leader is telling us the only way we can move the Senate on anything is to vote on your version of the minimum wage.

We have a majority in this body. We have some responsibility to advance legislation, and there is a lot of it on the calendar we would like to advance, including reconsideration of the constitutional amendment for a balanced budget and other matters that have a great impact. We have tried to work it out in discussion. Maybe I understand why it cannot be worked out. But it seems to me we have now suggested—if we cannot do it today just with my first request, then I am prepared to make a second request that would deal both with the minimum wage and the TEAM Act and the gas tax repeal.

The TEAM Act, we are advised by the committee that it is necessary because of the 1992 National Labor Relations Board decision. I do not see what is wrong with employers talking to employees, but the unions do not like it. The labor bosses do not want their people talking to anybody in management. So they have sent the word down we cannot have this, and if we have to filibuster this, we will filibuster this.

The facts were pointed out by the Senator from Massachusetts—what difference does it make if we have it codified? So we are prepared to take it up right now and pass the bill. But if my colleagues on the other side want to filibuster their minimum wage proposal and repeal of the gas tax, then they certainly are going to have that opportunity starting tomorrow.

Mr. KENNEDY. Reserving right to object, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE addressed the floor.

Mr. DOLE. I will be happy to yield to my colleague, the Democratic leader.

Mr. DASCHLE. Mr. President, I admire the majority leader a great deal, as he knows. We all know what he is trying to do.

We all know that the President, for good reason, opposes the TEAM Act, especially in its current form. Why? Because it gives license to companies to set up rump organizations to negotiate with themselves. That is what this is all about. This is not talking to employees. As the Senator from Massachusetts has indicated, they can do that right now. What they cannot do is set up rump organizations to negotiate with themselves and claim some new victory here. That is what this is all about.

So that is what I said earlier, if you will recall. I said if the distinguished majority leader is prepared to separate the issues, the TEAM Act and minimum wage, so we are not amending a bill that is going nowhere, we will take a look at that. But that is not what I understood to be the suggestion here.

So, again, as I said, we want to be real here. If we can be real—if we can come up with a scenario that we know will really work—then we are prepared to negotiate in good faith and come to some resolution here. But to add this amendment to a bill that the distinguished leader knows is going nowhere is not a deal at all.

Mr. KENNEDY. Reserving the right to object, will the Senator yield for one moment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am rather new at this, but it seems to me, when you get what you want plus you get a little icing on the cake, you get to vote to repeal the gas tax, you ought to take it. But now we are told—I did not know the President was opposed to this. I thought certainly he would be flexible on something like this. He probably is. But I know the labor unions have been in town and they dumped $35 million into different races, and they have certain priorities. I thought their priority was passing a minimum wage increase, not killing the TEAM Act, which is really minor. It is minor legislation.

So here we are prepared—I will probably get a lot of criticism on this side for doing this, but I am prepared to make this very generous offer to give my colleagues on the other side of the aisle a chance to vote to repeal the gas tax and to have their minimum wage proposal adopted. Who could be opposed to that? All we ask for is just one small, one little amendment. It probably would be hardly noticed by anybody. It simply says that employees can talk to management. They can talk about—in one case, they were talking about no smoking policies, and that was a violation of the NLRB. It seems to me we need to have a little common sense enter this debate.

I have listened. I have been persuaded by the Senator from Massachusetts we ought to take 30 minutes and pass a minimum wage, and we can add another 30 minutes for the repeal of the gas tax. Then we will put in 10 minutes for this little, tiny piece that nobody really cares about called the TEAM Act. Then we would have a package that we could all be proud of and we could accommodate the concerns of my colleagues on the other side of the aisle—I hope. I have discussed this with the majority whip. I think he is willing. I think my other colleagues may not be so willing, but they are prepared to accept this procedure if we can only convince our friends on the other side that we are now willing to give them what they want if they will just say yes.

The PRESIDING OFFICER. The Chair will simply state——

Mr. KENNEDY. Will the majority leader yield for a brief intervention for one question?

Mr. DOLE. I will be happy to.

Mr. KENNEDY. I would urge my leader to accept that proposal if the Senator would be willing to say that the workers will be selected by the employees rather than by the boss of the company. If you want to add that, I urge we move on ahead and get on with the business. That seems to me to be reasonable, that those who are going to represent workers will be selected by workers instead of the company. If the majority leader wants to make that as an amendment to give support to the TEAM Act, I urge we accept that this afternoon.

Mr. DOLE. The bill already ensures workers will retain the right to choose an independent union in the case of collective bargaining. I will be happy to consult my colleague, Senator KASSEBAUM, chairman of the Labor Committee, and run that by her and see what she thinks of it. I have not discussed that. I hope we will not scuttle this whole package over some little modification that may or may not be necessary.

So we are prepared now, or a half hour from now, to proceed, and I know my colleague from South Dakota—I guess maybe to clear up the present point, I object.

The PRESIDING OFFICER. There are two unanimous-consent requests pending.

Mr. DOLE. I object.

Mr. DASCHLE. And I object.

The PRESIDING OFFICER. Objection is heard to both, and the majority leader has the floor.

Mr. BREAUX. Will the majority leader yield for a question?

Mr. DOLE. I will.

Mr. BREAUX. I want to ask a question. It is a legitimate question. If we can all—almost all can—agree that the minimum wage increase is a good idea, the repeal of the gas tax is a good idea, and the passage of the TEAM legislation, as the majority leader described it, is a good idea, why should we not just take these up separately, debate them separately and vote on them separately? The ones that are good will pass, and the ones not good will not pass. What is wrong with doing them separately?

Mr. DOLE. Let me make it clear, some of my colleagues do not think minimum wage is a good idea. I read some of your colleagues feel the repeal of the gas tax is not a good idea and some of your colleagues feel the TEAM Act is not a good idea. So if you put them all together, it is not quite the good idea as taking them up separately, but when they are together, it becomes a fair idea that will get us enough votes to pass.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DOLE. I will be happy to yield to my colleague.

Mr. DASCHLE. I will wait until the majority leader is finished.

Mr. DOLE. Mr. President, as I understand, everything has been objected to?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. So where are we?

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. H.R. 2937 is the business.

Mr. DOLE. That is the Billy Dale legislation?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I say to my friend from Massachusetts, we can arrange to modify, chop a limb off the tree here, if we can agree on an amendment process.

Mr. KENNEDY. Why do we not just accept the pending amendment, which will open up the slot, and let us offer the minimum wage?

Mr. DOLE. We could not do that, but I think we can work out something. If you would rather have it on the Billy Dale travel matter just by itself, we can probably accommodate. But based on what the Senator from Massachusetts indicated—and I think we are closer maybe than we have been—I am going to ask the majority whip if he would visit with the Senator from Massachusetts. Let me again indicate, I did not think we would be rejected when

we offered our colleagues what they wanted. But we have been rejected. So we will try maybe a different approach. I suggest the absence of a quorum, unless you want to go.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we are obviously in a situation now where nothing is going to get done. I think the President's answer to the question is the right one. We are not going to get anything done. We are not going to get the Travel Office issue done, we are not going to get the gas issue done, we are not going to get the Amtrak authorization or anything else done until we can resolve this impasse.

I know the majority leader is acting in good faith to try to find a way with which to do that, but we will remain committed to ensuring our rights as the minority to offer these amendments until we can have that assurance.

I think the distinguished Senator from Louisiana said it as clearly as anyone can. If they are good bills, regardless of whether there is opposition, you could argue about the merits of the bill, but they are bills offered in good faith. They ought to be voted up or down, independently of one another. Mixing them, as is now being proposed, clearly obfuscates the question and ultimately defeats the purpose.

I hope we can recognize that instead of continuing to be mired in absolute paralysis. We do not want to continue that. We want to find a way out, but we are not going to give up our rights. We are certainly not going to give up the opportunities we need to raise the issues we care deeply about.

I yield the floor, and I thank the majority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think there is probably one more refinement we could make, and then if cloture was invoked on the amendment, the Dole amendment, then we could divide the issue: division I being minimum wage and division II being the TEAM Act, and then we could have a separate vote on each of those.

It seems to me that would be going one step further, and then if there were majority votes for the TEAM Act, that prevails, and if there are majority votes for minimum wage, then there are separate votes on each issue, if that will resolve the problem.

My view is, if my colleagues in the minority are entitled to vote on what they want, why are not my colleagues in the majority entitled to vote on what they want to vote on? We are told we cannot pass anything unless those in the minority vote on what they want to vote on. I had problems at the policy luncheon explaining that to my colleagues in the majority. The minority has that right. Do we have that right to vote on what we want to vote on? It should not be debatable.

So maybe there is another way we can attack it, and we will certainly look for that. We would like to resolve this issue today if we can. Tax freedom day does not end until midnight, so we have several hours here. I will ask the majority whip to get to work and see what we can come up with.

It was our mutual understanding that legislation on the gas tax repeal through December 31 of this year would be offered today. Due to ongoing negotiations on the spectrum language in the bill, I hope that language will be prepared for introduction tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my strong support for the minority leader in this exchange effectively. But as he has pointed out, we are foreclosed from offering any amendments to H.R. 2937, which is before the Senate. We were foreclosed from offering amendments on the illegal immigration bill. We had cloture imposed and the request that was made would have foreclosed us from any opportunity of voting on minimum wage or on the gas tax repeal legislation.

I want to say, quite frankly, I understand the position which has been taken by the majority leader where he says, ''Well, if the majority wants to vote, why shouldn't the majority vote?'' The problem is the minority happens to be the majority with regard to minimum wage. We have the majority of the U.S. Senate on the issue of the minimum wage. That is the reason that the majority ought to be able to vote and not be denied that opportunity to do so.

I, quite frankly, with all respect, find it exceedingly difficult to understand the rationale for denying us the opportunity to deal with this issue up or down. We have done it in the past. The majority leader has voted in favor of that legislation in the past four times since he has been in the House and the Senate. He has voted against it eight times. He has voted for it in the seventies and eighties. We had hoped he would vote for it in the 1990's. That legislation, it is my understanding, were separate pieces of legislation. That is all we are asking, do what we have done before and permit the Senate to address it.

So, Mr. President, it is important to know that we have every intention of offering that amendment on every piece of legislation that is going to come through here. We can go through these gymnastics in terms of denying Members the opportunity to raise issues and present them to the Senate, although that is inconsistent with the great traditions of the Senate over a long period of time. Maybe that is the way it is going to be run at the present time, but that is certainly inconsistent with the Senate that I have seen here, both under Republican and Democratic leaders, for over a period of some 30 years.

I hope that we will have the opportunity to work out this impasse because, basically, all we are talking about is trying to provide for working families who work 40 hours a week, 52 weeks of the year the opportunity to get a livable wage to provide for themselves and their families. There is a great deal of rhetoric on this floor about the importance of work, and yet we have a key opportunity to do something to reward work, working families, which we have done under Republicans and Democrats alike over the history of time, and for over 60 years, and yet we are being denied that opportunity to do so now. I think that is often a tenable, unfair position to assume.

Finally, Mr. President, I am more than glad to get into a discussion on the action of the TEAM Act. As I mentioned earlier, even from the existing findings by our committee, it indicated this kind of cooperation is taking place today with some 80 percent of the largest employers. From those surveyed, 75 percent of responding employers, large and small, have incorporated means of employee involvement in their operations. That is happening at the present time.

The question is whether those who are going to be representing the employees are going to be the representatives selected by the employees or whether they are going to be selected by the company store or the company union. That is the basic issue. No one is against cooperation. We are in complete support for cooperation. With all respect, the case in 1992, the Electromation case, does not deny the opportunity for that kind of cooperation.

We have supported that type of cooperation that we have seen in the State of Washington where employers and employees worked effectively together to reduce occupational health and safety risks and have seen about a 38- or 40-percent reduction in workers' compensation, and the associated industries in that State have said that it saved manufacturers about $1 billion over the last 6, 7 years.

That is happening today. That is happening today. We are all for that. That can take place today. It is happening in the State of Washington and the State of Oregon. Basically, what this proposal is is an antiworker and an antiunion kind of a proposal. I do not question that that is the position of the majority. They have been opposed to the minimum wage. They are opposed to Davis-Bacon to try to provide a construction worker with an average of $27,000 a year. They oppose that.

They put further restrictions on the earned-income tax credit which is for workers making below $25,000, $27,000 a year, a program that President Reagan warmly endorsed as the best antipoverty program that can help have a positive impact on children. They are against that particular program as well. They have come out here with

opening up the pension programs for workers to permit corporations to take those pensions that did not belong to the corporations. We voted on that, and in spite of the fact we voted on it, the same provision came right back out after the conference.

The families of workers have taken it on the chin with the proposed reduction in education programs, the largest one that we have had in the history of the country, which we have defeated, and also the assaults on the increase in the Medicare Program and standards for nursing homes on Medicaid. These are the parents of working families.

So the idea that we have under the proposal of cooperation, the TEAM Act, and to say, ''Look, all we want to be able to do is, in a competitive society, permit workers and employers to be able to work together to increase productivity,'' that is taking place all over this country. The report from our Committee on Human Resources indicates that, not only in the bill itself, in the findings, but also in the report.

There is something more behind it. And that is, instead of the workers being able to be chosen by their fellow workers to represent their interests, the boss gets a chance to do it. The boss gets a chance to set the agenda. The boss gets a chance to—the CEO of that company—to say when they will have those meetings. The CEO has a chance to decide whether these employees will continue to serve. That, my friends, is a dramatic change in the whole question of collective bargaining, and it deserves some debate.

This is not about cooperation in the workplace. It is far from it. We will have a chance to address that issue. It is a serious issue. We ought to have an opportunity to address it and to consider it. As I said, if the majority leader wanted to make sure that the employees that are going to be represented in that negotiation and in that cooperation are going to be employees that are selected by their fellow workers, by the unions in the companies and plants where they are unionized, and by the workers themselves in other plants, then we can move, I think, in an important way toward attempting to try and deal with this legislation in a very expeditious way. But that is not at the bottom of it. We know what is driving this legislation. It is antiworker legislation. It deserves to come under the debate and discussion here on the floor of the Senate.

Mr. President, I have just received a letter that has been sent by Secretary Reich on the TEAM Act. I will just take another moment of the Senate's time. I see others who want to address the Senate. This is a copy that was sent to the chairman of the committee and to the ranking minority member.

DEAR CHAIRMAN KASSEBAUM: We understand that your Committee may consider S. 295, the ''Teamwork for Employees and Managers Act,'' on Wednesday, April 17. This bill would amend section 8(a)(2) of the National Labor Relations Act (NLRA) to broadly expand employers' abilities to establish employee involvement programs. I am writing to emphasize the Administration's opposition to S. 295, and to urge your Committee to not order the bill reported.

Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of unscrupulous employers creating company, or sham, unions. Although S. 295 does not state an intent to repeal the protection provided by section 8(a)(2), S. 295 would undermine employee protections in at least two key ways. First, the bill would permit employers to establish company unions. Second, it would permit employers, in situations where the employees have spoken through a democratic election to be represented by a union, to establish an alternative, company dominated organization. Neither of these outcomes is permissible under current law nor should they be endorsed in legislation. Either one would be sufficient to cause me to recommend that the President veto S. 295 or other legislation that permits employers to unilaterally set up employee involvement programs.

The Administration supports workplace flexibility and high-performance workplace practices that promote cooperative labor-management relations, but has concerns about the impact of the TEAM bill. Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

Just as I said.

Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

It should be noted that the National Labor Relations Board has recently decided five cases involving employee involvement programs. In two of the five cases the Board found that the cooperative group at issue did not violate section 8(a)(2). The other three present classic cases supporting the concerns voiced above. Moreover, it appears that several more cases are pending before the Board which concern the relevant issue.

For the foregoing reasons, the Administration opposes the enactment of S. 295. If S. 295 were presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT B. REICH.

The point is, Mr. President, as the letter indicates, this legislation, for the reasons outlined here, and that I stated very briefly, would provide a dramatic change in the current law. The idea that we could dispose of it in 10 or 15 minutes—that was going to be suggested for it—I think demonstrates a real disrespect for the legitimate rights of workers in this country to be able to pursue their interests, both those that are unions as well as those that are nonunion. It is too important a bill and too important a concept to be treated trivially. We will have more to say at an appropriate time. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, at the request of the distinguished majority leader, I will be happy to meet with the Senator from Massachusetts and talk about a procedure whereby these various bills could be brought up for consideration in the Senate later on today or certainly tomorrow.

I will repeat what the leader just said. This is a case where the majority has offered a deal to the Democrats that they ought to just say yes to. It is a fair proposal. As a matter of fact, the leader offered not one, not two, but three proposals as to how we can get these issues up for consideration.

First, he urged that we not hold up this White House travel matter, that we go ahead and proceed with the legislation that will allow for Billy Dale to be reimbursed for his expense that he had to very unfairly endure.

As a part of that, the leader asked that we be able to go ahead and bring up this afternoon the gas tax repeal amendment. That was objected to.

He then said, we could come up with a procedure that could be offered tomorrow whereby we could consider the gasoline tax repeal, the minimum wage that the Senator from Massachusetts has been so aggressively advocating, and the TEAM Act, which I want to point out right at the beginning is supported by the chairman of the Education and Labor Committee, supported by Senator KASSEBAUM from Kansas, and one that has broad support, not only from employers, but from a lot of employees that would like to work together with the employers on these issues. I will talk more about that in a moment.

He said we will get all three of them up, have a chance to discuss these issues, and be able to vote on it. That was objected to. Now, the minority leader got an opportunity to have the minimum wage considered, a repeal of the gas tax, which the American people overwhelmingly approve, with this one small addition of the TEAM Act. That was objected to. They got what they were asking for. They just do not seem to be able to say yes to a fair offer from the majority leader.

Then, the third proposal he made was, look, we will just consider them independently, separately. We will have the minimum wage that can be offered and voted up or down, the TEAM Act can be offered and voted up or down. Apparently that is objected to. The indication is that the minority would even filibuster a fair offer where each side gets to offer a proposal they feel strongly about. We would have a vote, and go forward. But that, once again, as I say was objected to.

I really think the American people need to take a look at what the majority leader just did. He offered not one, two, but three very fair proposals on how we can proceed on these issues. I will talk to the minority leader and to the Senator from Massachusetts more about that.

Let me talk a little bit about the proposals we have been talking about. On the gas tax repeal, I want to remind

my colleagues that this was included in the tremendous tax increase that was passed with no Republican votes in 1993. This 4.3-cent gasoline tax would not go into the highway trust fund as we have most often done in the past, but would go into the General Treasury, into the dark, deep hole of the General Treasury and, as a matter of fact, probably made no contribution to reducing the deficit, but it did raise gasoline taxes.

Now, the minority leader said that we are now looking at deficits that have gone down, but the fact of the matter is we have more debt now than we have ever had in the history of this country. The debt has gone up. It continues to go up. If we had gone along with the President's proposals, there would be no end to $200 billion deficits into the future. We also have the highest tax burden on the American people right now than we have ever had in history—not just income taxes, but gasoline taxes, estate taxes, all the myriad of taxes the American people have to deal with. That is why we go right up until May 8 where people finally get a chance to get out from the burden of taxes to make use of their own money without it being taken for taxes.

It is a very fair proposal that we repeal this 4.3-cent gasoline tax and that we not allow this money to go into the General Treasury. We should have a gasoline tax go to build roads and bridges. We need that all over this country. We have highways and bridges that are deteriorating, need work, and the highway trust fund is not being released so that the bridges and highways can be improved. It is argued, well, 4.3 cents a gallon does not amount to much. Tell that to people driving 40 miles, 50, or 60 miles a day round trip or more to get a job, in many rural States in America. It adds up to over $25 billion over the next 7-year period. This is a lot of money.

It is one way we can provide some immediate relief on the gasoline tax increase, or gasoline price increase that we have seen. It would go to the people. There is no way that these companies and gas stations would just take that 4.3 cents and absorb it. They would pass it on to the people. It was a telling point that the Senator from Texas made that 23 percent of the taxes that have paid for this is from families that make $20,000 a year or less. They are the ones that are hit the hardest by this gasoline tax.

Let me talk a little bit about the TEAM Act because I think a lot of misinformation has been given. Over many years, the Federal Government laws have more or less assumed that workers and managers have an adversarial relationship. We should not have that. I think we are beginning to get away from that. Managers and employees should be working together. The attitude over the past 50 years has been that the employers and the employees really cannot work together to improve efficiency and productivity. The TEAM Act responding, though, to the NLRB, the National Labor Relations Board, a decision in 1992, the Electromation decision that has had significant consequences in recent months and in the last 2 years. There is beginning to be, now, a movement away from the cooperation that we had seen over the past few years.

Yes, there are currently 30,000 companies with workplace cooperative programs, but this decision and others have put a chill on that. There is an effort to move away from this cooperation. This act, the TEAM Act, just amends the Federal labor laws to make clear that employers and employees can meet together, in committee, or other employee involvement programs to address issues of mutual concern. Perhaps it could be smoking or it could be something that involves the quality of the workplace or productivity and efficiency—as long as they do not engage in collective bargaining.

There are a couple of other points that have been overlooked in some of the things that have been said on the floor today. The bill does not allow employees or employers to establish company unions or sham unions that undermine independent collective bargaining. So that is a mistake when it is inferred that there will be these company unions that would be formed. The bill ensures that workers will, however, be able to continue to retain the right to choose an independent union to engage in collective bargaining.

What we are talking about here is freedom of employers and employees to work together. That is not a big issue that is going to stir up a lot of controversy except for the labor union bosses. I repeat, even the workers, even employees like these arrangements. That is why in 30,000 instances it has been occurring. But it has been drifting away because NLRB is putting out decisions that undermine this type of cooperation, this type of freedom of employees and employers to work together.

I urge my colleagues to take a look at this TEAM Act. I will work with the Senator from Massachusetts and others to see if we can come up with a very fair package that will allow us to vote on all three of these issues. Then we will have dealt with them, and in a reasonable amount of time. The TEAM Act is not new. It has been reported out of committee. It is ready for consideration by the Senate. I am sure the majority leader would say we would allow adequate time, but after a period of debate there would be a vote here on that without a lot of amendments to completely take it apart.

We could have adequate debate on the minimum wage issue and on the repeal of the gas tax. All three of these issues could be addressed and we could move on with the business of the Senate. We have other issues that are very important that we would like to get debated and completed soon. We would have the budget resolution coming up next week. We need to get these issues addressed this week and move to budget and the appropriations process. I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Louisiana.

Mr. BREAUX. Mr. President, what the majority leader has presented to the Senate as an option is the old idea of mix and match. My wife tells me it is a great idea when you are shopping for clothes that you go out and mix and match and buy different things and try to mix and match them until you come up with a pretty good outfit. The problem is mix and match does not work in dealing with legislation. It may be a good way to buy clothes but a lousy way to legislate.

If you have three good ideas for bills, what is wrong with bringing them to the floor and debating? What is wrong with after you have dealt with the first, bringing up the second, follow the rules of the second, and then move on to the third. Let the Senate vote on each one of the appropriations. Why try and mix and match pieces of legislation that do not fit? When you are buying clothes and you mix and match and you buy the wrong size or color combination, you come out with a lousy product. The same is true when you try and put together pieces of legislation that do not fit, that are not the same color, that are not the same size. You come up with something that makes no sense. Mix and match may be good for buying clothes, but it is not for passing legislation.

I suggest that what we ought to do is look at each one of these propositions and talk about, then debate them. Some have merit, some have less merit, and some, I think, should not be passed at all. But there is no reason that I can see that you should somehow bundle everything up and have one opportunity to vote up or down. If you have bad items with good items, it just did not fit and should not be put together. They should be voted on, should be debated, and we should follow the rules of the Senate in considering legislation when it comes up in an orderly fashion.

I want to comment on the idea of repealing the 4.3-cent gas tax that has been suggested by the majority leader. I think it is an idea without merit. I think it is clearly a political idea, and being from Louisiana I have no problems with political ideas if they work. But if they do not work, a political idea is bad public policy.

Here is a case of exactly that. I will comment on why. No. 1, it is a dagger to the heart of any effort to balance the budget. In 1992, before we had the 4.3-cent gas tax, the Federal deficit was $290 billion. People in this country said, ''Senator, do what is necessary to reduce the Federal deficit, get us on a slope, a downward path towards a balanced budget.'' Congress took some tough steps. No one said it would be easy. Our constituents said, ''Do it,''

and we passed a budget reconciliation bill that had the 4.3-cent gas tax in it.

Today, instead of having a $290 billion Federal deficit, economists and the CBO tells us the projected deficit for this year is $140 billion. Did that just happen? No, it happened because Congress had the courage and the guts to do something to bring the deficit down, to cut it by over 50 percent, which is where we are today. The first time things get tough, people start running for cover, and the first cover is, let us repeal the 4.3-cent gas tax. But let us just do it until after the election. Is that the clearest political proposition that you could possibly ask for in a political year? I think it is.

When we passed the 4.3-cent gas tax, after we passed it, the price of gas at the pump was lower than before. Do you know what caused all of that? The whole thing I thought everybody really believed in—it is called supply and demand. When you have a shortage of supply and a high demand, the price for the product is going to go up. When the opposite is true, the equal opposite result is also true. When you have an excess of supply and low demand, the price goes down.

I thought our colleagues on this side of the aisle were real believers in the marketplace. And the marketplace is what has caused, along with other congressional actions, a spike in the price of gas between the months of April and May.

Interestingly enough, last year, if anybody wants to look at the records—not Democratic records or Republican records—prices at the gas pump have increased before by 6 cents a gallon between April and May. And, as normal, toward the end of the summer and early fall, the price started going back down. At the end of the year for 1995, the average price of gasoline in this country was lower than it ever has been in recorded history, when adjusted for inflation, which is the only fair way of looking at it. It was lower in 1995 with the tax than in 1994, which was lower than it was in 1993, which was lower than it was in 1992, which was lower than it was in 1990. And you can go all the way back to about 1920. But what the 4.3-cent gas tax helped us do was to reduce the deficit from $290 billion down to $140 billion. It is a consumption tax. It all went for deficit reduction, which my colleagues on that side of the aisle said is the most important thing we can do—get the deficit down. We got it down. And the first time it gets a little difficult, everybody runs for cover—well, not everybody, but a large number run for political cover because we have had some complaints in that the price of gas is too high.

Instead of saying to our constituents, ''Let me tell you what really caused it. We produced 8 percent more heating oil over last year because we had colder weather.'' That is not the fault of anybody in Congress. That is just what happened. That was nature. The colder winter meant that we produced 8 percent more heating oil than gasoline.

In addition, something that Congress did was, we took the speed limit off and people started driving faster. Guess what? When you drive faster, you burn more gasoline. When you use more, it is going to cost more. Remember the law of supply and demand? People are using substantially more gas because of the repeal of the speed limit.

In addition, because of the Clean Air Act, which most Members support, and which I support, we told refiners in this country—particularly in California—''You are going to have to change your refinery, tear it down and rebuild it so you can now produce reformulated gasoline.'' Guess what? When they are not able to produce gasoline, you have less on the market and the price will go up as well.

I will give you another item that I think is one of the major things that has been done. Today, cars do not get as good gas mileage as they did when we were concerned about the price of gas, 4 out of 10 cars in America average about 14 miles per gallon. People are buying utility vehicles, larger cars, and they drive faster and further, and they are using more gasoline. Is it any surprise why the price of gas has gone up in the country?

For the life of me, I cannot follow anybody's argument that when you take the 4.3 cents off of the refineries at the pipeline, that it is going to automatically translate into 4.3 cents less at the pump. When I first heard this idea, I said the other day that lowering the gas tax by 4.3 cents has as much to do with lowering the price to consumers at the pump as spitting in the ocean does to raising the sea level, because there is absolutely no correlation that if you lower the tax that is paid for by oil and gas companies, they are going to necessarily pass it on to consumers at the pump—just like they did not increase and pass the increase on to the consumers at the pump when we passed it back in 1993. After we passed the increase, the price of gas at the pump was substantially lower than it was before we passed the gas tax. Why? The law of supply and demand. The price of crude oil started coming down, and the price of gas continued to go down. Consumers were not affected by the adding on of the 4.3 cents at that time.

I suggest that unless my colleagues on this side of the aisle or on my side of the aisle want to come in here with price controls—remember those, wage and price controls both?—come in here and mandate that everybody pass it all the way down the line to the consumer, there is absolutely no guarantee, or even a reasonable expectation that a consumer is going to really see the difference at the pump. So I think we have to be very careful, because I am concerned, as one member of a group that is trying to reach a balanced budget in a bipartisan fashion, where are we going to make up $30 billion in lost revenues, which can go to balancing the budget. If we lose this 4.3-cent gas tax, where will it come from? I heard a colleague on the House side suggested that we could cut education. Are we that weak in this country that we are willing to say we are going to cut education in order to pay 4.3 cents less at the pump? Is there no concern about our future and the future of our children, and we are willing to say we are so weak politically that we are going to cut education in order that we can have a 4.3-cent lower price at the pump, which is not guaranteed at all? Maybe all the oil companies—and my State has a few—will have a 4.3-cent increase in their profits per gallon, but there is no guarantee that the consumer will benefit. But to cut education to pay for this? Where are our priorities? Have we lost sense of the fact that education is the most important thing to do for our children and for future generations? Are we willing to say we are going to cut education before we stand up and do what is right regarding this? I think that is the wrong priority.

I heard somebody else say, ''Let us sell the spectrum.'' We have heard that before. Boy, we have sold the spectrum more than we have sold the Brooklyn Bridge. Every time they want something, they say, ''Let us sell the spectrum, and we are not going to step on anybody's toes.'' We are going to get $30 billion from selling the spectrum—again? For what purpose?

I think that we have to be very careful about doing something in a political year and making it last only until the next election, which I think is very clear; you can see through it as clear as pure water. A lot of people talk about a flat tax. A flat tax is a consumption tax. I believe we ought to be taxing productivity less and consumption more. This proposal goes exactly contrary to that. We are taking a consumption tax, which, hopefully, regulates behavior in a proper way, and makes people more conscious about driving habits, and use it for deficit reduction. Instead we are chucking it and saying we would rather increase the deficit or cut education, or go back to selling something that we have sold so many times before that nobody believes it will ever work.

The final point I want to make, Mr. President, is that the market does work. The marketplace does work. That is a fundamental principle in this country—that the law of supply and demand in this country works. This is from April 26. I am reading from the prices of crude oil on a weekly basis, west Texas intermediate crude oil prices, or the prices posted once a week for the price of oil per barrel. ''When the price of oil per barrel goes up, eventually it works its way down to the price of gasoline at the pump, and it goes up. But when the price of crude oil per barrel goes down, it generally takes about a month before it reaches the price at the pump. In this case, I will

share this with my colleagues because it is an indication of what is going to happen. If we just wait and have some political courage for a couple of days instead of running off and doing something that I think is damaging—as I said, a dagger to the heart—to a balanced budget in this country, the average price of west Texas intermediate crude on April 26 was $23.80 a barrel. The price of west Texas intermediate crude at the close of business on May 3 was $21.36 a barrel.

That is a 10-percent drop in 1 week—a 10-percent drop per barrel of crude oil in this country in 1 week, from April 26 to May 3.

Mr. President and all of my colleagues, I suggest that if you just hang around here a little bit longer, you will see that drop in the price of crude by 10 percent is going to be reflected in the marketplace. If we believe in the marketplace, which I think we should, that is going to be reflected in the price of a gallon of gas at the pump. I think that is the way this country ought to address this problem.

What we have before the Senate is a political idea that does not work, and political ideas that do not work are bad ideas, and sometimes I think too often politics makes bad policy, and this is an example, I think, of exactly that.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNDERMINING THE LEGISLATIVE AGENDA

Mr. GREGG. Mr. President, I believe it appropriate at this time to review where we stand because there has been some discussion that has occurred since the majority leader came to the floor and outlined a proposal. Maybe his proposal has been obfuscated a bit because it was such a clear and fine proposal that people are trying to undermine it. But the fact is that what the majority leader suggested was you can have your vote. You can have your vote on minimum wage. You can have your vote on repealing the gas tax.

All we are asking is that in this process of having those two votes, we also have a vote on something called the TEAM Act, which is not, as the Senator from Massachusetts said, all that big a deal because so many companies have already signed off on it.

Yet now we hear from the other side that they essentially intend to filibuster an attempt to increase the minimum wage and to reduce the gas tax, to roll it back, simply because of this TEAM Act proposal. That is pretty outrageous.

In a moment, I would like to talk a little bit about what that proposal is because I think you need to understand that basically what we are hearing is a party has been captured by a constituency and is allowing that constituency to stand in the way of good policy.

But let us talk about the gas tax first. Why should we not repeal this tax? To begin with, it was sold under false pretenses. Three years ago, when this administration proposed this gas tax, they began by proposing a Btu tax, if you remember that, where they were going to tax all energy consumption in this country. States like New Hampshire and other States that depend on oil to heat our homes would have been hit with this tax at the home heating level and at the gasoline pumps and throughout the system that delivers energy to their communities.

That was such an outrageous idea that even Members on the other side rejected it. So the administration backpedaled and said, well, no, we will not do the Btu tax; we will do a gas tax. But at the exact same time we were hearing from the other side of the aisle that the taxes in the package which the President proposed 2½ years ago or 3 years ago were only going to affect the rich. In fact, the present Democratic leader, who was not the Democratic leader at that time, came to this floor and said this tax package is only going to affect people earning more than $180,000 or companies that make more than $560,000 a year.

That was the tax package that was sold to the American people, that was passed on to the American people's back and which included $295 billion of new taxes, the largest tax increase in history delivered to us by this President and Members on the other side of the aisle when they were in the majority 2½ years ago.

Nobody on this side of the aisle bought that. We did not buy it for fairly obvious reasons. No. 1, a gas tax is not a tax on people who earn $180,000 a year. When you pull into your gas station, your attendant does not ask you, ''Do you make $180,000 a year?'' before he hits you with the tax. He has to collect that tax whether you make 10 bucks a year or whether you make $1 million, whether you are in a small struggling company driving a pickup or whether you have a fleet of trucks. He still has to hit you with that tax.

So this was not a tax on the wealthy. This was a tax that was actually targeted in, as was pointed out by the Senator from Texas, on low- and middle-income people disproportionately because they have to pay the same rate of tax as people in the high incomes, and 23 percent of this tax falls on people with incomes, I believe, as the Senator from Texas said, under $20,000, or something like that. A very low percentage comes out of people with higher incomes. So it was a disproportionately unfair tax when it was put in place and remains so, and it should be repealed.

So why is the other side resisting repealing it? Why? Because big labor is upset, the Washington big labor leadership, the big bosses here in Washington are upset. That is why they are opposing repealing the gas tax.

Now we come forward, and we on our side of the aisle say, OK, we will accept your proposal on the minimum wage, we will accept the Kennedy language as proposed to increase the minimum wage. We ask that you accept our proposal to repeal the gas tax at the same time. We allow you to divide the votes. Just give us the chance to get both on a majority vote instead of having to have a filibuster around here where you have to get 60 votes.

What does the other side say? Nope. Sorry. We will not take the deal. We cannot accept that deal any longer. We are not that interested in increasing the minimum wage that we are going to stand in the face of the big labor bosses here in Washington who do not want this little thing called the TEAM Act. So we have the opposition, the other side of the aisle, saying essentially that two major points they consider to be, I suspect most of them, good policy—one, repealing this incredibly regressive gas tax that was put on 2½ years ago and, two, raising the minimum wage—are going to be held up because of what was described basically by the Senator from Massachusetts as an inconsequential amendment dealing with a minor point of labor law. Why? Because they have gotten the telephone calls from a couple streets over that said under no circumstances is TEAM Act going to pass this House.

But what is this horror called TEAM Act? It is not much, folks. TEAM Act just simply says what used to be the law and what most people think should be the law and what was the law up until 1992, I believe it was, when something called the Electromation was passed by the NLRB, the National Labor Relations Board.

Essentially, it says that people can get together in their workplace—what a radical idea—people can get together in their workplace and they can talk about issues that involve quality and productivity and efficiency. I think most of us have heard of things like TQM, the philosophy of management that basically grew out of the Deming approach which essentially revolutionized Japan and made them competitive in the world.

TQM is where you have a Deming approach, you have a team approach to managing the workplace. That is basically what TEAM Act does. It says you can have a TEAM Act approach operating in the workplace.

Now, you cannot do it under this bill, under TEAM Act, in any way that would undermine the independence of the collective bargaining effort. You cannot establish a company union. The specific language says that you cannot establish sham unions. But you can get together to discuss things like smoking policy; you can get together to discuss things like productivity: How do you make the place work better? Workers happen to be the best source of good ideas in many instances, and probably in most instances actually, certainly in large companies. The chance to bring them together in working teams works for Japan. It produces products in a much more efficient and effective way

there. And it works here. It works very well here. It was working here quite well, extraordinarily well, until 1992 when, as a result of this NLRB decision, that policy was brought into jeopardy.

So this bill simply clarifies the policy. It says you cannot set up a sham union, cannot set up a company union, you cannot use this to undermine collective bargaining, but you can allow people to get together to talk about how they can make the workplace work better. This concept of team effort in the workplace is what is holding up repeal of the gas tax and increasing the minimum wage.

When people are cynical about Washington I guess sometimes they have a right to be, because what you have here is a money talks situation. The big labor bosses here in Washington have committed publicly, it has been reported across this country, $35 million to defeat members of the Republican Party running for reelection to Congress—$35 million. That is a lot of money. And money appears to talk, because the phone calls come in and the decision has been made to take down two items which, at least on that side of the aisle, although there are some on our side of the aisle who have reservations about some of these proposals—take down two items which have pretty much universal support and which were viewed as good policy: repealing the gas tax, which is regressive, and raising the minimum wage, simply because it affronts the big labor bosses here in Washington that we would try to make the workplace have a more cooperative atmosphere.

It is pretty outrageous but that is where we stand today. That is where we stand after the majority leader's proposal was rejected. Not only did the majority leader propose that, he went even an extra step. He said not only am I willing to give you a vote on repealing the gas tax, increasing the minimum wage, and also the TEAM Act issue, but I will let you even divide the question. He went so far as to say you can have your up-or-down vote on the minimum wage and you can have your up-or-down vote on gas tax. And that was rejected. That was exactly what has been asked for here for months by the Senator from Massachusetts.

Yet, suddenly we see the priorities. We see the priorities of the liberal side of the aisle. It is not this low-income worker about whom we have heard so much, it is not the person who has to pay that extra amount at the gas pump who is maybe having trouble making a living but maybe has to buy gas to get to work—it is not that person the other side of the aisle has as their No. 1 priority. No, it is some guy sitting in some building here in Washington who happens to have a big labor job. So that is what this is down to.

This is a simple question of money talks. It is regrettable. Hopefully the other side of the aisle will see this more clearly and come to their senses, because this proposal the majority leader has offered is an extraordinary generous act on his part to try to resolve some fairly complex questions that have been confronting this legislative body.

I yield the remainder of my time and make the point of order a quorum is not present.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent the quorum call be rescinded

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the introduction of S. 1730 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MOYNIHAN. Mr. President, I ask that I be permitted to proceed as if in morning business for up to 8 minutes.

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

CONGRATULATIONS TO INDIA

Mr. MOYNIHAN. Mr. President, there is good news and better news in the world today with regards to the progress and the stability of democratic procedures around the world. We are, as is evidenced from the day's proceedings, already well into our election season, though the actual election will not be held until next November, as has been our practice over the last two centuries.

It is possible in a country such as ours to take for granted national, State, and even local elections, as a part of the rhythms of our life. Yet, they are rare in the world. In the whole of the membership of the United Nations, some 185 countries now, there are only 7 States which both existed in 1914 and have not had their form of government changed by violence since then.

We are joined in that very special group, by the United Kingdom, four former members of the British Commonwealth—Canada, Australia, New Zealand, and South Africa—and Sweden. I would add Switzerland, though it is not a member of the United Nations.

Of the great powers of the world, the newest to begin a process of choosing leaders by elections is Russia, the Russian Federation and other members of the former Republics of the Union of Soviet Socialist Republics.

Yesterday, we learned with understandable anxiety that on Sunday Major General Aleksandr Korzhakov, the close aide and security advisor to President Boris Yeltsin of Russia, stated that it might be necessary to cancel the Presidential elections scheduled for June. He stated that the country was not ready to make a decision. It is clear his concern is that if the country were to make a decision now, it might not choose Mr. Yeltsin.

Mr. President, this will be the second Presidential election in Russian history. To his great credit, yesterday in Moscow, Mr. Yeltsin said that the election would not be postponed; it will take place as scheduled. Mr. Yeltsin went on to instruct General Korzhakov not to get involved in politics and to refrain from making such statements in the future.

On the other hand, in his statement, Mr. Yeltsin refers to his opponent, who is associated with former Communists in Russia and who has a program very much opposed to the economic reforms Mr. Yeltsin has been pursuing, albeit at times erratically, by stating that, ''Korzhakov is not alone in thinking that a Gennadi Zyuganov victory would start a civil war.''

Now, those are ominous terms, sir. Mr. Zyuganov is the candidate considered to be Mr. Yeltsin's chief opponent, and he represents a revival of Communist thinking and organization to some extent. The word ''civil war'' takes us back to the events of 1917 when the Bolsheviks seized power from a moderate provisional government, potentially a democratic government. Those events in St. Petersburg in the Winter Palace in 1917 are well-known to us —and were followed by four years of intense, agonizing war across all of Eurasia. A war in which the United States was involved with troops in Murmansk, Vladivostok, and elsewhere, as were the British and the French. The outcome was the triumph of the Soviet Union and the horror that followed for nearly three-quarters of a century, until its final dissolution in 1991.

We can only wish the democrats, or if you like republicans, well in the Russian elections. We should take note of how very tentative these advances can be, and take into account those who are voicing concern over the prospect of an election in which the outcome would result in civil war.

By extraordinary contrast, Mr. President, the Republic of India today concludes the third and final day of the largest election in human history. Some 590 million Indian citizens are eligible to vote in three separate days of balloting: April 27, May 2, and today, May 7. This will be the 11th national election since the founding of the Republic of India in 1947. A very large proportion of the electorate will have voted in some 800,000 polling places.

The task of keeping the polling stations open is formidable, yet the task is being accomplished and it suggests the magnitude of the achievement. In so doing, India continues to exist as a democracy, in defiance of just about everything that those who profess to know about the subject would argue are required as preconditions necessary for a democratic society. Yet India continues to remain a firm democracy and to exhibit an extraordinary commitment to law and to civic process.

Here is a country with 15 official languages, not to mention English which,

as Prime Minister Nehru described, enjoys ''associate status.'' In addition, some 50 major regional languages. It is a country that stretches from the Himalayas in the north to Cape Comorin far into the Indian Ocean, approaching the Equator. It is the second most populous nation on Earth. There has never been a country of this size able to have regular and free, democratic elections. They are not without disturbances, few elections are anywhere; however, we do know that there will be a government formed in the aftermath of this election. There will be no civil war. There will be no civil unrest. There will be an acceptance of a democratic process without parallel in the history of mankind. It should cheer us up and make us realize that the last half century has not been for nothing. The current possibilities of a democratic society around the world are perhaps beyond what anyone could have imagined a century ago, and they are thriving and proudly prevailing on the subcontinent of India, in the Republic of India.

I am sure the entire Senate will wish to congratulate the people of India and all who have participated in this election. We take no position whatever as to the outcome. There are any number of parties with capable candidates. At the present time, the balloting should have been concluded, it being past midnight in India. Soon we will know the outcome.

It fell to that singular commentator, William Safire, in the New York Times, to note this event in a remarkable column in which he observes the Indian achievement. I think we should note the contrast of this achievement with the People's Republic of China which, though comparable in size, has never had an election of any kind.

I ask unanimous consent that Mr. Safire's column be printed in the RECORD.

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

[From the New York Times, May 2, 1996]

THE BIGGEST ELECTION

(By William Safire)

WASHINGTON.—In 1975, when Indira Gandhi assumed dictatorial control of India and threw her opponents in jail, President Ford asked his U.N. delegate, Daniel P. Moynihan, what to make of that.

''Look at it this way, Mr. President,'' said Moynihan with a courtier's irony. ''Under your Administration, the United States has become the world's largest democracy.''

When Mrs. Gandhi later confidently stood for election, India's voters threw her out. Freedom was back, and the U.S. happily became the world's second-largest democracy.

This week, with dignity, honest balloting and relatively little violence, 400 million of India's citizens—65 percent of eligible voters, higher than here—go to the polls to select candidates from 500 political parties. It is the most breathtaking example of government by the people in the history of the world.

Americans don't hear a whole lot about it. President Clinton is busy being campaign manager for the Labor party in Israel's May 29, election, in effect telling Israelis to vote for Shimon Peres or else.

When he is not intervening shamelessly in Israel's political affairs, Mr. Clinton is barnstorming with Boris Yeltsin, trying to help him defeat Yavlinsky's reformers and Zyuganov's Communists in Russia's June 16 election. Washington is also headquarters for the Clinton campaign for the U.S. Presidency, where he beefs up beef prices to consumers while pouring strategic oil on troubled motorists. But in all the campaigning, no mention is made of India, where voters outnumber those in Israel, Russia and the U.S. combined.

As a result of this uncharacteristic White House forbearance, television coverage here about the biggest election has been next to nil. Not only do Americans not know for which Indian candidate to root, but hundreds of millions of voters are forced to go to the polls ignorant of Mr. Clinton's preference.

Why? Do nearly 900 million Indians not matter? American lack of interest is not new; a former Foreign Minister of India, one of Nehru's acolytes, told a U.S. envoy: ''We would far prefer your detestation to your indifference.''

One reason is that India strikes a holier-than-thou diplomatic pose, remaining nonaligned when there is no longer one side to be nonaligned against. Year after year, India is near the top of the list of nations that consistently vote against the U.S. in the United Nations.

We're wrong to let that overly irritate us. China votes against us, too, and unbalances our trade and secretly ships missiles to rogue states and jails dissidents and oppresses Tibet and threatens Taiwan and (cover the children's eyes) pirates our CD's—but we care more about what happens in China than what happens in India.

That's a mistake. Contrary to what all the new Old China Hands and other Old Nixon Hands tell you, India will draw ahead of China as a superpower in the next century.

Yes, China's economic growth rate has doubled India's, and China's Draconian control of births will see India's population exceed China's soon enough, to India's disadvantage. But China does not know what an election is. Despite the enterprise and industriousness of its people, despite the example of free Chinese on Taiwan and the inspiration of the dissident Wei Jingsheng, jailed in Beijing, China is several upheavals and decades away from the democracy India already enjoys.

Without political freedom, capitalism cannot long thrive. Already the requirements of political repression are stultifying the flow of market information in China, driving wary Hong Kong executives to Sydney. The suppression of dangerous data undermined technology in Communist Russia; it will hurt China, too.

Though more Chinese are literate, many more Indians are English-literate (more English-speakers than in Britain), and English is the global language of the computer. American software companies are already locating in Bangalore, India's Silicon Valley. Bureaucratic corruption scandals abound; India's free press reports and helps cleanse them, China's does not.

I'm rooting for Rao, the secular Prime Minister, who is more likely to move toward free markets than Vajpayee, his leading opponent. But whoever wins, it's a glorious week for the world's largest democracy.

Mr. MOYNIHAN. I take the liberty of extending the congratulations of the U.S. Senate to the Government and peoples of India on the conclusion of this, the 11th national election as an independent nation in the world: proud, increasingly prosperous, and with every expectation of becoming more so.

I thank the Senate for its courtesy and allowing this interruption. 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. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT OF 1995

Mr. SIMON. Mr. President, let me just comment on two things very briefly that, apparently, are going to be joined in the vote tomorrow. Let me say that if they are joined, I, if no one else, am going to ask for division on the question, so we can vote separately on these issues.

One of the issues is whether to repeal the 4.3-cent gasoline tax. I know it was very controversial as we argued about it here. But it was very interesting that after it passed, I went back to the State of Illinois and, up until a few days ago when it was raised again as an issue, of the 12 million people in Illinois, do you know how many people talked to me and complained about the gasoline tax increase? Not a single one. My guess is—and I see my friend Senator MOYNIHAN on the floor—that not a single citizen of New York complained to Senator MOYNIHAN about the 4.3-cent tax.

Mr. MOYNIHAN. Not a one.

Mr. SIMON. My guess is that in the State of Tennessee people were not complaining. I talked to one of our colleagues from a western State, and they were not complaining. One of the advantages, Mr. President, of not running for reelection is, a year ago, just about this time, my wife and I took off for Spain and Portugal, flew to Madrid—at our expense, I hasten to add, not at the taxpayers' expense. And we rented a car and drove around Spain and Portugal. The highways were better than our interstate highways. But I paid $4.50 a gallon. People talk about being overtaxed in the United States. In some areas, our taxes are excessive. But we have, next to Saudi Arabia, the lowest gasoline tax of any country in the world. If you were to ask, ''What can we do to improve the environment?'' one of the things we could do, frankly, is not to lower the gasoline tax, but to increase it. We ought to be increasing it to spend money to build our highways and use it on mass transit and that sort of thing. So I think any move to lower that tax is shortsighted.

And then the distinguished Congressman from Texas has suggested that we take the money from education. I cannot imagine anything more shortsighted. We need to invest more in education, not less. That just absolutely does not make sense.

I hope we will reject this thing that emerged in this political season, the season that is frequently called the ''silly season'' by observers, and rightfully so.

Mr. MOYNIHAN. Will my friend from Illinois yield for a question?

Mr. SIMON. I am pleased to yield to my distinguished colleague.

Mr. MOYNIHAN. I very much agree with his comments and would add that, after the 1993 deficit reduction legislation, the price at the pump—when that small tax increase took effect—was lower than when it was enacted.

Perhaps the Senator from Illinois also saw in the Wall Street Journal an article today under the section called ''The Economy.'' It is headlined, ''Economists Say Gasoline Tax Is Too Low.'' The subhead is, ''GOP's Proposed Rollback Is Seen Aggravating Deficit.'' This is by Jackie Calmes and Christopher Georges. It begins:

Republicans seeking to gain political mileage from a lower gasoline tax can't look to economists to support their case.

Not that economists are infallible. Who is? But they make that point.

I do not have to explain the term ''externalities'' to the learned Senator from Illinois. Gasoline costs you, air pollution costs you, as do the wear and tear on the environment and infrastructure, and so forth. You have to pay for that. You better be careful about how much you do because the costs that you have not paid for keep mounting.

I wonder if he has not read this. Would he wish to have it printed in the RECORD at this point?

Mr. SIMON. I have not seen it. I think it is an excellent suggestion.

I ask unanimous consent that the Wall Street article be printed in the RECORD.

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

[From the Wall Street Journal, May 7, 1996]

ECONOMISTS SAY GASOLINE TAX IS TOO LOW—GOP'S PROPOSED ROLLBACK IS SEEN AGGRAVATING DEFICIT

(By Jackie Calmes and Christopher Georges)

WASHINGTON.—Republicans seeking to gain political mileage from a lower gasoline tax can't look to economists to support their case.

Though the joke has it that you could lay all of the economists in the world end-to-end and never reach a conclusion, there is widespread agreement in the field that the federal gasoline tax of 18.3 cents a gallon is too low.

Nevertheless, Senate Majority Leader Bob Dole is aiming for a vote as early as today to repeal the Clinton administration's 4.3-cent-a-gallon increase in the gasoline tax. At the same time, the politics-conscious White House and congressional Democrats aren't about to stop it, despite concern in both parties about worsening the budget deficit.

With the recent spike in prices at the pump, Republicans and their presumed presidential nominee, Sen. Dole, seized the idea of repealing the 1993 tax increase, partly as a way to divert attention from the Democrats' popular efforts to raise the minimum wage. But they have been stymied by the search for savings to make up for revenue that would be lost; each penny of the gasoline tax adds up to revenue of about $1 billion a year.

''Repealing the tax isn't going to solve the problem [of recently higher prices], and it's going to hurt the deficit,'' says Nada Eissa, an economist at the University of California at Berkeley. ''I don't think it's a sound approach. I just think we should allow the markets to work . . . and this is a case where the market is working.''

At the school's Burch Center for Tax Policy and Public Finance, economist Alan Auerbach says he found a near consensus in support of a significant boost when he surveyed about 30 economists at a conference in February. More than half said the federal levy should be $1 a gallon or higher. The sentiment among economists for a higher tax, Mr. Auerbach quips, ''is right up there with free trade,'' an issue on which there is virtual unanimity.

Economists cite various factors to justify a gasoline tax. Chief among them are the environmental and health costs of air pollution, along with the costs of traffic congestion, and road construction and repair. ''When people consume gas, they impose harms on other people that they aren't paying for otherwise. They crowd the freeways and pollute,'' says David Romer of the University of California at Berkeley.

Separately, the proponents of an increase point to foreign producers' control over oil supply, and favor a gasoline tax that is high enough to stem U.S. demand. Fighting pollution and dependence on foreign supply ''both are reasons for why this federal tax should be higher than some other tax,'' says Joel Slemrod at the University of Michigan, ''but what the optimal level is, I don't know.''

To a lesser extent, economists cite the need to cut chronic federal deficits, which was the primary purpose of the 1993 increase. In addition, when compared with other industrial nations, the federal gasoline tax is low, they note.

A number of economists contacted yesterday said they simply haven't done the research needed to determine the optimal level for a gasoline tax or whether they would even support raising it. Glenn Hubbard of Columbia University, who served in the Bush administration's Treasury Department, said he and other economists are reluctant to address the size of the gasoline tax separately from the test of the Tax Code. But given the chance to rewrite the code, he added, ''most economists would say increase the gas tax and reduce some other tax.''

In recent years, advocates of a higher federal tax have ranged from Federal Reserve Board Chairman Alan Greenspan, who has proposed an unspecified increase as a conservation move; to White House Budget Director Alice Rivlin; and billionaire-politician Ross Perot.

Mr. Auerbach dismissed Congress's effort and Democrats' acquiescence as ''silly,'' and other economists privately condemn it as political pandering. But the tax-repeal drive isn't without supporters in the profession. ''I think we should be looking for opportunities to reduce taxes,'' says John Taylor at Stanford University,though he adds that his preference is for tax cuts that promote savings or investment rather than consumption.

At Duke University, economist W. Kip Viscusi found in a 1994 study for the environmental Protection Agency that federal gasoline taxes just about covered their pollution and traffic costs—before the Clinton increase. ''The bottom line is,'' he says, ''we're roughly at the right level.'' And if the government wants funds to cut the deficit—as the 1993 increase was designed to do—he says, ''there are better energy targets to pick on.'' Coal, heating oil and diesel fuel are undertaxed, Mr. Viscusi says, given their pollution and other external costs.

Even Congress' economists acknowledge their effort is grounded in politics, not economics, Texas GOP Sen. Phil Gramm, a former professor who takes credit for the current repeal vogue, says simply, ''When I get a chance to cut taxes on working people, I take it.''

Another conservative Texan and former professor, House Majority Leader Rep. Richard Armey, says simply that ''it's an opportunity . . . to repeal the Clinton gasoline tax of 1993.'' Mr. Armey caused a stir over the weekend by suggesting that the revenue loss be made up by cutting spending on education.

The White House and Democrats in Congress have shown little appetite to try to block a repeal, and instead have concentrated on efforts to modify it. In particular, they want to add language ensuring that oil companies reduce their pump price rather than pocket the amount. But with or without such an amendment, the repeal is likely to pass—with bipartisan support.

''If we can provide some relief through tax reduction, it would be the overriding consideration regardless of what bona fide arguments one can make on conservation and other issues,'' says Senate Democratic Leader Thomas Daschle.

At least as important, Democrats don't want to risk the political momentum they have built in recent weeks by hammering at the GOP on job-security issues, and they are leery of falling into the same trap that has ensnared Republicans on the minimum-wage issue: taking a political beating for opposing a questionable, though wildly popular, measure.

''It's completely presidential politics,'' says Sen. Kent Conrad (D., N.D.,). But, like the administration, he indicates he will support repeal if Republicans offer a suitable method to replace the lost revenue.

Mr. SIMON. Mr. President, if I can add one other thing to my friend from New York, and that is this: I, candidly, do not know how he voted on increasing the mileage from 55 to 65 miles an hour. But when we vote to increase the mileage from 55 to 65 miles an hour——

Mr. MOYNIHAN. You vote to increase the demand for gasoline.

Mr. SIMON. Precisely.

Mr. MOYNIHAN. Something called the ''market'' comes along and the price rises because of the demand. The supply has not instantly responded.

Mr. SIMON. If I may ask the Senator from New York, would it be somewhat inconsistent for people to complain about the high price of gasoline and vote for this drop in the 4.3 cents and having voted for an increase in the mileage from 55 to 65?

Mr. MOYNIHAN. I say to my friend that not only would it be inconsistent, but to allude to a point he made earlier, it would be ''silly.''

Mr. SIMON. I thank my colleague from New York.

Let me mention one other thing that is, apparently, part of this tripod we are going to be voting on one of these days, and that is the TEAM Act. This is the euphemism for what is basically an antilabor bill that emerged from the committee on which I serve. I think we need balance in this field. We cannot go too far in the direction of labor. We cannot go too far in the direction of

management. But just as we have moved away from self-restraint in this body in terms of politics, we have become excessively partisan. So the same thing has happened in labor-management relations.

It used to be that when you had a Democratic President, you had a slight shift in the National Labor Relations Board in the direction of labor; and when you had Republicans, a slight shift in the direction of management, but a pretty good balance. Then during the Reagan years, it went way out of balance. I think we did a great disservice to the process. I am pleased, incidentally, to see things like employee ownership of United Airlines. I think that, plus profit sharing, are a wave of the future in terms of avoiding some of the labor-management problems that we have had.

But it is interesting that someone like George Shultz—and we think of him as the former Secretary of State, but he also served as Secretary of Labor—said that we have an imbalance in this country that is not good for labor or management and not good for productivity in this country. And so we ought to view any changes in labor-management relations with great caution.

What the TEAM Act does—an acronym that inaccurately describes things—is basically permit a company to establish a company union. That is not in anyone's best interests. It is going in under the hidden cloak that this is a way to have teams, quality teams set up to work on safety and other problems in industrial production.

There is no problem in that field. In fact, between 1972 and 1994, there were only two employee committees that were rejected by the National Labor Relations Board where there were not other factors of unfair labor practices involved. In terms of employee committees, it is dealing with a nonproblem. But it is dealing with it in a way that I think creates what appears to be good things, but they are really company unions moving away from traditional unions. I think that is not a good thing.

Some people have said, ''I can't understand why we have this growing disparity between working men and women and those who are more fortunate.''

One of the ways you can judge that is to look at union membership. Why is that disparity not so great in Canada, Germany, Great Britain, France, Japan, and other countries? Are these not free market countries?

Yes, they are free market countries. But in those countries, you have 33 percent, 40 percent, sometimes 90 percent union membership among the working men and women. In the United States, because of the barriers we have put up to organizing, it is 16 percent among our total work force, and if you exclude governmental unions it is down to 11.8 percent.

That is not a healthy thing for this Nation. That is one of the reasons, frankly, we have not made progress in some issues like other countries have. We are the only Western industrialized nation to have people without health insurance—41 million of them. We are the only Western industrialized nation to have 24 percent of our children living in poverty. That is not an act of God. There is no divine intervention that says children in the United States have to live in poverty while children in Italy and Denmark and France and Great Britain and other countries have a much smaller percentage. It is the result of flawed policy. And I think if we pass this legislation, we will compound the flawed policy.

I trust, Mr. President, that we will not pass this particular portion of the bill that we may be voting on, and I assume it will be tomorrow. If it should be passed, I trust that the President of the United States would veto it. I think we have to maintain balance. This bill moves away from that balance.

Mr. President, I note the presence of the distinguished junior Senator from Missouri, and I know he is going to get up and agree with everything I have just said. It may be that he will differ on a point or two. But I do at this point want to yield the floor and again urge my colleagues to keep in mind what we need is balance in labor-management relations. This bill moves away from that balance and does not serve the Nation well.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair. I thank my friend, the Senator from Illinois, in whose State I spent some time this morning. I have to say that I highly respect the senior Senator from Illinois. He is right. I will differ with him, but I will not disagree in a way that would be disagreeable.

No one really challenges the need for balance in the culture or in the society, but I think the balance should be struck by American workers. The decision about how many people should be in labor unions and how many people should not be in labor unions should not be something we manipulate from the U.S. Senate. Rather, the decision about who is in a union or who is not in a union should be left to American workers. We have a system in the United States, the National Labor Relations Board, which is designed to ensure that there is no oppression or coercion of workers in unduly restricting their access to labor organizations. In the same light, the National Labor Relations Board also should make sure that there is no coercion in forcing people to be a part of labor organizations.

More importantly than trying to strike a balance from Washington, DC, by trying to impose a certain level of unionism on this country in order to match France or Germany, or England, we should provide American workers with the ability to strike that balance for themselves. Frankly, I do not want to be like France or Germany or England. I have not noticed a great stream of immigrants from the United States to France, Germany or England. The big stream of immigrants is from other countries to the United States.

It always confounds me a little bit when people in this Chamber hold up what happens in other places as a reflection of what the United States should become. Sure, there are free economies, but I will guarantee you they are not as free as the economy of the United States. And the reason people make the tough journey—and they have for centuries—to these shores is because there is greater freedom here and that is because we do not try to impose decisions on people from Washington, DC. We try to let people make the decisions, and that same ideal should ring true in the case of the TEAM Act.

What is the TEAM Act? What has happened that has provoked the Senate to consider something that would fundamentally adjust the way in which we allow workers to interrelate with their employers or companies?

Maybe it is best to start at what is our overarching goal? Here we stand in 1996, 3½ years from the turn of the millennium. What do we want to do? What should our policy be? What do we want? I think we want American society to survive in the next century. And I believe that we know we can survive if we are productive and if we are competitive. We have had some real challenges to our productivity and to our competitiveness in recent years.

Just a couple decades ago some folks from the Far East—instead of Europe—made a real run at the United States. They began to teach us some lessons which first were outlined by an American professor but first were embraced by the Japanese. These were the lessons about how successful we all could be if employers tapped their workers as a resource to help both workers and companies do their very best to improve the product, to streamline production, to improve safety, to improve conditions in the work environment, that if workers could help make improvements, you could develop a higher quality and greater efficiency. That enhanced productivity—the quality and efficiency together equal productivity—would mean a surge in the marketplace, and it did. The Japanese with their auto production and electronics production nearly displaced the United States. However, we have made a comeback.

How have we made a comeback? We made a comeback when we recognized the Japanese principles that were initially discovered and taught in some of the business schools of this country—the principle that recognized the value of workers. These principles say that no one will know the industrial process quite as intimately as the person who is on the line and that person has

something extremely valuable to contribute.

And so American industries started to say let us have meetings. Let us get the workers together and let us discuss how we can improve our standing—when we have improved standing and improved productivity, we have improved job security. When we do a better job, when we produce a better product, we are going to do better and it will lift us all. It will lift the employer. It will lift the employees. We will deal together as associates, and we will move forward.

As a matter of fact, there is a wonderful company in the State of Missouri. The name of the company is EFCO, E-F-C-O. They make what is known as architectural glass. If you are going to build a skyscraper and you are going to cover it with glass, you figure out the dimensions of each pane and then order the glass to fit your individual project. You figure out if it is going to have gas between the panes of glass or tinting to make the building more energy efficient. EFCO was that kind of company except and it had about 100 employees. They decided they wanted to be a leader in the industry. So they began asking their employees how to do it. They developed these techniques for asking employees how to make a more better product and how to improve the efficiency of production. They asked the employees if they had any ideas about safety so they could improve the safety, how they could increase quality, how they could have on-time deliveries. They were only having about 75 percent on-time deliveries when they started these committees, and recently, after doing this for quite some time, they were up to the high 90's in on-time deliveries. Everything was going well. The workers were earning more. The company exploded from 100-plus workers to over 1,000 workers, supplying architectural glass to people not only in this country but around the world.

All of a sudden a grievance was filed that these committees are an inappropriate act and that somehow, this is some phony union.

I want to be clear and distinct about my disagreement with the senior Senator from Illinois, who said the TEAM Act permits a company basically to establish a company union. Not so. The workers would have every opportunity, and never lose their opportunity, to petition the National Labor Relations Board to certify a union on the premises of these plants. There is no part of the TEAM Act which says that if you establish these company committees to improve communication, to elevate productivity, to lift worker satisfaction, that it in any way prohibits a union from being established. It is just wrong. It is inappropriate, it is inaccurate, it is a misrepresentation of the bill to say that it permits a company union. It does not. But it does authorize companies, if they want to, to tap the most vital and essential resource that a company has, and that is the people who work there.

EFCO got to talking to people, and some of the people in these groups said you ought to let us do things this way, to have our vacations so we could be happier workers and be more productive, and to think about this in terms of the way you compensate us.

A grievance was filed saying that this was somehow a company union, because the company dominated the committees by providing something as fundamental as a paper and pencil, because there were discussions of things that related to employment and because the company did not ignore the discussions but actually took them to heart. Therefore it was disqualified as if it were a union.

Let me just say a couple of things about that. No. 1, Missouri workers and American workers are not stupid. I spent a lot of time on my campaign working in the plants in Missouri and since I have been a Senator, I have gone back to work in the plants. These workers know whether they are members of a labor union or not. They know whether they are in a discussion group or not. I do not have such a low regard for the workers in my State to think that they cannot tell the difference between a discussion group and a labor union. As a matter of fact, it is strange to me to see those individuals who fear these committees, because individuals who work in these settings are happier and more productive. Maybe they think they do not need a union as much. That could be. I would not argue with that. If they are getting along without one, they might not want to pay union dues. That could be the case and it would remain their choice.

But these workers know whether they are in a union or not. It is strange to me that while employers are highly valuing employees—and do not have a low estimation of who these workers are, what they are, and what they can achieve—and those who are representing the organized labor interests in America are saying that these highly valued employees are being confused about whether this is a union or not.

I want you to know that, from my experience, none of the employees who have participated in these activities—that I know of—confuses these committees with a labor union. But nonetheless, the National Labor Relations Board brought an action against EFCO, the company I talked about that went from 100-plus employees to 1,000 employees, to stop them from valuing their employees. The NLRB said it was an unfair, inappropriate labor practice to have this kind of discussion, this kind of interrelationship, and this utilization and tapping of a wonderful resource of informed and enthusiastic workers to improve their productivity. What a terrible thing.

This win-win situation is now illegal. An interesting question is whether it is illegal to have these kinds of discussion groups if there is a union on the premises. The answer is—not at all. As a matter of fact, in a union setting, these committees are just fine. There is no problem. In my opinion, this is a discrimination against companies and workers who decide they work better and choose to work better absent a union.

My colleague, the senior Senator from Illinois, says we need balance. It seems to me, if this is a device that is available to union facilities, it ought to be a device that is available to groups of workers and their employers when those groups of workers have chosen—not to be unionized. If we are talking about balance here, the balance ought to be that workers make the choice, not that we manipulate the choices from here in Washington, DC.

These are win-win situations. There is a very simple question here. Are we going to forbid employers and companies in America from consulting with workers to improve productivity, to improve safety, to improve worker satisfaction, to build job security? Are we going to make that illegal?

Are we going to continue to allow that to be the source of conflict with an enforcement agency of the Government that says: Whatever you do, you cannot ask your workers what would be a better way to do things? You cannot ask them how you could better improve their safety? You cannot ask them how you could make the output more efficient so they can be more competitive around the world and thereby protect their jobs? Are we going to maintain a system that says you cannot do that? Or are we going to say: Wait a second, we are going into the next millennium and we have to be competitive with people from Singapore, people from Taiwan, people from China—1 billion plus people—energetically pointed toward the United States and the world as a marketplace, who want to compete with us. Or are we going to say to employers: You cannot talk to your workers to find out what is efficient and what is inefficient?

As I look toward the next century and as I look at my children—you know, one is just out in the workplace now. Two are still involved in education. I hope one of them is going to graduate next Saturday. But in the workplace, what kind of a team do we want to play for? Do we want to have a team where we hobble the real stars? The real stars of the competitive productivity of the United States are the workers. Are we going to say we want to tape their mouths shut, we want to rely only on the individuals in the board room? Do we want to rely only on the guys who come out with the fancy degrees? Or are we willing to hear the voice of the people from the shop floor who are able to say: You know, I have looked at this and I have been working on this and I believe if we just swap positions in the process, this for that, it would be a lot safer; or, we

can eliminate this step in the production and we can be a lot more competitive.

I frankly believe, as we face this next millennium, we can no longer afford a NLRB that goes to the companies and says, ''Unh-unh, shame on you for talking to the workers.'' Eighteen cases were pursued by the NLRB since 1992 saying you cannot talk to the workers about improved conditions, you cannot confer with them about how to have an increase in your safety, you cannot ask them to help you figure out how to be more competitive.

We have had about 30,000 employers trying to use these methods in response to the competitive surge from across the ocean, from Japan and others who are using these techniques. Let me say American workers have the right to opt for union membership. They have the right to ask for it. They have the right to petition for it. That right would persist. Nothing is done to change that by the TEAM Act. They would have the ability to ask that unions be organized and they would have the entire framework of the NLRB to make sure that any election is a fair election.

But I think, for us to say we do not want to be able to use the resource that workers present as a means of improving our productivity is a terrible violation of basic sound public policy principles. It undervalues the American work force substantially. It ignores the fact that, of those who make a contribution, I believe the contribution of the worker is high on the list.

You know, this was a theme of President Clinton's State of the Union Message. He kept talking about teamwork. He said what we cannot do separately we ought to be able to do together. He talked about cooperation. He said, and I agree and I quote: ''When companies and workers work as a team, they do better, and so does America.'' Not only do I agree with that, I do not think I could have said it better myself.

This just appears to be one of those disparities. I do not think he meant to say, ''When union companies and union workers work as a team, they do better and so does America.'' I am sure that is true, but to limit that to 11 percent of the work force—as the senior Senator from Illinois said, 11.8 percent of the work force in the United States, outside of government, has decided to be represented by a union—to limit the ability to confer and to have those advantages to only 1 out of 10 workers seems to be a terrible way to structure and to establish the potential for this country to succeed in the next century.

I believe that it is the fundamental responsibility of Government—this is at the base of it all; this is why we are here—to establish an environment in which people reach the maximum of their potential.

Government ought to be an institution which promotes growth, not growth in Government, but growth for people, for individuals and for institutions, for citizens and for corporations. And if we are a society of growth, we will succeed. And if we are a society of shrinkage, we will not.

Now, are we going to grow by using the entire array of talents in our culture, or are we going to say to 9 out of 10 workers, ''You can't collaborate, you can't confer with, you can't discuss, you can't make suggestions.''

When the EFCO case, to which I have referred, was handed down by the judge, the judge said, ''This is good for the workers, this is good for the company, this is good for the community, but the technical aspects of the law require that I stop this procedure.'' And we want to say, ''You're right, judge, it's good for the workers, it's good for the company, it's good for the community, and we want to change the law just to allow it to be possible for the 9 out of 10 nonunion workers to be able to confer with their employers in the same way that union workers do in terms of making suggestions for increased productivity.''

I believe that the TEAM Act should be enacted. It must be enacted if we really care about American workers. Let me just say, we are talking about 9 out of 10 workers in the American workplace. A lot has been said about the minimum wage. The minimum wage affects fewer than 5 percent of the workers in this country. We are down at very low levels of people who are affected. I think minimum wage affects about 3.1 percent of the population. Here we are talking about something that affects the entire population, the ability of this whole society to move forward competitively.

I see my friend, the Senator from Vermont, on the floor. Mr. President, does the Senator desire to speak on this issue?

Mr. JEFFORDS. Mr. President, I certainly do desire to speak. I, first of all, commend my good friend from Missouri for a very articulate and well-stated position on the TEAM Act. I would like to provide some different perspectives, both historical and with respect to the minimum wage, at some point. I will be happy to proceed now or as soon as the Senator from Missouri is through.

Mr. ASHCROFT. Mr. President, I am very pleased to yield the floor. I, of course, cannot yield but to the Chair, but in respect to my understanding and awareness that the Senator from Vermont is here, it is my pleasure to yield the floor and to thank the Chair for his indulgence for my opportunity to support what I believe is a fundamental ingredient of the success and the survival of this society in the next century, productivity and competitiveness when we call upon workers and allow them to make a contribution which will allow us to succeed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to pursue TEAM Act. I must say, it is difficult for me, from analyzing the circumstances which brought about TEAM Act, to understand why anyone would disagree with going back to what everybody presumed the law to be.

First of all, let me make it clear, I am in favor of the minimum wage. I am one of those Republicans who is in favor of the minimum wage. So the minimum wage and TEAM Act are not linked, other than from perhaps some political aspect. But to me, the TEAM Act is essential in order to continue the increasing productivity of this Nation. But my colleagues better understand the TEAM Act and how it came about and why we are in this difficulty.

Let me take you back 40 years. Forty years ago, I was a senior at Yale University, and I was a student studying industrial management, industrial administration. At that time, we were studying what ought to occur for the future to improve productivity and to build an industrial might in this Nation which would allow us to proceed with the greatest possible benefit to workers and to management.

It was an interesting time and there was a great debate going on in our Nation as to what we should do as we moved into the future.

It was also an interesting time, of course, because we had a certain man called Joseph McCarthy in this Senate who was very concerned about communism and anything that smacked of communism seemed to be sort of in ill repute. Thus, when you started talking about workers getting together with management and those kind of things, it raised some concern with some people.

It also was a time when the unions were trying to organize and become more forceful and protect the rights of workers. But those in the academia were discussing the philosophies of the two systems and how we could better get together, workers and management, working together in American society to bring about higher productivity and to bring about better rewards to the workers.

So we discussed the many things which, at that time, were very innovative and novel and hardly discussed before. I wrote my senior thesis on how we could try to improve the productivity of workers and the workers' plight in our Nation. I remember at that time writing and discussing about options of profit sharing, profit sharing with stocks, profit sharing period, stock options, and even as far as putting a member of the unions or workers on boards of directors.

A considerable amount of effort by the academia went into outlining and defining these. The only problem was, the only ones who were listening were the Japanese, the Germans, and others. So when the Marshall plan came in, along with all of our wealth that we shared in order to bring about the industrial might of those nations in Europe and Asia, the only ones who took the ideas that were expressed by those

who were trying to look to the future to try and provide a better lot for workers and higher productivity for industry, were the Japanese, the Germans, and the Europeans.

So what we have seen that has occurred over the past 40 years is that in those nations, the concept of the TEAM Act, which we are trying to bring in here again, was incorporated fully; in fact, in Germany, even more so than anywhere else, where you do have members of the workers or the labor unions participating in the boards of directors.

What has evolved in Japan, for instance, is an incredible social organization in their school system to teach teamwork, teamwork among all classes, teamwork to bring about the ability to work together. And, thus, you have seen a closer relationship in those nations with the worker and management than you have in this Nation.

A decade or so ago when our Nation found itself beginning to be outshone in productivity and in the marketplace because of the incursion of automobiles in this country from Europe and from Asia, which practically wrecked our automobile industry, the kind of skills that are necessary in our industries now, which are far different from what they were in the fifties wherein you spent your time just stamping something or pushing one button or all of the things that were in mass production in those days have evolved into a work force that needs to have technical skills to understand the workings of the machines, the computerization of machines—all of these skills in the mass production procedures.

These resulted in those countries, Japan and Malaysia, all of these that had taken this advice of working together and figuring out how to improve productivity—they found that the best providers of improvements in the productivity were the workers themselves; whereas, in this country we just turned around and we kept trying to do quality control. We would bring things back and repair them.

The Japanese and Germans learned the best place to stop is when you are in the production line. You find out you are producing too many things that are wrong, you find out what is going wrong and have the workers work with you to find out what is going wrong. So their productivity improved. The number of malfunctions or nonworking pieces produced were reduced substantially by working with the workers.

It took us quite awhile to learn that. But now we have learned that. At a time when we now have thousands and thousands of these teams that are working together to improve productivity in this country, to make sure that we can outdo the Japanese, can outdo the Germans—and we have been successful. Yes, we have been successful. There are shining examples of that, Motorola and others, who learned the teamwork process and have now superseded in the markets in Asia in direct competition. We are winning. We are doing it.

Now what happens? All of a sudden the NLRB comes out with its decision: ''You cannot do that. No. You formed a union here, and you have got to go through all the election processes or you can't meet.'' What is going to happen? If we do not pass the TEAM Act, thousands of these teams are going to be destroyed. The productivity gains that we have made over the past decade, which have been going on for some 40 years in Europe and Japan, all that we have learned will be destroyed.

Why in the world would the unions oppose this? Well, it is simple. They are threatened. They are nervous because they have been going down. They did not want to do anything that would in any way enhance the workers and the management to get together to improve productivity unless they are union people. Well, that may be fine, but that is not the way to do it. You have to prove, through the reasons that you give the workers to join, that they want to form a union; but you should not kill the productivity which is now beginning to come up by throwing all of these—I think the Senator from Missouri mentioned maybe up to 30,000 of these teams that are out there. If we do not do something here, if we do not do it quickly, then all those productivity mechanisms are going to be destroyed.

So it boggles my mind to think that anyone can oppose a provision in the law that says, ''Hey, if you want to work, sit down and you can talk about improvements,'' because if there is no improvement, if there is no productivity, there is no profit. If there is no profit, there is nothing to split. So let us get the profit first, and then we will worry about how you bargain or are considered about how to cut the profits up.

That is a separate issue all right. That is for the unions. If you get into that kind of discussions, yes, maybe you are getting into unionism. But there is certainly no disagreement with the fact that if there is not a profit, there is not anything to split. So why kill off the mechanisms to provide the profit?

So I say that I hope that Members of this body will recognize that the issue being created here is one that is so dangerous to the national productivity right now that, if we did not do something to prove and to improve upon the ability of our workers to interact and to cooperate and to learn the skills necessary to bring about productivity, we will find ourselves in the not-too-distant future of having a situation where we have destroyed the great improvements that we have been making over the last decade in productivity.

So I just cannot impress upon my colleagues how important the TEAM Act is. If you do not believe so, talk to your businessmen and talk to the workers in those plants that are not unionized who believe very strongly that the best way to cooperate, to get a profit and to learn how to split the profits is through improving productivity. If we do not pass the TEAM Act, we are about to see that great movement forward in productivity disappear. So I hope our colleagues will support the TEAM Act. Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I certainly want to commend the Senator from Vermont for his outstanding remarks regarding the TEAM Act. He talks about productivity and about these fundamental communications.

I have here in my hand a document which lists the illegal subjects of discussion as they have been decided in different cases.

The Union Child Day-Care Center case of 1991 said it was illegal to discuss allowing employees to use company vehicles to obtain lunch. Therefore, if there was some sort of discussion that said, ''Well, if we could just occasionally use one of the company vehicles to go get the lunches, we could* * *,'' it would be illegal.

Here is another example. It says an impermissible topic is, ''In-plant cafeteria and vending machine food and beverage prices.'' So, if a discussion group said, ''You know, we need to lower prices on some of these things. This concessionaire you have got running the vending machines around here* * *,'' it would be illegal.

Here is a third example: ''Company provided meals'' is an impermissible topic. If the discussion group said, ''You know, we could get some more done if you guys could provide some meals or help us with our eating* * *,'' it would be illegal.

''Abolishing a paid lunch program'' was found to be illegal, according to the Van Dorn Machinery Co. case.

Here is another example that is really troubling, a whole category of safety topics that it was illegal for workers to talk to their employer about.

''Safety labeling of electrical breakers.'' I should think we would want workers to be able to talk to their employers about conditions of a safer workplace. Workers, individually or collectively, should be able to say ''these things are not labeled properly as 'illegal'.''

''Tornado warning procedures.'' It is illegal for workers to talk with their employers about that, according to the Dillon case.

''The purchase of new lifting equipment for the stock crew.''

Rules about fighting—if there is a fight that breaks out among employees, American workers must say, ''no, we can't have anybody talk to the employer about how to settle it.''

I think these are obviously the kinds of things that workers should be consulted about, and they should be given an opportunity.

''Safety goggles for fryer and bailer operators.''

''The sharpness of the edges of safety knives.''

Here is a case where employees could not talk to their employers about a smelly propane operation, propane being an explosive gas, burnable gas. I would want to be able to talk about that.

The case of the E.I. DuPont case, which was a 1993 case. The subject was safety. ''No. You can't allow workers to talk.'' Of course American public policy should encourage rather than discourage employers from discussing safety issues.

''Drug use and alcohol testing of employees.'' That could not be the subject of discussion. It is no wonder that the Senator from Vermont is so compelling in his arguments about this whole situation when he says that we need to be able to discuss these things. This is not the old days of the 1930's.

I thank the Senator for bringing out the fact that there were times when America marched forward by having adversarial fights between labor and management—between employers and employees. I think we will march forward much more quickly and competitively if we can have the benefit of the wisdom of workers in solving some of these fundamental problems.

Every once in awhile you hear about these teams, and you think they must be talking about advanced circuitry. Sometimes they are. But sometimes they are just talking about, ''Hey, we'd better make sure that the safety procedures are good enough here in the event we have a tornado.'' According to the rules as they now stand, if you want to discuss how you evacuate the building in the event of a tornado, you violate the law. I thank the Senator from Vermont.

Mr. JEFFORDS. I thank the Senator from Missouri for his very articulate and well-expressed opinions here. I am hopeful that when our colleagues listen and understand what we are talking about here, this TEAM Act, we will move through and do what we must do, and that is improve our productivity in this Nation.

Mr. ASHCROFT. Mr. President, one of the things that workers want to talk to their employers about, and they want to talk to us about, is their ability to resolve the tension that exists between the workplace and their families. Most of the men and most of the women in today's modern work force feel a tension between serving the needs of their families and being on the job.

If we were really concerned about workers, we would also direct our attention to the substance of the Fair Labor Standards Act. This archaic rule literally makes it illegal if an hourly worker goes in on Friday afternoon and says, as an employee, ''I have to go see Sally get an award at the honors program at the high school this afternoon. Can I make up the time on Monday?'' Our labor laws make that illegal for the employer to let the employee just make up that time on Monday. We have a situation where we have so many people now trying to juggle both work and family—I do not need to go through the statistics.

In the 1930's, when we created the Fair Labor Standards Act, we had fewer than 16 percent of the women of childbearing age in the work force. Now 75 percent of all the women with children 6 and under are in the work force. We have just a dramatic difference. We need to make it as easy as we possibly can for these people to accommodate the needs of their children. This can be accomplished by having flexible work schedules, by allowing individuals, if they are asked to work overtime sometime, to say, ''I'll take it in comp time, time and one-half, in terms of time off.''

We accorded this privilege to the Federal Government in 1945. That is how long they have had the potential of not taking overtime but just taking comp time for people who would rather have time than pay. Since 1978, we have had a flexible work arrangement for Federal employees which allowed those who are running the Federal Government and the different departments to say to their employees, ''If you need to take 2 hours off on Friday afternoon you can make those 2 hours up on Monday.'' The Federal employees have had it in terms of comp time for over half a century; in terms of flexible time, for 18 years.

However, the rest of the American workplace still finds itself rigidly confined and the family disadvantaged substantially by the fact that it is illegal for someone to say, ''Make up the 2 hours on Monday afternoon. We are glad to have you go and participate with your family.''

I have introduced legislation to address this. It is called the Work and Family Integration Act. It is the way to build a better workplace for the next century, recognizing and reflecting the needs, concerns, and the difficult challenges that families face now. It does not allow any employer to demand or extract any overtime in any way without paying time and a half for it in accordance with the traditional rules. But, if the worker desires, the worker could shift some of his workweek from 1 week to the next with the managers or the employers' agreement.

We held a hearing on this in the committee and people were talking about snow days here in Washington. A whole group of employees were snowed out on Friday. Their employer was not allowed to let them make that 8 hours up 2 hours at a time in 4 days the next week. As a result a whole group of workers lost a whole day's pay. I am talking about 300 people at one plant because our labor laws prohibit the making up of time once you cross the end of a week.

Now, it seems to me if the employees request and the employer is willing to accommodate, we should have flexible work arrangements. Also, we should allow—if the employer asks someone to work overtime—the employee to choose to take that overtime not in extra money but in time and a half off. As a matter of fact, that comports with, obviously, what the Federal Government has suggested is available for its own employees for the last 50 years, but it is something where the average worker just does not have equality with the Federal employees.

I believe this is a measure which ought to be supported if we really care about workers. Mr. President, 60-some percent of all the men in the culture say they want to spend more time with their families. Give the employers and the employees an opportunity to work together to spend more time with their families.

I was stunned with a statistic I read the other day that 30-some percent of all the men in America said they had passed up promotions in order to spend more time with their families, and 60-some percent of the women in America said they had passed up promotions. When people pass up a promotion that means they are not living or working at their highest potential. It means their employers know they could do a different kind of job, a better job, more demanding job, and it means the person knows they can do it, but they do not want to sacrifice the family. So we end up deploying our resources, our great human talent, at lower than optimal levels because people are protecting their ability to work with their families.

Why do we not say we will allow you to protect your ability to work with your family by giving you flexible working opportunities like we have in the Federal Government. Just extend to the private sector what we have in the Federal Government. We should do that so we get the greater productivity and output from the workers across America. If we have higher productivity and output and we have more time with our families, we have more worker satisfaction, I can guarantee that will be a formula for success and survival into the next century. Whether we sink or swim depends on our ability to be competitive. We have rules from 60, 70 years ago s which make it impossible for us to survive. It is like swimming across the lake with a sack of cement. It is heavy to begin with, but when it solidifies it is a weight to carry and we need to shed this kind of impediment. We need to free individuals to make these requests and agreements.

Some say, ''Wait a second, some might be abused by their employers.'' We have the Department of Labor, an army of wage and hour enforcement individuals. There would be no ability to compel anything that is not compellable now. All we want to do is free these friends, the employers and employees to work cooperatively so they can accommodate the needs of their families. I think it is something which ought to be done. As a matter of fact,

it is something with which the administration agrees—at least rhetorically.

I was pleased to note from the Bureau of National Affairs, the Daily Labor Report, Vice President GORE, May 3, called on U.S. employers to create father-friendly workplaces. Addressing a Federal conference on strengthening the role of fathers in families, GORE ''urged American companies to give employees flex time opportunities to expand options.'' Now, wait a second. We have the Vice President of the United States saying we need flextime, legislative proposals before the Congress which would provide for flextime, the President of the United States having said we need to work together as teams in his State of the Union Message, but a promise they will veto employee option flextime and comp time.

Again, we have the dysfunction between the speak and the specifics, between the rhetoric and the reality. It is high time we say to American families, ''We want to do more than talk about you. We want to do more than say we need family-friendly and father-friendly work policies.'' We ought to be willing to say, ''Yes, the American worker in the private sector deserves the same kind of opportunities to work cooperatively, to arrange to meet the needs of her family, his family, meet that need just like Federal employees.'' In 1978 we started flexible scheduling in the Federal Government as a pilot project. In 1982, we extended it. Along about 1985 we decided, hey, this is good enough to put right into the law. We have a report to congressional committees from the United States General Accounting Office, ''The Changing Work Force: Comparison of Federal and non-Federal work family programs and approaches,'' that documents the fact this is available. It is available and it is working in the Federal Government. But we are afraid to extend it, afraid to offer this opportunity to people in the private sector.

I cannot believe it. Do you know what Federal workers said about this? Overwhelmingly, ''We like it, we want it, we must have it, we should continue to have it,'' when they talk to their employer about conditions of employment. President Clinton, the President himself, in 1994, put out an Executive order that this is a good deal, best thing since sliced bread. This is something you cannot argue with. He says we should extend this, make sure that every person in the executive branch, even those in the White House, have this capacity. It is good enough for the White House—if it is good enough for Pennsylvania Avenue—it is good enough for Main Street, USA.

If we really care about workers, and I believe we must, if we really care about our fellow Americans, we must care less about special interests who are afraid if we make workers happy they might not join unions. I think what we have to say is: How do we confront the challenges of the next century? How do we make sure that America does not slip? How do we make sure there is a job base, an industrial capacity competitive enough that when our children and grandchildren need jobs and when the other countries of this world come fully online with a competitive challenge—how do we make sure we are ready to meet that challenge?

Can we do it with a law that was passed in the 1930's and says that, ''Well, shucks, we cannot allow Americans to accommodate the needs of their families. We certainly would not want people in the private sector to have the same benefits the Federal employees have for accommodating those needs. We have to be very much afraid if these workers get too happy, either conferring with their employers or cooperating so that they can see the soccer game or watch the awards ceremony that the special interests in this country will not make it. Well, I think you and I understand, and I think down deep we all know that it will not do much good to have healthy special interests if the national interests go down the drain.

As we look to the next century, I think we have to look to those national interests: Flexible work arrangements are important in helping mothers and fathers be deployed in the workplace to the maximum of their capacity and to accommodate the needs of our families. We have to look after American families. Yes, let us let workers talk. Let workers talk to their fellow employees and employers about things as fundamental as tornado drills and whether the propane is leaking out of the tank and whether the electrical circuit breakers are properly labeled. Let us not assume they cannot do that unless they first call in the union. Let us not underestimate the value of the American worker. Let us capitalize on the value of the American worker.

If we really care about America's workers, we will do things for all of them, for the vast majority of them, like flex time and the TEAM Act, which invites the entirety of the population to flourish. Sure, I understand concerns about the tiny, narrow fragment of people on the minimum wage. However, well over half of those people are part of households that make over $45,000 a year. I think the number is 57 percent. I started working way below the minimum wage, a third below the minimum wage. I am glad somebody did not tell me it was ''because you are not worth the minimum wage; you are useless.'' I may have been useless at the time, but somebody agreed to pay me 50 cents an hour when the minimum wage was 75 cents, and I got my start. I do not think I have missed a day of work since. There are those in my home State who think I am still worth about 50 cents an hour, but my view is that my work and my values should be determined by what I can produce. I should not be told if I cannot produce at one level, that I am worthless and worth nothing at all.

Let me just make one other comment about another topic. I do not see anyone else seeking the opportunity to speak. There is a lot of talk about gasoline taxes. Frankly, I think the most recent gas tax, the one passed in 1993, was mislabeled. It was a tax on gasoline all right, but it went someplace else. Prior to that time, gas taxes were all spent to build highways and roads. But the gas tax in 1993, the most recent one that added significantly—about 25 percent—to the gas tax we already had, or more, I guess, that gas tax went into the general fund. So when the Senators from a variety of jurisdictions get up and say we need gas taxes because they build highways, the general fund does not build highways. The highway trust fund builds highways. The last gas tax was not a demand for more road-building capacity. It was a demand that people who drive perhaps would subsidize social programs.

Now, that bothered me because I think the gas tax that builds highways is really a reasonable, uniquely sensible approach. The people using the highways are paying for the highways. How wonderful. Government ought to work that way. The more you drive, the more you pay. The more you drive, the more you use the highways. Makes sense. But, no, in 1993 they decided—and I opposed it. I was not here, but I was opposed to it. That was not the right way to do things, to take what people were trusting to be a gas tax and put it in the old general fund so it would support social programs.

I have to say I am distressed by that because it says that we are going to put a tax on drivers, and we are going to use that to support social programs, and that means people who live in the outer-State areas—a lot of people in the West where they drive long distances when they go to work—are going to be asked to subsidize social programs at a higher level, to bear an inordinate cost, to bear an unusual share of these social programs.

Well, you all know, and I know, that the social programs have driven the deficit in this country, which is about $5 trillion now. A newborn child owes $19,000 the day he or she is born. The idea of trying to figure out ways to keep displacing the burden of taxation, to load it up on the guys out West, or the people who are in the nonurban areas, to drive just for the privilege of driving, they are going to have to pay an inordinate share of these other programs. That, to me, is a bankrupt concept.

It might be different if we had passed the gas tax to pay for what the gas really uses, and that is the highways. But this is not one of those situations. I opposed it because it is not one of those situations, and I would favor the repeal of it because it is not one of those situations. We do not spend the money in the highway trust fund we have now. We use it to mask the deficit in part of the flim-flam of Washington economics. To add an additional gas

tax as additional flim-flam to spend on a variety of other Government programs that have not really gotten us far, except into debt, I think has moved us in the wrong direction. I personally will be glad to support a repeal of the gas tax, because I believe that, as it relates to taxes, America is running out of gas. We are tired of taxes. We realize that we have them at a higher and higher level.

Last week, the Department of Commerce released the data for this last year, and we have had the highest tax rate from the Federal Government we have ever had in the history of America. We fought the world wars and charged American citizens less than we are charging them now. We spent our way out of the Depression and charged America less than we are charging now. It is time for us to come to grips with the responsibility we have to put Government under control, to change the Washington-knows-best way of doing business. It is time for us to be sober about our responsibilities as it relates to the hard-earned money of our constituents. As it relates to taxes, America is running out of gas. It should be running out of a gas tax which was inappropriately levied in 1993 and should be appropriately repealed by the U.S. Congress in 1996.

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

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent that there now be the period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, many Americans don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of 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 is the U.S. Congress that has run up the enormous Federal debt that is now over $5 trillion.

To be exact, as of the close of business yesterday, May 6, 1996, the total Federal debt—down to the penny—stood at $5,090,257,303,263.75. Another sad statistic is that on a per capita basis, every man, woman, and child in America owes $19,223.62.

So Madam 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 five million million dollars.

Sort of boggles the mind, doesn't it?

HONORING THE NICHOLS

CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. It is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

I rise today to honor Mr. Loren and Mrs. Orpha Nichols of Savannah, MO, who on March 28, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Nichols' commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

TAX FREEDOM DAY

Mr. HATCH. Madam President, I rise today to join with many of my friends and colleagues in acknowledging a red letter day. Today is tax freedom day—the day the American family breaks the shackles placed on them by high taxes in this country, the day when Americans can stop working for the Government and start working for themselves.

Not until May 7, 1996, do average families actually earn enough money to start paying their own bills instead of the Government's. Not until May 7 do average Americans have after-tax money to pay for their houses. Not until May 7 do average Americans have after-tax money to buy food and clothing for their families.

And, never has tax freedom day occurred so late in the year. Look at the calendar: 1996 is more than one-third over. Americans work one-third of the entire year just to support governments.

I often wish the big spenders both in Congress and in the executive branch would stop thinking in terms of revenue and start thinking in terms of what revenue really is—taxes. We need to measure this burden and talk about it in personal terms, not just in vague budget-speak. You know, there are folks in America to whom $100 million is a lot of money—not just a mere point one on a computer printout.

To help illustrate this problem, I would like to take a closer look at the tax burden of a family from my home State of Utah:

A Utah family of four with an estimated median income of $44,871 pays approximately $8,800 in direct and indirect Federal taxes. On top of this outrageous amount, they must also pay over $5,700 in State and local taxes, bringing the total family tax burden to $14,538. This is an effective tax rate of 32.4 percent.

Now, while a family income of about $45,000 might sound like quite a bit of money in some parts of the country, I think few people, besides possibly President Clinton, would venture to call this family of four rich.

Madam President, as you can see, the tax burden of a family with this income is astronomical. However, the cost of the Federal Government to them does not end with these taxes. In order to accurately estimate the Government's true burden on Utah families, we must also calculate the regulatory costs and their effect on the prices of goods and services. We must factor in the higher interest rates that families must pay as a result of the Federal deficit.

In essence, Federal, State, and local taxes on the family are all increased by excessive Federal borrowing. Excessive Federal regulation combined with the increase in interest payments raises the Government's cost by $8,600. Thus, the estimated total of Government costs to this typical Utah family is over $23,000. That is about 52 percent of their income. Utah families deserve better. Every American family deserves better.

The Balanced Budget Act of 1995 was predicated in large part on the idea that the American public could spend their money more effectively than the Federal Government could spend it. Not only did the Balanced Budget Act contain a bona fide plan for balancing the budget within 7 years, it also contained a number of tax reductions geared to helping American families and to spurring economic growth.

A balanced budget is not a new idea. Until the mid-1930's, this Government regularly managed to balance its books every year except in wartime; and, even then, the debt was repaid as soon as possible after the crisis was over. But, in the 1960's, things really got out of hand. Entitlements flourished. And, of course, less and less restraint on spending meant more and more taxation. Big government means big taxes.

However, President Clinton chose to veto the Balanced Budget Act. He chose to camouflage his reluctance to cut Government spending and taxes with demagoguery. He claimed that many of the tax cuts in this package were targeted to benefit the rich, regardless of the many studies that demonstrate why this is not true.

He claimed that these tax cuts came at the expense of programs intended to aid the poor and the elderly. But, let's be clear about this: budget experts have made it very clear that these programs must be controlled independent of a tax cut package, not because of one.

And, let's be clear about something else as well: Balancing the budget

should not provide the excuse for not enacting tax cuts. That has been a convenient rationale for those who want to spend and spend. For almost the last half century, Government has spent $1.59 for every new dollar in taxes. Government isn't taxing the American people to eliminate the deficit; it is taxing people in order to spend.

In 1993, President Clinton worked hard to push through Congress—by a bare one-vote margin in the House and a tie-breaking vote in the Senate by Vice President GORE—one of the largest tax hikes in history.

In 1994, Republican candidates for Congress pledged to cut taxes. In 1995, they delivered. Today, the only thing that stands between the Utah family—as well as millions of other American households—and tax relief is Bill Clinton.

One of the most misunderstood items of the tax cut package is the capital gains tax cut. The truth is that a capital gains tax cut is an investment incentive, and every American could gain from this tax reduction. Let me give you the facts, Mr. President.

From 1985 to 1992, over 7 million taxpayers had a capital gain each year. And, 62 percent of these returns reporting capital gains came from taxpayers reporting $50,000 or less—$50,000 or less—of adjusted gross income. We are not talking about a millionaire's tax break. Capital gains relief will benefit millions of American taxpayers.

Moreover, it is estimated that about 12 million lower and middle-income workers participate in some sort of stock equity plan with their employers. Further, many millions more own investments in stocks, bonds, and mutual funds. In fact, 52 percent of the 30.2 million families that own mutual funds report incomes of $50,000 or below, and 80 percent of these families report incomes of $75,000 or below.

Thus, capital gains realizations are hardly the exclusive domain of the rich. And these examples do not even touch on the economic benefits—such as new job opportunities—that would result from the unlocking of this estimated $8 trillion of unrealized capital gains that now sit waiting for the right incentive to come along and unleash it.

The list of other tax provisions that could reduce the burden of this average Utah family goes on.

For instance, the Balanced Budget Act of 1995 included an extension of the research and experimentation tax credit. This credit is very important to the research-intensive high technology industries that supply my State with thousands of jobs. It is this type of tax incentive that ensures Americans that high-paying, high-skilled jobs will stay in the United States and not be exported to countries that are more tax-friendly. It is this type of treatment that allows businesses to be competitive and makes the United States an attractive base for many research-related companies.

The Balanced Budget Act of 1995 also included a $5,000 credit for qualified adoption expenses. As anyone who has tried to adopt knows, adoptions are not cheap.

Families that are willing to take a child into their home are often deterred by the initial legal and medical expenses that can easily cost over $20,000. This $5,000 credit would allow the typical Utah family some much-needed relief by allowing them to offset their adoption expenses with a dollar for dollar credit that could be carried forward for up to 5 years.

One of the tax provisions that would have provided considerable relief to this same Utah family is the tax credit for children. The Balanced Budget Act of 1995 would have provided a $500 per child credit. Of course, because Utahns have larger than average families, the citizens of our State would have greatly benefited from this provision. But, most American families could benefit from this break as well.

The credit would have reduced the tax burden for a family with two children by $1,000. I am sure this Utah family would have a million better ways to use this money.

So, how much did President Clinton's veto of the Balanced Budget Act cost this Utah family, consisting of a mother, a father, and two children? Let's see how much:

$1,000 in tax credits for children.

$217 in marriage penalty corrections; and

$5,000, if this family had tried to adopt a child.

And since this family would fall into the 15-percent tax bracket, they would have only paid a 7.5-percent tax on any capital gains that year—an additional 7.5-percent cut in their tax burden.

President Clinton's veto of the Balanced Budget Act cost this family a minimum of $1,217. And, this figure does not even take into account possible tax savings from capital gains tax rate reductions, the adoption credit, the enhanced IRA provisions, or the increase in the tax credit for health insurance for the self-employed.

It also does not take into account the substantial savings that would accrue to this family on mortgage interest, auto loans, student loans, or other private borrowing given that a balanced Federal budget would lower interest rates an estimated 2 percent.

Although President Clinton was unwilling to enact the Balanced Budget Act's program of tax relief, he now has the opportunity to repeal at least one of the taxes he placed on the American public in 1993—the 4.3-cent-per-gallon gasoline tax.

It is remarkable to me that the Clinton administration decried the Balanced Budget Act for its so-called harm to the poor and to seniors—but exactly who does the White House think is paying the biggest price for this gas tax hike? The gas tax is a particularly regressive tax. Who pays the most? The working poor and those on fixed incomes, that's who.

On Friday, the Finance Committee held hearings on the repeal of the 4.3-cents-per-gallon gas tax. Although there is some debate regarding how much of an immediate drop there would be in the price of gas as a result of this repeal, many experts agree that the price of gasoline would be 4.3 cents per gallon less than what it would otherwise be. It is no secret that these excise taxes are passed on to the consumer.

So, in observance of tax freedom day, I call upon the President to work with Congress not against it. It is time to for him to put down the veto pen and think about the American family—about this family of four struggling in Utah. It is time to lower the national tax burden and return this money to its rightful owners—American families. The current law is taxing us to death.

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–2417. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Milk in the Central Arizona Marketing Area: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2418. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Winter Pears Grown in Oregon, Washington, California: Amending; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2419. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Limes and Avacados Grown in Florida: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2420. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Grading and Inspection, General Specification of Standards for Grades of Nonfat Dry Milk; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2421. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Olives Grown in California and Imported Olives: Establishment of Limited Use; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2422. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Hazelnuts Grown in Oregon and Washington: Amending; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2424. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Spearmint Oil Produced in the Far West: Allotment Percentages; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2425. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule

relative to Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2426. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, the report of an interim rule relative to Standards of Barley (RIN580–AA14); to Committee on Agriculture, Nutrition, and Forestry.

EC–2427. A communication from the Under Secretary for Food Safety, Department of Agriculture, the report of a final rule (RIN 583–AB97); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2428. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on proposed obligations for weapons destruction and non-proliferation in the Former Soviet Union for fiscal year 1996; to the Committee on Armed Services.

EC–2429. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a retirement; to the Committee on Armed Services.

EC–2430. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96–D309; to the Committee on Armed Services.

EC–2431. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96–D039; to the Committee on Armed Services.

EC–2432. A communication from the General Counsel of the Department of Defense, transmitting, a draft proposed to amend titles 10, 37, and 31 of the United States Code, relating to various management authorities for the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC–2433. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a program of research for the development of technologies that reduce environmental hazards; to the Committee on Armed Services.

EC–2434. A communication from the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a notice relative to a recent change in the foreign policy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–2435. A communication from the Assistant Chief Counsel, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the final regulation entitled ''The Community Reinvestment Act Regulations''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2436. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the final regulation entitled ''The Uniform Rules of Practice and Procedure''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2437. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled ''The International Banking Activities''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2438. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled ''The Uniform Rules of Practice and Procedure''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2439. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled ''The Community Reinvestment Act Regulations''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2440. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''The Regulatory Reinvention; Tax Exemption of Obligations of Public Housing Agencies and Related Amendments'' (FR 3985); to the Committee on Banking, Housing, and Urban Affairs.

EC–2441. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''The Regulatory Reinvention; Streamlining of HUD's Regulations Implementing the Fair Housing Act'' (FR 4029); to the Committee on Banking, Housing, and Urban Affairs.

EC–2442. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''The Revision of FHA Multifamily Processing and Fees'' (FR 3349); to the Committee on Banking, Housing, and Urban Affairs.

EC–2443. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''The Prohibition of Advance Disclosure of Funding: Accountability in the Provision of HUD Assistance'' (FR 3954); to the Committee on Banking, Housing, and Urban Affairs.

EC–2444. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''The Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development'' (FR 3331); to the Committee on Banking, Housing, and Urban Affairs.

EC–2445. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Equal Employment Opportunity; Policies and Procedures'' (FR 3323); to the Committee on Banking, Housing, and Urban Affairs.

EC–2446. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''The Streamlining of the FHA Single Family Housing, and Multifamily Housing and Health Care Facility Mortgage Insurance Programs Regulations'' (FR 3966); to the Committee on Banking, Housing, and Urban Affairs.

EC–2447. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2448. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (RIN 584–AC08); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2449. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2450. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a final rule (RIN 3038–AB09); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2451. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of two final rules (RIN 3038–AB11 and RIN 3038–AB12); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2452. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the termination process of the Superconducting Super Collider Program; to the Committee on Energy and Natural Resources.

EC–2453. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a plan entitled, ''Parks for Tomorrow''; to the Committee on Energy and Natural Resources.

EC–2454. A communication from the Assistant Secretary of Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report of a final rule; to the Committee on Energy and Natural Resources.

EC–2455. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5458–7); to the Committee on Environment and Public Works.

EC–2456. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5460–1); to the Committee on Environment and Public Works.

EC–2457. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5461–3); to the Committee on Environment and Public Works.

EC–2458. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5450–5); to the Committee on Environment and Public Works.

EC–2459. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5444–4); to the Committee on Environment and Public Works.

EC–2460. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5460–9); to the Committee on Environment and Public Works.

EC–2461. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5459–2); to the Committee on Environment and Public Works.

EC–2462. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5459–1); to the Committee on Environment and Public Works.

EC–2463. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5461–1); to the Committee on Environment and Public Works.

EC–2464. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5461–5); to the Committee on Environment and Public Works.

EC–2465. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2135–AA00); to the Committee on Environment and Public Works.

EC–2466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled ''The Work First and Personal Responsibility Act of 1996''; to the Committee on Finance.

EC–2467. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a final rule (RIN 0938–AF14); to the Committee on Finance.

EC–2468. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule (RIN 1515–AB93); to the Committee on Finance.

EC–2469. A communication from the Inspect General, Social Security Administration, transmitting, pursuant to law, the report of final rules (RIN 0960–AE23); to the Committee on Finance.

EC–2470. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT55); to the Committee on Finance.

EC–2471. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT02); to the Committee on Finance.

EC–2472. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC–2473. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC–2474. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–Al99); to the Committee on Finance.

EC–2475. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC–2476. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule; to the Committee on Finance.

EC–2477. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a revenue ruling; to the Committee on Finance.

EC–2478. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a revenue ruling; to the Committee on Finance.

EC–2479. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of the summary of an announcement; to the Committee on Finance.

EC–2480. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AQ65); to the Committee on Finance.

EC–2481. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT43); to the Committee on Finance.

EC–2482. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule; to the Committee on Finance.

EC–2483. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT33); to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–573. A resolution adopted by the Council of the City of South Sioux City, Nebraska relative to the English language; to the Committee on Governmental Affairs.

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 Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL):

S. 1729. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. PELL):

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself, Mr. BENNETT, and Mr. BRYAN):

S. 1731. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL):

S. 1729. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

THE INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mrs. HUTCHISON. Mr. President, I am introducing legislation today to strengthen the protections our society offers to stalking victims, those individuals whose stories we so often hear only after they end in tragedy.

My bill would make it a felony for a stalker to cross State lines with the intention of injuring or harassing the victim. It would make it a felony to place a stalking victim in reasonable fear of death or serious bodily injury in violation of a protective order by such travel. And it extends that protection of law to members of a victim's immediate family as well.

Freedom from fear is one of the most cherished advantages we are supposed to enjoy in our country, but stalking victims have been robbed of that freedom.

Their victimization is made worse because currently, restraining orders against stalkers issued in one State cannot be enforced in another State. If the victim leaves the State—to work, to travel, to escape—they lose their protection. Many times victims are told to put some distance between themselves and their stalker, perhaps they are even counseled to move far away.

Under such circumstances, stalking victims must go through the time-consuming process of obtaining another restraining order in a different jurisdiction. We all know the wheels of justice grind slowly. Time is what many stalking victims don't have. In such situations, time is what determines whether they live or die.

The legislation I am introducing today will give stalking victims that time they need. It will protect victims regardless of where they go. Victims will no longer be trapped in their own states in order to benefit from the shelter of law. In addition, this bill allows the resources of the FBI to be applied against interstate stalkers to prevent the intimidation of victims, or their coming to actual harm.

Just as importantly, this legislation goes beyond last year's domestic violence legislation by expanding the definition of a stalking victim from offender's spouse or intimate partner to simply victim. Many people are stalked by someone other than a spouse or intimate partner, often someone they know only slightly or don't know at all. Common sense tells us they need protection as much as those stalked by a spouse or romantic partner. This provision alone would double the protection we now can provide stalking victims.

Mr. President, I want to make it clear to my colleagues that we are not federalizing the crime of stalking. Stalking is and will remain a State crime, subject to State jurisdiction and

sanction. But under the bill I am proposing, if a stalker crosses State lines, then Federal resources can be brought to bear to ensure the stalker is caught and stopped, the same protection we provided last year for victims of domestic violence.

The legislation also protects victims who live or work on Federal property: military bases, post offices, national parks, and other locations

This bill sends an unmistakable message. Its penalty provisions are stiff. We will be putting predators on notice that if they are convicted of crossing State lines to stalk a victim, they risk: 5 years in prison; 10 years if their victim comes to serious harm or if a dangerous weapon is used; 20 years if stalking results in permanent disfigurement or life-threatening injury; or life in prison if their victim dies.

Mr. President, this bill bridges the gap between law enforcement authorities in different States. It will allow us to stop stalkers who might otherwise duck under the net when they cross State lines, doing great damage to their victims.

If our society is serious about stopping the intimidation and actual injury that result from stalking in countless communities every day, this law is long overdue.

By Mr. CHAFEE (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. PELL):

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oilspills, and to ensure that citizens and communities injured by oilspills are promptly and fully compensated, and for other purposes; to the Committee on Environment and Public Works.

THE OILSPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, today I am introducing a bill entitled the ''Oilspill Prevention and Response Improvement Act.''

As its name suggests, the bill has two purposes. First, it will help to prevent oilspills. Second, it will improve the response to the environmental and economic injuries from oilspills that do occur. It does this by increasing access to funds and by providing measures to make sure that both types of injuries are redressed.

Before getting into the substance of the bill in more detail, let me describe briefly how it came to be.

Generally speaking, the bill is a response to lessons learned from a number of recent oilspills that have spurred requests for oil pollution reforms. Of these spills, the one of most interest to me occurred a little over 3 months ago when a barge, the *North Cape*, ran aground just off of the coast of my State of Rhode Island. Despite valiant efforts by the Coast Guard and others, the grounding resulted in the largest oilspill in Rhode Island's history.

By the time the leak was contained, nearly 800,000 gallons of oil had poured into our coastal waters. Of course, much of the spilled oil ended up on our beaches, along with the carcasses of many fish, birds, and thousands of lobsters.

As chairman of the committee with jurisdiction over oil pollution—Environment and Public Works—I convened the committee twice to examine Federal oil pollution legislation in light of the *North Cape* incident and the other recent oilspills.

The first time was for a field hearing that took place in Narragansett, RI. It examined the Nation's oilspill pollution laws in the context of how they operated during the *North Cape* spill. The principal law we evaluated was the Oil Pollution Act, better known as OPA, which was enacted in 1990, after the infamous *Exxon Valdez* spill.

The second hearing in Washington, DC, took a broader approach. It looked at the issues raised during the Rhode Island hearing and assessed the possibility of improving OPA to prevent and better respond to oilspills.

In these hearings we learned that, overall, OPA is working pretty well. In comparing a similar oil spill that occurred in Rhode Island waters in 1989, the *World Prodigy* spill, with this year's *North Cape* spill, the hard work of Rhode Islanders was evident in both cases. However, such efforts clearly met with better results in the *North Cape* spill. The difference was OPA.

The clear consensus of all witnesses who testified before the Environment and Public Works Committee is that OPA is a valuable piece of legislation. It has produced faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement. On the prevention side, for example, several witnesses suggested how OPA can be strengthened so that we can avoid having to respond to an oilspill at all. The general consensus was that equipping oil-carrying tank vessels with double hulls is far and away the best way to prevent oilspills.

The other set of issues that emerged related to response. For example, agencies have struggled to coordinate and agree on how to proceed with decisions related to the reopening of closed fishing grounds. Lobstermen and fishermen have found it difficult to secure short-term financial assistance under the act. Finally, questions have been raised about the availability of the $1 billion oilspill liability trust fund to pay for the toll on fish and wildlife injured by a spill.

The issues raised during our hearings set the stage for the bill introduced today. Let me now explain how the bill addresses these issues and how it improves prevention and response to oilspills.

First, the bill reduces the likelihood that oilspills will occur in the future. It does so through the use of both carrots, or incentives, and sticks, or regulations.

On the incentive side, the bill recognizes the key role of double hulls in spill prevention. Indeed, this is why OPA mandates that all major vessels be double-hulled no later than the year 2015. But the bill also recognizes that converting the Nation's oil-carrying fleet will be costly.

The bill gets around financial concerns by providing an inducement to those operators who take the initiative and convert to double hulls before the mandate kicks in. Currently, there is a cap in OPA establishing a ceiling on the amount of liability for a vessel that spills oil. However, there are a host of exceptions to that limit, which has led some oil shippers to assert that the liability cap is meaningless. This bill greatly reduces the chances that an oil carrier who converts to a double-hull vessel will have to pay more than the liability cap established in OPA. It does this by limiting the conditions under which the cap can be exceeded for such an operator to those in which the operator has been grossly negligent or has engaged in willful misconduct.

The bill directs the Coast Guard to issue operational rules within the next 3 months and structural rules within the next 8 months for single-hulled tankers and barges. It also requires final rules to be issued for the tug boats that tow such barges. The purpose of these rules is to enhance protection of the marine environment by reducing the likelihood of an oilspill.

OPA as originally enacted required the Coast Guard to issue the rules for tankers and barges nearly 5 years ago. This bill says: Enough is enough when it comes to delay. If the Coast Guard does not get out the rules when it says it will, interim prevention measures such as requiring a vessel to have an operable anchor and man on board, or an emergency barge retrieval system, will automatically go into effect. In addition, minimum under-keel clearances also will be required.

On the response side, the bill will reduce the economic hardship and environmental damage caused by a spill. To limit financial injury, for example, it requires that advance procedures are developed for the reopening of affected fishing grounds. These procedures will make sure that such reopening occurs as quickly as possible consistent with public health and safety. Advanced planning also will ensure that bureaucratic in-fighting does not hold up reopening.

To mitigate environmental harm, the bill provides greater access to the oilspill liability trust fund, to information, and to scientific expertise. This will allow response personnel to better minimize harm to the marine environment in the aftermath of a spill.

Finally, the bill will help make financial assistance available right away for those whose livelihoods are affected by a spill. It achieves this purpose in two ways.

First, it makes clear that a person injured by a spill may receive a partial

settlement in the short term without waiving the right to full compensation. Injured parties will no longer have to wait before pursuing a claim while their rent and grocery bills pile up.

Second, the bill allows major oilspills to be declared major disasters and thus, to qualify for Federal major disaster relief. Such relief carries with it the availability of immediate funding.

Overall then, the Oilspill Prevention and Response Improvement Act builds on the successes of OPA, yet it addresses the lessons learned from OPA's shortcomings. While the bill puts tougher prevention measures in place, it also gives operators the necessary incentives to take such measures. And in the event an oilspill does occur, it creates a response scheme that truly addresses economic and environmental losses.

The bill also reflects an attempt to respond to calls to reform the Nation's oil pollution laws in an expeditious and effective, yet deliberate and precise, way. I am confident that the bill is broad enough to bring about meaningful reform yet narrow enough to enlist the support necessary to become law.

In closing, I would like to thank the two primary cosponsors of the bill, Senator LIEBERMAN of Connecticut and Senator LAUTENBERG of New Jersey. Both of these colleagues of mine on the Environment and Public Works Committee have worked diligently with me to make it a better product.

Mr. LAUTENBERG. Mr. President, I am pleased to join with Senators CHAFEE and LIEBERMAN in introducing legislation to reduce the risks of oil spills.

Mr. President, as the terrible Exxon Valdez incident demonstrated in 1989, oil spills can have disastrous consequences for our environment and our communities. I visited Alaska soon after the Exxon Valdez accident, and the devastation was overwhelming. Nobody could leave that site without feeling a great sense of responsibility for preventing any similar disasters.

Congress passed the Oil Pollution Act of 1990 to prevent a recurrence of similar disasters. Among other things, the act established tough new standards for vessels carrying oil. Under the act, all such vessels must have double hulls by the year 2015. In addition, the Act required the Coast Guard to issue regulations to improve the seaworthiness and spill prevention capabilities of single hull vessels by 1991.

Mr. President, on March 30, 1996, the Environment and Public Works Committee held a hearing on the implementation of this Act. What we learned was very discouraging. The structural requirements for single hull regulations are 4 years overdue. The Coast Guard, despite admitting that it had sufficient funds to implement that requirement, could not give the Committee a rationale for the delay.

The recent spills of single hull tankers point to the need for better operations and better structural measures to reduce oil spills.

The bill we are introducing today will require several common-sense improvements on single hull ships. These improvements include:

Requiring that barges over 5,000 gross tons in the open ocean or coastal waters have at least one crew member on board and an operable anchor;

Requiring the presence of an emergency system on a vessel towing a barge that would allow the vessel to retrieve the barge should the tow line be ruptured; and

Requiring vessels to meet minimum underkeel clearance levels when entering or leaving a port.

In addition, the bill will require the Coast Guard to issue final regulations to improve the seaworthiness and spill prevention capabilities of single-hull vessels no later than July 18, 1996; 5 years after the original deadline. If the regulations are not promulgated by that date, then proposed regulations already developed by the Coast Guard would automatically become effective. These proposed regulations would require all vessels to have double-hulls on their sizes or their bottoms. Alternatively, vessels could include hydrostatic loading systems, which help prevent spills by equalizing the pressure of the oil on the vessel with the outside water pressure. Under hydrostatic loading, in the case of a rupture, water enters the ship rather than the cargo of oil entering the ocean.

In addition, the bill includes incentives to convert the present single-hull fleet to the safer double-hull vessels. Under the bill, any ship that is replaced by a double-hull vessel before double-hulls are required will be subject to a liability cap that can only be waived if there is gross negligence or willful misconduct.

Mr. President, anyone who saw the devastation of Prince William Sound—such an invaluable natural resource—will understand the importance of preventing oil spills in the future. This is true not just in Alaska, but also on the Delaware River, in New York Harbor, and in the Rhode Island Sound, and throughout our rivers and coasts.

The rivers and channels around my State of New Jersey are very vulnerable to spills. Because of inadequate channel depths, most of the crude oil in large ships moving into the Port of Newark must be transferred to smaller vessels, a practice called lightering. These transfers at sea between ships increase the likelihood of spills. It is only the exceptional abilities of the pilots serving the Port of New York and New Jersey that have prevented repeated spills in our region.

Nevertheless, lightering increases the threat of frequent oilspills. To reduce that threat, the bill requires the Coast Guard to develop requirements for lightering operations that are to provide substantial protection to the environment as is economically and technologically feasible.

Mr. President, the Committee on Environment and Public Works will hold hearings on this legislation this year. I look forward to working with Senators CHAFEE and LIEBERMAN, and the other members of the Committee, to make any needed refinements in the legislation, and to approve the bill without delay.

Mr. PELL. Mr. President, earlier this year I shared with my colleagues news on what has been identified as the worst oilspill in Rhode Island's history.

That January spill was the genesis for the legislation that I am joining the Senator from Rhode Island [Mr. CHAFEE] in introducing today.

As many of you may know from news accounts, the barge *North Cape,* carrying a cargo of about 4 million gallons of heating oil, and the tug SCANDIA grounded off the southern Rhode Island coast.

The grounding followed a fire that broke out on the tug, later engulfed the vessel and required the subsequent last-minute evacuation of the captain and crew by the U.S. Coast Guard.

That evacuation was successful because of the enormous courage and skill of the Coast Guard rescue team, who did not hesitate to put themselves at great personal risk to rescue the captain and crew.

It was under extraordinarily difficult winter storm conditions that the Coast Guard effected the rescue and attempted, unsuccessfully, to prevent the barge and burning tug from running aground. The barge, dragging the burning tug, grounded in shallow water off Matunuck Point Beach, near Point Judith.

Pounded by strong winds and high seas, the 340-foot, single-hull barge began to spill oil from holes in at least two places.

Transportation Secretary Frederico Peña joined me and other Federal officials in Rhode Island to evaluate the spill, as efforts continued to contain the escaping oil and off-load what oil remained aboard the barge.

Rhode Island Gov. Lincoln Almond called for Federal help, declared a state of emergency and said the spill was ''the worst in Rhode Island's history and one of the worst ever off the coast of New England.''

The toll on marine life was heavy. Thousands of oil-coated lobsters, dead and living, washed up along several hundred yards of beach near the barge.

Dozens of seabirds died and scores more were coated in oil and their habitats fouled.

The barge grounded close to Moonstone Beach, a breeding ground for the endangered piping plover and the Turstom Pond National Wildlife Refuge, an environmentally fragile habitat.

Fishing was banned in hundreds of square miles, from Point Judith south to waters east of Block Island. In addition a number of shellfishing areas were closed and both took a long time to reopen.

The good news is that Rhode Islanders rose to the occasion. Hundreds of Rhode Islanders, their efforts coordinated by Save the Bay, helped by

cleaning everything from beaches to birds.

Additional good news came with a phone call from President Clinton to Governor Almond, assuring him that funds would be made available for the cleanup and fishing industries.

Mr. President, I raised a number of questions at the time and observed how unfortunate it was that the barge was not of the new double hulled design, which I have long advocated.

I understand that the barge leaked from 9 of its 14 containment holds. A double-hull might have made all the difference between an incident and a disaster.

At the time, I also observed that everyone would benefit from a thorough review of the coordination of our emergency response to oilspills.

The bill we are introducing today is a result of such an inquiry, conducted by the Senate Environment and Public Works Committee under Senator CHAFEE's excellent leadership.

Our bill offers insurance incentives for oil barge owners who expedite conversion of their barges to double-hulled vessels. It also sets a deadline for the U.S. Coast Guard to issue new standards for oil barge design and operation.

The bill requires oil barges to have crews and workable anchors or a retrieval mechanism. It gives oilspill victims and scientists easier access to the oilspill liability trust fund and sets standards for the closing and reopening of fishing grounds after a spill.

Although it is not a panacea and will not prevent future oilspills, our bill goes a long way toward improving the safety of oil barges and setting a clear course for the response when a spill does occur. As we all know, those who do not learn from history are doomed to repeat it. This bill codifies what we have learned and lessens the chance that the tragedy that struck us in January will be repeated.

By Mr. CRAIG (for himself, Mr. BENNETT and Mr. BRYAN):

S. 1731. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1996

● Mr. CRAIG. Mr. President, my purpose here today is to introduce on behalf of myself and my cosponsors Senators BRYAN and BENNETT, a bill to reauthorize the highly successful National Geologic Mapping Act of 1992. The act established a cooperative geologic mapping program among the U.S. Geological Survey, State geological surveys, and geological programs at institutions of higher education in the United States. The goal of this program is to accelerate and improve the efficiency of detailed geologic mapping of critical areas in the Nation by coordinating and using the combined talents of the three participating groups.

Detailed geologic mapping is an indispensable source of information for a broad range of societal activities and benefits, including the delineation and protection of sources of safe drinking water; assessments of coal, petroleum, natural gas, construction materials, metals, and other natural resources; understanding the physical and biological interactions that define ecosystems, and that control, and are a measure of, environmental health; identification and mitigation of natural hazards such as earthquakes, volcanic eruptions, landslides, subsidence, and other ground failures; and many other resource and land-use planning requirements.

Only about 20 percent of the Nation is mapped at a scale adequate to meet these critical needs. Additional high-priority areas for detailed geologic mapping have been identified at State level by State-map advisory committees, and include Federal, State, and local needs and priorities.

Funding for the program is incorporated in the budget of the U.S. Geological Survey. State geological surveys and university participants receive funding from the program through a competitive proposal process that requires 1:1 matching funds from the applicant.

Mr. President, I urge my colleagues to join me to ensure the continued efficient collection and availability of this fundamental Earth-science information.●

ADDITIONAL COSPONSORS

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1233

At the request of Ms. MIKULSKI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Missouri [Mr. ASHCROFT] 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. 1639

At the request of Mr. DOLE, the names of the Senator from Nevada [Mr. REID], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1639, a bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the medicare program for health care services provided to medicare-eligible beneficiaries under TRICARE.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from Wyoming [Mr. THOMAS] 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. 1650

At the request of Mr. HARKIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1650, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1661

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Oversight and Investigations Subcommittee

of the Energy and Natural Resources Committee on the management and costs of class action lawsuits at Department of Energy facilities.

The hearing will take place on Tuesday, May 14 at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building, in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH, Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 7, 1996, session of the Senate for the purpose of conducting a hearing on the Coast Guard budget for fiscal year 1997.

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

SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 7, 1996 session of the Senate for the purpose of conducting an oversight hearing on the Federal Trade Commission.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 7, 1996, at 10 a.m. to hold a hearing on S. 1284, NII Copyright Protection Act of 1995.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on NIH reauthorization, during the session of the Senate on Tuesday, May 7, 1996, at 9:30 a.m.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Tuesday, May 7, 1996, beginning at 10 a.m. until business is completed, to receive a report by the General Accounting Office on the Library of Congress.

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

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development Corporation and Related Matters be authorized to meet during the session of the Senate on Tuesday, May 7, Wednesday, May 8, and Thursday, May 9, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 7, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1662, the Omnibus Oregon Resources Conservation Act.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATCH. Mr. President. I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, May 7, 9:30 a.m., hearing room SD–406, on the GSA Public Buildings Service program request for fiscal year 1997 and on disposal of GSA-held property in Springfield, VA.

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

ADDITIONAL STATEMENTS

TAX LIMITATION AMENDMENT

Mr. KYL. Mr. President, today is tax freedom day, the day that average Americans can expect to quit working for the Government and begin working for themselves and their families.

Mr. President, it has taken the average American 128 days this year—the 128 days leading up to tax freedom day—to earn enough to pay the tax collectors at the Federal, State, and local levels. Had the average worker devoted every dollar earned every day for the last 128 days, not to food, clothing, or shelter, but exclusively to paying off his tax obligations, it would be only now that his tax bill would have been satisfied and he could begin working for himself.

May 7 is the latest tax freedom day ever—6 days later than it was when President Clinton took office in 1993. In other words, it will take the American people an extra 6 days—nearly a week—to pay for all of the additional taxes that have been imposed during President Clinton's time in office.

Mr. President, it is no wonder that Americans are anxious about their economic security. The harder they work, the more the Government takes. Compared to the 3 percent of income paid in taxes in 1948, the average family now pays nearly 25 percent of its income in taxes to the Federal Government. Add State and local taxes to the mix, and the burden approaches 40 percent.

That is why Congress passed the tax relief bill last year—to begin to roll back the huge tax increase that President Clinton imposed in 1993. We want to see that the American people can earn more, keep more, and do more with their families, their churches and synagogues, and their community.

President Clinton says he wants to help the middle class, too. Why, then, did he veto last year's tax relief bill? Seventy percent of the tax reductions would have gone to those with incomes under $75,000. Looking at the tax relief bill in detail, it included a new deduction for interest on student loans, a $500-per-child tax credit, a tax credit for adoption expenses, and marriage penalty relief. Those four components alone made up 64 percent of the tax relief provided by the legislation. In fact, the Heritage Foundation had estimated that 47,552 low-income taxpayers in Arizona—3.5 million nationwide—would see their entire income tax liability eliminated as a result of the $500-per-child tax credit alone. But President Clinton said no to tax relief.

In fact, the President is still trying to justify his 1993 tax increase as a tax on the wealthy. Tell that to the millions of Americans who are struggling to cope with the soaring price of gasoline made worse by the Clinton gas tax increase. I am sure they would be surprised to learn that they are among the wealthy the President talks about so cavalierly. They are the ones paying the higher gas tax.

Young couples working two jobs and earning a combined total of only $30,000 would be surprised to learn that they are among the wealthy that President Clinton talks about. With two children, they would have saved $1,000 on their taxes if the $500-per-child tax credit became law. President Clinton vetoed that relief.

I am sure the older American who has an income just over $30,000 a year would be surprised to learn that he is one of the wealthy the President is so fond of taxing. He was hit with the Clinton Social Security tax increase in 1993.

According to the Tax Foundation, total Federal taxes on a median-income family—not the rich, but an average family—increased by more than $2,000 during the Clinton years. Just about everyone across the country has felt the ill effects of President Clinton's economic policies.

When the President talks about taxes, it is always in terms of what it means to the Government—can the Government afford tax relief for the middle class? How much more can it squeeze out of working Americans? Well, I think we have to begin to consider how taxes affect working people's budgets. After all, it is Government that is supposed to serve people, not the other way around. A government that confiscates nearly half of its citizens' hard-earned income has, in my

opinion, lost sight of why it was created and just who it was intended to serve.

With that in mind—and recognizing that various levels of government already take far too much of a family's income in taxes—I recently proposed a constitutional amendment, Senate Joint Resolution 49, to require a two-thirds majority vote in the House and Senate to increase taxes. Twenty Senators cosponsored the resolution. The House of Representatives debated a version of the initiative, known as the tax limitation amendment, on April 15.

Mr. President, according to a recent Reader's Digest poll, the maximum tax burden Americans believe a family of four should bear is 25 percent. That is not just the amount of Federal income taxes, but taxes from all levels of government, including Social Security taxes, sales taxes, excise taxes, and State and local taxes. As I noted before, however, the average family feels a tax bite of nearly 40 percent—almost twice what the public believes is a fair amount of tax.

Even though the tax limitation amendment only applies to new taxes, it has the tax collectors and the Clinton administration squealing. They cannot stand the thought of not being able to take more out of the taxpayers' pockets.

Mr. President, there is no small irony in the fact that the Clinton tax increase of 1993 passed only by a simple majority—and not even a majority of elected Senators at that. Vice President GORE broke a 50 to 50 vote tie to ensure passage of the tax increase bill—higher taxes on gasoline and Social Security, and job-killing taxes on small businesses. Yet, while the largest tax increase in history became law with the bare minimum of votes, it will take a two-thirds majority vote in each House to enact our tax relief bill over President Clinton's veto.

Well, many of us believe that it ought to be just as hard for President Clinton to raise taxes as it is for Congress to cut them. That is the very premise of the tax limitation amendment—to make government think of tax increases, not as a first resort, but as a last resort.

President Clinton, who always seems to think of tax increases as a first resort, not only wants the American people to accept his tax increases but believes that his 1993 budget plan helped the economy. The facts just do not support that contention.

A recent report by the Heritage Foundation found that the Clinton tax increase has cost the country a total of 1.2 million additional private sector jobs between 1993 and the end of 1996. Every household in American has lost a total of $2,600 in after-tax income as a result of sluggish economic growth. Personal savings are off by about $138 billion. Some 40,600 new businesses were never started. 1.3 million new cars and light trucks were never produced. A total of $208 billion in lost economic output.

What the Heritage Foundation refers to the Clinton crunch—the dual effect of declining real wages combined with higher taxes—has cast a dark shadow over the economy. Since January of 1994, the number of people working more than one job has gone up 17 percent. The number of women working more than one job has gone up 21 percent. President Clinton talks about the number of jobs created during his administration. Yes, there are more, but the fact is that more than a third of the new jobs have gone to people taking an extra job in order to make ends meet.

How has the Federal Government fared while people's incomes have been stagnating and their jobs are put in jeopardy? It seems to be doing pretty well.

Revenues to the Treasury have increased from $1.15 trillion in 1993 to an estimated $1.43 trillion this year—up almost 25 percent—thanks, in large part to the Clinton tax increase.

The President just forced Congress to add another $5 billion to the Federal budget 2 weeks ago. That is $5 billion more for the government, not American families, to spend.

President Clinton's budget for fiscal year 1997 would even add 13,700 full-time Washington bureaucrats to the Federal payroll.

In other words, the era of big government is not over. If President Clinton has his way, it will continue to grow and flourish at the expense of hard-working taxpayers.

Mr. President, there is a way to put a stop to this continuing assault on taxpayers. It is the tax limitation amendment. It would make it harder for Congress to raise taxes any further, requiring a two-thirds vote of each house on tax increase bills. It would have prevented the Clinton tax increase from becoming law in 1993 and thereby promoted more vigorous economic growth across the Nation.

Many of us will try to roll back the Clinton tax increase, or parts of it, like the gas tax. With the tax limitation amendment, however, we can also make sure that tax freedom day comes no later than May 7 in any future year. Hopefully, it will come a lot sooner.

The time for the tax limitation amendment has come.●

COMMEMORATING THE 100TH ANNIVERSARY OF THE JEWISH WAR VETERANS

● Mr. BRADLEY. Mr. President, I rise today to honor the Jewish War Veterans in the year of the organization's 100th anniversary, and to pay tribute to the members of their faith who have fought and died in the service of their country.

The JWV is the oldest active veteran's group in the United States. Founded by veterans of the Civil War, the first members pledged to combat the powers of bigotry whatever the target, and to assist comrades and their families in need. They also pledged to gather and preserve the records of patriotic service performed by members of the Jewish faith. In the 100 years following, the JWV has been a crucial force in documenting the contribution Jews have made to America's military.

From the American Revolution to the Persian Gulf war, hundreds of thousands of Jewish-Americans have fought bravely in defense of our Nation and its democratic ideals.

The JWV has also made important contributions to the lives of their fellow Americans at peace. Its members have been leaders in the fight against racism and anti-Semitism in this country, and have used the strength of their organization to improve the care and well-being of veterans of all denominations.

Today the Jewish War Veterans continue to do important work in communities throughout the Nation. Members volunteer their services to assist disabled and hospitalized veterans of all races and religions, and serve the community through education programs and scholarships. They have assisted Americans young and old, Jewish and non-Jewish. I am proud that so many members of the JWV live in my home State of New Jersey, and I congratulate them on their centennial anniversary.

TRIBUTE TO MALLORY ROME

● Mr. LEAHY. Mr. President, I am pleased to inform my colleagues that Mallory Rome of Killington, VT, has been selected to receive the prestigious James Madison Fellowship. I commend the foundation for their decision to select Mallory—a Vermonter who has a deep commitment to teaching.

As most Americans learn at an early age, James Madison is the ''Father of the Constitution.'' He sponsored the first 10 amendments and there is probably no single individual who had more involvement with drafting this remarkable document that has served our country so well. It is fitting that Congress established the James Madison Fellowship Program in honor of this great American.

Each year, fellowships are awarded to individuals who are interested in pursuing a career in education and who desire to concentrate their studies in American history or political science. Mallory has worked very hard to earn this fellowship. This month, she will graduate from Yale University. Her 4 years there have prepared her well for this fellowship and her future career. Mallory has already interned for the Teach For America Program and worked as a teaching assistant at a summer school.

I am confident that the foundation will be proud that it awarded this fellowship to Mallory. I know that her family and Vermont are already proud of her and I wish her the best in the future.●

WOUND, OSTOMY, AND CONTINENCE NURSES SOCIETY CONFERENCE

● Mrs. MURRAY. Mr. President, I am pleased to welcome the 28th annual Wound, Ostomy and Continence Nurses Society [WOCN] conference to Seattle, WA, June 15–19, 1996. The theme of the conference, ''The Future is Ours to Create,'' will focus on future opportunities and challenges relating to the changing and expanding role of enterostomal therapist nurses, and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, WOCN is the only national organization for nurses which specializes in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. In addition, WOCN is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence. I applaud them for their commitment and dedication to their work.

In this age of changing health care services and increasing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.●

PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

● Mr. CONRAD. Mr. President, this morning I was privileged to honor North Dakota's recipients of the 1996 Prudential Spirit of Community Award, Kendal Alexander, a student attending the Erik Ramstad Middle School in Minot, and Jessica Schmidt, from Minot High School Magic City Campus. Kendall and Jessica are among 104 honorees representing each State, the District of Columbia, and Puerto Rico that were selected to receive the Prudential Spirit of Community Award in recognition of their exemplary contributions to community service.

The Spirit of Community Initiative was organized last year by the Prudential Insurance Company of America, in partnership with the National Association of School Principals to encourage community involvement by young people, and to recognize community service contributions of America's youth. In the first year of the program, more than 7,000 young people working in various community service programs across the country were considered for the Prudential honors. One hundred four finalists were selected to receive the Prudential Spirit of Community recognition, an award including a silver medallion and a $1,000 cash award.

Mr. President, at a time when so much attention in the press is focused on the problems of youth, I think it important to highlight the contributions of young people like Kendal and Jessica who are working to improve their communities, and to provide services to individuals in need.

Kendal was honored for his work with a local food bank, highway improvement, to develop safe activities for children during Halloween and to assist senior citizens in nursing homes. Jessica, as president of the Minot High School Key Club, organized programs for nursing home residents, and a senior's prom for senior citizens in the Minot community. Kendal and Jessica deserve our sincere appreciation for their efforts to improve our communities. We can be proud that they are so committed to helping others, and that they represent our future. I also want to commend the Prudential Insurance Co. and the National Association of School Principals for establishing this outstanding program, and particularly, for encouraging young people to become involved in their communities.●

THE FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. DOLE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 348, S. 1467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1467) to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

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

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

Mr. DOLE. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1467) was deemed read a third time and passed, as follows:

S. 1467

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Peck Rural County Water Supply System Act of 1995''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term ''construction'' means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term ''District'' means the Fort Peck Rural County Water District, Inc., a non-profit corporation in Montana.

(3) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District'', dated September 1994.

(4) PLANNING.—The term ''planning'' means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term ''water supply system'' means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, northeastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (1) shall be 80 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,800,000, to remain available until expended. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act.

ORDERS FOR WEDNESDAY, MAY 8, 1996

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m., Wednesday, May 8, further, that immediately following the prayer,

the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and there then be 30 minutes equally divided for closing remarks prior to the 10 a.m., cloture vote relative to the White House travel bill.

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

Mr. DOLE. Madam President, there will be a 10 a.m., cloture vote on the White House travel bill. I ask unanimous consent that Senators have until 10 a.m., to file second-degree amendments under the provisions of Rule XXII.

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

PROGRAM

Mr. DOLE. Madam President, following the cloture vote, if not invoked, it may be the majority leader's intention to turn to any of the other following items, so we could expect votes tomorrow. We have the repeal of the gas tax, the taxpayer bill of rights, the minimum wage legislation, and the TEAM Act.

I guess we were unable to reach an agreement today, but it seems to me we should repeal the gas tax, settle the minimum wage dispute, all in one fell swoop. Hopefully that can be resolved.

ORDER FOR ADJOURNMENT

Mr. DOLE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that after the remarks by the distinguished Senator from Arkansas, Senator BUMPERS, the Senate stand in adjournment under the previous order.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the majority leader for allowing me to just make a few remarks before we go out.

THE GAS TAX CUT

Mr. BUMPERS. Madam President, I want to again reiterate my strong opposition to the so-called gas tax cut. I have labored on the Energy Committee for 21 years and 4 months. An awful lot of that time has been spent preaching about conservation and how we must achieve some degree of energy independence.

It has not been too long since cars were lined up at the service stations. Getting their gas tanks filled was a 1 to 2 hour proposition. How soon we forget. There were cries then that we ought to raise the gasoline tax by as much as $1 per gallon. I was never for that. The reason I was never for it is because people in my State, which is mainly rural, have to drive many miles to go to work and do errands. In a rural State people drive from their homes to work in communities 25 miles away. That is a 50-mile-a-day commute. A 50-mile commute a day with a $1 per gallon gasoline tax adds up to a staggering burden on middle- and low-income workers.

I have, however, always been a strong champion of fuel efficiency. The first year I was in the Senate under the leadership of Scoop Jackson, who was chairman of the Energy Committee, we forced the American automobile industry to achieve fuel efficiency standards, which they did not want to do. At that point, it was already apparent to anybody who watched that the American people had become rather captivated by small Japanese-made automobiles that were getting 35 to 50 miles a gallon. The automobile industry assured Senator Jackson and other Members of the Senate that requiring them to achieve some kind of a national fuel miles-per-gallon fuel standard would be disastrous for them.

In truth the car companies were wrong. We imposed Corporate Average Fuel Economy [CAFE] standards on the automobile industry. We told them that by 1985 they had to achieve an average national fuel efficiency standard of 27.5 miles per gallon per fleet. At that time in this country, the national average of all vehicles on the road, and that was roughly 30 million fewer cars than we have now, was a little over 13 miles per gallon.

You did not have to be a rocket scientist to know if we were using 6½ million barrels of gasoline a day that if you could improve fuel efficiency like that, with a snap of a finger, by one-third, you could have cut the import of oil into this country by 2 million barrels a day. At that time, the United States was producing between 60 percent and 65 percent of its own needs. Just parenthetically, today we produce about 50 percent and we import the rest. It is easily the single biggest contributor to our trade deficit.

In the 1980's we also raised the gas tax. The Federal gas tax had been 4 cents for a very long time. The tax was raised twice in the 1980's and twice again in the 1990's. Today it is 18.3 cents a gallon. In the past, we have always put gasoline taxes into the transportation trust funds to be used for building highways and for mass transit.

In the summer of 1993, as we labored in this body to honor a commitment that the President had made during his campaign that he would cut the deficit in half during his 4-year term, he sent a proposal to the U.S. Congress. He said if you adopt this proposal it will reduce the deficit by $500 billion over the next 5 years. We have done this precisely the way the people around the coffee shops say they want it done—$250 billion in new taxes, $250 billion in spending cuts.

How often have you heard people say, ''I would not mind paying more taxes but they will just spend the money.'' Believe you me, there has always been enough action taken around here to give credence to that idea. Every poll shows the American people would opt for a plan if it cuts spending dollar for dollar against tax increases. So we raised income taxes on the wealthiest of Americans and we raised the gasoline tax by 4.3 cents a gallon.

What was that 4.3 cents per gallon tax worth? Over a 5-year-period it was worth $24.5 billion. That total package was worth $500 billion over a 5-year period, so we said.

In fact, Madam President, as of this moment, it is headed toward being $700 billion in deficit reduction. How did we pass it? At that time what some of us like to refer to as the ''good old days,'' we had 56 Democratic Senators, 6 voted no, 50 voted aye, and Vice President ALBERT GORE sat in that chair and voted to break the tie of 50–50, and we passed that deficit reduction package, which included this 4.3-cent a gallon gas tax.

Now we are back, and everyone wants to balance the budget. The American people have issued a nonnegotiable demand that they want the budget balanced. I happen to believe that any time the American people speak almost with one voice, they are heard here. So this body for the first time since I have been in the Senate has gotten serious about the business of balancing the budget.

Let me digress to say this, Madam President. The Presiding Officer is a member of the Republican Party. I am a Democrat. There are 53 Republicans sitting on the other side and there are 47 Democrats sitting on this side. In truth, this ought to be pleasing to the ears of the American people. We would all agree on about 90 percent of what we believe to be the core values of this country. Madam President, 90 percent of the core values that have made us a great Nation. And we are, make no mistake about it.

One of the values that every Democrat and every Republican and virtually everybody in the country would agree on is we should balance our budget. Where did we diverge? A couple of my very good friends on this side of the aisle are no longer here, and they are no longer here because they had the courage to be one of the 50 to vote for honest-to-God deficit reduction. If we had not done that, we would be looking at a $290 to $300 billion deficit today. One of the reasons the American people are feeling slightly better is that this year the deficit is going to be $144 billion—less than half what it was projected to be and less than half what it would have been if a few people had not screwed up their nerve and been courageous enough to vote for something that was obviously unpopular. Nobody wants to vote for a tax increase of any kind. I wish I could just wave a wand and vote to repeal the 4.3-cent gas tax and say, ''Well, we will take care of the deficit some other way.''

Madam President, this is the first time we have attempted to undo any portion of that deficit reduction package of 1993. I am opposed to it because I lost two good friends who were courageous enough to vote for it. I am opposed to it on energy efficiency grounds, and I am opposed to it because you cannot balance the budget and keep giving away the Treasury.

It is really slightly hypocritical to ask the people of this place to repeal the 4.3-cent gasoline tax which will cost us, just for the remainder of this year of 1996, about $3 billion? If we take the 4.3 cents tax off for the ensuing 7 years, you are talking about $32 billion.

Where are you going to get the money to offset that? The majority leader in the House of Representatives said, ''Well, let us take it out of education. We are not getting a very good bang for the buck on our money for education. We will take it out of education.''

Madam President, the rules of the Senate do not permit me to say what I really would like to say about that. But needless to say, that is a crazy idea.

Somebody else has said, ''Well, we are getting ready to impose a tax on the banks and S&L's to go under the so-called SAIF to pay off the bonds that we issued to bail the S&L's out. So we will just take it out of the savings and loan insurance fund.

You think about that one. We are going to reduce the gas tax 4.3 cents a gallon and make it up by charging the same amount to people of this country because they have deposits in the bank. That is passed on to the consumer one way or another. If we make the banks and the S&L's pay more into the insurance fund, they will pass it on to the customers. So if you say, ''Well, we will take the gas tax off, but we will pick it up over here in the bank fund,'' I do not consider that the most enlightened solution either.

Madam President, 3 weeks ago the price of oil was $24 a barrel. Yesterday it was $21 a barrel—12.5 percent less than it was 3 weeks ago. It takes a while before that reduced price of oil works its way through the pipeline, and the consumers get the benefit of it. But the Energy Information Administration says by October the price of oil will be $17 a barrel.

I wish to goodness we could get this Presidential election over with so we could start talking seriously about things that really matter instead of playing around with things like this for whatever political impact they might have in November.

Madam President, how are we going to tell the American people that their gasoline prices are going to go down 4.3 cents a gallon? Answer. We are not, because we do not have any way of knowing that. The oil companies can put that 4.3 cents a gallon in their pocket.

But more to the point, how do we make up the $3 billion we are going to lose? Nobody has said yet anything credible. No credible offer has been made as to how we are going to offset it. I frankly think the politics of this thing is not on the side of the proponents.

Yesterday, I had 150 people in a committee room over in the Dirksen Building, members of the chamber of commerce from my State. They were all here for their big national shindig. So for openers I just asked, ''How many people here would like to repeal the 4.3 cents per gallon gas tax?'' This is the chamber of commerce; these are business people normally who dislike taxes intensely. I did not embellish. I did not try to argue one way or the other. I just asked the question point blank. Five people. ''How many would like to leave the gas tax alone?'' Roughly 70 to 90 voted to leave it alone.

Today, the rural cooperatives were in town. I heard the distinguished Senator from North Dakota today say that farmers use six to seven times as much gasoline as the ordinary driver uses. There must have been about 75 people at the meeting today. ''How many of you would like to repeal the 4.3-cent gas tax?'' Three. All the rest were opposed.

So for all of the reasons I have enumerated plus others—and I will not take additional time, Madam President, because we are ready to shut this operation down for the night, but for all of those reasons and many more, the repeal of the 4.3-cents-per-gallon gas tax is a foolish idea.

And I am not going to vote for a constitutional amendment to balance the budget, which is an equally foolish idea. So many people in this body treat the Constitution like it is a rough draft that they are supposed to finish up somehow or other.

Everybody wants to amend the Constitution. I do not. I have only voted for one amendment, and I intend to think twice before voting for another amendment. I do not like a lot of the Members of this body tampering with what Madison and Adams, Hamilton and Franklin did 207 years ago.

Madam President, if we ever debate this gasoline tax, which I understood we were going to take up today, I will be back in the Chamber largely repeating what I just said plus some additional things. But I can tell you the American people are not behind this. They do not want it. If you want to do something to please the American people, get the budget balanced. Do not be tinkering around with the politics of the 4.3-cent gasoline tax. And above all, do not ask me to vote to undo the deficit reduction we have going which has been successful to a staggering degree. We should not start unraveling it now because there is a Presidential election in November.

Madam President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:02 p.m., adjourned until Wednesday, May 8, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN MEMORY OF MR. JAMES DEVIVO

HON. SAM GEJDENSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to remember my dear friend, Mr. James DeVivo, who passed away unexpectedly early this morning. Jim was a special person who had an unwavering commitment to his hometown of Willimantic, CT. Jim will be sorely missed by everyone in the community and many others across Connecticut.

Jim DeVivo was born in Willimantic on May 28, 1937 and lived there all his life. He attended local schools, operated a business in town, and played an important role in every facet of the community. Jim expanded a small family-run waste disposal business into a major recycling center serving customers across my State. He provided invaluable employment opportunities to people in a town that has been struggling to overcome the demise of the textile industry which fueled its economy for 150 years. Jim served as a member of the board of education and maintained a strong commitment to education throughout his life. He also had a deep commitment to his faith. On January 7, 1996, Jim and his wife, Mary Lou, were ordained lay ministers during a ceremony at St. Patrick's Cathedral in Norwich.

Jim was an eternal optimist who believed anything was possible with hard work and a little luck. Over the past few months, he was consumed with his latest project. He had purchased an old post office in downtown Willimantic and was in the process of rehabilitating it. He planned to turn it into a museum and coffee shop. Jim had a special talent for accomplishing what others deemed impossible.

I have many fond memories of Jim. Most center on our times together in Connecticut. He also came to visit me in Washington on several occasions, most recently, last summer for the dedication of the Korean War Memorial. On one visit, I took him and another friend—Ralph Fargo—to the White House. Following our tour, I got separated from Jim and Ralph. After searching for several minutes, I found them behind the mansion inspecting its trash removal system under the watchful eye of Secret Service cameras. Regardless of where he was, Jim was constantly looking for innovative ways to improve his business. If the President had a good recycling system, Jim wanted to know about it.

My heart goes out to Jim's family—his wife Mary Lou, and children, Tom, Tim, John, Bridget, and Gina. Jim cared about his family more than anything else in the world. He strengthened his business and worked on behalf of the community to guarantee a better future for those he loved most. A few years ago, the third generation of the DeVivo family took over the family business as Jim turned over the reins to his sons.

Mr. Speaker, Jim DeVivo was a very rare man. Countless Americans are good businessmen and millions more are good fathers. Jim was both. While many people espouse lofty principles about how we should lead our lives, they often fail to practice what they preach. Jim followed those principles each and every day. Jim was a charitable man who supported the largest organizations, but never forgot an individual who might have fallen on hard times. When someone needed a job, Jim always found one.

I would like to share one more story which demonstrates just how extraordinary Jim was. He hired many Spanish-speaking residents to work in his facility. Unlike so many other employers, he genuinely cared about each and every employee. Jim wanted them to be able to become successful members of society. He recognized this goal would be aided if they improved their fluency in English. As a result, Jim provided language instruction to his employees right at his plant. He wasn't required to do this and it didn't make his business any more profitable. He did it because he knew it was the right thing to do. He did it because he truly believed America was the land of opportunity where everyone can succeed with a little help.

In political life, we have more acquaintances than friends. I am proud to say Jim DeVivo has been my friend for two decades. I will miss Jim very much. He had the qualities which have made America great—dedication to family, community, and faith, commitment to hard work and limitless optimism about the future. Jim made life better for generations of residents of Willimantic. He will be sorely missed by all of us who loved him.

VICE PRESIDENT GORE'S REMARKS AT THE CONGRESSIONAL GOLD MEDAL OF HONOR PRESENTATION TO DR. BILLY GRAHAM

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LANTOS. Mr. Speaker, last week, the Reverend Dr. Billy Graham and his wife Ruth were awarded the Congressional Gold Medal of Honor here in the Capitol Rotunda. I was delighted to be in attendance at this wonderful and historic event, honoring an extraordinary man who has been of invaluable counsel and a great inspiration to Americans from the White House to the halls of Congress, from Main Street to Wall Street.

At this occasion, remarkable in its universal attendance among Democrats and Republicans, Christians and members of other faiths, world leaders and ordinary families, Vice President AL GORE's remarks were particularly striking in their poignant description of what the Reverend Billy Graham has contributed with his ministry around the world. Vice President GORE, in his short remarks, sums up the warmth and wisdom that Reverend Graham has to impart upon those fortunate enough to have known him. I invite my colleagues to join me in congratulating Reverend Graham and to read Vice President GORE's heartfelt remarks.

CONGRESSIONAL GOLD MEDAL OF HONOR
PRESENTATION TO DR. BILLY GRAHAM
(By Vice President Al Gore)

Dr. and Mrs. Graham, Mr. Speaker, Senator Dole, members of the House and Senate gathered here, members of the Graham family, friends of Dr. and Mrs. Graham, spiritual leaders of all faiths from across our nation who are attending this event, and ladies and gentlemen.

This afternoon we pause from the business of Congress to honor a servant of God. Billy Graham and Ruth Graham have been friends to me and my family for many years. I, too, had the pleasure, Senator Dole, of visiting with Dr. and Mrs. Graham at that beautiful mountaintop log cabin at Montreal. We've had an occasion to visit many times, and it has always been a blessing for me and for my family.

You have touched the hearts of the American family. Over the last half century, few individuals have left such a lasting imprint on our national life.

Every American president since World War II has sought Billy Graham's counsel. Republicans and Democrats alike have relied on his moral sense and used his wisdom as a compass to help guide the ship of state.

From his first discussion with President Truman in 1948, to his tea with President Clinton just yesterday, Billy Graham has been a welcome presence in the White House. He has also met with leaders of other nations around the world.

Sometimes his visits have been controversial. Senator Dole mentioned a couple of those visits. I remember, as some of you do, the wonderful statement made by Senator Sam Nunn, who is here, at the national prayer breakfast this year, when he talked about a controversial trip Dr. Graham made to the Soviet Union. And when he returned, he was bitterly criticized in a newspaper column in which it was written that he had set back the cause of Christianity by 50 years. To which Dr. Graham responded, I'm so ashamed. I was trying to set it back 2,000 years.

But although he moves easily among presidents, and kings and heads of state, I've always sensed that Billy and Ruth Graham are most at home with ordinary mothers and fathers; and families throughout this nation admire them greatly.

This man, who once dreamed of swinging a bat in baseball's major leagues has filled stadiums from New York in Nairobi, from Tulsa to Tokyo, preaching the Gospel and sounding the cry for human rights, enlightened race relations and the dignity of freedom. Yet, he remains humble, even with this power to muster great throngs of people.

He once told an interviewer and I quote, ''The great crowds are meaningless. The thing that counts is what happens in the hearts of men and women. What good my ministry has done I'll never know until I get to Heaven.''

Well, Dr. Graham, most Americans would probably say, if any of us are judged worthy by our maker, you and Ruth are going to

make the grade. Hundreds of millions of us around the world know in our hearts that you have lifted our lives. You've done enormous good. You have blessed us.

In presenting this Gold Medal of Honor and recognizing you and Mrs. Graham, the United States of America makes a powerful statement about what is truly important in our national life. You have touched that part of the American spirit that knows providence has a grander purpose for our nation.

There is a spiritual hunger in modern America.

It is a hunger all Americans feel although we may describe it in different ways. As our lives race faster amidst so much that is fleeting, we search for what endures.

In synagogues, churches, mosques and other places of worship, we celebrate faith and a power greater than ourselves. We pray for the grace of God and the courage to live our lives according to the wishes of the God of whom you have told us.

We honor the diversity of faiths in America. And within that commitment to diversity and in that spirit, please allow me to add a personal note as a Christian. I have appreciated the poetry and power that you have brought to the religious tradition that so many of us share with you. I've also admired how the force of your convictions has been fueled by the gentleness of your soul.

There was a controversial book written a few years ago in which the author attempted to survey all of the religious traditions and all of those who have attempted to bring the message of God. When asked what she had learned about preachers and others attempting to deliver the message of God, she said she had concluded as a result of her scholarship that if a preacher is angry and hurtful, he does not know God. But if he is kind and loving, perhaps he does know God.

In our tradition, Jesus teaches that God is love. There is a wonderful passage in Corinthians that is frequently used as part of a marriage ceremony, looking prospectively, which can also, I believe, be used as an assessment of what you have done and are doing in your role as a minister.

Love is patient. Love is kind. It does not envy. It does not boast. It is not proud. It is not rude. It is not self-seeking. It is not easily angered. It keeps no record of wrongs. Love does not delight in evil but rejoices with the truth.

Dr. Graham, you and Ruth have been patient and kind. You have not envied nor boasted. You have not been proud. You have not been rude nor self-seeking nor easily angered. You've kept no record of wrongs. You've not delighted in evil. You have rejoiced with the truth.

So today, let us rejoice with the truth that these two extraordinary people have brought to our lives. For reminding us of faith's gentleness and endurance, we honor Billy Graham and his partner Ruth Graham. We trumpet their achievements. We celebrate their commitment. And we formally thank them, this man and this woman, who have served this nation by serving God.

READING BETWEEN THE LINES: AMA EXPLAINS CAPITATION TO MEMBERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, the rush is on to push all Americans—except the wealthy who can afford medical savings accounts—into managed care and capitated plans.

What is capitation? The American Medical Association recently published a booklet entitled ''Capitation: The Physicians Guide.'' It is designed to help doctors understand capitation, how to negotiate a managed care contract, and survive in this new world of managed care.

It is artfully worded, but reading between the lines is pretty easy. The following are quotes from the booklet:

To be successful under capitation, you also have to change the way you practice medicine. . . . When patients use fewer services than anticipated in setting the Per Member, Per Month (PMPM) payment, you get to retain unspent funds.

Many capitation agreements also offer physicians the opportunity to participate in risk pools, another opportunity for financial gain. . . . thus risk pools provide physicians with an opportunity to benefit financially from reduced utilization of non-physician services.

Capitation forces you to broaden your focus from considering the health care needs of the individual patient to considering the health care needs of the group.

Capitation offers a strong financial incentive to provide cost-effective care to all patients. Under fee-for-service, providing more services translates into higher practice revenue and thus higher income. But under capitation, providing more services adds only to your costs. Improvements you can make in your practice style that reduce utilization and increase cost effectiveness increase your profitability.

When primary care physicians accept capitation and are subject to risk pools, they have an incentive to reduce all types of utilization, including the use of specialists. . . . Generally, primary care physicians reduce referrals by about one-fourth when they are at risk for referred services.

Mr. Speaker, the fee-for-service system where a doctor can make more by endlessly doing more is outdated and bankrupting us. It has to be changed. But be careful—managed care and capitation can kill you. Do you really want your doctor worrying more about his group than you, when you get sick? As a society, as a government we do not yet have good measures of how to judge quality, of how to know when someone is undertreating and underreferring patients. Managed care is happening very quickly, and we should not be further speeding up the movement into managed care until we have adequate consumer protections and quality measures in place.

TRIBUTE TO JUSTICE FLORENCE KERINS MURRAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. REED. Mr. Speaker, I rise today to acknowledge an outstanding Rhode Islander, Justice Florence Kerins Murray, who is celebrating the 40th anniversary of her appointment to the bench.

Justice Murray was educated in the Newport, RI public school system and graduated from Syracuse University with a bachelor of arts degree. Following a brief teaching career at the Prudence Island School, she attained her L.L.B. from Boston University Law School and was admitted to the Massachusetts Bar.

During World War II, Justice Murray enlisted in the Women's Army Corps and was commissioned as a second lieutenant in 1942. She served in various capacities and left the corps as a lieutenant colonel, but was later recalled for a special duty assignment in 1947.

Justice Murray returned to Rhode Island to practice law and raise a son with her beloved late husband, Paul. In 1948, she began her career in public service, serving with distinction on the Newport School Committee and in the Rhode Island State Senate concurrently until 1956. During this time, she displayed keen understanding of government policy and the legislative process and specialized in issues involving the welfare of children and the needs of the elderly. She served as master in the superior court and as chair of a special commission that led to the establishment in Rhode Island of the Nation's first family court.

In 1956, Gov. Dennis J. Roberts appointed Florence Murray as an associate judge of the Rhode Island Superior Court, the first women justice in the history of our State. Twenty-two years later, she was named the first female presiding justice of that court, and in 1979, she was elected to her present position on the Rhode Island Supreme Court, one of the first women to serve on a State supreme court.

The career of Justice Murray is an exemplary one, and she is renowned throughout the country as an outstanding jurist. She is a recipient of nine honorary doctorates and of the coveted Herbert Harley Award from the American Judicature Society.

She is respected for her leadership, personal integrity, love of the law, sense of justice, and for her unselfish contribution to the welfare of the community. She has been a champion of professionalism in the courts and an inspiration to furthering the careers of women in the field of the law. Her intelligence, reason, compassion, and sense of fairness have been an enduring presence in the Rhode Island court system.

Mr. Speaker, I ask that my colleagues join me in honoring Justice Murray. She is a remarkable woman of impeccable character and reputation who honors all of us with her service. I urge you to recognize Justice Murray for her significant contribution to our legal system. This milestone is significant, and I am delighted to join in this most fitting tribute.

HONORING CONNIE CLANCY FOR 35 YEARS' SERVICE TO SOUTH HADLEY PUBLIC LIBRARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. OLVER. Mr. Speaker, I rise today to honor one of western Massachusetts most dedicated public servants, Connie Clancy, who is retiring after 35 years of service to the South Hadley Public Library. Connie Clancy's dedication and commitment to her community should serve as an inspirational example to us all.

Connie started with the South Hadley Public Library in 1961 and worked her way up to director of the entire library system by 1969. In addition to her job, Connie was an active advocate for libraries and education. She started the Literacy Volunteers of America affiliate in

South Hadley, is a past president of the Massachusetts Library Association, and served as a delegate to the 1991 White House Conference on Libraries and Information Services.

While an accomplished professional, Connie has also been extremely active in community organizations, serving, at various times, as a president of A Better Chance for Education, chair of Saint Patrick's Parish Council, and president of the South Hadley Women's Club. In recognition of her service she has been awarded the Jaycees Distinguished Service Award, the Lions Club Citizen of the Year Award, and the Joseph W. Long Citizenship Award. And these are just a few highlights of the recognition of Connie's distinguished service to the Pioneer Valley.

Mr. Speaker, I hope you will join me in wishing Connie Clancy well as she reflects on and celebrates 35 years with the South Hadley Public Library, as well as wishing her continued success and happiness in the years to come.

TRIBUTE TO QUEENS BOROUGH PUBLIC LIBRARY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. MANTON. Mr. Speaker, I rise today to recognize a very special organization as it celebrates 100 years of service to the residents of my district in the Queens Borough of New York City: The Queens Borough Public Library. In keeping with the library's centennial theme, ''Lighting the Way,'' a year-long array of events commemorating this historic occasion is now underway at the Central Library in Jamaica, Queens, and at each of the library's 63 branches located throughout the borough.

The official celebration began on March 19, with Charter Day programs presented throughout the Queens Library system. Charter Day is the anniversary of the signing of the Queens Library charter in 1896 by New York State Librarian Melvil Dewey, the architect of the familiar ''Dewey Decimal System.''

Mr. Speaker, the Queens Library provides a tremendous service to the 2 million residents of Queens, virtually all of whom live within walking distance of a library branch. It provides more than 18,000 cultural, educational, informational and social programs for Queens' residents. These include access to computerized data bases of social services and job listings, vocational counseling, classes in everything from coping skills to parenting, and accultruation for new immigrants in dozens of the languages spoken in Queens. After-school latchkey programs assist 35,000 Queens children each year to develop good homework habits and learn how to use a library. The library's literacy programs reach thousands more.

Interwoven with all these are the library's technology programs, putting the power of information technology in the hands of people who would otherwise be denied access on economic grounds. According to the department of Commerce, less than 8 percent of central city homes in the northeast have computers with modems.

Mr. Speaker, with all these services, the Queens Library also holds a very prestigious place among U.S. public libraries: It has the largest circulation of any library in our Nation, and the highest per capita use of New york City's three library systems.

The Queens Library has favorable ratings that most of us in the political community envy. User surveys reveal that almost 90 percent of borough residents have a favorable opinion of the library and what it does for them. More than 60 percent of Queens children visit a Queens Library facility each year. Over 175,000 borough residents turned out for centennial events last month.

Mr. Speaker, the Queens Library is a very special part of Queens as it touches more people than any other Queens service institution. I know my colleagues join me in paying tribute to the Queens Library today by wishing it a most sincere Happy Birthday and many more to come.

TRIBUTE TO RECIPIENTS OF THE HONOR IMMIGRANT AMERICANS DAY AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to 11 remarkable individuals from the 11th District of Virginia who were honored at the Honor Immigrant Americans Day Awards Banquet on May 4, 1996 in Rosslyn, VA. The banquet, hosted by the Northern Virginia Chapter of the Organization of Chinese Americans [OCA], recognized the enormous contributions which these first generation immigrants have made to our community.

The OCA bestowed the Corporate Award on five of the honorees. These persons received the award for their outstanding achievements in both the work place and in their communities.

Ms. Ruth K. Barham, who works for the Signet Banking Corp., was born in Kobe, Japan. She moved to the United States with her husband in 1969. Ms. Barham joined Signet Banking in 1988 and is currently an administrative assistant in the personal trust division of the Washington metro region.

Ms. ATI Suradja-Shuey, who also works for the Signet Banking Corp. is a native of Indonesia. She came to the United States in 1950, when her father was posted in the Embassy of Indonesia. Ms. Suradja-Shuey joined Signet Banking in 1985 and now acts as an administrative assistant for the private banking division for the metro Washington region.

Mr. Ebrahim (Abe) Bibizadeh came to the United States in 1976 on a scholarship from his native country of Iran. Although the scholarship was discontinued after 3 years, he worked a number of odd jobs until he was able to earn his bachelor of science degree from the Virginia Military Institute. After his graduation, Mr. Bibizadeh began working for Virginia Power as an associate engineer/service representative where he is still an employee. He has also served as a coordinator of the United Way Campaign in Springfield VA, as a member of the Springfield Safety Committee, and is an active member of the Virginia Power's Speakers Bureau. In 1990, Mr. Bibizadeh realized a life-long dream when he started his own travel agency. Both he and his wife became naturalized U.S. citizens in 1995.

Mr. Hai NamLy immigrated to the United State from Vietnam in 1992. He began working with BTG as a warehouse receiving clerk. An outstanding employee who focuses on quality work, Mr. Ly was recently promoted to the position of netscape administrator for BTG technology systems where he is responsible for fulfilling orders for one of BTG's most important strategic partners.

Mr. Jose Diaz, who works for Walcoff and Associates, Inc., immigrated to the United States from Cuba and earned a bachelor of science degree from Georgetown University in 1992. His career at Walcoff is focused on immigrant outreach and assistance. Mr. Diaz recently enlisted in the U.S. Army Reserve in order to give something back to the United States for providing him with educational and career opportunities.

Six of the honorees received the At-Large Award for their outstanding life-long achievements in the community.

Dr. Jorge O. Arnoldson emigrated from Cuba and has practiced pediatric medicine in Fairfax County for over 20 years. He has been a strong supporter and participating member of the Medical Care for Children Partnership [MCCP], providing medical care to children of the working poor. Dr. Arnoldson is a hero to his patients and a genuine hero to the MCCP and his community.

Mr. Phan Nguyen Ngoc Hung is a refugee from Vietnam and is now a local young professional. As one who personally experienced the frustrations of living and working in a totally foreign society, Mr. Hung has undertaken initiatives to help recent immigrants assimilate into American society. He now acts as a ''Big Brother'' to many refugee youths.

Ms. Sarah K. Joaquin came to the United States from the Philippines in 1960 and has influenced many men and women who have pursued careers in drama, broadcasting, writing, and the arts. She has been a teacher, author and a theatrical producer. Ms. Joaquin has staged plays and special events for the Philippine Embassy and co-authored ''Bayan Ko, Bumangon Ka,'' a musical play presented at the Kennedy Center.

Ms. Air Paukkunen Oulette was born in Finland and registered to vote the day she became an American citizen. Ms. Roulette has been a lifelong volunteer and is a political activist who has made a difference in people's lives and the community she serves. She has worked on numerous political campaigns in Virginia and sits on the State Central Committee of the Democratic Party. Ms. Roulette also represents Providence District on the Community Action Advisory Board of Fairfax County, which advocates the needs of the working poor.

Mr. Michael M. Shen immigrated to the United States from China in 1953. He graduated from Columbia University and attended the Stevens Institute of Technology before joining the Department of Navy in 1963. He received the Civil Service Meritorious Award in 1986 upon his retirement from the Navy after 23 years. Mr. Shen started his own marine engineering consulting firm and in 1990, was awarded a patent for an invention for sealift ships. He is also an active volunteer adult leader in the Boy Scouts of America and received the Silver Beaver Award, the highest and most distinguished award for a volunteer adult leader.

Mr. Hsin (Sam) P. Wong came to the United States from China in 1948. He earned a bachelor's degree from George Washington University and a master of science degree in Electrical Engineering from Brooklyn Polytechnical Institute. Mr. Wong received the prestigious Meritorious Service Award upon his retirement from the Navy after a distinguished civilian career that spanned 31 years. He was one of the founders and developers of the Wah Luck House, a residential apartment complex for the elderly.

Since her founding, our Nation has achieved many successes through the great achievements of the many diverse groups of people who bring their unique cultures and strengths to our shores. I am proud to represent these exceptional individuals who remind us that although we may come from different countries and ends of the earth, we all share a pride in being Americans.

Mr. Speaker, I know my colleagues will want to join me in congratulating these 11 immigrant Americans who have contributed in so many ways to the strengthening of our community.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. BALLENGER. Mr. Speaker, on May 1, 1996, I was detained and did not cast a vote on S. 641, the Ryan White CARE Act conference report. Had I been present, I would have voted ''yea'' on rollcall vote No. 145.

CARMEN OLAVARRIETA RECEIVES UNICEF VOLUNTEER DISTINGUISHED SERVICE AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Ms. ILEANA ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate a lady much distinguished for her humanitarian efforts and desire to help others in need, Carmen Olavarrieta. Carmen has been recently recognized by UNICEF and has been selected to receive the Volunteer Distinguished Service Award in 1995–96 for all of her exemplary work and dedication at this world-renowned organization.

Since immigrating to the United States in 1961, Carmen has used her linguistic and teaching talents in order to teach students and even to co-author ''Hablemos Espanol,'' a publication used to teach Spanish to foreign students studying at the University of Madrid and Barcelona.

In addition to serving as a volunteer at UNICEF, Carmen has also given her services to the League Against Cancer, the American Red Cross, the American Heart Association [Latin Division], and the Colombian Emergency Fund, a radio telemarathon to help the children during the volcanic eruption in Armero, Colombia.

Carmen is a very caring person, dedicated not only to her family, but also to those who are less fortunate. She is a fine example of what ''love thy neighbor'' is all about.

INTRODUCTION OF THE LOW-LEVEL RADIOACTIVE WASTE FEDERAL RESPONSIBILITY ACT OF 1996

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LEWIS of California. Mr. Speaker, I rise today to introduce the Low-Level Radioactive Waste [LLRW] Federal Responsibility Act of 1996.

This legislation would effectively repeal the 1980 Low-level Radioactive Waste Act which requires States to enter in compacts to dispose of LLRW. That legislation, which was endorsed by President Clinton during his tenure as Governor of Arkansas, and Interior Secretary Babbitt during his tenure as Governor of Arizona, has failed to produce solutions to one of the most pressing environmental needs facing our country today, the safe, permanent storage of low-level radioactive waste.

There is no greater illustration of the failure of this statute than the 10-year effort to locate a storage site at Ward Valley, CA. While the Southwestern Disposal Compact, the National Academy of Science, State officials, and other notable scientific and medical authorities, have given the green light to transferring the Federal site to the State of California, the Clinton administration and California's junior Senator have sought to delay the land transfer out of political, rather than safety considerations. They have chosen emotional political demagoguery over sound science.

The pressure to delay the construction of the Ward Valley site arises not from the most noted experts in the field of LLRW storage, but from a well-financed environmental lobby that has made Ward Valley a political symbol to demonstrate its control over the Clinton White House.

The University of California—which has nine campuses across the State—is one of the largest generators of low-level radioactive waste. These campuses produce a combined 22,065 cubic feet of waste material annually. The majority of this material is presently stored on or near each campus. The two largest producers of waste are located in the urban centers of Los Angels and San Francisco. Other waste producers, including hospitals and biotech companies, currently store their waste in temporary storage facilities throughout the State. Needless to say, these temporary sites do not meet the test of providing safe, long-term permanent storage. In fact, a fire came very close to igniting waste in a highly populated suburb of Los Angeles during the 1994 Northridge earthquake.

Let me make one point abundantly clear: California's junior Senator is placing in jeopardy the health and safety of the public she claims to care so much about. With the assistance of the Secretary of the Interior, she has orchestrated a campaign to delay the transfer of Federal land to the State. She has not proposed an alternative site. She ducks, weaves, bobs, and delays, but she does nothing to address this long-term problem that affects potentially every citizen in California. Rather than addressing solutions, she ignores the advice and counsel of those who know the subject best and actively pursues a political agenda for its own sake, attempting to frighten, distort, and confuse the public every step of the way.

Presently, in the State of California, there is a very real need to a find a permanent storage facility for low-level radioactive waste presently being stored in over 2,000 location across the state. We can wait no longer. In lieu of that, the only responsible action is to determine locations for safe, interim storage sites. And where will they be built, Senator? Los Angeles? San Francisco? What alternatives do you suggest to responsibly address this problem? I believe California would be better served by less political rhetoric and demagoguery and greater emphasis on commonsense, pragmatic solutions.

It is now painfully clear, based upon recent words and actions, that the Clinton administration, like California's junior Senator, believes that the Federal Government is best suited to act as caretaker of low-level radioactive waste. After a great deal of thought and series of discussions with noted experts, I have decided to grant the administration its wish. The Low-Level Radioactive Waste Federal Responsibility Act of 1996 provides the Secretary of the Interior—one of the strongest advocates of waste storage and leading opponents of the Ward Valley site—the authority and sole responsibility of disposing of low-level waste. It is time for the Clinton administration to demonstrate through actions and not empty political rhetoric that it cares more about public health and safety than financial promises made to its Presidential campaign by the most extreme environmentalist.

California is now close to realizing an environmental crisis that endangers the public health and safety of its citizens. In the 16 years since enactment of the Low-level Radioactive Waste Act, not one new compact facility has begun receiving waste. That approach, once favored by the President and the Secretary of the Interior, has failed. This legislation, which I am introducing today, grants the Secretary the sole responsibility to dispose of low-level radioactive waste. It is time for the Secretary to act. It is time to quit the emotional demagoguery of California's junior Senator which does nothing more than further endanger the citizens of our State.

THE 50TH ANNIVERSARY OF GHENT VFW

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. SOLOMON. Mr. Speaker, it is my pleasure to commemorate the golden anniversary of Veterans of Foreign Wars Post No. 5933. This post, I am proud to say, is based in Ghent, NY, in the heart of my congressional district, and is celebrating its 50th year of service. This post personifies the outstanding efforts of the entire nationwide membership to promote a strong national defense and to help veterans and their families. And that is one reason I was so pleased to be awarded the VFW National Commander's Congressional Award several years ago.

The VFW, Mr. Speaker, has been an organization of exceptional merit and service to the

needs of many veterans. It is only appropriate that those brave men and women who placed themselves in harms way overseas be represented by such an able organization. The members of Post No. 5933 have been receiving just such outstanding service for 50 years now. It is comforting to know that those who served the needs of our country and fought for the principles and ideals of America all over the globe can depend on the support of an organization like Post 5933 back home in upstate New York.

Mr. Speaker, the service of Post 5933 in Ghent is worthy of significant recognition. This post, and others like it, are the reason I fought so hard to attain Department-level status for Veterans Affairs. When Ronald Reagan signed that legislation into law, veterans were finally afforded the degree of national consideration they deserve. The efforts of VFW posts like this one, Mr. Speaker, having served the needs of veterans since 1946, assured veterans the assistance and recognition they deserved prior to approval of this Government Department, and continue to encourage fair consideration of veterans' issues. For this, Mr. Speaker, we owe Post 5933 a tremendous debt of gratitude.

The famous historian George Santayana once said, ''Those who do not remember history are bound to repeat it.'' VFW posts all across America have not forgotten the past or those men and women who made the ultimate sacrifice for our country. I ask all Members in the House to rise in tribute to VFW Post 5933 and join me in saluting all the members, past and present, on the occasion of their 50th anniversary.

FREDERIKI PAPPAS AND HER ART EXHIBIT CELEBRATING 175 YEARS OF GREEK INDEPENDENCE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. BILIRAKIS. Mr. Speaker, it is a privilege for me to highlight an important event that is taking place this week in Washington. This event celebrates 175 years of friendship, diplomacy, and mutual respect for democracy that is the legacy of the United States and the Republic of Greece. The renowned Greek artist, Ms. Frederiki Pappas is previewing a remarkable collection of portraits of American and Greek leaders today in the Capitol. This exhibit is called: ''A Celebration of Democracy: Commemorating 175 Years of Greek and American Democratic Tradition.''

Ms. Pappas is a graduate of the Athens School of Fine Art and has exhibited in galleries around the world and has been commissioned by many private clients and public institutions. I have known her for many years and have come to admire her inexhaustible energy and vision in showcasing the history of courage and triumph of our two great nations.

I remind my colleagues that Americans participated in the independence movement in Greece during the last century, sacrificing their lives to ensure that the world's first democracy was again a democracy. From the days of our great leader and democratic visionary, Thomas Jefferson, to the present, Hellenes and Americans have worked and fought side-by-side for freedom and independence.

As a Greek-American, I am especially proud of this tradition and applaud the continued strength of our mutual diplomatic ties as exemplified by this week's visit by President Constantine Stephanopoulos. The Hellenic Republic remains a key ally and friend and I am especially pleased that Ms. Pappas' exhibit coincides with President Stephanopoulos' visit. Her work serves as a beautiful and appropriate reminder of this long and great friendship between our two democratic nations.

Thomas Jefferson, perhaps underscores the spirit of freedom and independence best in his letter to A. Korais, leader of the Provisional Government of Greece in 1823 in which he states:

> Possessing ourselves the combined blessings of liberty and order we wish the same to other countries, and to none more than yours, which the first of civilized nations, presented examples of what man should be.

Mr. Speaker, Ms. Pappas' work reminds us of the importance of tradition and mutual love of freedom. I urge all of my colleagues to see if firsthand and reflect upon the importance of celebrating democracy.

IN HONOR OF MAYOR KENSUKE FUKUSHIMA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, I rise today to welcome Mayor Kensuke Fukushima and his delegation from the city of Fukaya, Japan, to the city of Fremont, CA, in California's 13th Congressional District. Mayor Fukushima and his delegation are here to help celebrate the founding of the city of Fremont, Fukaya's sister city, over 40 years ago. I would also like to commend Mayor Fukushima for his dedication to the sister-city program.

The city of Fukaya and the city of Fremont have been sister cities for the past 16 years and the relationship has been a very important one. We have many successful programs with Fukaya, including the arts exchange, the symphony exchange, teacher and student exchanges, little league baseball, Boy Scouts, business exchange, family exchanges, and the city employee exchange. These exchanges have resulted in deep personal friendships and a greater understanding between our two cultures and communities.

We owe much of the success of the sister-city program to Mayor Kensuke Fukushima. He has been a driving force since the very beginning. He was the contact citizen between the city of Fremont and the city of Fukaya prior to the formal sister-city relationship and continued to be active in the program as he held various positions in his city government. Mayor Fukushima has been mayor of the city of Fukaya for the past 8 years and has continued to be a strong advocate for the program throughout his term.

Mr. Speaker, I ask that you and my colleagues join me in welcoming Mayor Fukushima and the Japanese delegation to the city of Fremont and in recognizing Mayor Fukushima for his extraordinary efforts in bringing our two cities and communities closer together.

PERSONAL EXPLANATION

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. REED. Mr. Speaker, it has come to my attention that on April 18, 1996, the House voting system did not record my vote on rollcall vote 125, final passage of the rule governing debate on the antiterrorism bill.

At the time the vote was held, I was on the floor of the House, having just voted against ordering the previous question.

It was my intent to vote for passage of the rule. Unfortunately, my vote was not properly recorded. I would ask the RECORD to reflect my presence in the Chamber and my intent to vote for passage of the rule.

CONFERENCE REPORT ON S. 641, RYAN WHITE CARE ACT AMENDMENTS OF 1996

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. KOLBE. Mr. Speaker, I join my fellow colleagues today in support of the Ryan White CARE Act conference report. Additionally, I would like to extend my appreciation to the conference team, chairmen BLILEY and DINGELL, and subchairmen BILIRAKIS and WAXMAN for all their hard work to see this legislation through fruition.

I also come forward today for the thousands of men, women, and children whose lives depend on the continuation of the services provided under the Ryan White CARE Act. This legislation is essential to the AIDS community. Ryan White CARE provides people living with AIDS a tool to obtain emergency care services. Ryan White CARE gives the support needed to provide AIDS patients to live their lives to its fullest potential.

Specifically, this bill requires recipients of CARE grants to utilize a portion of their funds to provide health services to women, infants, and children. This bill aims to serve all individuals infected with the AIDS virus, but acknowledges the growing number of infants and children infected with the virus. With advancements in research to deter the virus in infants, the bill targets our future—our children.

The reauthorization of the Ryan White CARE Act sends another important message. We have worked in a bipartisan manner to ensure passage of this essential legislation. This legislation is an act of simple compassion and humanity that anyone and everyone can support.

I have been a supporter of the Ryan White CARE Act since its inception, and I hope that future Congress will continue to promote its services in future Congresses. Mr. Speaker, I urge my colleagues to vote in support of the reauthorization of the Ryan White CARE Act.

CONGRATULATING BRYAN HIGH SCHOOL ON WINNING THE FED CHALLENGE 1996

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. FIELDS of Texas. Mr. Speaker, at a time when the administration and Congress struggle to fashion a budget that will be in the long-term best interest of our Nation's economy, perhaps we should solicit advice from high school students—specifically, those high school students who participated in the Federal Reserve Board's Fed Challenge 1996 competition.

The Fed Challenge 1996 competition provides talented high school students an opportunity to research and analyze data on the Nation's economy, make educated assumptions about future economic trends, and then recommend to the Federal Reserve specific monetary policies that the students believe will help our Nation's economy and improve the well-being of the American people.

In am proud that a five-member team from Bryan High School in Bryan, TX, recently won the Fed Challenge 1996. Under the guidance of American history teacher Janyce Kinley and economics teacher Laura Wagner, five Bryan High School students wowed a panel of judges that include two Federal Reserve Bank presidents and a member of the Federal Reserve Board of Governors to win this very difficult competition. I have not doubt that those of us in the Congress could benefit from the insightful analysis of Bryan High School students Chris Dyer, Michael Schlabach, Brian Swick, Sarah Novak, and Sarah Stansy—as well as all the students who participated in the Fed Challenge 1996 contest in the 1st, 2nd, 5th and 11th Federal Reserve Districts.

Working closely with Timothy Hopper, an economist in the Houston office of the Dallas Federal Reserve, and Wayne Hast of the Dallas Federal Reserve, students at Bryan High School answered one basic question: ''If you served on the Federal Open Market Committee, what monetary policy would you recommend?'' In order to answer that question, the students at Bryan High School—and at each of the other high schools around the country who participated in the Challenge—described the current condition of our Nation's economy, made educated assumption about future economic trends, and summarized financial market conditions before making their recommendations. Following each presentation, the panel of judges asked followup questions of the students.

By all accounts, each of the four high school teams that made presentations in Washington greatly impressed the judges. One Federal Reserve official with whom I spoke described the Bryan High School team's presentation as breathtaking.

I've had the opportunity to question Federal Reserve Board Chairman Alan Greenspan on more than one occasion, and I'm a little disappointed that my comments and questions have never been characterized as breathtaking!

I want to commend the Federal Reserve Bank of New York, which, as a pilot program, sponsored a similar, but local, competition last year. And I want to commend the Federal Reserve System for expanding on this great idea that encourages young people to learn more about the Nation's economy and the impact of monetary policy on the American people. I also want to encourage more Federal Reserve Banks, and more high schools, to participate on this superb competition.

Most of all, I want to congratulate Chris Dyer, Michael Schlabach, Brian Swick, Sarah Novak, Sarah Stansy, Janyce Kinley, Laura Wagner, Timothy Hopper, and Wayne Hast—and all the other students and advisors who helped out in the Fed Challenge 1996—for the outstanding effort they made as a team on behalf of Bryan High School. They remind all of us of the importance of learning more about our economy, and they remind us that anything is possible through hard work, dedication and teamwork.

BILLY GRAHAM'S HOPE FOR AMERICA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to praise the work and service of two very special people from western North Carolina, Ruth and Billy Graham, who last week received the Congressional Gold Medal.

Reverend Graham was extremely humble in acceptance of this honor but I believe our Nation will have no greater recipients this century than the Grahams. For more than 50 years, they have traveled the globe bringing the word of God to more people than anyone else in history. But their work was not done for the history books but for their love of God and his message of mercy and forgiveness. Based on that message, the Grahams have devoted their lives to address major problems facing our society such as racism, hunger, and homelessness. And still today, they continue their efforts to reverse the decline of our society's moral consciousness by stressing ethical and spiritual values.

In accepting our appreciation for their lifelong commitment ''toward improvements in racial equality, morality, and philanthrophy,'' Reverend Graham told us that the message he has devoted his life to represents the cure to our Nation's ills. In his words ''There is hope! Our lives can be changed, and our world can be changed.''

Mr. Speaker, I would like to congratulate the Grahams for their lifes' work and ask that Reverend Graham's remarks in accepting the Congressional Gold Medal be inserted in the RECORD for all the world to know his message: ''There is hope.''

THE HOPE FOR AMERICA

Mr. Vice President; Speaker Newt Gingrich; Majority Leader Bob Dole; Senator Strom Thurmond; Members of the House of Representatives and the Senate; distinguished guests and friends. . .

Ruth and I are overwhelmed by the very kind words that have been spoken today, and especially by the high honor you have just bestowed on both of us. It will always be one of the high points of our lives, and we thank you from the bottom of our hearts for this unforgettable event. We are grateful for all of you in the Senate and House who have had a part in it; and President Clinton for his support in signing the resolution.

As we read the list of distinguished Americans who have received the Congressional Gold Medal in the past—beginning with George Washington in 1776—we know we do not belong in the same company with them, and we feel very unworthy. One reason is because we both know this honor ought to be shared with those who have helped us over the years—some of whom are here today. As a young boy I remember gazing at that famous painting of Washington crossing the Delaware. Only later did it occur to me that Washington did not get across that river by himself. He had the help of others—and that has been true of us as well. Our ministry has been a team effort, and without our associates and our family we never could have accomplished anything.

I am especially grateful my wife Ruth and I are both being given this honor. No one has sacrificed more than Ruth has, or been more dedicated to God's calling for the two of us.

However, I would not be here today receiving this honor if it were not for an event that happened to me many years ago as a teenager on the outskirts of Charlotte, North Carolina. An evangelist came through our town for a series of meetings. I came face-to-face with the fact that God loved me, Billy Graham, and had sent His Son to die for my sin. He told how Jesus rose from the dead to give us hope of eternal life.

I never forgot a verse of Scripture that was quoted, ''As many as received him, to them gave the power to become the sons of God, even to them that believe on his name'' (John 1:12, KJV). That meant that I must respond to God's offer of mercy and forgiveness. I had to repent of my own sins and receive Jesus Christ by faith.

When the preacher asked people to surrender their lives to Christ, I responded. I had little or no emotion; I was embarrassed to stand with a number of other people when I knew some of my school peers saw me: but I meant it. And that simple repentance and open commitment to Jesus Christ changed my life. If we have accomplished anything at all in life since then, however, it has only been because of the grace and mercy of God.

As Ruth and I receive this award we know that some day we will lay it at the feet of the One we seek to serve.

As most of you know, the President has issued a proclamation for this day, May 2, 1996, to be a National Day of Prayer. Here in Washington you will see and hear of people throughout the District of Columbia praying today. It is encouraging and thrilling that here, and across the country, people have committed themselves to pray today for our leaders, our nation, our world, and for ourselves as individuals. I am so glad that before business each morning, both the House of Representatives and the Senate have a prayer led by Chaplain Ogilvie of the Senate, who has had so much to do with this event today, and Chaplain Jim Ford, who used to be chaplain at West Point when I went almost every year to bring a message to the cadets.

Exactly 218 years ago today—on May 2, 1778—the first recipient of this award, George Washington, issued a General Order to the American people. He said, ''The * * * instances of Providential Goodness which we have experienced and which have now almost crowned our labors with complete success demand from us * * * the warmest returns of Gratitude and Piety to the Supreme Author of all Good.'' It was a message of hope and trust, and it also was a challenge for the people to turn to God in repentance and faith.

We are standing at a similar point in our history as less than four years from now the world will enter the Third Millennium. What will it hold of us? Will it be a new era of unprecedented peace and prosperity? Or will it

be a continuation of our descent into new depths of crime, oppression, sexual immorality, and evil?

Ironically, many people heralded the dawn of the 20th Century with optimism. The steady march of scientific and social progress, they believed, would vanquish our social and economic problems. Some optimistic theologians even predicted the 20th Century would be ''The Christian Century'', as humanity followed Jesus' exhortation to love your neighbor as yourself. But no other century has been ravaged by such devastating wars, genocides and tyrannies. During this century we have witnessed the outer limits of human evil.

Our mood on the brink of the 21st Century is far more somber. Terms like ''ethnic cleansing'' ''random violence'' and ''suicide bombing'' have become part of our daily vocabulary.

Look at our own society. There is much, of course, that is good about America, and we thank God for our heritage of freedom and our abundant blessings. America has been a nation that has shown a global compassion that the rest of the world seemingly does not understand. After World War II, because we had the Atom Bomb, we had the opportunity to rule the world, but America turned from that and instead helped rebuild the countries of our enemies.

Nevertheless, something has happened since those days and there is much about America that is no longer good. You know the problems as well as I do: racial and ethnic tensions that threaten to rip apart our cities and neighborhoods; crime and violence of epidemic proportions in most of our cities; children taking weapons to school: broken families; poverty; drugs; teenage pregnancy; corruption; the list is almost endless. Would the first recipients of this award even recognize the society they sacrificed to establish? I fear not. We have confused liberty with license—and we are paying the awful price. We are a society poised on the brink of self-destruction.

But what is the real cause? We call conferences and consultations without end, frantically seeking solutions to all our problems; we engage in shuttle diplomacy; and yet in the long run little seems to change. Why is that? What is the problem? The real problem is within ourselves.

Almost three thousand years ago King David, the greatest king Israel ever had, sat under the stars and contemplated the reasons for the human dilemma. He listed three things that the world's greatest scientists and sociologists have not been able to solve, and it seems the more we know, and the greater our technology, the more difficulties we are in. In perhaps the best-known passage of the Old Testament, Psalm 23, he touches on the three greatest problems of the human race.

First, David said, is the problem of emptiness. David wrote, ''The Lord is my shepherd; I shall not want.'' He was not talking just about physical want, but spiritual want.

I stood on the campus of one of our great universities some time ago, and I asked the Dean, ''What is the greatest problem on your campus?'' He replied in one word: ''Emptiness.'' The human heart craves for meaning, and yet we live in a time of spiritual emptiness that haunts millions.

''Nirvana'' is the Hindu word for someone who has arrived into the state of perpetual bliss. Media reports said that Kurt Cobain, the Nirvana rock group's leader, was the pacesetter for the nineties, and the ''savior of rock and roll.'' But he said the song in the end which best described his state of mind was ''I hate myself and I want to die!'' And at age 27 he committed suicide with a gun.

Second, is the problem of guilt. David wrote: ''He restoreth my soul, he leadeth me in the paths of righteousness.'' Down inside we all know that we have not measured up even to our own standards, let alone God's standard.

Third, David pointed to the problem of death. ''Yea, though I walk through the valley of the shadow of death, I will fear no evil, for thou art with me.'' Death is the one common reality of all human life. Secretary of Commerce Ron Brown did not realize his time had come when he stepped on that plane in Croatia a few weeks ago.

From time to time I have wandered through Statuary Hall and looked at all those statues of some of the greatest men and women in our nation's history. But one thing is true of every one of them; they are all dead.

Yes, these three things—emptiness, guilt, and the fear of death—haunt our souls. We frantically seek to drown out their voices, driving ourselves into all sorts of activities—from sex to drugs or tranquilizers—and yet they are still there.

But we must probe deeper. Why is the human heart this way? The reason is because we are alienated from our Creator. That was the answer David found to these three problems; ''The Lord is my shepherd.'' This is why I believe the fundamental crisis of our time is a crisis of the spirit. We have lost sight of the moral and spiritual principles on which this nation was established—principles drawn largely from the Judeo-Christian tradition as found in the Bible.

What is the cure? Is there any hope?

Ruth and I have devoted our lives to the deep conviction that the answer is yes. There is hope! Our lives can be changed, and our world can be changed. The Scripture says, ''You must be born again.'' You could have a spiritual rebirth right here today.

What must be done? Let me briefly suggest three things.

First, we must repent. In the depths of the American Civil War, Abraham Lincoln called for special days of public repentance and prayer. Our need for repentance is no less today. What does repentance mean? Repentance means to change our thinking and our way of living. It means to turn from our sins and to commit ourselves to God and His will. Over 2700 years ago the Old Testament prophet Isaiah declared: ''Seek the Lord while he may be found; call on him while he is near. Let the wicked forsake his way, and the evil man his thoughts. Let him turn to the Lord, and he will have mercy on him, and to our God, for he will freely pardon'' (Isaiah 55:6–7, NIV). Those words are as true today as they were over two and a half millennia ago.

Second, we must commit our lives to God, and to the moral and spiritual truths that have made this nation great. Think how different our nation would be if we sought to follow the simple and yet profound injunctions of the Ten Commandments and the Sermon on the Mount. But we must respond to God, Who is offering us forgiveness, mercy, supernatural help, and the power to change.

Third, our commitment must be translated into action—in our homes, in our neighborhoods, and in our society.

Jesus taught there are only two roads in life. One is the broad road that is easy and well-traveled, but which leads to destruction. The other, He said, is the narrow road of truth and faith that at times is hard and lonely, but which leads to life and salvation.

As we face a new millennium, I believe America has gone a long way down the wrong road. We must turn around and go back and change roads. If ever we needed God's help, it is now. If ever we needed spiritual renewal, it is now. And it can begin today in each one of our lives, as we repent before God and yield ourselves to Him and His Word.

What are you going to do?

The other day I heard the story of a high school principal who held an assembly for graduating seniors, inviting a recruiter from each branch of the service, Army, Navy, Air Force, Marines to each give a twelve minute presentation on career opportunities they offered to the students. He stressed the importance of each staying within their allotted time.

The Army representative went first, and was so eloquent that he got a standing ovation, but went eighteen minutes. Not to be outdone, the Navy presentation was equally superb, but took nineteen minutes. Air Force then gave a sterling presentation, which lasted twenty minutes. By now, the principal was irate, and admonished the Marine recruiter that he had only three minutes before the students had to leave for the next class!

During the first two minutes of his shortened time, the Marine didn't say a word, but individually and carefully studied the faces of each student. Finally, he said, ''I've looked across this crowd and I see three or four individuals who have what it takes to be a United States Marine. If you think you are one of them, I want to see you down front immediately after the assembly.''

Who do you think drew the biggest crowd!

This afternoon, as I look out across this distinguished group gathered here, I see more than a few men and women who have what it takes, under God, to lead our country forward ''through the night'' into the next milennium—individuals who represent civic and governmental authority—as well as doctors, lawyers, clergy, artists and media.

Again, Ruth and I are deeply humbled by this award, and we thank you for all that it represents.

We pledge to continue the work that God has called us to do as long as we live.

HONORING THE NEW MIDDLETON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the New Middleton Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

UNIVERSITY OF MICHIGAN WOLVERINES: 1996 NCAA HOCKEY NATIONAL CHAMPS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. SMITH of Michigan. Mr. Speaker, on Saturday, March 30, the University of Michigan hockey team defeated Colorado College 3 to 2 in overtime to win the 1996 NCAA Hockey National Championship. The championship was Michigan's 8th hockey championship—more than any other school—and its 29th NCAA championship in all sports. On their way to the championship, the Wolverines compiled a record of 33–7–2, winning the CCHA tournament championship, the Great Lakes Invitational Tournament, and sharing the CCHA regular season championship.

The team outscored its opponents by 239 to 93 over the course of the season. Among the standouts on the team are:

Center Brendan Morrison who led the team in scoring and was named the most outstanding player of the NCAA tournament. He was also named the player of the year in the CCHA, and was a finalist for college hockey's highest individual honor, the Hobey Baker Award.

Goalie Marty Turco who was recognized on the NCAA all-tournament team. He allowed just 2.16 goals per game over a 42-game season and saved 90 percent of the shots he faced.

Defenseman Steven Halko who was also recognized on the NCAA all-tournament team. He was the senior captain of the Wolverines and led the stingiest defense in college hockey.

Yesterday, I had the opportunity to attend the reception at the White House to congratulate and honor the team for its achievement. The team and Michigan coach Gordon ''Red'' Berenson were honored by University of Michigan President James J. Duderstadt, Vice President AL GORE, Senator CARL LEVIN, Representative JOHN CONYERS, and myself among others.

I salute the University of Michigan Wolverines for their achievements.

Members of the 1995–96 Michigan ice hockey team: John Arnold, Andrew Berenzweig, Jason Botterill, Peter Bourke, Justin Clark, Greg Crozier, Chris Fox, Chris Frescoln, Steven Halko, Bobby Hayes, Matt Herr, Kevin Hilton, Mike Legg, Warren Luhning, John Madden, Gregg Malicke, Brendan Morrison, Bill Muckalt, Sean Ritchlin, Dale Rominski, Mark Sakala, Harold Schock, Blake Sloan, and Marty Turco.

CONGRATULATIONS TO THE ASIAN-AMERICAN FEDERATION OF CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, I rise today to recognize the Asian-American Federation of California as they celebrate the third annual Asian-American Festival. The festival will be held this Saturday, May 11, 1996, at Kennedy Community Park in Union City, CA, in California's 13th Congressional District.

The Asian-American Federation was formed out of the need for Asian-Americans to unify in order to address a common set of goals and ideals, and to educate all Americans about the diverse Asian cultures in America and their positive contributions to the American way of life and culture.

The purpose of the festival is the same—to educate people about the history of Asians in the United States and the significant contributions that Asians have made to this country. The event is a day-long festival that has drawn is many as 3,000 people in the past. This year's theme is ''Unity in Diversity'' and the event will feature arts and crafts, cultural programs, and a variety of foods from different Asian cultures. Some of the cultures represented will be Filipino, Indian, Taiwanese, and Thai.

Mr. Speaker, I ask that you and my colleagues join me in recognizing the Asian-American Federation for their efforts in working to foster a greater appreciation and awareness of Asian heritage. I also ask that you join me in congratulating the federation on organizing this important event to celebrate diversity, where all people are encouraged to come together to learn about and respect other cultures.

HONORING THE LIVINGSTON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Livingston Volunteer Fire Department. Those brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO JOSEPH McKINLEY HAZARD

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. REED. Mr. Speaker, I rise today to acknowledge an individual with a longstanding commitment to native American heritage in the State of Rhode Island. Joseph McKinley Hazard of the Silver Cloud Senior Citizens, Inc., of the Narragansett Indian Tribe exemplifies strength and dedication to tribal and cultural tradition.

Born in 1901 to Charles Frederick and Hannah Mariah Hazard, Joseph is the oldest known active member of the Narragansett Indians who meet at the Narragansett Indian longhouse in Charlestown, RI. In 1920, he married Nancy Ellen Hubbard in Norwich, CT, and then settled back in Charlestown, raising four children: Joseph, Jr., Raymond Atwood, Nancy, and Dorrance. After his wife, Nancy Ellen, passed away in 1965, Joseph remarried, to Ruth Brown Michaels in 1970. Joseph is now the only surviving member of his family.

Throughout his long and fruitful life, Joseph has been a member of the Narragansett Tribal Council. He also sits on the board of the Narragansett Indian Church and was a dedicated Boy Scout leader.

Mr. Speaker, I ask my colleagues to join me in recognizing Joseph M. Hazard for his constant and dutiful commitment to the preservation of the Narragansett Indian Tribe's way of life. It is my sincere belief that outstanding individual embodies the spirit of history and tradition of native Americans in the Ocean State and throughout our Nation.

IN HONOR OF THE 100TH YEAR OF UCONN'S DAILY CAMPUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize the 100th consecutive year of publication of the University of Connecticut's student-run newspaper, the Daily Campus and to congratulate the current and former staff of this the State of Connecticut's largest student newspaper on a century of service.

For 100 years the Daily Campus has been a dependable vehicle for communicating news and views to the University of Connecticut, its students, faculty, and administration and the local community. The Campus has also acted as a training-ground for student journalists, editors, and photographers, who not only learn, but practice, their craft under the Daily Campus masthead.

For 100 years, the Daily Campus has been the student-run, student-produced voice of UConn and a shining example of the free press and free speech. Mr. Speaker, as they celebrate their centennial, all those associated with the Daily Campus both past and present deserve our recognition and heartfelt congratulations.

HONORING THE LEBANON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Lebanon Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

FEDERAL GASOLINE TAX

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. SMITH of Michigan. Mr. Speaker, Tuesday May 7, 1996 Congress will vote to roll back the 4.3-cent increase in the Federal gasoline tax that was passed in 1993 over the objections of every Republican member of congress. It is appropriate that we talk about this on tax freedom day, the day when the average American can quit working for the government and begin working for himself.

The tax increase we experienced in 1993 has resulted in slower economic growth than otherwise would have occurred. Using the Washington University Macro Model, the model that won the blue chip forecasting Award for 1995, the Heritage Foundation estimated that the 1993 tax hike resulted in 1.2 million less private sector jobs and 40,600 less new business starts. The economy lost $2,100 in output for every household in America over the 1993–1996 time period. And the personal and corporate tax increases delivered only 49 percent of the revenue predicted by the Congressional Budget Office at the time.

But while we are talking about reducing the gas tax, we should consider repealing the tax at the Federal level and allowing States the ability to raise and retain gas tax revenues. Today the Federal interstate program is nearly complete and the role of the Federal government in transportation needs to be reexamined. I am proposing that just as Andrew Jackson found in the 1830's when he returned transportation responsibilities back to the States, transportation is primarily a local issue.

There is some role for the Federal Government in maintaining the existing interstate structure, although it is hard to imagine that States would jeopardize their economic well-being by allowing their interstate roads to fall to pieces. But the current system mostly moves taxes from the States to Washington DC, redistributes some of it, attaches unfunded mandates, uses some for administration, and sends the remainder back. Why not let States levy the taxes necessary to fund their roads, and use new and innovative methods to finance and operate transportation systems unburdened by Federal regulations put in place by those special interest groups capable of effective Washington lobbying?

Imagine what advances in technology we might see if States were able to freely innovate in transportation. Some States might lower their gas tax and allow for private roads with electronic sensing imbedded so you could drive and be billed at the end of the month. New satellite technology might allow firms to build and maintain roads that are truly paid for by the users. These roads would have to be plowed and kept free of potholes or people would choose other roads or other means of transportation. Other states might choose an entirely different system that we can't imagine. What we do know is that the system would be better than what we have now. Those of us who were using slide rules in college could not have imagined the era of personal computers. Markets and competition among the states will yield innovation and innovation is key to progress.

TAX FREEDOM DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. PACKARD. Mr. Speaker, today families celebrate tax freedom day, the day which average Americans can expect to quit working for Uncle Sam and his counterparts at the State and local levels and begin working to support their families.

May 7, is the latest national tax freedom day ever. It is the result of a steady increase in the tax burden borne by Americans in recent years. Washington values of tax and spend are taxing away families' futures—making families work for Washington, instead of Washington working for families. In the past 2 years, there has been a 10.2-percent increase in the number of Americans working two or more jobs, just to make ends meet.

Many in Washington have turned a deaf ear to hard-working Americans. They have given in to the special interests who control them. My Republican colleagues and I are listening to America. We want America to have more money in their pockets. We know if we boost the economy and lower taxes to a reasonable level, Americans will do the rest for themselves.

Mr. Speaker, no one should have to work until May 7 every year simply to begin working for their families. It is time to offer Americans real tax relief so that their hard work benefits themselves—not the Government.

HONORING THE NOLENSVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Nolensville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

PREVENTION OF PROGRESSION TO END-STAGE RENAL DISEASES—H.R. 1068

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, last year I introduced legislation, H.R. 1068, designed to reduce the onset of end-stage renal disease [ESRD] in millions of Americans who suffer from kidney disease. Today, I reiterate the need for this important measure that will work to keep kidney disease patients off dialysis and cause savings for the Medicare Program. With the establishment of the demonstration project that this bill proposes, patients will be accurately assessed to see what management services can prevent the progression of renal

disease and delay the onset of dialysis. The ESRD Program, that is a part of the Medicare Program, currently serves about 200,000 beneficiaries at an estimated total per patient cost of $51,000 a year.

The question that the 3-year demonstration program will work to answer is if the costs of applying preventive services to ESRD patients will delay the onset of complete renal failure, thus causing an increase in the quality of life of patients and a net savings to Medicare expenditures which is larger than the cost of the preventive services. One recent study has affirmatively answered this question. A recent report published in the Annals of Internal Medicine concluded that a reduction of protein in patient's diets will slow the progression of chronic kidney disease.

The report cited five separate studies of nondiabetic patients who showed a 30-percent reduction in complications with the low-protein diet. A recent publication by the Iga Nephropathy Support Network reported that patients who reduced meat consumption, saved the kidneys a lot of hard work in clearing the body of the byproducts of protein metabolism. With 20 million Americans suffering from kidney and urinary tract diseases, these findings are monumental and a clear example of the need to provide funding for preventive services. A spokesperson for the National Kidney Foundation said that the recent breakthroughs in preventive care, ''* * * not only helps the individual, but in the long-term it keeps patients off dialysis * * * saving money.''

With an increasing number of patients entering the ESRD Program, this legislation is necessary for the containment of costs for treating dialysis dependent patients. Also, the high unemployment rate among patients who require dialysis to live will decrease as patients are able to stay in the workforce longer because of the careful management of their disease. With all of these suggestions about the benefits of prevention care and management, we must establish the demonstration program provided by this legislation.

THE ARMENIAN GENOCIDE

SPEECH OF

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to remember the Armenian victims of the genocide brought upon them by the Ottoman Turks and to commend my colleagues, the gentleman from Illinois, Congressman JOHN EDWARD PORTER and the gentleman from New Jersey, Congressman FRANK PALLONE, for organizing special orders today so that Members of the House may take the time to remember the one-and-a-half million Armenians who were brutally slaughtered by the Ottoman Empire.

Eighty-one years ago on April 24, 1915, the Ottoman Empire's horrible operation against the Armenian community was inaugurated. During the eight grisly years that followed that infamous date, the Armenian people would be subjected to a sick, ghastly campaign of systematic genocide and deportation. During the years of 1915 to 1923, over 1.5 million Armenians were murdered by the genocidal Ottoman Turks while another 500,000 were subjected to forced exile from their homeland.

Mr. Speaker, the eight years of the Armenian genocide will always be considered one of the grimmest in the history of mankind. So that we never forget this travesty to the concept of human rights, we must always observe the date of April 24. To not do so would be equivalent to neglecting the remembrance of those Armenians who had perished, who were harmed or who were uprooted during the tyranny of the Ottoman Turks. Mr. Speaker, we must not and can not let that happen.

Therefore, Mr. Speaker, in honor of the Armenian people whose human rights were trodden upon, I encourage all of my colleagues to take the time and remember the plight and situation of the Armenian people and remember that we must always fight hatred and bigotry wherever it can be found.

HONORING THE MILLERSVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Millersville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE 350TH ANNIVERSARY OF NEW LONDON, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to commemorate the 350th anniversary of the founding of New London, CT. Yesterday, I joined a wide array of State and local officials, residents and others in celebrating this momentous event. New London is among a handful of communities across our great Nation which have achieved this milestone. I believe this longevity is a remarkable testament to generations of nutmeggers who have made New London their home and a vitally important city throughout our history.

New London was founded on May 6, 1646—merely 26 years after the Pilgrims landed in Plymouth, MA—by John Winthrop, Jr. who was the son of the Governor of the Massachusetts Bay Colony. Winthrop established a settlement on Winthrop's Cove. The community grew up around Winthrop and Shaw's Coves. The settlement was named New London formally in March, 1658 by the Connecticut General Court because the court believed the area exhibited many of the attributes of its namesake—''an excellent harbor and a fit and convenient place for future trade.'' Winthrop went on to serve as Governor of our State for 18 years—longer than any other Governor in our history. Winthrop's son, Fitz John, served as chief executive for more than 9 years while another New London native, Gurdon Saltonstall, served in this capacity for 17 years.

From its inception, New London has been a seafaring community. Early settlers fished in its coves and the nearby Thames River. As the 1700's progressed, New London became an important trading center. Vessels based in the city engaged in commerce with other colonial ports, Great Britain, Europe and the West Indies. Following the Revolutionary War, New London became a major whaling port. In fact, the city rivaled renowned whaling centers, such as New Bedford, winning the nickname it continues to hold today—the ''whaling city.'' The first whaling company was established in 1805 by Dr. Nathaniel Lee. Vessels from New London traveled thousands of miles to harvest whales off the coast of Antarctica often staying at sea for up to 1 year. By 1845, New London was home to 78 whaling ships and by 1850 these vessels returned with thousands of barrels of whale oil valued in excess of $1 million dollars. In the mid-1800's, prior to the development of petroleum products, whale oil fueled lamps, provided lubrication and served a wide range of other functions important to our growing Nation.

Like many other communities across Connecticut, New London played an important role during the Revolutionary War. Moreover, some of the most well-known figures of the time were associated with the city. Nathan Hale, a schoolmaster in the city, left his job to fight at Bunker Hill and ultimately gave his life for his country when captured spying on the British. Hale is most well known for proclaiming ''I only regret I have but one life to lose for my country'' as he went to the gallows.

Vessels which once traded with England, now engaged in privateering exacting a tremendous toll on British shipping. In one month in 1779, New London captains and their crews captured 18 English ships. In 1781, Captain Dudley Saltonstall seized the *Hanna,* which according to historical accounts, was carrying the richest cargo shipped from England during the War. New London paid a terrible price for this action. The British dispatched Benedict Arnold, who had turned traitor only months before, to punish the city for its ''transgressions.'' Arnold attacked the sparsely defended city with 900 men and ordered it burned to the

ground. As a result of this dastardly action, New London has few structures remaining from the pre-Revolutionary era.

Following the war, New London was rebuilt and maritime commerce resumed. As the 19th century progressed, manufacturing increased and New London began to take advantage of new markets up and down the east coast via the New Haven and New London Railroad. During World War I and II, New London once again played an important role as training center for service personnel. New London has been closely associated with national defense throughout the 20th century due to its proximity of the Naval Submarine Base and submarine-builder Electric Boat on the opposite bank of the Thames River. Moreover, New London has been home to the Coast Guard Academy since 1910.

Mr. Speaker, as we honor New London on its 350th anniversary it retains many of the attributes which have distinguished it for more than three centuries. Thanks to the concerted efforts of the State and local officials, our congressional delegation and others, important port facilities are being rehabilitated. These improvements will allow New London to resume its position among the most important ports along the eastern seaboard. Whale oil has been replaced by high-tech products bound for markets across the country and around the globe. Commercial fishermen leave New London every morning bound for Long Island Sound and the Atlantic Ocean. Much like they did 300 years ago, residents and visitors continue to stroll through the historic district along State, Water and Bank Streets and the waterfront of Shaw's Cove.

On this truly special occasion, the residents of New London have a right to be proud. Their city is among a select few in the Nation to reach this milestone. This community has endured through good times and bad, war and peace and prosperity and despair. Its citizens have built an incredible legacy which I know our great grandchildren will celebrate on New London's 450th anniversary. I offer my heartfelt congratulations to the city of New London on this special occasion.

CONFERENCE REPORT ON S. 641, RYAN WHITE CARE ACT AMENDMENTS OF 1996

SPEECH OF

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. SKAGGS. Mr. Speaker, this bill is long overdue, and it's the least we can do for those of our fellow citizens suffering from HIV and AIDS. I want to thank the conferees for this good final product and this step forward in the long fight against this disease.

In the Denver metro area, nearly 6,000 Coloradans and their families struggle with HIV or AIDS every day. For them, Ryan White programs provide some hope and some small measure of security.

As we take this good step today, we should also keep our eye on the ultimate goal of unlocking the secrets of this disease and someday making these Ryan White programs as obsolete as the iron lung. The research mission here has begun producing real results and fresh hope, and we should rededicate ourselves to that effort today.

This isn't a perfect bill, and I do have concerns about the provisions that could lead us down the path to mandatory HIV testing. While it's good for physicians to encourage testing, for the sake of children and mothers at risk, we must guard against the unintended and unwanted effect of discouraging women from getting the help they need. The bill does give us a couple of years of breathing room on this, and I hope we reexamine this issue with the attention it deserves.

That significant issue aside, this bill meets a dire need, and I urge my colleagues to support it—along with the other prevention and research components that are just as crucial to the fight against HIV and AIDS.

HONORING THE PLEASANT SHADE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Pleasant Shade Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE PUBLIC HOUSING THAT SUCCEEDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes I read an article so relevant to our work, and so thoughtful and informative, that I write a short gloss highlighting its main points and have it printed here so our colleagues can benefit from it.

Occasionally, I come across an article so insightful and compelling that it would be presumptuous to summarize or paraphrase it. Nicholas Lemann's brilliant rebuttal of Senator DOLE's attack on Government funded housing is such a piece.

I ask that it be printed here so that Members can read it before our debate and votes on the Housing bill tomorrow.

[The article follows:]

THE PUBLIC HOUSING THAT SUCCEEDS

(By Nicholas Lemann)

PELHAM, NY.—One of the endearing things about Senator Bob Dole is that he is so quintessentially the consensus-oriented legislator that his forays into the realm of wedge issues always have a tinny, false feeling, as if he isn't emotionally connected to the words coming out of his own mouth. His statement last week that American public housing ''is one of the last bastions of socialism in the world'' is a good example. It's hard to believe that Mr. Dole was candidly revealing his most deeply held views.

Still, the idea that public housing has failed and should be abolished is something many Americans believe. High-rise public housing projects such as the notoriously dangerous and bleak Robert Taylor Homes in Chicago are the leading visual symbol of the idea that liberal Government programs, especially antipoverty programs, don't work and may actually cause poverty to increase.

If public housing were in fact a bankrupt and doomed idea, it would be a very sad end to the oldest and most visible strategy in the struggle against poverty. Jacob Riis' ''How the Other Half Lives,'' published in 1890 and arguably the first American book to propose a plan for improving conditions in urban slums, ended with a call for the construction of ''model tenements.'' If Mr. Dole is right, the whole antipoverty cause would be powerfully undermined.

The truth, however, is that housing for the poor stands out among antipoverty strategies as the area where the most progress has been made over the past generation and where there is the most cause for optimism. Senator Dole's comments were so completely wrong that they could help bring a halt to genuine progress rather than pull the plug on something unworkable.

Before the World War II, public housing in America was considered a great success. It ''worked'' in the sense of being clean, safe and, for most residents, a huge improvement over the slums where they had been living. There were long waiting lists for apartments.

One reason for the projects' good reputation was that their constituency was not the very poor but people with jobs one notch higher on the economic ladder. (Probably the most famous product of the public housing of that era is Elvis Presley.) Most projects wouldn't admit single parents, and many wouldn't admit welfare recipients. Virtually all maintained strict rules about keeping apartments and hallways neat and about who was allowed to be where when. Those who broke the rules or committed crimes were swiftly kicked out.

Then in the late 1940's, the nation embarked on the course that led to the perception that public housing doesn't work: the construction of enormous high-rise projects. It wasn't just the architecture, or the mere presence of Government subsidies, that caused these places to go so horribly awry. There was also a big change in the tenant population, from carefully screened working people to the very poor. Because of changes in Federal rules, people who got jobs actually had to leave the building, and it became nearly impossible to kick out tenants who were criminals.

Even so, it's not all public housing that doesn't work. It's just the large-scale, all-

poor, severely isolated projects that invariably fail. Just a few blocks from the Robert Taylor Homes are pleasant high-rise projects for senior citizens.

''Imagine, the United States Government owns the housing where an entire class of citizens permanently lives,'' Mr. Dole said, as if this were fantastically improbable. Yet in most industrial countries a much larger portion of the population lives in Government housing. Three percent of Americans live in public housing, as opposed to more than a fifth of the population in Great Britain, Germany, France and the Netherlands. What's unusual about American public housing is that it serves primarily the very poor.

It is paradoxical that Mr. Dole chose to stage his attack on public housing at a realtors' convention, because the real estate industry, by and large, supported the construction of the worst projects. In the 1950's and 60's; African-American migrants from the South were streaming into the big cities, and part of reason for the building of the projects was to contain them within the existing ghettos so as to avoid residential integration.

In any case, the mistake of the high-rise, all-poor projects was fairly quickly realized; in 1968, Congress banned the construction of any more them. These projects have no defenders except for unaccountably loyal groups of residents. To set high-rise projects up as being the fruits of a real political position, as some critics of public housing have, is to create a straw man.

Under Secretary Henry Cisneros, the Department of Housing and Urban Development has begun demolishing about 30,000 of the worst high-rises. The agency is also trying to reinstate policies of giving preferences to people with jobs and swiftly kicking out criminals.

In his speech to the realtors, Senator Dole called for replacing public housing with a voucher system. But we already have a voucher system, called Section 8, which is perpetually underfinanced (partly because the real estate industry is so effective in lobbying against its expansion) and thus has very long waiting lists. Mr. Dole has repeatedly voted against increasing financing for the program, and he failed to support Mr. Cisneros's proposal last year for a major new housing voucher program.

There is an alternative to old-style public housing. In the decades since we stopped building new projects, hundreds of thousands of units for the poor have been created by local community development corporations, private groups that have sprung up around the country since the 70's. On the whole, this is housing that works. Those who haven't visited the South Bronx lately would be amazed to see how vastly areas thought of as desolate have been improved by the new and renovated housing that community groups have put up.

These groups do exactly what Mr. Cisneros is trying to do in public housing: Screen tenants, create a mix of working and very poor people, oust criminals, maintain security forces big enough for residents to feel safe and keep the overall scale of developments manageably small. It's not an exotic, recondite, high-risk formula.

Often people point to the success of the community development corporations as proving that the private sector can succeed where the Government has failed. The implication is that any involvement by the Government is fatally corrupting. But the community groups are heavily financed by the Government. More than three-quarters receive Federal dollars (Washington gives them more than $300 million each year) and more than half receive state money. The experiments in tenant management pushed strongly by Jack Kemp, Secretary of Housing and Urban Development under President George Bush, were also federally financed.

It should be kept in mind, too, that the disastrous large-scale urban public housing projects were constructed and operated not by Washington but by local housing authorities. In recent years, HUD has begun taking over the management of projects from the most incompetent of the local authorities.

The view that Federal is always bad and state and local are always good just doesn't apply in public housing. The Federal Government pays for virtually all public housing and contracts with local organizations to run it. The key variables are whether the project's rules are sound and whether the local group in charge is competent.

The conditions in the worst public housing projects are horrifyingly bad and constitute a real moral crisis. It is outrageous that week after week children continue to lose their lives to the violence of the projects and we don't do anything about it. It doesn't do public housing residents who live in fear and misery any good to be told that what they're going through is attributable to ''socialism'' and therefore can't be helped.

GAO IN SUPPORT OF H.R. 2839

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, on December 22, 1995, I introduced a bill, H.R. 2839, entitled the Medicare Medication Evaluation and Dispensing System of 1995 [MMEDS]. The MMEDS would provide the tools and information to beneficiaries that are necessary to reduce the high instances of adverse drug interactions, overmedication, incorrect duration of drug treatment, and other problems that the elderly face with prescription drugs.

The GAO report issued in July, 1995 called Prescription Drugs and the Elderly strongly supports the changes my bill proposes. Statistics show that the present system does not serve the elderly well:

[A GAO analysis] showed that an estimated 17.5% of the almost 30 million senior citizens in the survey used at least one of the drugs generally identified as not suitable for elderly patients in 1992 (p. 4).

Several studies have shown that adverse drug reactions greatly harm the elderly: They cause an estimated 17 percent of the hospitalizations of elderly patients, a figure 6 times greater than that of the general population, 32,000 hip fractures per year, and 16,000 car accidents per year. ''The FDA estimates that hospitalizations due to inappropriate prescription drug use cost about $20 billion annually'' (p. 5). Because these statistics of harm to senior citizens and the costs associated with it are so frighteningly high, the necessity for reform of the elderly's prescription drugs dispensing system is further justified.

According to several experts interviewed [by the GAO], lowering the elderly's risk of adverse drug reactions requires that more detailed information on the impact of drug therapies on the elderly be developed and disseminated to health practitioners . . . Increased communication between and among physicians, pharmacists, and patients is vital to ensuring that this process is effective (p. 8).

The MMEDS would provide an on-line, real-time prospective review of drug therapy before each prescription is filled or delivered to an individual receiving benefits under Medicare. The review by a pharmacist would include screening for potential drug therapy problems due to therapeutic duplication, drug-drug interactions, and incorrect drug dosage or duration of drug treatment.

In the bill I have introduced, as part of the prospective drug use review, any participating pharmacy that dispenses a prescription drug to a Medicare beneficiary would be required to offer to discuss with each individual receiving benefits, or the caregiver of such an individual—in person, whenever practicable, or through access to a toll-free telephone service—information regarding the appropriate use of a drug, potential interactions between the drug and other drugs dispensed to the individual, and other matters established by the Secretary of DHHS. The Secretary would be given the duty to provide written, oral, or face-to-face communication to pharmacists and physicians concerning suggested changes in prescribing and dispensing practices.

The report issued by the GAO discusses the need for more oversight of the distribution of prescribed medicines to our Nations' elderly. Unless something is done, the increase in the number of elderly in our society will increase the amount of drugs wrongly prescribed. By implementing the Medicare Medication Evaluation and Dispensing System Act, we could greatly improve the quality of care our Nation's elderly receive when they are prescribed medication.

HONORING THE MOORESVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Mooresville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

IN HONOR OF JIMMIE CANNON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. HUNTER. Mr. Speaker, I rise today to recognize the remarkable dedication and accomplishments of a constituent in my district, Mr. Jimmie Cannon of El Centro, CA. Jimmie has been the band teacher at Central Union High School for the past 30 years. He is soon retiring and I would like to take a moment to commend his devoted service to his job and to the students he has touched with his spirit and gift for teaching.

A native of Oklahoma, Jimmie joined the Army in 1952. He attended college at Philander Smith in Little Rock, AR where he met and married Maxine Sutton. After moving to Mahaska, KS, Jimmie began teaching music to children from the kindergarten to 12th grade level.

In 1964, the Cannon's moved to El Centro, CA, where Jimmie taught music at Wilson Junior High School until the fall of 1966 at which time he began teaching at Central Union High with the ''Great Spartan Band.'' The Great Spartan Band has been very active in the community by performing annually at a number of the local schools in the Imperial Valley area. The band has also been an important participant at a great number of local charity organization events, while at the same time, committing to annual performances at such events as the Brawley Cattle Call Parade, American Heart Association, Red Ribbon Awareness Fair and the Special Olympics. Since Jimmie's time with the Great Spartan Band, they have received letters of commendation from such individuals as former Mexican President Louis Echeverria, Governor Ronald Reagan, and Brig. Gen. Harry Mendelson. The Great Spartan Band has also received special honors from a variety of national organizations including the Hawaii Invitational Music Festival, U.S.C. Concert of the Bands, Holiday Bowl Music Festival, Mardi Gras, Disneyland Parade and Concert, and Disneyworld Magic Kingdom.

In an era when our children have become less interested in their education, our Nation's teachers have become more vital in influencing the lives and future of their students. It is encouraging to know that teachers like Jimmie still endure. For the past 30 years, Jimmie has been able to share his love and appreciation of music with many students who will long remember his spirit and talent that touched so many of their lives. I would like to join these many grateful students in thanking and wishing Jimmie Cannon great happiness in all his future endeavors.

BILLY AND RUTH GRAHAM

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LATOURETTE. Mr. Speaker, today the Congress presents its highest honor, the Congressional Gold Medal, to the Reverend Billy Graham and his wife, Ruth.

It is fitting that such an honor be bestowed upon the Reverend Graham, as he has played such a pivotal and selfless role in shaping and maintaining the moral fiber of our country. Perhaps Reverend Graham's greatest appeal is that his message pertains to all and excludes no one. Here in our Nation's capital, the party of Lincoln often speaks of the big tent, and how everyone is welcomed into it. While I believe that to be true, I also accept that our tent, when compared to the tent the Reverend Graham has built over the years, is more like a pup tent. He has the capacity and love to reach millions through the word of God, and has made that his lifetime cause.

The Reverend Graham instills in us the importance of hope, salvation, goodness and spiritual renewal, and how these measures require a lifetime commitment. He does not preach by whim or trend; in the Reverend Graham's world family values is not a recent phenomenon, but rather a way of life. For those who have lost their way and whose faith has been tested or questioned, the Reverend Graham is always there to welcome them back, to begin the process of spiritual rebirth with new vigor.

Whether he is acting as an unofficial spiritual adviser to one of the many U.S. presidents he has counseled over the years or preaching to the youth of America in one of his many crusades, the Reverend Graham has an uncanny ability to connect with people. Unlike so many evangelists whose sincerity seems manipulated for television audiences and who have become seduced by greed and power, the Reverend Graham has never strayed from the ethical, moral, and spiritual highroad. The only thing scandalous about this great man is that his life and preaching is devoid of scandal, which in this day and age is rare.

When I think of Rev. Billy Graham, I think of him as perhaps the best elder statesman America has known. I also think of his crusade in Cleveland a few years back, when he transformed the cavernous Cleveland Municipal Stadium into a massive sanctuary, touching and enriching the spiritual lives of so many. And, I think about the wonderful partnership he has with his wife, Ruth, which is proof positive that behind every great man is a great woman.

On this day when we award the Grahams the Congressional Gold Medal, we also give thanks for their years of devotion and inspiration, and for a constant affirmation of all that is right with America.

I have always believed our country has been touched and blessed by the hand of God. Today, we as a nation acknowledge that we also have been touched and blessed by the hand of the Rev. Billy Graham.

TRIBUTE TO BETHESDA-CHEVY CHASE BRANCH AAUW

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mrs. MORELLA. Mr. Speaker, I rise in this Chamber to honor the Bethesda-Chevy Chase [B–CC] branch of the American Association of University Women [AAUW] on the occasion of their 50th anniversary.

The first 50 members of B–CC AAUW were installed by Maryland AAUW president, Mrs. C.L. Everson, on May 20, 1946, at the Woman's Club of Bethesda clubhouse. The first president of the local group was Mrs. Noble Boaz.

The members of the B–CC branch quickly established study groups that reflected their interests and diversity, and after only 1 year, began a newsletter that has, to this day, maintained the same format. At first, the branch was involved in local affairs that affected the community and the schools. AAUW members closely followed the proposed policies of candidates for the school board and the county council, and often volunteered for various county boards and commissions. During the 1950's, AAUW had attained important influence in the community, affecting decisions regarding teacher recruitment and salaries in the local schools.

Over the years, the programs at the monthly meetings of the local branch have covered every conceivable subject, from outer space to foreign affairs. These programs are indicative of the interest of the members in the pursuit of knowledge. Many programs have centered on various aspects of art, books, and science, again reflecting the talents and interests of the membership in education.

Scholarship has always been high on the AAUW agenda, and the B–CC branch began raising money to help students obtain a higher education. In February 1949, the organization held a fellowship tea at the Iranian Embassy. Admission was $1.50. Soon after, several bridge groups were begun as a way to raise money for scholarships. Members also held fashion shows, art auctions, yard sales, and book and author luncheons.

This year, members are focusing on conducting workshops that address gender equity. The B–CC branch is particularly interested in promoting women in math and science, and established a contest for high school girls to suggest scientific careers.

Mr. Speaker, the B–CC branch of AAUW has a long and proud history of advocacy for the equality of all women. The members of this esteemed group, since the beginning, have challenged injustice and discrimination in society. I am proud to pay tribute to the B–CC branch of AAUW for 50 years of dedication and service that has enabled women to enjoy the benefits of the Nineties. I congratulate Frances Cressman, Thelma Feld, Barbara Hively, Frances Dellon, Ellen Gillis, Inge Baer, Alice Dixon, and Louis Peltier, who make up the board of directors, as well as all of the wonderful members of the B–CC branch on this milestone anniversary. These AAUW members are long-distance runners for equality and social justice, and I wish them continued success for the future.

HONORING THE MUDDY POND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Muddy Pond Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MARSHA SERLIN, PRESIDENT AND FOUNDER, UNITED SCRAP METAL, INC.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LIPINSKI. Mr. Speaker, I pay tribute to an outstanding business person, Ms. Marsha Serlin, president and founder of United Scrap Metal of Cicero, IL, who was recently named ''1996 Small Business Subcontractor of the Year'' by the U.S. Small Business Administration Midwest Region.

In 1978, Ms. Serlin, a young woman with two small children launched United Scrap Metal with $200 and a rented truck. At the time, it was the only company of its kind owned by a woman in the United States, but, through Ms. Serlin's hard work, it quickly grew into one of the bigger scrap metal scavenger services in the Chicago area. The company now enjoys annual revenue in excess of $40 million per year.

According to Mr. Richard Gory of the Andrew Corp., Ms. Serlin's client, who nominated her for this honor: ''We have experienced consistent and unparalleled service, attention to detail, and superior bottom-line results from United Scrap Metal. The success of this company is directly attributable to the owner's unique ability to meet the complex needs and requirements of the industry in an extremely efficient and effective manner.''

In addition to her entrepreneurial success, Ms. Serlin is a tireless contributor to her community. She is on the board of the United Way/Community Chest, a member of the board of governors of the Chamber of Commerce, an executive board member of the Boy Scouts of America, and serves on the board of directors of Symphony of the Shores, and CARE, Inc.

In addition, Ms. Serlin serves on the board of directors of MRC Polymers, Inc., the Planning Commission Board for Cicero, is a past board member of the Cicero Education Committee and was a founding member of the Adopt a Homeroom program.

Mr. Speaker, I congratulate Ms. Serlin on receiving this impressive honor, and extend to her my best wishes for continued success in business and in her community.

HONORING MAYOR ED GOTTHARDT, SEGUIN, TX, ON HIS RETIREMENT

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. TEJEDA. Mr. Speaker, Ed Gotthardt has served as mayor of the beautiful and historic city of Seguin since 1990. Since much of Seguin is in the congressional district I represent, it has been my privilege to work with mayor Gotthardt since I was first elected to this body in 1993. Before seeking elected office, mayor Gotthardt was a business leader with a long history of dedicated community involvement. Once in office, he led his city with integrity and fairness. Mayor Gotthardt has shown this Nation how a citizen with a distinguished career in business and community service can step forward into elected leadership and achieve further success.

Mayor Gotthardt has an unusually long resume of community involvement. He is past president of the Guadalupe Shrine Club and the H.E.B. retiree organization. He is a member of the Seguin Elks Lodge No. 1229, the Seguin Masonic Lodge #109, Seguin Eastern Star Chapter #555, and the Seguin Chamber of Commerce. He is a member of Faith Lutheran Church in Seguin. He has been married for many years to Rosa Lee Gotthardt, with whom he has enjoyed the company of three children.

Mayor Gotthardt has set an example for the participation of a citizen in this Nation's proudest tradition, one which the people of Seguin hold sacred, our free and democratic political institutions. I wish we had more committed local leaders like Ed Gotthardt. For that reason, I ask that this U.S. House of Representatives formally recognize mayor Gotthardt on the occasion of his retirement from public service.

STUDENTS FROM 15 HIGH SCHOOLS COMPETE IN ''AN ARTISTIC DISCOVERY''

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to thank and congratulate a group of very talented young men and women from the 11th Congressional District of New Jersey. I am, of course, referring to the 49 students from 15 high schools in our area who entered the annual congressional arts competition called, ''An Artistic Discovery.''

Mr. Speaker, we have a long and distinguished history of educational excellence in the 11th Congressional District—which encompasses all of Morris County, and parts of Essex, Somerset, Sussex, and Passaic Counties. We send more of our graduates to the Nation's military academies than any other congressional district in the country. A young scientist from Morristown recently placed sixth in a nationwide scientific research contest for his impressive work on fusion energy.

And judging from the entries I saw last month, I know that we have some of the best young artists in the country as well. So let me first thank all the students who participated because it is their hard work and effort that makes this contest special.

The high school, followed by student's name and name of art work, follows:

Academy of St. Elizabeth: (1) Clara McAuley, ''Passing;'' (2) Nicole Pantos, ''Harp;'' (3) Alice Otchy, ''Me in the Middle.''

Bayley-Ellard High School: (4) Gail Houston, ''Aftermath;'' (5) Michelle Mechanic, ''Pigments.''

Boonton High School: (6) Nicole Batalias, ''Self-Portrait;'' (7) Danny Joldzic, ''Jungle Cat;'' (8) Laura Potucek, ''Victoria;'' (9) Tim Stettner, ''Art Nehf.''

Chatham High School: (10) Will Batten, ''Untitled;'' (11) Kit Herbert, ''Composition With Scissors;'' (12) Jim Newton, ''Still Life #4.''

Delbarton School: (13) Jon Colleran, ''Chronic;'' (14) Adam Herbert, ''American Icons;'' (15) Rory McDermott, ''Neptune;'' (16) Henry Prendergast, ''Time Zone.''

Kinnelon High School: (17) Tiffany Lum, ''Nectar Scream;'' (18) Alejandra Madriz, ''O Holy Ducky;'' (19) Roland McIntosh, Jr., ''Carpenter Was But One Trade;'' (20) Katharina Mordhorst, ''Dreaming of Red Hair.''

Madison High School: (21) Steve Fleming, ''Lanterns;'' (22) Pamela Schwartz, ''Portrait of a Woman;'' (23) Marlene Toledo, ''Translucent Hydrant.''

Matheny School: (24) Luis Carmona, ''Ski Trails;'' (25) Chet Cheesman, ''Crossroad;'' (26) Hassan Daughety, ''Piranha Dance;'' (27) Natalia Manning, ''Blue & Gold Over Black.''

Montville Township High School: (28) Emily Gilbert, ''Still Life;'' (29) Susan Groome, ''Self-Portrait;'' (30) Halley Tsai, ''Waiting for the Stranger.''

Morris Hills High School: (31) Keith Fitzgerald, ''Portal to My Imagination;'' (32) Susan Petrarca, ''Impressionistic View;'' (33) Sharon Robleza; ''Blue Dream;'' (34) Alan Schenkler, ''Sister.''

Morris Knolls High School: (35) Melissa Kurtz, ''Metamorphosis;'' (36) Kamila Sutah, ''Eternity;'' (37) Lexington Wilson, ''There Is Still Room;'' (38) Kara Zaloom, ''Gargoyle.''

Mount Olive High School: (39) Matt Kernan, ''Untitled;'' (40) Margaret Przybysz, ''Untitled;'' (41) Eric Schroeder, ''Fruit of Man;'' (42) Christopher Weber, ''Phreak Explosion.''

Pequannock Township High School: (43) Elizabeth Fritz, ''Crescendo;'' (44) Darah Semancik, ''A Study of Architecture;'' (45) Kristen Siwek, ''Michael Stipe;'' (46) Traci Wood, ''Southern Exposure.''

Randolph High School: (47) Bijal Amin, ''Untitled;'' (48) Alex Katsov, ''Diplomat.''

West Morris Central High School: (49) Russell Catalusci, ''Domecile.''

Now, I'd like to list the honorable mentions in the contest, which, as you might imagine, Mr. Speaker, were very difficult to choose.

Alice Otchy for ''Me In the Middle,'' Tim Stettner for ''Art Nehf,'' Jon Colleran for Chronic,'' Pamela Schwartz for ''Portrait of a Woman,'' Alan Schenkler for ''Sister,'' Matt Kenam for ''Untitled,'' Darah Smancik for ''A Study of Architecture,'' and Alex Katsov for ''Diplomat.'' These were exceptional works of art and I wish we had room for all of them in the Capitol.

The two judges choices went to Chet Cheesman for his work called ''Crossroad,'' and to Kamila Sutah for her entry entitled ''Eternity.'' Chet is a student at Matheny School in PeaPack and Kamila hails from Morris Knolls High School in Denville.

And Best in Show for this year's arts contest went to Laura Potucek of Boonton High School for her painting called, ''Victoria,'' which will be displayed for one year in the corridor between the Cannon House Office Building and the Capitol alongside winning entries from Congressional districts across the country. I am also hoping she can visit me in Washington for the ceremony and maybe meet the Speaker of the House.

I'd also like to thank our judges William and Kitty Sturm of Budd Lake. Mr. Sturm teaches at Dover High School, operates art studios in Budd Lake and Blairstown, and also oversees the revolving art program in the atrium of the County of Morris Administration Building. Mrs. Sturm runs a specialty arts and frame shop in Budd Lake.

And finally, let me acknowledge our corporate sponsor, Schering-Plough Corporation of Madison, New Jersey. We greatly appreciate them displaying all the art in their offices and hosting the reception.

Mr. Speaker, it is a great honor and pleasure to represent these students and their families in Congress. It seems that almost every week, another student from the 11th District is winning an award, getting a scholarship, or being nationally recognized for scholastic or academic achievement.

This recognition is the best testament of all that the teachers, schools, parents, and communities in the 11th District are dedicated to the future of New Jersey and to our country. To them and for Congress, I say thank you.

IN HONOR OF THE ARLINGTON COUNTY CIVIC FEDERATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. MORAN. Mr. Speaker, I am pleased to commend the Arlington County Civic Federation on the occasion of its 80th anniversary celebration.

Founded in 1916 by a coalition of six neighborhood associations which saw the wisdom of working together on issues of common concern, the federation is now comprised of 68 civic organizations. It stands as the oldest countywide organization in Arlington.

As its bylaws indicate, the object of the federation shall be to promote the general welfare of Arlington County and vicinity in nonpartisan, nonsectarian, and nonpolitical manner. Its success speaks for itself. As a review of its records chronicle, practically all major improvements the county enjoys today are the result of actions initiated or supported by the federation.

It is truly the civic voice of Arlington when it debates topics and presents its views to county officials, State legislators and those of us in Congress. The federation also sponsors a candidate and congressional night to keep elected officials accountable to those who elect them. As a participant in Congress Night, I am well aware of the vital role this organization plays in our community.

Scott McGeary, whose interest in public affairs began as a Page in the U.S. Senate, has served as president of the federation for the past 2 years. He has been joined in federation leadership by vice president William F. Nolden, secretary Tommye Morton, treasurer John F. Nicholas, Jr., executive committee chairman Frances Finta, vice chairman Timothy Wise, and members Rohan Samaraweena, Sue Zajac and Larry Zaragoza. Supplemented by a legion of 14 active committees, they have addressed a wide range of local, State and Federal issues this year in keeping with the tradition of effective citizen activism.

For the entirety of its 80-year history, the federation has functioned as a sounding board for all citizens on matters of civic interest. It truly represents the grass roots opinions of its member organizations.

I am pleased, Mr. Speaker, to note the anniversary celebration of the federation and congratulate this valued organization on its many contributions to public affairs.

HONORING THE NAMELESS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Nameless Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

INCREASE THE SUPPLY OF AFFORDABLE HOUSING

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. ROEMER. Mr. Speaker, today I am introducing a bill which has been sponsored by 20 of my Democratic and Republican colleagues that will help to increase the supply of affordable housing for low- and middle-income Americans by promoting common-sense regulatory reform to the Federal manufactured housing program. In short, this legislation would establish a private sector consensus committee to make balanced recommendations to the Secretary of the Department of Housing and Urban Development for the development, revision and interpretation of the Federal Manufactured Home Construction and Safety Standards.

This committee will allow equal representation for all interested parties, and will be comprised of representatives from the manufactures; homeowners and consumer representatives; public officials; and others with a general interest in the industry. All costs involved in the conduction of the consensus standards development process will be funded through the use of existing manufacturer-funded label fees.

This bill is supported by the Department of Housing and Urban Development, interested consumer groups including the American Association of Retired Persons [AARP], the manufactured housing industry, and both Democratic and Republican Members of Congress. In fact, this proposal is the only recommendation that was unanimously agreed to in a 1994 Commission, funded by Congress; which was created to examine the Federal manufactured housing program.

Mr. Speaker, I believe that this legislation represents a common sense approach to providing regulatory reform to an industry that represents a major source of affordable, unsubsidized housing for a wide range of Americans, including first-time homebuyers, single parents and senior citizens. It represents a positive and reasonable step towards downsizing the Federal Government. At the same time, this consensus process will ensure that high building standards and full consumer protection is maintained. I urge my colleagues to support bipartisan consensus legislation.

HIGH SCHOOL BASKETBALL CHAMPIONSHIPS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. COBLE. Mr. Speaker, as the National Basketball Association playoffs move into high gear, I would like to pause for a moment to recognize some young basketball players from North Carolina who achieved the ultimate thrill—winning State high school basketball championships. We are particularly thrilled, Mr. Speaker, because all three high schools are located in our part of the State.

North Carolina has long divided its schools into classifications to determine sports champions. This method offers an assurance that schools of equal size can compete fairly. This system also allows more schools the opportunity to compete for titles and trophies. We are proud to say, Mr. Speaker, that the Piedmont Triad is the home of North Carolina's 4–A, 3–A and 2–A champions for 1996. One three high school basketball champions were crowned on March 23 in Chapel Hill, NC.

In the 2–A class, it was an all-Sixth District battle as Southwest Guilford High School defeated Thomasville 64–57. The Cowboys' win capped an outstanding 30–2 season for head coach Robert Kent's talented squad. State championships are nothing new at Southwest Guilford. In just the last few years, boys and girls soccer and girls volleyball all captured North Carolina championships. In the 1994–95 school year, Southwest Guilford was awarded the Wachovia Cup for all-around athletic excellence for 2–A schools. Southwest also has won the last two News & Record Cups for overall excellence among the 14 public high schools in all classifications in Guilford County.

The latest Southwest title squad was led by the starting five, all seniors. Guards Lamont Sides and Chris Davis, forwards Tucker Swindell and Derrick Boger, and center Todd Ashworth were freshmen when Coach Kent took over the team. Southwest had won just 3 games in the previous 2 years, but has won 20 or more games each year since then. This season, the Cowboys lost only two games by a total of six points. The starting five will tell you, however, that this remarkable season was a total team effort. Congratulations must also go to fellow seniors Darius Pickett, Jeff Raber, John Cathey, and Greg Robertson, juniors Jared Wright, Reco Ryals, and Rod Boger, and the lone sophomore on the team Kashun Bynum.

On behalf of the citizens of the Sixth District, we offer our congratulations to the team, Coach Kent, assistant coaches Tim Atwood and Mark Williams, scorekeeper Kristin Bowen, certified trainer Angelique Durocher, student trainer Zachery Womack, and video tape director Levar Lovelace. The Cowboys were cheered on by varsity cheerleaders Heather Bowles, Natalie Richardson, Melody Cadenhead, Allison Brooks, Heather Cooper, Olivia Quick, Martika Harrington, Missy Andrus, Holly Humphrey, Holly Stowe, Landi Coltrain, and cheerleading coach Robin Neal.

To athletic director Rick Kemp, Principal Dennis Quick, the faculty, staff, students, parents and friends of Southwest Guilford High School, we offer our congratulations on winning the North Carolina 2–A state basketball championship.

The North Carolina 3–A championship also went to a Sixth District team on March 23. Walter M. Williams High School of Burlington defeated Hickory 78–58 to capture the 3–A crown. It was the first State title for the Williams basketball team, but the second for head coach Tommy Cole, who led Graham High School to a championship in 1983. Coach Cole told the News & Record that some of his Graham players called him just before Williams played for the title. ''They didn't want Williams to take the limelight,'' Cole told the Greensboro newspaper, ''but I told them not to worry, that I'd never forget them. They were the first. It's just that because this (Burlington) is my hometown and alma mater (Williams), it's a little bit special.''

It was definitely special for Williams High School which had waited 46 years to win a basketball crown. Just 2 years ago, when the Bulldogs finished 9–16, it did not look like a championship was in the near future for Williams. This season, however, a senior-dominated squad plowed through an impressive 27–2 record all the way to the title. The one starter who will return next year is guard Alex Spaulding who scored 27 points in the championship game and was named Most Valuable Player.

The other members of the championship Bulldog squad all played key roles throughout the regular season and into the title game. Those players included B.J. Farrington, Craig Miller, Draper Pulliam, Corey Mattison, Lamont Watlington, Brian Fields, Omar Curry, Thomas Burnette, Will Simpson, Joey Schoeneck, and David Crotts. All will savor the fact that they won the first basketball crown for Williams in almost half a century of competition.

On behalf of the citizens of the Sixth District, we offer our congratulations to the team, Head Coach Cole, assistant coach David Wyrick, managers Jay Skeen, James Harris, Trevis Gilliam, and Adam Hall, statisticians Dwight Hall and Blake Cole, scorekeeper Kristy Sharp, video director Joey Edwards, and team physician Dr. Bob Ellington.

To athletic director Tommy Spoon, principal Donald Andrews, the faculty, staff, students, parents and friends of Williams High School of Burlington, we offer our congratulations on capturing the North Carolina 3–A basketball championship. We hope you will not have to wait another 46 years for another title.

Finally, Mr. Speaker, the third Piedmont Triad high school to win a state basketball title is not in the Sixth District, but it is close enough that we can share in the pride of their championship, particularly since some of our district attend the school. On March 23, James B. Dudley High School of Greensboro won the State's 4–A basketball crown by defeating Richmond County in a thrilling 79–68 overtime win. Like its 3–A counterpart of Williams, Dudley had to wait many years for its first basketball championship. In fact, it was 35 years ago when the Panthers won their school's last roundball title.

Dudley's win capped an impressive 29–2 season. Head coach David Price told the News & Record that winning the school's first basketball championship in 35 years meant so much to so many people. ''Everyone has been coming up hugging us,'' Price told the Greensboro newspaper, ''and it really has been a warm feeling. A lot of them remember the last time Dudley won a State basketball championship.''

When Dudley won its last basketball title, North Carolina's high schools were still segregated. Dudley won its 1961 championship while playing against other black high schools in the State. One of the current assistant coaches, Everette James, is a direct link to the last championship squad. James was a sophomore starter on the team which captured the 1961 crown. ''This has been good for the school and the community,'' James told the News & Record. ''It's been so long, and a lot of the old fans have come out to say congratulations.''

We join in that chorus of congratulations by extending our best wishes to each member of the Dudley Panthers basketball team. The championship squad was led by Parade All-American Vincent Whitt, championship game MVP Braxton Williams, Brendan Haywood, Lennie Jones, Derrick Partee, Charles Goodman, Brett Claywell, Marcus O'Neal, Derrick Hicks, Jemaine Price, Daniel Davis, Kenneth Ferguson, and Marcus Watson.

Everyone connected with the Panthers assisted with the run for the title. They included Head Coach Price, Assistant Coaches James, Gary Copenhaver, Taft Turner, and Brian Seagraves, statistician Shannon Stewart, managers Monica Walker, Joy Underwood, Johnetta Chavis, and Tameka Rowells, trainers Scott Ellis and Phillip Owens and team physician Dr. James Kramer.

To athletic director Roy Turner, principal Larry Lewis, the faculty, staff, students, parents, and friends of the Dudley Panthers basketball team we offer our congratulations on capturing this year's 4–A high school championship.

To all three schools, we again say congratulations on completing outstanding seasons. We are proud that the Piedmont Triad is North Carolina's home of basketball champions.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S4763–S4812

Measures Introduced: Three bills were introduced, as follows: S. 1729–1731. **Page S4804**

Measures Passed:

Fort Peck Rural County Water Supply System: Senate passed S. 1467, to authorize the construction of the Fort Peck Rural County Water Supply System, and to authorize assistance to the Fort Peck Rural Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system. **Page S4810**

White House Travel Office/Former Employees: Senate continued consideration of H.R. 2937, for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993, taking action on the following amendments proposed thereto: **Pages S4773–82, S4786–91**

Pending:

(1) Dole Amendment No. 3952, in the nature of a substitute. **Page S4773**

(2) Dole Amendment No. 3953 (to Amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States. **Page S4773**

(3) Dole Amendment No. 3954 (to Amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States. **Page S4773**

(4) Dole Motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith. **Page S4773**

(5) Dole Amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States. **Page S4773**

(6) Dole Amendment No. 3956 (to Amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States. **Page S4773**

During consideration of this measure today, Senate took the following action:

By 52 yeas to 44 nays (Vote No. 109), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill. **Pages S4780–81**

Senate will continue consideration of the bill on Wednesday, May, 8, 1996, with a vote on a second motion to close further debate on the bill to occur thereon at 10 a.m.

Communications: **Pages S4802–04**

Petitions: **Page S4804**

Statements on Introduced Bills: **Pages S4804–07**

Additional Cosponsors: **Page S4807**

Notices of Hearings: **Pages S4807–08**

Authority for Committees: **Page S4808**

Additional Statements: **Pages S4808–10**

Record Votes: One record vote was taken today. (Total—109) **Page S4781**

Adjournment: Senate convened at 9 a.m., and adjourned at 7:02 p.m., until 9:30 a.m., on Wednesday, May 8, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S4810–11.)

Committee Meetings

(Committees not listed did not meet)

COMPARTMENTED NAVY PROGRAM

Committee on Armed Services: Committee concluded closed hearings on a compartmented Navy program, after receiving testimony from John M. Deutch, Director for Central Intelligence; Vice Adm. Joseph Lopez, Deputy Chief of Naval Operations for Resources, Warfare Requirements and Assessments; and John J. Hamre, Comptroller, Department of Defense.

FTC

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded oversight hearings on activities of the Federal Trade Commission, after receiving testimony from Robert Pitofsky, Chairman, and Janet D. Steiger, Commissioner, both of the Federal

Trade Commission; and James Rill, Collier, Shannon, Rill & Scott, Bruce Silverglade, Center for Science in the Public Interest, Christine T. Milliken, National Association of Attorneys General, and Daniel Jaffe, Association of National Advertisers, Inc., all of Washington, D.C.

COAST GUARD BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans and Fisheries concluded hearings on the President's proposed budget request for fiscal year 1997 for the United States Coast Guard, after receiving testimony from Adm. Robert E. Kramek, Commandant, United States Coast Guard, Department of Transportation.

OREGON RESOURCES CONSERVATION ACT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 1662, to establish areas of wilderness and recreation in the State of Oregon, after receiving testimony from Nancy K. Hayes, Chief of Staff and Counselor to the Director, Bureau of Land Management, Department of the Interior; Brian E. Burke, Deputy Under Secretary of Agriculture for Natural Resources and Environment; Karl Wenner and Alice Kilham, both of Klamath Falls, Oregon, both on behalf of the Upper Klamath Basin Working Group; Richard McIntyre, Fort Klamath, Oregon, on behalf of Oregon Trout and Water Watch of Oregon; Jim Carpenter, Klamath Wingwatchers, Inc., Klamath Falls, Oregon; Zach Willey, Environmental Defense Fund/Pacific Northwest, Bend, Oregon; Charles Calica, Warm Springs, Oregon, on behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon; Jan Boettcher, Oregon Water Resources Congress, Salem; Mitch Williams, Mt. Hood Corridor Community Planning Organization, Welches, Oregon; and Wade C. Boyd, Longview Fibre Company, Longview, Washington.

GSA PUBLIC BUILDINGS BUDGET/GSA PROPERTY DISPOSAL

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded hearings on the President's proposed budget request for fiscal year 1997 for the General Services Administration Public Buildings Services, after receiving testimony from David J. Barram, Acting Administrator, General Services Administration; and Judge Robert E. Cowen, U.S. Court of Appeals for the Third Circuit, on behalf of the Judicial Conference of the United States.

Also, committee concluded hearings on issues related to the potential disposal of GSA-held property located in northern Virginia for the siting of a new major league baseball stadium, after receiving testimony from Thomas Sherman, Acting Regional Administrator, National Capital Region, General Services Administration; Katherine K. Hanley and Dana Kauffman, both of the Fairfax County Board of Supervisors, Fairfax, Virginia; William L. Collins, III, Virginia Baseball Club, L.C., Alexandria; Lee Carson Fifer, Jr., Maguire, Woods, Battle and Boothe, McLean, Virginia, on behalf of the Virginia Baseball Stadium Authority; and Addson L. Smith, West Springfield Civic Association, Springfield, Virginia.

NATIONAL INFORMATION INFRASTRUCTURE COPYRIGHT PROTECTION ACT

Committee on the Judiciary: Committee resumed hearings on S. 1284, to adapt the copyright law to the digital, networked environment of the National Information Infrastructure, receiving testimony from Senator Burns; Robert L. Oakley, Georgetown University Law Center, on behalf of the Digital Future Coalition, and Kenneth R. Kay, Creative Incentive Coalition, both of Washington, D.C.; William W. Burrington, Interactive Services Association, Vienna, Virginia; Daniel Burton, Novell, Inc., Orem, Utah; and John Bettis, Los Angeles, California, on behalf of the American Society of Composers, Authors and Publishers.

Hearings were recessed subject to call.

BIOMEDICAL RESEARCH FUNDING

Committee on Labor and Human Resources: Committee concluded hearings to examine how funding for biomedical research is being affected by a changing health care delivery system, reductions of income in the clinical practices of academic medical centers, and Federal budget restraints, and on S. 1534, to provide additional support for and expand clinical research programs of the National Institutes of Health, after receiving testimony from Jordan J. Cohen, Association of American Medical Colleges, Washington, D.C.; Gail L. Warden, Henry Ford Health System, Detroit, Michigan; David G. Nathan, Dana-Farber Cancer Institute, on behalf of the National Institutes of Health Clinical Research Panel of the Advisory Committee to the Director, and William Terry, Brigham and Women's Hospital, both of Boston, Massachusetts; Veronica Catanese, New York University School of Medicine, New York, on behalf of the American Federation for Clinical Research; Eugene Orringer, University of North Carolina, Chapel Hill, on behalf of the General Clinical Research Center Program Directors' Association; Robert R. Rich, Baylor College of Medicine, Houston, Texas, on behalf of the Committee on Public Affairs of the American Association of Immunologists; Janice G. Douglas, Case Western Reserve School of Medicine, Cleveland, Ohio; and Gail H.

Cassell, University of Alabama, Birmingham, on behalf of the American Society for Microbiology.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee met to review certain evidence with regard to its investigation of matters relative to the Whitewater Development Corporation.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 3393–3410; 1 resolution, H. Con. Res. 172, were introduced.

Pages H4502–03

Reports Filed: Reports were filed as follows:

H.R. 3269, to amend the Impact Act program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property (H. Rept. 104–560);

H.R. 2066, to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs, amended (H. Rept. 104–561);

H.R. 2464, to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation (H. Rept. 104–562);

H.R. 3230, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, amended (H. Rept. 104–563);

H. Res. 426, providing for the consideration of H.R. 2406 to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs (H. Rept. 104–564);

H. Res. 427, providing for the consideration of H.R. 3322, to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government (H. Rept. 104–565); and

H. Res. 428, providing for the consideration of H.R. 3286, to help families defray adoption costs, and to promote the adoption of minority children (H. Rept. 104–566). **Page H4502**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Hobson to act as Speaker pro tempore for today.

Page H4431

Recess: The House recessed at 1:21 p.m. and reconvened at 2:00 p.m. **Page H4437**

British American Interparliamentary Group: The Chair announced the Speaker's appointment of the following Members to the British-American Interparliamentary Group on the part of the House: Representatives Hamilton, Lantos, Hastings of Florida, and Kennelly. **Page H4438**

Welfare Indicators Advisory Board: The Chair announced the Speaker's appointment of the Advisory Board on Welfare Indicators of the following individuals from private life on the part of the House: Ms. Eloise Anderson of California, Mr. Wade Horn of Maryland, Mr. Marvin H. Kosters of Virginia, and Mr. Robert Greenstein of the District of Columbia.

Page H4438

Permission to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Commerce, Transportation and Infrastructure, and Select Intelligence. **Page H4442**

Suspensions: House voted to suspend the rules and pass the following measures:

Racing and Restored Vehicle Display: H. Con. Res. 150, amended, authorizing the use of the Capitol Grounds for an event sponsored by the Specialty Equipment Market Association. Agreed to amend the title; **Pages H4442–46**

Impact Aid: H.R. 3269, to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property; **Pages H4446–51**

Violent Crime Control: H.R. 2137, amended, to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders (passed by a yea-and-nay vote of 418 yeas, Roll No. 149); and **Pages H4451–57**

Stalking Punishment and Prevention: H.R. 2980, amended, to amend title 18, United States Code, with respect to stalking. **Pages H4457–60**

Violent Crime Control: By a recorded vote of 414 ayes to 4 noes, Roll No. 148, the House passed H.R.

2974, to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.

Pages H4492–93

Agreed to the Committee amendment in the nature of a substitute. **Page H4492**

Agreed To:

The Frost amendment that broadens Federal jurisdiction over sex crimes against children and requires life sentences without parole upon the conviction of a second sex crime against a child in Federal court; **Pages H4475–76**

The Slaughter amendment that broadens Federal jurisdiction over repeat offenders of rape or serious sexual assault and requires life sentences without the possibility of parole upon the second conviction of rape or sexual assault (agreed to by a recorded vote of 411 ayes to 4 noes, Roll No. 146); **Pages H4476–81**

The Deutsch amendment that provides a sentencing enhancement of not less than six levels for sexual crimes of violence against children; **Pages H4481–82**

The Conyers amendment that includes crimes of violence involving the environment; **Pages H4482–85**

The Stupak amendment that amends the Federal sentencing guidelines to provide an appropriate sentencing enhancement for violent crimes committed against vulnerable persons, including law enforcement officers, in which the defendant used body armor; and **Pages H4485–86**

The DeLauro amendment that provides enhanced penalties for offenders who commit a violent crime while in possession of a firearm with a laser sighting device. **Pages H4486–87**

Rejected:

The Watt amendment that sought to broaden the definition of a vulnerable person to include residents in any neighborhood in which the incidence of violent crime is above the national average; and **Pages H4487–88**

The Watt amendment that sought to have the United States Sentencing Commission review the Federal sentencing guidelines to determine an appropriate sentencing enhancement for crimes of violence committed against vulnerable persons (rejected by a recorded vote of 41 ayes to 370 noes, Roll No. 147). **Pages H4488–92**

Points of order were sustained against the following amendments:

The Conyers amendment that sought to include a crime involving fraud or deception; and **Page H4482**

The Conyers amendment that sought to include an environmental crime against a child, elderly person, or other vulnerable person. **Page H4483**

The Clerk was authorized to correct cross references and section designations and to make such other technical and conforming changes as may be necessary in the engrossment of the bill. **Page H4493**

H. Res. 421, the rule under which the bill was considered was agreed to earlier by a voice vote. **Pages H4460–66**

It was made in order that, during further consideration of H.R. 3120 pursuant to H. Res. 422, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes. **Page H4493**

Witness Retaliation, Tampering, and Jury Tampering: The House passed H.R. 3120, to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. **Pages H4494–H4500**

Agreed to the Committee amendment in the nature of a substitute. **Pages H4499–H4500**

H. Res. 422, the rule under which the bill was considered was agreed to earlier by voice vote. **Pages H4466–67**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H4504–31.

Senate Messages: Message received from the Senate today appears on page H4438.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H4481, H4492, H4492–93, and H4494. There were no quorum calls.

Adjournment: Met at 12:00 p.m. and adjourned at 11:01 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary held a hearing on the Arms Control and Disarmament Agency and on Telecommunications Issues. Testimony was heard from John D. Holum, Director, U.S. Arms Control and Disarmament Agency; Reed E. Hunt,

Chairman, FCC; and Larry Irving, Assistant Secretary, Communications and Information, Department of Commerce.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Interior Columbia Basin Ecosystem Management Project. Testimony was heard from Representatives Chenoweth and Hastings of Washington; Jack Ward Thomas, Chief, Forest Service, USDA; Mike Dombeck, Acting Director, Bureau of Land Management, Department of the Interior; and public witnesses.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Secretary of Labor and the Employment and Training Administration. Testimony was heard from the following officials of the Department of Labor: Robert B. Reich, Secretary; Timothy M. Barnicle, Assistant Secretary, Employment and Training; and Preston M. Taylor, Jr., Assistant Secretary, Veterans' Employment and Training.

TRAVEL AND TOURISM PARTNERSHIP ACT

Committee on Commerce: Subcommittee on Commerce, Trade, and Hazardous Materials approved for full Committee action amended H.R. 2579, Travel and Tourism Partnership Act.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, an open rule on H.R. 3322, Omnibus Civilian Science Authorization Act of 1996 providing one hour of general debate equally divided and controlled between the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill for failure to comply with clause 2(l)(2) of rule XI (requirement of a quorum to report). The rule provides that the bill shall be considered by title rather than by section, and that the first section and each title shall be considered as read. The rule waives points of order against the bill for failure to comply with clause 5(a) of rule XXI (appropriations in a legislative bill). The rule provides for the consideration of a manager's amendment printed in the Rules Committee report, which shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes equally divided and controlled, and shall not be subject to amendment or to a demand for a division of the question. If adopted, the amendment shall be considered as original text for amendment purposes. The rule accords priority in recognition to Members who have pre-printed their amendments in the *Congressional Record.* Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Walker and Representative Brown of California.

ADOPTION PROMOTION AND STABILITY ACT

Committee on Rules: Granted, by voice vote, a modified closed rule on H.R. 3286, Adoption Promotion and Stability Act of 1996 providing for consideration of the bill in the House without intervention of any point of order. The rule makes in order the Committee on Ways and Means amendment in the nature of a substitute now printed in the bill. The rule provides one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides for the consideration of an amendment to title II of the bill, as amended, if offered by Representative Gibbons of Florida or his designee, which shall be considered as read and shall be debatable for 30 minutes equally divided between the proponent and an opponent. The rule provides for the consideration of the amendment recommended by the Committee on Resources, if offered by Representative Young of Alaska or his designee, which shall be considered as read and shall be debatable for 30 minutes equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit, which may include instructions only if offered by the Minority Leader or his designee. Testimony was heard from Chairman Archer and Representatives Oberstar, Lowey, Maloney and Kennedy of Massachusetts.

U.S HOUSING ACT

Committee on Rules: Granted, by a vote of 10 to 1, an open rule on H.R. 2406, United States Housing Act of 1996, providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on Banking and Financial Services. The rule makes in order the Committee on Banking and Financial Services amendment in the nature of a substitute as an original bill for the purpose of amendment and provides that the committee amendment in the nature of a substitute be considered as read. The rule waives clause 5(a) of rule XXI (appropriations in a legislative bill) against the committee amendment in the nature of a substitute. The rule provides that said substitute shall be considered by title, rather than by section, and the first two sections and each title shall be considered as read. The rule makes in order, before the consideration of any other amendment, an amendment printed in the *Congressional Record* of May 7,

1996, if offered by Representative Lazio of New York or his designee. The amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled between the proponent and an opponent, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole and all points of order against the amendment are waived. The rule provides that if the amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of amendment. Members who have pre-printed their amendments in the *Congressional Record* shall be accorded priority in recognition to offer their amendments if otherwise consistent with House rules, and provides that the pre-printed amendment shall be considered as read. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce to five minutes on a postponed question if the votes follows a fifteen minute vote. The rule provides one motion to recommit, with or without instructions. Finally, the rule provides that after the passage of the House bill, it will be in order to take up the Senate bill, to move to insert the House-passed provisions in the Senate bill, and to move to request a conference with the Senate. Testimony was heard from Representatives Lazio, Hayworth, Gonzalez, Frank of Massachusetts, Kennedy of Massachusetts, Gutierrez, Velázquez and Hinchey.

ISTEA REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation continued hearings on ISTEA reauthorization: The Federal Role for Transportation and National Interests. Testimony was heard from public witnesses.

Hearings continue May 16.

INTELLIGENCE AUTHORIZATION ACT

Permanent Select Committee on Intelligence: Met in executive session and ordered reported amended H.R. 3259, Intelligence Authorization Act for Fiscal Year 1997.

Joint Meetings

LIBRARY OF CONGRESS

Joint Committee on the Library: Committee concluded hearings to examine the management and financial activities of the Library of Congress, after receiving testimony from James H. Billington, Librarian of Congress; Thomas P. Carney, Acting Deputy Librarian of Congress; J. William Gadsby, Director, Government Business Operations, General Government Division, and Robert W. Gramling, Director, Corporate Audits and Standards, Accounting and Information Management Division, both of the General Accounting Office; Joyce C. Doria, Booz-Allen & Hamilton, Inc., McLean, Virginia; and Paul E. Lohneis, Price Waterhouse LLP, Arlington, Virginia.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D420)*

H.R. 3055, 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. Signed May 6, 1996. (P.L. 104–141)

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 8, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on environmental programs, 9:30 a.m., SD–192.

Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1997 for the National Endowment for the Arts, 9:30 a.m., SD–138.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Commerce, 10 a.m., S–146, Capitol.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury, 2 p.m., SD–138.

Committee on the Budget, business meeting, to mark up a proposed concurrent resolution on the fiscal year 1997 budget for the Federal Government, 2 p.m., SD–608.

Committee on Finance, business meeting, to mark up H.R. 2853, relating to most favored nation status for Bulgaria, H.R. 1642, relating to most favored nation status for Cambodia, and H.R. 3074, relating to tariff treatment of products imported from the West Bank and Gaza Strip, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nominations of Dennis K. Hayes, of Florida, to be Ambassador to the Republic of Suriname, Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru, and Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala, 10:30 a.m., SD–419.

Committee on the Judiciary, Subcommittee on Youth Violence, to hold hearings to examine Federal programs relating to youth violence, 10 a.m., SD–226.

Committee on Labor and Human Resources, business meeting, to resume markup of S. 1643, authorizing funds for fiscal years 1997 through 2001 for programs of the Older Americans Act, and to mark up S. 1360, to ensure personal privacy with respect to medical records and health care-related information, 9:30 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, 9:30 a.m., SR–301.

Committee on Veterans Affairs, to hold hearings to examine the reform of health care priorities, 10 a.m., SR–418.

Select Committee on Intelligence, closed business meeting, to consider pending calendar business, 2:45 p.m., SH–219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the Whitewater Development Corporation, 10 a.m., SH–216.

House

Committee on Agriculture, hearing to investigate into the use, by the U.S. Department of Agriculture, of federal funds authorized under Section 17 of the Food Stamp Act to obtain services from private contractors, 9:30 a.m., 1300 Longworth.

Committee on Appropriations. Subcommittee on Commerce, Justice, State and the Judiciary, on Trade Promotion and Enforcement, 10 a.m., and on Immigration and Border Security, 2 p.m., 2360 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on all other Department of Labor (except OSHA), 10 a.m., and on Occupational Safety and Health Administration and Occupational Safety and Health Review Commission, 2 p.m., 2358 Rayburn.

Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, on Congressional witnesses, 9:20 a.m., H–143 Capitol.

Committee on the Budget, to markup the Fiscal Year 1997 Budget Resolution, 1:30 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Energy and Power, oversight hearing on the Future of the Strategic Petroleum Reserve, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Early Childhood, Youth and Families, hearing on Prevention Programs under the Juvenile Justice and Delinquency Prevention Act, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Civil Service, hearing on Personnel Issues in Downsizing, 10 a.m., 311 Cannon.

Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on Superfund: A Badly Broken Program in Urgent Need of Reform, 9 a.m., 2154 Rayburn.

Subcommittee on National Security, International Affairs and Criminal Justice, hearing on Oversight of the 1996 National Drug Control Strategy, 2 p.m., 2167 Rayburn.

Committee on International Relations, to markup the following: H. Con. Res. 160, congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections; H. Con. Res. 165, saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution; and H. Con. Res. 167, recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant; to consider authorizing subpoenas to compel testimony of Charles E. Redman, Ambassador to Germany and Peter W. Galbraith, Ambassador to Croatia; and to consider authorizing a subpoena to compel the testimony of Paul Neifert, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on the Crisis in Liberia, 2 p.m., 2200 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Victims of Torture, 2:30 p.m., 2172 Rayburn.

Committee on Resources, to markup the following: H.R. 2909, Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act; H.R. 2823, International Dolphin Conservation Program Act; H.R. 3068, to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act; and H. J. Res. 70, authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King., Jr. in the District of Columbia or its environs, 11 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy and Environment, hearing on the Department of Energy's FY 1997 budget request for the Office of Energy Research, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on music licensing and small business, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 2 p.m., HT–2M Capitol.

Committee on Veterans' Affairs, to markup the following bills: H.R. 3118, Veterans' Health Care Eligibility Reform Act of 1996; H.R. 3376, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997; H.R. 3373, Veterans' Benefits Amendments of 1996; and H.R. 1483, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error, 2 p.m., 334 Cannon.

Subcommittee on Compensation, Pension, Insurance and Memorial Affairs and the Subcommittee on Education, Training, Employment and Housing, joint oversight hearing on the Court of Veterans Appeals Pro Bono Program; veterans' COLAs; and the *Davenport* v. *Brown* decision, 10 a.m., 334 Cannon.

Subcommittee on Hospitals and Health Care, to markup H.R. 3118, Veterans' Health Care Eligibility Reform Act of 1996; and H.R 3376, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, 1:30 p.m., 334 Cannon.

Committee on Ways and Means, hearing to examine the Impact of the 1993 Tax Increase on Transportation Fuels, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 8

Senate Chamber

Program for Wednesday: Senate will resume consideration of H.R. 2937, relating to the White House Travel Office/Former Employees, with a cloture vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, May 8

House Chamber

Program for Wednesday: Consideration H. Res. 416, Establishing a Select Subcommittee of the Committee on International Relations to Investigate the U.S. Role in Iranian Arms Transfer to Croatia and Bosnia;

Consideration of H. Res. 417, Providing Amounts for the Expenses of the Select Subcommittee on the U.S. Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the Second Session of the 104th Congress;

Consideration of H.R. 2406, The United States Housing Act of 1995 (open Rule, 1 hour general debate); and

Consideration of H.R. 3322, To authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government (rule and general debate);

Extensions of Remarks, as inserted in this issue

HOUSE

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