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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GOODLATTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 26, 1996.

I hereby designate the Honorable BOB GOODLATTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rabbi Melvin Glazer, Congregation Olam Tikvah, Fairfax, VA, offered the following prayer:

Next week the Jewish people will celebrate the holiday of Simhat Torah, the festival when we will conclude the reading of the Torah, the five Books of Moses. As we recite the final words from the Book of Deuteronomy, we will join together and chant, ''hazak hazak ve'nithazek''—Be strong, Be strong, and let us strengthen one another. Our rabbinic commentators remind us that true strength can come only from striving together toward a shared ideal. We are strong because you who lead us care so passionately about America and its citizens.

As you will soon come to the end of this congressional session, you too will conclude yet another chapter in the glorious Torah of the United States. May you continue to remain strong—strengthening each other and strengthening America. May the God who created us all bless the work of your hands. 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 Oregon [Ms. FURSE] come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE 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 without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement;

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record at Reporters.''

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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improvements in the process of approving and using animal drugs, and for other purposes;

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes;

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another country; and

H. Con. Res. 132. Concurrent resolution relating to the trial of Martin Pang for arson and felony murder.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3259) ''An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.''

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 773. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes; and

S. 1311. An act to establish a National Physical Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

INTRODUCTION OF RABBI MELVIN J. GLAZER

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

Mr. DAVIS. Mr. Speaker, I have the honor today of introducing Rabbi Melvin J. Glazer, who has just offered the opening prayer today.

Rabbi Glazer was born in Atlanta, GA, in 1947. In 1969, he was graduated from Columbia University with a B.A. in philosophy and from the Jewish Theological Seminary with a BHL in modern Hebrew literature. He received an M.A. from JTS in 1972 and was ordained in 1974. In May 1995, he received a doctor of ministry from the Princeton Theological Seminary.

Before assuming his duties at Olam Tikvah, he pursued his calling in Ontario, Canada; Nashville, TN; Grand Rapids, MI; and Princeton and South Orange, NJ. Wherever he has made his home, Rabbi Glazer played a vital and constructive role in the life of his community.

Rabbi Glazer and his wife Donna are the proud parents of four children. The eldest, Avi, age 18, is a freshman at Brandeis University. Ilan, age 16, attends Woodson High School in Fairfax County. Shoshane and Rafi are students at the Gesher Jewish Day School in Fairfax, where their mother is teaching today.

Rabbi Glazer defines his role as a cleric and teacher as helping ''complete the work begun by God so long ago''.

''We are commanded to 'get our hands dirty' in repairing this world of ours,'' he likes to say. It is entirely fitting that such a man can be with us here in this great Chamber today.

I am delighted to present Rabbi Melvin J. Glazer.

MORE EXTREMISM FROM THE GINGRICH-DOLE REVOLUTION

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

Mr. PALLONE. Mr. Speaker, 2 years ago at approximately this time the Republicans held their signing ceremony for their Contract with America and its centerpiece, the crown jewel, the tax break, that would have primarily benefited wealthy Americans.

Shortly thereafter, the Gingrich-Dole revolution began, and attempts were made to make the largest Medicare cuts in history and the healthy care guarantees for children, families, and seniors, and the disabled under the Medicaid Program, turn back the clock on environmental protection, cut student loans, and eliminate the 100,000 Cops on the Beat Program and other effective tools for fighting crime.

The net results of these extreme Gingrich-Dole proposals was the Government shutdown of 1995, and it was the Democrats that ultimately stopped these extremist Republican measures.

One would think that the Gingrich-Dole team learned their lesson, but now we hear a repeat, if my colleagues will, on an even grander scale, with Dole's new economic plan that would usher in more extremism and draconian cuts to vital programs. Again the Democrats will be there stopping this Republican extremism.

THE UNITED NATIONS: ONE BIG MESS

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

Mr. KIM. Mr. Speaker, right now the U.N. General Assembly is meeting in New York City and it is demanding we give more and more money to the United Nations.

Now even Boutros Boutros-Ghali has proposed the idea of a new international tax, which means the American people pay income tax plus U.N. tax. How do my colleagues like that?

Last year alone, the United Nations spent more than $4.6 billion. Guess how much our share was? Almost one-third. One-third we pay to the United Nations to support this.

Look at the United Nations chart, how complicated, how messy it is. This is what the United Nations looks like. Look at this. This is nothing. I took as an example one of the small agencies down in the Food Agriculture Organization. Look at how messy that is. That is what that is, one small agency, one small operation. Look at how complicated it is. If we look at some other agencies such as the International Development Program, I need a sixth of this.

That is what we are asking the United Nations to cut, by 22 percent, and my colleagues are calling us draconian, mean-spirited.

COLOMBIAN PRESIDENT SAYS ''I KNOW NOTHING''

(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, Colombian President Ernesto Samper has been commended worldwide for presenting a new antinarcotics strategy to the United Nations. Politicians all over the world are singing his praises. I am one politician that does not.

Last week, 9 pounds of heroin were found on President Samper's private plane. He says, ''I know nothing.'' Reports say the drug lords financed his presidential campaign to the tune of $6 million. President Samper says, ''I know nothing.''

The truth is, President Samper is more forgetful than Sergeant Shultz, and it does not take Chief Inspector Clouseau to figure this out.

When we can find heroin and cocaine as easy as Tylenol on the streets of America, the President of Colombia must be drafting the antinarcotics strategy for the world, and we are paying the piper. If he is Serpico, I am the Jolly Green Giant.

I yield back the balance of all addiction in this country.

IS MEXICO REALLY IN DIRE STRAITS?

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

Mr. NEY. Mr. Speaker, on January 31, President Clinton announced he was assembling a bailout for Mexico. This plan offered direct loans up to $20 billion for Washington, DC, and $27.8 billion from international agencies to help Mexico through its economic crisis. But did Mexico need all of it?

The Mexican economic crisis began in late December 1994, and President Ernesto Zedillo was inaugurated as the Mexican President on December 1, 1994. Is Mexico really in dire straits?

The President of Mexico claims to make $8,000 a month. This past weekend in an article the Mexico Civil Alliance has found that the Mexican President has a secret fund of $86 million approved by Mexico's Congress for 1996 to use at his discretion. The Mexican mayor received a $100,000 Christmas bonus.

Again, did we really need to bail Mexico out without any questions? Or did we simply give their Government more money to use at their discretion to give bonuses and have secret funds?

No more executive orders for bailouts. Where is the economic accountability for our taxpayers?

UNFREEZE THE REPORT

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

Mr. DOGGETT. Mr. Speaker, as my colleagues know, at this time of year communities all over America are organizing their fall coat drives to help the less fortunate. Well, as my colleagues might imagine, here in the Gingrich Congress it takes a little different twist. Speaker GINGRICH, instead of organizing a coat drive, has organized a giant ice bucket drive, and I brought my ice bucket along. He is asking Members to turn in their ice buckets.

Now why do my colleagues imagine that speaker GINGRICH needs so much ice?

Mr. Speaker, the reason is clear. There is an ethics report here in this Congress that is sizzling, it is hot. He needs as much ice as he can dump on that report to keep it in the deep freeze until after the election.

We say to the Speaker, we wish him well in his ice bucket gathering, but there is not enough ice in this Congress to keep in deep freeze the report of your ethical misconduct. We call on the Speaker and the Committee on Standards of Official Conduct to release the report on the tax violations, on the misconduct.

Stop pouring ice on it, Mr. Speaker. Do something constructive in these waning days. Unfreeze the report.

JUST SAY NO TO UNAUTHORIZED BIOGRAPHIES

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

Mr. LAZIO of New York. Mr. Speaker, I rise today to speak about trust and the violation of privacy. Two highly publicized unauthorized biographies, one to be written by a Democratic consultant and another by a Republican consultant, are examples of a problem that transcends partisan politics and resonates throughout our culture.

We are a nation that values an individual's right to privacy, yet time and time again unauthorized books are written based on rumor and innuendo that purport to expose the private lives of public figures for all to see.

There was a time, Mr. Speaker, when trust and loyalty were cherished and truly personal matters were kept private. But today, if pecuniary interests are at stake, anything is fair game. This is symbolic of the lack of discretion and respect that is permeating our society and contributes to a breaking down of integrity in relationships. In the end analysis, sensationalism sells, truth is denigrated, and all unauthorized biographies become suspect.

Our courts may find that unauthorized biographies filled with inaccuracies and insinuations cannot be prohibited in our free society. However, we can just say no and refuse to buy them. Perhaps then, without profit to publish, this rubbish will disappear from our culture.

□ 1015

FDA CRAZINESS

(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, by the way, I agree with the previous speaker.

Mr. Speaker, drug use by teenagers has exploded in this country, yet the President only seems to want to ignore it.

Now we have found out that the FDA is trying to prevent parents from purchasing a home drug testing kit.

Why? Because families won't be able to address the issue correctly, and it will cause family discord.

Can they be serious? A recent poll showed that 96 percent of parents felt they should have the right to direct and control the upbringing and discipline of their children.

The President wants to let the FDA eliminate smoking and cigarettes, but he won't even give parents a chance to handle their own teenager's drug use.

This is the last straw. The President and the FDA have lost it. Maybe they did inhale.

I yield back the balance, urging the FDA to just don't do it.

THE 104TH CONGRESS IN REVIEW

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

Mr. WYNN. Mr. Speaker, we are about to reach the end of the fiscal year. As they like to say, why do we not have a year in review, or rather, how about the 104th Congress in review?

Let us see. In the spring of 1995, the Republican majority brought us cuts in the school lunch program. I do not understand that, why we would take funds away from a vital program that helps young people get decent nutrition so they can learn. At any rate, the Democrats fought back.

Then in the summer of 1995, they brought us $270 billion in cuts in Medicare, and also cuts in Medicaid, to finance big tax breaks for the wealthy, people like your local Congressman, your doctor, your local lawyer, your accountant. They do not need big tax breaks. We certainly need to protect the integrity of Medicare.

Then in the winter of 1995 and 1996, they gave us two Government shutdowns because they could not get their way. Even when President Clinton submitted a balanced budget approved by CBO they were not satisfied. Those Government shutdowns cost the taxpayers a whopping $1.4 billion and caused tremendous hardship.

Then we had the spring of 1996 stop-and-go government because they wanted to cut education. I do not think the grade is going to be very good.

WHITE HOUSE BURIES CRITICAL DRUG REPORT

(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, here it is, the Washington Times headline for today: ''White House Buries Critical Drug Report.''

Mr. Speaker, let me quote the story. The Clinton administration, which has cut drug interdiction efforts by nearly $630 million since 1992, is sitting on a Pentagon commission report suggesting that President Clinton's shift to a drug treatment strategy has failed. The report, sent to the administration officials in May but never made public, said interdiction was the most successful and cost-effective way of dealing with the Nation's drug problem.

Mr. Speaker, I cannot believe that the White House actively suppressed knowledge of this report. It boggles the minds to know that when confronted with evidence of failure of their own policies, that the White House would look the other way. It is simply too much to accept that the President would do virtually nothing, knowing full well of the explosion of teen drug use. This is unbelievable.

VICTIMS RIGHTS

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

Ms. FURSE. Mr. Speaker, yesterday a Congressman tried to stop Congress from forbidding sale of guns to child abusers. Shame. Yesterday in Portland, OR, my town, a man opened fire in a church, injuring four people, including a pregnant woman.

The NRA opposed the Brady bill. The NRA opposed the assault weapon ban. I

believe the time has come when we must stand up for the rights of victims of gun violence, not the rights of perpetrators of gun violence. We Americans have a basic right. It is the right to be safe in our homes, on our streets, and in our churches.

THE MESS IN HAITI

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

Mr. GILMAN. Mr. Speaker, 2 years ago, President Clinton sent our troops into Haiti, spending over $2 billion there, and now calls Haiti a foreign policy success.

Three weeks ago, the President rushed 46 armed Federal agents to Haiti to protect President Preval and to purge members of Preval's own United States-trained palace guard who may have killed two opposition leaders.

If President Clinton's agents fail, he may have to salvage this success story by sending our troops back into Haiti.

Mr. Speaker, the Congress and the American people are entitled to know just what has gone wrong in Haiti and why.

Regrettably, the President has invoked executive privilege to withhold key documents from our International Relations Committee's oversight review.

This is a blatant abuse of power hiding a foreign policy failure. Neither President Reagan—in Iran-Contra—nor President Bush—in Iraqgate—ever used executive privilege to keep the Congress in the dark.

Our committee will be holding a hearing tomorrow morning to get to the bottom of the mess in Haiti.

URGING MEMBERS TO SUPPORT RESOLUTION CALLING FOR RELEASE OF OUTSIDE COUNSEL'S REPORT ON SPEAKER GINGRICH

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

Mr. LEWIS of Georgia. Mr. Speaker, as Ghandi once said, ''Noncooperation with evil is as much a moral imperative as is cooperation with good.'' Over the course of the last week, I have stood on this House floor and called repeatedly for the release of the outside counsel report on the ethical violation of Speaker NEWT GINGRICH.

My colleague, the gentleman from Georgia [Mr. LINDER], has stood repeatedly to object to my speaking about this matter. I understand why the gentleman would not want me to discuss this issue; it does such little good for his friend, the Speaker.

Mr. Speaker, sometimes the rules must be confronted in the face of injustice. This was the case when I participated in the sit-ins and the freedom rides of the 1960's, and it is true today regarding the outside counsel report.

Mr. Speaker, today, once again, the Members of this House have a chance to vote for the release of the outside counsel report. I urge Members to support my resolution. To do otherwise is to risk being accused of participating in a Newt Gingrich ethics coverup.

TRIBUTE TO THE HONORABLE BARBARA VUCANOVICH

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

Mr. ENSIGN. Mr. Speaker, I rise to recognize the accomplishments of a distinguished lady who is retiring after seven terms as a strong voice for Nevada: BARBARA VUCANOVICH.

BARBARA VUCANOVICH has represented the massive Second Congressional District since it was created in 1983. She retains the distinction as the first woman elected to Federal office from Nevada.

Many of you know BARBARA as one of the first women elected to the House Republican leadership and as the only woman to chair an appropriations subcommittee.

But to me and her fellow Nevadans, BARBARA is much more than our Congresswoman. She is a dedicated, warm, energetic, caring, public servant whom her constituents respect and have depended on to advocate the issues vital to the ''Silver State.''

BARBARA has fought for the jobs of Nevadans by protecting the mining and gaming industries from repeated assaults.

BARBARA led the fight for over a decade to repeal the unfair source tax levied on retirees.

Because of her leadership, the quality of life of our Nation's Armed Forces is better than ever.

Most importantly, BARBARA is a pioneer for women. As a brave survivor of breast cancer, BARBARA has worked tirelessly to educate women about the importance of early detection of breast cancer and to increase the availability of mammograms.

Even though BARBARA VUCANOVICH is heading home, she will continue to serve Nevada in other capacities.

Please join me in thanking BARBARA for her unique contributions and a job well done. I wish my good friend all the best.

I wish her God Speed and God Bless.

CALLING ON ETHICS COMMITTEE TO RELEASE REPORT ON SPEAKER GINGRICH'S ACTIVITIES

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

Mr. BROWN of Ohio. Mr. Speaker, seven times the half Republican, half Democrat Ethics Committee has found speaker GINGRICH guilty: of using the House floor, this Chamber, to advertise his 1–800 number, guilty; using his office to commingle political and office resources, guilty; using the House floor to advertise his Political Action Committee, guilty.

The bipartisan Ethics Committee rebuked Speaker GINGRICH because he, and I quote, ''capitalized on his office and exploited his office for personal gain,'' when he signed his $4 million book review with a major Republican contributor.

Now taxpayers have spent $500,000 to investigate his other activities, yet Speaker GINGRICH has squelched this Government report; $500,000 of the taxpayers' dollars spent on the investigation, yet Speaker GINGRICH has squelched this Government report.

Mr. Speaker, show us the report. Release the report.

THE 104TH CONGRESS, THE MOST SIGNIFICANT CONGRESS IN A GENERATION

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

Mr. HERGER. Mr. Speaker, this Congress has been the most significant Congress in a generation. We have changed Washington and we have ended the culture of spending.

In less than 2 years, we have enacted congressional reform, the Telecommunications Act, the Freedom to Farm Act, health insurance reform, and genuine reform of welfare.

And when the Medicare Board of Trustees said that Medicare was going bankrupt, Republicans in this Congress listened and we responded with a plan to save Medicare so that our parents and grandparents would be protected. But Bill Clinton vetoed that plan and liberal Democrats here in Congress have resorted to the rhetoric of fear and demagoguery.

Mr. Speaker, this Republican Congress has a record of accomplishment it can be proud of. We have introduced the cool, clear water of common sense into a dry and parched land. And we will continue the fight for a smaller Government and a brighter future for America.

REPUBLICANS UNIFIED BEHIND BOB DOLE

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

Mr. GUTIERREZ. Mr. Speaker, people are talking behind your back. They say that you Republicans are not a unified party. That you're running away from the top of your ticket. But, I think you are united behind Bob Dole.

Just look at the way that your handpicked Ethics Committee is hiding the truth about the Gingrich scandals. It's a page right out of the Bob Dole playbook. Look at the similarities. Bob Dole won't tell us the truth about his tax-cut plan—and the Ethics Committee won't tell us the truth about NEWT's tax-return scam.

In San Diego, Bob Dole tried to write a platform saying that the GOP is a ''tolerant'' party. He's right. Just look at the Ethics Committee. They'll ''tolerate'' anything that NEWT GINGRICH does.

Dole wants to build a bridge to the past. So does the Ethics Committee—back to the days when Congress conducted its business in the dark, out of the public eye.

Speaker GINGRICH, you might as well exercise some power and call on the Ethics Committee to release its report on your ethics scandals. After all, once the elections are over, you might not have any power left to exercise.

TAX RELIEF

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

Mr. ROYCE. Mr. Speaker, in the United States today, the tax burden on families is at a record high. In 1948, tax rates equalled 3 percent of income for the average family of four, but today it is 24 percent. That is eight times more than it was 40 years ago, and on top of that, our system is complex, it is convoluted, it is confusing. As IRS study estimates that taxpayers spend 5 billion man-hours filling out their return every year. That is more time than is spent in the entire automobile industry in this country in terms of man-hours.

We need significant tax relief, and that is exactly what the Republican plan will do: tax relief, spending cuts, deficit reduction, and the resulting smaller, more efficient, and less intrusive Government.

Ultimately, our plan is simple. It makes sense. Americans work hard for their living and should keep more of what they earn. They do not need the Government telling them how to spend their money.

LET THE SUN SHINE IN ON REPORT ON SPEAKER GINGRICH HELD IN ETHICS COMMITTEE

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

Mr. POMEROY. Mr. Speaker, the only thing clear at this point in the Ethics Committee's handling of the charges against Speaker GINGRICH are that serious questions exist, and the Ethics Committee does not have the ability to resolve questions involving Speaker GINGRICH.

A couple of commonsense principles commonly expressed where I come from maybe will provide some guidance in terms of how to proceed. The best is that sunlight is the best disinfectant. Here the Ethics Committee has in its possession a report prepared by an outside special counsel, funded by taxpayer expense. There is no quicker, simple——

POINT OF ORDER

Mr. HOKE. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from North Dakota [Mr. POMEROY] will suspend.

The gentleman will state his point of order.

Mr. HOKE. Mr. Speaker, I make the point of order that discussion of the House Ethics Committee's proceedings on the floor of the House is not in order in the House. Is that correct?

□ 1030

The SPEAKER pro tempore (Mr. GOODLATTE). The Chair sustains the gentleman's point of order. The gentleman from North Dakota may proceed in order.

Mr. HOKE. Mr. Speaker, I make a further point of order that the House rules provide that buttons may not be worn at the time that speeches are made on the floor of the House.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman should remove the button.

Mr. POMEROY. Mr. Speaker, I will remove the button, but I have a point of parliamentary inquiry regarding the first ruling made by the Chair.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. POMEROY. Is it the Chair's position that I may make no statement regarding the outside special counsel's report, commissioned and paid for by taxpayer funds regarding the charges against Speaker GINGRICH which is presently held at the Ethics Committee?

The SPEAKER pro tempore. The Chair would point out to the gentleman that prior rulings of the Chair have indicated and ruled that no references may be made to the pending matters before the Committee on Standards of Official Conduct Committee unless a question of privilege is actually pending in the House.

Mr. POMEROY. I have a further question along the lines of the gentleman's ruling.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. POMEROY. The report presently prepared and before the committee is itself a component of the committee's deliberations but I was not talking about the committee's deliberations. I was talking about release of the report. That to me would seem to fall outside the Speaker's ruling.

The SPEAKER pro tempore. The scope of the gentleman's comments is within the Speaker's ruling and such comments have previously been ruled out of order. The gentleman will proceed in order.

Mr. POMEROY. Mr. Speaker, I think it is vital that we establish as a Congress our commitment to publish that report and to release those documents so the country can judge whether or not the man second in line to be President, the Speaker of the House, should be in that position.

Mr. Speaker, I was not called on that last sentence because those were not my words, those were the words of NEWT GINGRICH when he called for the release of the report against Speaker Wright. What is good for the goose is good for the gander. Release the report.

POLITICIZING THE ETHICS COMMITTEE PROCESS

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

Mr. HOKE. Mr. Speaker, I would just encourage this House in the closing days of our business as we try to complete the work of the people to remember one thing, and, that is, that there is a very well-defined, well-developed, thoughtfully conceived and thoughtfully planned-out program for examining and dealing with ethical violation allegations in this body, that that process has been going on in a nonpoliticized way for some time with respect to a broad spectrum of allegations that have been brought regarding many Members of this House with respect to many different issues, and that I would encourage Members on both sides of the aisle to not politicize this process and especially to not pressure their own colleagues to give in to this extremely alluring but very wrong motivation to become part of the political process as opposed to the workings of the House.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DORNAN. Mr. Speaker, on a day like this when we limit 1-minutes, 1-minutes are still in order at the end of legislative business, are they not? I would like to do a 1-minute tonight.

The SPEAKER pro tempore. The gentleman is correct.

Mr. DORNAN. I thank the Chair.

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.

COMMENDING AMERICANS IN COLD WAR

Mr. DORNAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 180) commending the Americans who served the United States during the period known as the cold war, as amended.

The Clerk read as follows:

Whereas during the period of the Cold War, from the end of World War II until the collapse of the Soviet Union in 1991, the United States and the Soviet Union engaged in a global military rivalry;

Whereas this rivalry, potentially the most dangerous military confrontation in the history of mankind, has come to a close without a direct superpower military conflict;

Whereas military and civilian personnel of the Department of Defense, personnel in the intelligence community, members of the foreign service, and other officers and employees of the United States faithfully performed their duties during the Cold War;

Whereas many such personnel performed their duties while isolated from family and friends and served overseas under frequently arduous conditions in order to protect the United States and achieve a lasting peace; and

Whereas the discipline and dedication of those personnel were fundamental to the prevention of a superpower military conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring, That Congress hereby commends, and expresses its gratitude and appreciation for, the service and sacrifices of the members of the Armed Forces and civilian personnel of the Government who contributed to the historic victory in the Cold War.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DORNAN] and the gentleman from Virginia [Mr. PICKETT] each will control 20 minutes.

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

GENERAL LEAVE

Mr. DORNAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation under consideration.

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

There was no objection.

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

Mr. Speaker, I want to reserve most of the time for the gentleman from Long Island, NY [Mr. LAZIO], who had an inspiration to come up with a House concurrent resolution with the U.S. Senate to state very simply that there are thousands upon thousands, millions if we take into account all of the young men and women that have rotated in and out of all our military services and the Coast Guard, which although it is under the Transportation Department saw combat in Korea and in Vietnam, to compliment and to show the Nation's gratitude to every person, military and civilian, who helped win the so-called cold war.

The cold war was an unfortunate moniker or label applied to a very intense, very bloody and very hot conflict, at times, between the evil empire of communism and the forces of freedom, what were called the United Nations or Allied nations during World War II, realizing that although they had defeated the fascism of Mussolini, the fascism/Naziism of a demonic person, Adolf Hitler, and the evils of the warlords that had taken over imperial Japan, they had not conquered the evil, the killing machine, of Stalin that Lenin, a killer himself, had passed on to Stalin, and that Stalin also, in a demonic way, had deliberately killed millions and millions of people.

It was Stalin who said, the death of one person is important in the sense that people will look at it, but the deaths of millions go unnoticed. That is Joseph Stalin, who because he reigned in his reign of terror for 29 years, killed more people than Hitler managed to brutally exterminate in 12 years of the so-called thousand-year Third Reich, 12-year Reich.

Because President Bush is so innately a gentleman, and because things were so fluid in what had been the mother wart of communism, the Kremlin, President Bush found it uncomfortable to let the world celebrate and let the United States of America celebrate that the reason we called this long, protracted, what President John F. Kennedy called twilight struggle with communism, the reason we called it a cold war, as hot and bloody as it was, was because there was no radioactive nuclear exchange killing millions of people.

But in that cold war, CIA agents were killed, alone sometimes, in alleyways of eastern bloc countries. There are 50 names on the wall of the central main lobby hall of the Central Intelligence Agency at Langley, on the stars that represent agents that gave their lives for freedom. There are 30 stars or so that have no name next to them, and I have been on the case of four directors of the CIA to finally put the names up there of those men. We do not have operations in any of these countries anymore.

And then the men that died in Korea, 33,629. Probably 1,200 live prisoners left behind. They are victims of the cold war. And then the ferret pilots or the spy airplanes, Navy and Air Force, that flew all around the periphery of the Soviet evil empire, many of their crews captured when they were shot down by Soviet fighter planes at will, and because we were denying the operation, nobody was there to intervene and try and get even their remains back after they had been executed or worse. We do not know what happened to some of them.

And then there is Vietnam, poor Indochina war. The veterans still are wondering, were they part of the cold war? Of course they were. They never lost a battle. They had air superiority and finally supremacy. They always had supremacy at sea. Every person who died in Vietnam, the over 58,000 names on the wall, the eight Army nurses who died there from rocket and mortar attacks, all of them were part of the struggle against communism. That wall should have a plaque that says these 8 women and these 58,000 men, and we still add names occasionally as remains are returned of our missing, they all died fighting communism.

They were all part of the cold war. Vietnam was the biggest subset, the biggest killing of people fighting for freedom on our side in that war, with our allies from Australia and from Thailand and other countries in that area and, yes, some Allied nations from Europe that sent observers who died.

This idea of the gentleman from New York [Mr. LAZIO] is way, way overdue, like 6 years late. Better late than never. But remember this, communism is not dead. The almanac and the encyclopedias tell us what is left now of the Russian Federation is 150 million people, and communism can still make a comeback there. Mr. Yeltsin may be too weak to even get heart surgery, which means there will be a change of power there soon. General officers are running all the committees in the Duma, their congress. Imagine four-star generals running all of our military and intelligence security committees on this House. That is what it has evolved into in the congress in Moscow. Anything can happen there.

But multiple Russia's 150 million by 8, Mr. Speaker, and you have got China, Red China, still a serious human rights violator. And Mr. Clinton for trade purposes, I call it 30 pieces of silver and you all know why, he is delinking, he is decoupling human rights and Tiananmen Square offenses from trade policy with Communist China. Communist China, 8 times larger in population than Russia. The United States, next month or the month after, will pass 266 million people. China is 266 million plus a billion, 5 times bigger than the United States, 8 times bigger than Russia.

And then there is Cuba, murdered four American citizens in small Cessna airplanes, Skymasters, shot them down with Russian-supplied Migs less than about 70 miles off the coast of the United States, Key West, in international waters.

And then there is Vietnam. Why we ever normalized relations with Vietnam, I do not know. Not after the way they tortured our men to death and held back three heroes who they had beaten into a depressed mental state: Glen Cobiel, Kenneth Cameron, and James Joseph Connell, left behind, and who knows how many others in Vietnam.

There is Communist Vietnam, 72 million people under communism; 11 million in Cuba; and the 22 to 23 million people in Korea. There may still be live American prisoners there. Still communism reigns supreme, living up to Lenin's dictum that to lie is to serve the Communist cause. Korea in the north; all of that poor prison, that beautiful Nation of Cuba; China, 8 times bigger than Russia; and Vietnam, 72 million people with human rights violations. Communism is not dead.

□ 1045

The cold war, as we called it, that was won by the nations of freedom and the allied powers. Remember President Kennedy, paraphrasing Lincoln, said the world cannot long exist half slave and half free. We are the free side, and communism is the slave side. And it is about time this Congress and the other body turned around and said to the civilians, particularly the military people, thank you for your sacrifices, thank you, and God bless you for preventing a nuclear exchange, and may in God's wisdom in the future, it never escalate and ratchet back up again to this type of confrontation.

Mr. Speaker, I honor the gentleman from New York, [Mr. LAZIO] for doing this before this body.

Mr. Speaker, I look forward to hearing from my vice chairman on the Subcommittee on Military Personnel.

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

Mr. PICKETT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I also commend the gentleman from New York [Mr. LAZIO] for bringing forward this resolution which highlights a very important maxim of war, and that is that the difference between victory and defeat is ultimately determined by the people involved. This resolution honors those people who worked so hard on behalf of the United States during the cold war to ensure our victory.

This principle, of course, was no less true during the cold war than it has been during other wars. It could be argued that the 40-plus years of cold war was in some ways a sterner test for the combatants. Military leadership was essential and the risk that the people of the Nation would lose resolve from one generation to the next was real. Fortunately this did not happen in America. Our military members and civilian employees are deserving of high praise and recognition. I congratulate Mr. LAZIO for ensuring that the voice of Congress is heard on this issue.

House Concurrent Resolution 180 received the unanimous support of the National Security Committee, which reported the measure with a perfecting amendment. I urge its adoption by the House of Representatives.

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

Mr. DORNAN. Mr. Speaker, I yield 5 minutes to the aforementioned honorable, distinguished, and historically motivated gentleman from Long Island, NY, Mr. RICK LAZIO, the author of this excellent House Concurrent Resolution 180.

Mr. LAZIO of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by thanking the gentleman from California [Mr. DORNAN] and the gentleman from Virginia [Mr. PICKETT] for their compliments and for their support for this important resolution. We would not be at this point without the bipartisan support to recognize and applaud the contributions of Americans during the cold war.

Mr. Speaker, at the cemetery at Gettysburg, after the great orator Edward Everett had spoken for 2 hours, President Abraham Lincoln rose to deliver a 3-minute speech which has endured as perhaps the greatest speech in our Nation's history. He said that day:

> We cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract.

These words certainly ring true today as we recognize the men and women who so nobly served our country through the struggle that lasted four and a half decades, the cold war. That is put simply, what this resolution does. It pays tribute to those whose commitment and dedication brought our Nation successfully through the period known as the cold war, and it is about time.

Throughout this struggle, generations of Americans maintained our commitment to world peace, a commitment which began with America's defeat of the Axis Powers in World War II. However, just as the cold war was ending a new menace demanded our attention. We rallied for Desert Storm while the cold war expired with its last gasp. This crisis, followed rapidly changing events at home and abroad, left no time for any recognition of those dedicated people who served our country during the cold war.

We are here today for two reasons. First, we hope, with this resolution to recognize, and thank every citizen who participated in America's struggle with the Soviet Union, known as the cold war. Our Nation's thanks goes to the infantry man of Korea, the helicopter pilot in Vietnam, the B–52 crews of Strategic Air Command throughout the world, the Marines in Lebannon, and the seaman of every kind of vessel. It goes to the medics, the nurses, the mechanics and cooks. Our thanks and appreciation go to each and every man and woman who served in the Active, Reserve, and Guard components of our Armed Forces during this 45-year struggle. But more than that, it goes to every American who went to the factory, office, freight yard, or terminal, quietly, never wavering in our commitment to oppose communism and dictatorships.

Our thanks goes to those who prayed for their son or daughter when only the parent could feel and know the fear of their child being in harm's way. It goes to the Americans who were there day to day, paying their taxes, raising their families, and staying the course. We are here to recognize America for the most tremendous victory in the history of mankind.

Second, we are here to remind America, as she enters the 21st century, that we can do the impossible. In fact, we have already done what seemed impossible in the 1950's, 1960's, 1970's, and 1980's. Our victory in the cold war liberated almost 500 million people from the tyranny of Communist aggression, while freeing almost a dozen nations from the grip of the Iron Curtain.

Today is about reclaiming America's spirit. It is about the strength of our unity to take on, and solve the problems and challenges which face our Nation. We hope that today begins a national awakening, and celebration of our historic victory. Further, we hope that we begin to remember just how powerful our Nation can be when we all come together.

While the Soviets and Americans never faced each other directly on the battlefield, the cold war touched each and every one of us in many ways over the years. Every American lived with the constant nightmare that something horrible could happen at any moment. I remember as a child hiding under my desk at school during a practice bomb drill. Some built bomb shelters in their backyards. We all remember the test patterns which accompanied ''for the next 30 seconds . . .''

But the global competition between East and West was much more than an arms race. The competition was really about freedom versus slavery, democracy versus totalitarianism, and capitalism versus socialism. This struggle tested the very fiber and fundamental elements of two competing societies. Ultimately, freedom triumphed.

The cold war shaped our economy, our politics and our outlook for almost half a century. In many respects, the nonmilitary aspects of the competition tipped the scales of destiny in favor of America. Our citizens built the most prosperous and productive nation in the world. In doing so, we maintained an open democracy where the individual is valued, and can make a difference every day.

Our Nation helped provide a bright new future filled with freedom for many millions of people across Eastern Europe and the former Soviet Union. In a contest of philosophies, systems, and values we triumphed over society enslaved. The result of our commitment and leadership must rank as one of the greatest accomplishments in history.

In ''The Art of War,'' Sun Tzu states that ''To fight and conquer in all your battles is not supreme excellence. Supreme excellence consists in breaking the enemies resistance without fighting.'' Through our resolve over the last 45 years, we avoided not only war, but nuclear holocaust. We ended a form of slavery for almost half a billion people. Shouldn't that rate a small party, if not a full-blown celebration?

Today is as much about our future as about our past. It is about focusing America's energy, intelligence, and resources on the difficult domestic problems we now face. Today we gather to express a new feeling of pride and confidence in America and its future. This recognition of our cold war victory,

and those dedicated people who served our Nation during this struggle, will allow us to reflect for a moment on our past accomplishments and continue with renewed confidence in ourselves as we approach the 21st century. In the words of John Wayne, ''Give the American people a good cause, and there's nothing they can't lick.''

Mr. PICKETT. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Virginia for yielding me time, and I want to compliment the gentleman and certainly our friends on the other side of the aisle for bringing this resolution honoring Americans who fought in the cold war to the floor.

Mr. Speaker, I do not know if the world realizes or appreciates the fact that our Nation has expended well over $5 trillion to win the cold war. However, I do not think we can ever place just a monetary value on our commitment in the cold war.

Most important is the list of young men and women of our country that sacrificed their lives in this struggle. The fact that we won the war in such a positive way, helped to make this Nation certainly the most powerful Nation of all. But it is not solely because of that, but because of our belief in the principles of democracy that we fought for so valiantly for the past 40 years that has made America great.

Mr. Speaker, I certainly commend the gentleman for sponsoring this resolution, and I thank the gentleman from Virginia for yielding.

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

Mr. Speaker, one of our great retiring Members, who was a lieutenant commanding a prisoner of war camp for Germans, the gentleman from Indiana, JOHN MYERS, just brought two grandsons on the floor. I have never seen better looking kids here. It makes me think of what we accomplished in that cold war, that hopefully young people like this can grow up without those nuclear drills that I remember in grade school, duck and cover, duck and cover.

When my good friend who I traveled to all the World War II battlefields in the South Pacific with, the gentleman from American Samoa, Mr. ENI FALEOMAVAEGA, and I still have to do Cary Grant to get your last name rhythm right, ENI, he is correct in the 5 trillion figure.

But if you take into account that dirge that some GI's would sing, ''$10,000 going home to the folks,'' if you put in all the costs of the heartbreak, the divorces that hit about a third of our POW's in the Vietnam subset of the cold war, if you put in all the agony and the legal bills and all of the peripheral expenses attached, I think $10 trillion is probably closer to the total figure of what we spent to keep out of the bloody, hot cold war, a nuclear exchange.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], another stalwart soldier in this fight, who had been a B–29 crewman in the great war, the big one, World War II, but for over a quarter of a century has fought as it was taking place for our missing-in-action and POW's in that major bloody part of the cold war, Vietnam, the distinguished chairman of our Committee on International Relations, who is following with another suspension vote. What an honor to have shared this struggle and gone to Russia with the gentleman, to East bloc countries, and to Hanoi itself with the gentleman, in part of this diplomatic effort of the cold war.

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

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

Mr. Speaker, I am pleased to join the distinguished gentleman from California [Mr. DORNAN], the gentleman from New York [Mr. LAZIO], and the other sponsors of this resolution, the gentleman from Texas [Mr. DELAY], the gentleman from South Carolina [Mr. SPENCE], the gentleman from Arizona [Mr. STUMP], and the gentleman from Mississippi [Mr. PARKER].

Mr. Speaker, I do not think we can emphasize enough the wonderful, courageous, dedicated work of our American teams out there, the personnel that served during the cold war, never knowing when they would have to be called upon to engage in actual hostility. They were not part of any invasion, they were not part of any landing, but they certainly fulfilled their responsibility by being ready, by being disciplined, by being dedicated.

I would just like to reemphasize what the gentleman from New York [Mr. LAZIO] stated, in saving and freeing 500 million people as a result of our cold war efforts. I do not think we can do enough to express our recognition of these courageous, dedicated American men and women.

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

Mr. Speaker, I see the gentleman from Guam [Mr. UNDERWOOD] is present. What a great part Guam has played with Anderson Air Force Base, B–52's launching all the way in the name of freedom, roaring over to Vietnam, stopping the invasion in December 1972.

Mr. PICKETT. Mr. Speaker, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

□ 1100

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from California [Mr. DORNAN] for raising that issue. Certainly Guam has been a keystone in the whole policy of containment coming out of World War II, in the early days, when they had a huge Army base as well as Air Force and naval facilities.

I would venture to say that many of the people that are being honored through this resolution, probably hundreds of thousands of people, have stopped in Guam along the way or perhaps were stationed there. Guam had a very important role in the Vietnam war and, of course, its value again to this country has been proven quite recently with the strike in Iraq and even in the evacuation of Kurdish refugees.

So Guam remains an important strategic part of the American presence throughout the world. We are happy to do so, and we are happy to play our part.

Mr. DORNAN. Mr. Speaker, how much time is remaining on our side?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from California [Mr. DORNAN] has 1½ minutes remaining.

Mr. DORNAN. Mr. Speaker, I yield myself the balance of my time.

To keep a bipartisan tone here, and since I have already quoted President John F. Kennedy, who came to power as he said, a new generation to whom the torch had been passed, born in this century, and to remind all my colleagues on the other side of the aisle and my colleagues on this side of the aisle how clearly President Kennedy saw this struggle between communism and freedom.

One of the Members, in a discussion on infanticide and sexual license yesterday recommended that I reread President Kennedy's speech to the greater Houston Ministerial Association on September 12, 1960, and I did. I will comment in an hour's special order tonight, if time allows, on this speech and how this country has gone through more decline in 36 years domestically.

One of the things struck me about President Kennedy's opening remarks. He mentioned eight issues he thought were more important than a creative religious conflict about the first Catholic since Alfred E. Smith to run for the Presidency and in his case became the victor.

Going back to front, he said, too late to the moon and outer space. He set that goal and we accomplished it. He talked about too few schools, too many slums, families forced to give up their farms, old people who cannot pay their doctor bills, the hungry children I saw in West Virginia, the humiliating treatment of our President and Vice President by those who no longer respect our power.

But I will close on what President Kennedy made item one, the spread of Communist influence until it now festers 90 miles off the coast of Florida. What a joy that at least we conquered the first one.

Mr. Speaker, in closing, allow me please to reiterate some of Mr. LAZIO's superb points and observations. House Concurrent Resolution 180 honors the many military members

and civilian employees of the Department of Defense, intelligence community, Foreign Service community, and other Federal agencies who contributed to the victory in the cold war.

Mr. Speaker, our Nation's victory over the Soviet Union and the Warsaw Pact brought to an end over 40 years of East-West confrontation. The gentleman from New York [Mr. LAZIO] is to be commended for bringing forward this resolution to recognize the men and women who served our Nation with skill, determination, and discipline during the cold war. It takes a thoughtful man of Mr. LAZIO's caliber to understand the historical importance of this resolution that so many of us simply overlooked. In our haste to celebrate a victory that most of us took for granted, it would have been very easy to chalk it up as just another landmark in the history of the United States. It was RICK LAZIO's resolution that made us pause, consider the struggle we had engaged for so many years, and give thanks to the people that sacrificed so much to gain the victory. The cold war victory is a monumental landmark in the history of the United States and thank God we had RICK LAZIO in the Congress to ensure the people who won that great victory are not forgotten.

The winning of the cold war required the concerted effort of all America, however, it was the people who serve our Nation in the military and throughout government as civilian employees who fought in the trenches of the cold war. It is these lives that we honor with this resolution. It is to these people we owe our heartfelt gratitude for their service.

Again, I commend again the gentleman from New York for this excellent resolution and I urge my colleagues to vote ''yes'' on House Concurrent Resolution 180. Please let's make it unanimous.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DORNAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 180, 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 was amended so as to read: ''Concurrent resolution commending the members of the Armed Forces and civilian personnel of the Government who served the United States faithfully during the Cold War.''

A motion to reconsider was laid on the table.

CONCERNING REMOVAL OF RUSSIAN FORCES FROM MOLDOVA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 145) concerning the removal of Russian Armed Forces from Moldova.

The Clerk read as follows:

H. CON. RES. 145

Whereas the United States Government has recognized and continues to emphasize its commitment to the independence and territorial integrity of the sovereign nation of Moldova;

Whereas units of the former Soviet 14th Army of the Russian Federation continue to be deployed on the territory of the sovereign nation of Moldova against the wishes of the government and the majority of the people of Moldova;

Whereas the Prime Minister of Russia and the Prime Minister of Moldova signed an agreement on October 21, 1994, according to which Russia would withdraw its military forces from Moldova within three years;

Whereas in the period since the agreement was signed, there have been negligible force reductions of the Russian Army in Moldova;

Whereas the Organization on Security and Cooperation in Europe has been engaged in efforts to resolve differences between the Government of Moldova and the authorities of the Transdniestria region where the Russian Army continues to be deployed, and the Government of Ukraine has offered to use its good offices to assist in these efforts; and

Whereas the Parliamentary Assembly of the Organization on Security and Cooperation in Europe has passed a resolution calling for the ''most rapid, continuing, unconditional, and full withdrawal'' of the 14th Army of the Russian Federation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls upon the Government of the Russian Federation to adhere to the provisions of the troop withdrawal agreement signed on October 21, 1994;

(2) welcomes recent statements by the Administration supporting Moldova's territorial integrity, and urges the Secretary of State to use every appropriate opportunity and means, including multilateral and bilateral diplomacy, to secure removal of Russian military forces from Moldova in accordance with the terms of the troop withdrawal agreement;

(3) urges all of Moldova's neighboring countries to recognize the sovereignty and territorial integrity of Moldova; and

(4) urges the Organization for Security and Cooperation in Europe to continue its efforts in resolving differences between the government of Moldova and the authorities of the Transdniestria region, and welcomes the offer by the Government of Ukraine to assist in these efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I rise in support of House Concurrent Resolution 145, which calls for the withdrawal of Russian troops from the sovereign and independent state of Moldova.

House Concurrent Resolution 145 speaks to the situation in Moldova with regard to the unwanted presence of Russian troops there, but, in speaking to that specific case, the resolution touches on a much larger problem concerning Russia's relations with its neighbors.

Mr. Speaker, the breakup of the Soviet Union in 1991 left Russia with access to a number of Soviet military facilities located on the territory of New Independent States such as Moldova. Unfortunately, for the last 3 years, rather than working sincerely to withdraw from those facilities, Russia has become more intent on maintaining its control of such bases.

To persuade these New Independent States to agree to such military bases, Russia has employed economic pressure and manipulation of ethnic conflicts, real and potential, in those states.

While Georgia and Armenia have now agreed to Russian military bases and border guards, Moldova and its eastern neighbor, Ukraine, are still seeking the removal of Russian-controlled military facilities from their territory.

On September 4, the House of Representatives passed House Concurrent Resolution 120, which calls on Russia to recognize Ukraine's sovereignty. The resolution before the House today calls on all of Moldova's neighbors to recognize its sovereignty—and on Russia to remove its military units form Moldova.

That is the right thing for Russia to do, particularly if it insists that the rest of the world respect Russia's own sovereignty.

Mr. Speaker, I want to commend my colleague on the House International Relations Committee, Mr. SMITH of New Jersey, for his work to bring this resolution to the floor today.

I hope that it will enjoy the support of all of my colleagues.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of this resolution and I yield myself such time as I may consume.

I commend the chairman of the Committee on International Relations and certainly the gentleman from New Jersey, who is the chief sponsor of this resolution, for bringing it before the floor of the House.

The conflict in Moldova has gone on too long, Mr. Speaker. The sides should intensify efforts to reach a political solution. Russian troops are in Moldova against the expressed wish of the Moldovan Government. Russia agreed and signed an agreement to withdraw its forces. The Congress here is calling on Russia to do the right thing and abide by that agreement.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the distinguished subcommittee chairman of our committee.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from New York [Mr. GILMAN], for yielding me this time, and I

want to thank him for his help and the gentleman from Indiana [Mr. HAMILTON], in bringing House Concurrent Resolution 145 which calls upon the Russian Government to remove its armed forces from the sovereign nation of Moldova.

The Government of the Russian Federation is being called upon to adhere to its agreement of October 21, 1994, with the Moldovan Government and withdraw its military forces and equipment from Moldova within a 3-year timeframe. The resolution further urges the Secretary of State to use every appropriate opportunity and means to secure such removal, urges all of the Moldovan neighbors to recognize the sovereignty and the territorial integrity of Moldova and urges the Organization for Security and Cooperation in Europe to continue its efforts in resolving the differences between that country and its neighbors to welcome the offer of the Government of Ukraine to assist in those efforts.

Mr. Speaker, very simply, Moldova, a nation which recently celebrated its fifth year of independence, is the last of the New Independent States in which Russian military forces are stationed without a specific agreement with the host government for their deployment. These forces, estimated at between 5,000 to 6,000 soldiers, are the remnants of the Soviet 14th Army stationed exclusively in the eastern region of Moldova.

While some Russian equipment has reportedly been moved out and some ammunition has been destroyed, there has been little progress in the removal of the military personnel, as called for in the 1994 agreement.

Mr. Speaker, the administration has indicated its support for this resolution and, hopefully, this pressure, this push, combined with statements by the Council of Europe and others will let the Russians know that we are very serious. This vestige of Russian troops who remain there needs to leave. They are not wanted, they are not welcome and they are certainly not needed. This resolution puts us on record in that regard.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 145, which calls upon the Russian Government to remove its armed forces from the sovereign nation of Moldova. I thank Mr. GILMAN, chairman of the House International Relations Committee, and Mr. HAMILTON, the ranking minority member of the committee, for their support for this resolution.

The Government of the Russian Federation is being called upon to adhere to its agreement of October 21, 1994, with the Moldovan Government and withdraw its military forces and equipment from Moldova within a 3-year timeframe. The resolution further urges the Secretary of State to use every appropriate opportunity and means to secure such removal; urges all of Moldova's neighbors to recognize the sovereignty and territorial integrity of Moldova; urges the Organization for Security and Cooperation in Europe [OSCE] to continue its efforts in resolving differences between the Government of Moldova and the authorities of the Transdniestria region; and welcomes the offer by the Government of Ukraine to assist in these efforts.

Mr. Speaker, Moldova, a nation which recently celebrated its fifth year of independence, is the last of the New Independent States in which Russian military forces are stationed without a specific agreement with the host government for their deployment. These forces, estimated at between 5,000 and 6,000, are the remnants of the Soviet 14th Army, stationed exclusively in the eastern Transdniestria region of Moldova. While some Russian equipment has reportedly been moved out, and some ammunition has been destroyed, there has been little progress in the removal of military personnel, as called for in the 1994 agreement.

Mr. Speaker, the administration has indicated its support for this resolution. During his meeting with Moldovan President Snegur in February 1995, President Clinton stated that the United States expects the 1994 agreement to be implemented on time. The State Department has reported that it "intends to continue to take advantage of every opportunity to encourage the removal of Russian military forces from Moldova in accordance with the terms of the troop withdrawal agreement."

The Moldovan Government supports this resolution.

Our European friends are also concerned about this issue. Both the OSCE Parliamentary Assembly and the Council of Europe have passed resolutions calling for the removal of the Russian military forces from Moldova.

Although the Russian Duma has yet to approve the 1994 treaty, the Russian Government is on record as saying it expects to abide by the agreement. Moreover, when the Russian Federation was admitted into the Council of Europe earlier this year, one of the stipulations for admission was that Russia would, and I quote:

> * * * ratify, in a period of sic months after the accessions of Russia to the Council of Europe, the Agreement of 21 October 1994 between the Russian and Moldovan Governments to continue the withdrawal of the 14th Army and its equipment from the territory of Moldova, within a time-limit of three years from the date of signature of the agreement.

Having agreed to this, and several other stipulations for membership, the Russian Federation became a member of the Council of Europe on February 28, 1996.

Mr. Speaker, the pending resolution does not attempt to dictate foreign policy to the Russian Federation, but merely asks the Russian Government to fulfill the agreement it made in 1994. In an era when NATO is exploring establishment of a special security relationship with Russia, I believe we should go on record expressing our concern that Moscow should act in good faith and remove its military forces from a sovereign state which poses no threat to Russian security.

Simply put, Russian armed forces are neither wanted nor needed in Moldova. I urge my colleagues to support this resolution.

Mr. GILMAN. 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, a former member of our House Committee on International Relations.

Mr. Speaker, I want to thank the gentleman from New Jersey for his supportive remarks.

Mr. SOLOMON. Mr. Speaker, I certainly thank the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and I want to tell the gentleman I still miss that committee. It is still one of the best committees in the Congress to serve on.

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

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want the gentleman to know that we miss his indulgence and work on our committee.

Mr. SOLOMON. I thank the gentleman.

Mr. Speaker, today, like the other Members, I am rising to support this resolution calling for the removal of Russian troops from Moldova, and I commend the gentleman from New Jersey, Mr. SMITH, for taking the lead on a very vital and important issue, especially Chairman GILMAN, for his leadership on all of these important issues.

Mr. Speaker, there is a forgotten country in Europe and it is called Moldova. In 1939 when Adolph Hitler and Joseph Stalin conspired to carve up Central Europe, a place called Moldova was ceded, so to speak, to the Soviet Union, and that was a disgrace.

Subsequent to this insidious and evil Nazi-Soviet Pact, Stalin's Red army invaded and annexed Moldova along with eastern Poland and the Baltic States as well. Some of the worst human rights violations in the history of this whole world took place after that happened. As we all know, Poland received its freedom and independence in 1989 with Soviet troops leaving shortly thereafter. The Baltic States gained their independence in 1991 though Russian troops intransigently remained until 1994.

Forgotten in our joy over these positive developments, however, is the fact that tiny Moldova, though it gained its independence in 1991, remains occupied by 7,000 troops of the Russian 14th Army, partly paid for by American foreign aid dollars, and that is the disgraceful part of this whole thing. They have no more right to be there today than Stalin did almost 50 years ago.

Frankly, when you consider that we are giving the Russian Government tens of billions of American taxpayer dollars, we should demand that the Russians leave Moldova. They ought to leave today, not tomorrow or new week or next month or next year.

The Moldovans have a right to get on with the task of building their new democracy without outside interference. By all reports, Moldova is handling this task quite well, all things considered. Moldova has received high marks from the administration for its economic reform efforts, has made good strides toward establishing democratic institutions and has been a good neighbor in the region of Central Europe and

has been a vigorous participant in NATO-related activities, NATO-related activities which keep peace in the whole area.

Moldova's desire to become a part of Western institutions, Mr. Speaker, is so important, and for that we should be grateful. For that we should support Moldova's efforts to free itself from Russian occupation.

We can serve both of these ends by passing this resolution unanimously here today, and I urge support for that. Again my hat is off to Chairman GILMAN and to the gentleman from New Jersey, CHRIS SMITH, for bringing this vital legislation to this floor.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New York [Mr. SOLOMON] for his supportive remarks. He has been a consistent supporter of doing the right thing in the former Soviet states.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and I again urge the adoption of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 145.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1115

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

REGARDING UNITED STATES MEMBERSHIP IN SOUTH PACIFIC ORGANIZATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189) expressing the sense of the Congress regarding the importance of United States membership in regional South Pacific organizations, as amended.

The Clerk read as follows:

H. CON. RES. 189

Whereas the United States and the South Pacific region enjoy a close and historic partnership built on a strong foundation of shared values and an unshakable commitment to democracy, development, and human rights;

Whereas the Pacific Island Nations and Governments, together with New Zealand and Australia, share many of the global objectives of the United States, including the nonproliferation of nuclear weapons, the protection of unique ecosystems, and sustainable economic development consistent with good resource management practices;

Whereas the United States, through support of the East-West Center in Hawaii, has facilitated establishment of the Pacific Islands Conference, wherein the heads of Pacific Island governments have met triennially to target critical research in furtherance of the region's trade, environment, and development; and

Whereas the United States is a member of the regional economic and social development body, the South Pacific Commission, participates in and plans to become a party to the regional environment body, the South Pacific Regional Environment Program, as well as being a dialogue partner for the regional political body, the South Pacific Forum: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the traditional and close ties between the United States and the South Pacific region and reaffirms the value of these ties;

(2)(A) notes the need to continue to support the efforts of the nations and governments of the region to enhance the sustainable development of the more fragile island economies and their integration into the regional economy, while helping to ensure the protection of the unique ecosystems of the region; and

(B) recognizes the efforts of the East-West Center and Pacific Islands Conference in furtherance of the efforts described in subparagraph (A);

(3) commands the South Pacific Commission for the process of managerial and organizational reform currently being undertaken, and recognizes the important role the United States financial contribution to, and participation in, the organization makes in assisting it to realize the gradual economic self-sufficiency to all members of the organization; and

(4) reaffirms the commitment of the United States as a member of the South Pacific Commission and a participant in the South Pacific Regional Environment Programme, and a member of the post-Forum dialogue partnership of the United States with the South Pacific Forum.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, I want to thank the chairman and ranking minority member of our Asia and Pacific Subcommittee for this support of House Concurrent Resolution 189, a resolution expressing the sense of the Congress regarding the importance of United States membership in regional South Pacific organizations.

In the post colonial era, regional cooperation has become one of the key elements in the development of the South Pacific. While the programs that the South Pacific Commission, the South Pacific Regional Environment Program and other regional organizations undertake are small in scale, the impact on regional stability is critical. In short the small investment is for a high return.

Nations in the South Pacific share our values and a commitment to the democratic process. These values are of course also shared by our friends in the North Pacific, many of whom such as the Federated States of Micronesia and the Republic of the Marshall Islands are also members of these important regional organizations. Their support has been important to the United States in the United Nations and other international fora. However, we cannot continue to take it for granted.

In the post-cold-war era we need to ensure that we remain engaged in this key strategic region on the doorstep of Asia. In order to do this we must continue to support the work of regional organizations such as the South Pacific Commission, the South Pacific Regional Environment Program and the South Pacific Forum.

Accordingly, I urge my colleagues to support the resolution.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD], a distinguished colleague and friend of mine, a very valued member of the Committee on National Security.

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

I want to extend my personal congratulations to the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], and the gentleman from California [Mr. BERMAN], for cosponsoring this resolution. This resolution draws attention to some very important islands and a very important ocean in this world and it is perhaps a mark of the changing world dynamics that we have to seek through a resolution to bring attention to this. I also want to personally thank the chairman of the subcommittee, Mr. BEREUTER, for his hearing yesterday in which he drew attention to the condition of the freely associated States in the North Pacific.

I have to make the point that as a former social studies teacher, although this resolution refers to areas in the South Pacific, that it includes the Northern Pacific as well, as indicated by Mr. GILMAN. Those of us who live in the Northern Pacific are sometimes lumped as part of the South Pacific, and it is an important item at least to those us who live north of the equator.

The objectives of this legislation are excellent. They help bring attention to a very crucial part of the world. Many issues, strategic issues of importance, continue to be manifested in this part of the world. Nuclear issues. There are island issues regarding economic development and some very unique ecosystems. But most of all there are people issues. These people, the Pacific islanders, of which I am proud to say that there are two Pacific islanders in this body, Mr. FALEOMAVAEGA and myself, represent some very unique cultural traditions and we also represent the American part of the Pacific. So it is quite natural that we stand in strong support of this resolution.

We should encourage American participation in regional organizations, but I believe that we have to raise another issue and our work should not end there. America has distinct historical, cultural, and political ties, ties which have been established and strengthened by American citizens of U.S. territories of the Pacific, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. The U.S. territories of the Pacific could play an important part in America's economic strategy in that region, and the Federal Government should appreciate the potential advantage it has because of the people of these territories.

The Federal Government should support the inclusion of territories in these regional forums as they participate themselves. These forums should also serve as opportunities to promote the territories of the North and South Pacific as America's economic and cultural bridge to Asia and the Pacific rim. This would be in the interests of both the territories and the Federal Government.

Our link to the Pacific is vital to the future of America's economy and foreign trade opportunity, but we should not forget that our ultimate interest in the Pacific region is people and, most importantly, our fellow American citizens who reside there.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], distinguished chairman of our Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me this time.

As the chairman of the Subcommittee on Asia and the Pacific, I rise in strong support of House Concurrent Resolution 189, which expresses the sense of Congress regarding the importance of U.S. membership in regional South Pacific organizations. This web would congratulate the resolution's author, chairman of the Committee on International Relations, Mr. GILMAN, for his excellent leadership on this issue. This Member is also pleased to join as a cosponsor of this important measure. I thank the gentleman from Guam for his very kind remarks, and I was very pleased that he joined us in a joint subcommittee hearing between the Committee on International Relations as a member of the Committee on Resources yesterday. He joined the gentleman from American Samoa and myself and other members of our two subcommittees to examine those parts of the Pacific that were once part of the trust territories assigned to the United States, now called freely associated states, and, of course, the Commonwealth of Northern Marianas. And the gentleman is right to recall that all the trust territories that we were assigned are a part of the Northern Pacific.

I think that the gentleman from American Samoa represents the only American territory in the southern hemisphere. He is shaking his head in affirmation. House Concurrent Resolution 189 is indeed a bipartisan resolution with the gentleman from American Samoa [Mr. FALEOMAVAEGA] and the gentleman from California [Mr. BERMAN] making very important contributions.

Mr. Speaker, the South Pacific is a vast region where the United States has a myriad of commercial and strategic interests. Unfortunately this important region does not receive the attention it deserves. Perhaps, understandably, this body tends to focus on civil war, natural disasters, and nations in crisis. But in the process, many of our friends, those nations which are not experiencing societal upheaval, seem to be overlooked.

This body seldom hears about the Pacific Island nations, in part because we have some good bilateral and multilateral relations, even though sometimes I think we neglect them. The United States productively contributes in a number of regional bodies, such as the South Pacific Regional Environmental Program and the South Pacific Forum and the East-West Center in Hawaii which serves as a major center of South Pacific policy studies as well as study on other parts of the Pacific and the Asian part of the Pacific rim.

This Member would say that this sort of resolution where this body takes the time, makes a small amount of effort, very well conceived, commending the efforts of our long-time friends and allies, serves a very important function; people do pay attention. This resolution tells our Pacific Island friends that we do not take them for granted and that we value their friendship.

When I was a member of the 42d General Assembly of the United Nations, a legislative delegate appointed, we took the time to meet with our South Pacific and Northern Pacific friends, and in fact we found that those were the countries that were voting with us the most often even though we sometimes, I am afraid, neglected them.

So I think this resolution tells the nations of the region that the United States intends to continue working with them in the future. It says we are interested in their views on regional, environmental, and development matters.

Mr. Speaker, these are important things to say, and this Member commends Chairman GILMAN for saying them so eloquently. I urge my colleagues to support the resolution.

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

I want to commend my good friend, the gentleman from Guam, for his earlier comments. He certainly is quite modest by saying that he is just a social studies teacher. The fact of the matter is, Mr. Speaker, he holds a doctorate in education from the University of Southern California. Some of my friends have described this university as the university of solid connections. My preference is that he should have attended the University of California at Berkeley where I matriculated, but I certainly want to commend my friend from Guam for his excellent comments. And I commend the gentleman from Nebraska, the chairman of the House Asia-Pacific Affairs Subcommittee, for his leadership as a chief sponsor of this legislation.

Mr. Speaker, I deeply commend the chairman of our committee Mr. GILMAN, for his strong leadership and introduction of this thoughtful measure which fosters positive relations between America and this important region of the world; important enough, Mr. Speaker, to note that the Pacific covers one-third of the earth's surface. I think we have to keep that in mind. I am proud to join Asia-Pacific Affairs Subcommittee Chairman DOUG BEREUTER and the subcommittee's ranking Democrat, HOWARD BERMAN, as an original cosponsor of House Concurrent Resolution 189.

Mr. Speaker, America has had a long and extraordinarily deep relationship with our friends and allies in the Pacific region. Before and since World War II, we have fought alongside our allies to preserve peace and nurture democracy in the Pacific.

Today, America continues this commitment through support of and participation with the region's most important organizations—the South Pacific Commission [SPC], the South Pacific Forum, and the South Pacific Regional Environmental Program [SPREP].

United States involvement with these leading regional organizations reflects the fact that America has substantial interests in the South Pacific—whether that be in the areas of investment and trade, strategic security and nuclear nonproliferation, democratic government and human rights, or protection of the Pacific marine environment which encompasses one-third of the Earth.

The resolution before our colleagues underscores that the concerns of the South Pacific governments often dovetail with America's interests, and it is vital that the United States continue to participate in these regional organizations and to support the important work of the South Pacific Commission, the South Pacific Forum, and the South Pacific Regional Environmental Program.

The resolution further recognizes the significant contributions of two other important institutions in the South Pacific region—the East-West Center in Hawaii and the Pacific Islands Conference.

In 1960, the U.S. Congress established and funded the East-West Center to foster mutual understanding and cooperation among the governments and peoples of the Asia-Pacific region. Mr. Speaker, the East-West Center has done an outstanding job with this mission, and in particular has significantly promoted positive and deeper relations between the United States and the South Pacific nations.

In 1980, the East-West Center facilitated the establishment of the Pacific Islands Conference, the only regional organization to bring together all heads of government in the South Pacific without regard to political status.

Meeting every 3 years, the Pacific Islands Conference of Leaders identifies and targets critical areas of research in furtherance of the region's trade, environment, and development. This research is subsequently conducted by the East-West Center's Pacific Islands Development Program.

With U.S. support, the efforts of the East-West Center and the Pacific Islands Conference have contributed to progress for responsible and sustained economic development in the South Pacific region.

Mr. Speaker, I would ask our colleagues to join us in adopting this worthy legislation which reaffirms the value of the historically close ties between the United States and the Pacific Island nations, and calls for continued U.S. engagement in the affairs of the South Pacific region.

I would urge passage by the House of House Concurrent Resolution 189.

Mr. GILMAN. Mr. Speaker, I want to thank the delegate from American Samoa for his supportive remarks and for his continued hard work on behalf of the Pacific communities. I want to thank our distinguished chairman of our Subcommittee on Asia and the Pacific, Mr. BEREUTER, for his supportive work on this measure.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I urge adoption of this resolution, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 189, as amended.

The question was taken.

Mr. FALEOMAVAEGA. 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, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1130

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed yesterday and today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3852, by the yeas and nays: H.R. 4137, by the yeas and nays; H.R. 3456, by the yeas and nays; H.R. 2092, by the yeas and nays; House Resolution 535, by the yeas and nays; House Concurrent Resolution 145, by the yeas and nays; and House Concurrent Resolution 189, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3852, 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. 3852, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 34, not voting 13, as follows:

[Roll No. 434]

YEAS—386

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
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 (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
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
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Yates
Young (AK)
Zeliff
Zimmer

NAYS—34

Becerra
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Dellums
Fattah
Fields (LA)
Foglietta
Ford
Gonzalez
Hastings (FL)
Jackson (IL)
Jefferson
Johnston
Lewis (GA)
Meek
Millender-McDonald
Owens
Payne (NJ)
Rangel
Roybal-Allard
Rush
Scott
Stokes
Thompson
Torres
Velazquez
Waters
Watt (NC)
Wynn

NOT VOTING—13

Chapman
Clayton
Engel
Gibbons
Hayes
Heineman
Hilliard
Kennedy (RI)
McInnis
Peterson (FL)
Towns
Wilson
Young (FL)

□ 1151

Ms. VELÁZQUEZ and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ARMEY 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4137.

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. 4137, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 11, as follows:

[Roll No. 435]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
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)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (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
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Waters

NOT VOTING—11

Dickey
Engel
Gibbons
Hayes
Heineman
Hilliard
Kennedy (RI)
McInnis
Peterson (FL)
Towns
Wilson

□ 1202

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained and was unable to vote earlier today on the first two votes in the string of votes that have just been taken. Had I been present, I would have voted in favor of H.R. 3852, rollcall vote No. 434, and on H.R. 4137, rollcall vote No. 435.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

The SPEAKER pro tempore (Mr. EWING). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3456, 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. 3456, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 9, as follows:

[Roll No. 436]

YEAS—423

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton

Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
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
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (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
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Watt (NC)

NOT VOTING—9

Gibbons
Hayes
Heineman
Hilliard
McInnis
Peterson (FL)
Royce
Towns
Wilson

□ 1211

Ms. PELOSI changed her 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.

PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2092, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is one the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 2092, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 6, not voting 12, as follows:

[Roll No. 437]

YEAS—415

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
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.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth

Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Conyers
Cooley
Scarborough
Taylor (NC)
Waters
Williams

NOT VOTING—12

Cox
Gibbons
Hayes
Heineman
Johnson, Sam
McInnis
Meehan
Mollohan
Peterson (FL)
Rogers
Towns
Wilson

□ 1221

Mrs. CLAYTON changed her 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.

GOVERNMENT ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. EWING). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 535.

The Clerk read the title of the resolution.

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 agree to the resolution, House Resolution 535, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 438]

YEAS—424

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
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
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
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
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Gibbons
Hayes
Heineman
McInnis
Obey
Peterson (FL)
Torricelli
Towns
Wilson

□ 1229

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3497, 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 Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 3497, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 15, as follows:

[Roll No. 439]

YEAS—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest

Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
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
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

Cooley

NOT VOTING—15

Armey
Beilenson
Gibbons
Hayes
Heineman
Hostettler
Hunter
Markey
McInnis
Millender-McDonald
Myers
Owens
Peterson (FL)
Towns
Wilson

□ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I the Chair redesignates the time for further proceedings on the two questions postponed earlier today to a time later today.

FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2101) to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman from Florida [Mr. MCCOLLUM] explain the purpose of the request?

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Speaker, this bill provides educational assistance to spouses and children of officers who have been killed or disabled in the line of duty; that is law enforcement officers.

This legislation is an attempt to give some measure of comfort to Federal law enforcement officers so they can know that if they are killed while in the line of duty they will not have failed in the duty to their family.

This legislation is limited to any child under the age of 27, and dependents can only receive educational benefits for up to 45 months. The process under this bill is simple. A dependent submits an application to the Attorney General and, subject to regulations promulgated by the Attorney General, a dependent is notified whether or not he or she is eligible.

Many States already provide these benefits to law enforcement officers, and this bill extends the same protections to Federal law enforcement officers and their families.

That is the entire essence of it, and I do not think it is controversial in any way.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation and I recognize that this supports our Federal agents who have died in the line of duty, and that this protects their family and gives them additional opportunity for education.

Mr. STUDDS. Mr. Speaker, 4 years ago, on August 21, 1992, Deputy United States Marshal William F. Degan lost his life in the performance of his duty during the violent confrontation at Ruby Ridge, ID, between Federal marshals and white separatist Randy Weaver.

While many intervening tragedies have since captured the public's attentions, Bill is well remembered in his hometown of Quincy, Massachusetts, as a patriot who responded to the call of duty, and a husband and father devoted to the family he left behind.

It is in recognition of his supreme sacrifice that I joined with Senator SPECTER and Congressman FOX in introducing this important bill, which will provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

Years ago, the Congress established an educational assistance program for the survivors and dependents of members of the armed forces who are killed or disabled in the line of duty. Surely the brave men and women who put their lives on the line to ensure our domestic tranquility deserve no less.

This legislation will ensure that Bill Degan's sons, William Jr. and Brian, and others in their situation, are able to afford the kind of education their parents would have wanted them to have. It will be a fitting tribute to a man who did so much to make our country a better and safer place in which to live.

Mr. Speaker, thanks are in order to many people who have made it possible for this bill to reach the floor: to the chairman and ranking member of the committee and the subcommittee; to the gentleman from Pennsylvania, Mr. FOX; to Senator SPECTER and his Senate cosponsors; and to the entire Massachusetts delegation for their cosponsorship of this legislation;

To President Clinton, who has indicated his support for the bill and has always shown such concern for the safety and well-being of those whom it will benefit; and

To the men and women of the U.S. marshals service and their colleagues throughout the law enforcement community, who have

joined us in working for this legislation and who continue to exhibit the courage and selflessness that Bill Degan so exemplified.

Finally, Mr. Speaker, I wish to pay tribute to Karen Degan, who has shown such dignity and courage in the face of tragedy and loss, and has done so much to honor Bill's memory and enrich his legacy.

I urge support for the bill and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2101

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 ''Federal Law Enforcement Dependents Assistance Act of 1996''.

SEC. 2. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF SLAIN FEDERAL LAW ENFORCEMENT OFFICERS.

Part L of title in of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by—

(1) inserting after the heading the following: **"Subpart 1—Death Benefits"**; and

(2) adding at the end the following:

"Subpart 2—Educational Educational Assistance to Dependents of Slain Federal Law Enforcement Officers Killed or Disabled in the Line of Duty

"SEC. 1211. PURPOSES.

''The purposes of this subpart are—

''(1) to enhance the appeal of service in civilian Federal law enforcement agencies;

''(2) to extend the benefits of higher education to qualified and deserving persons who, by virtue of the death of or total disability of an eligible officer, may not be able to afford it otherwise; and

''(3) to allow the family members of eligible officers to attain the vocational and educational status which they would have attained had a parent or spouse not been killed or disabled in the line of duty.

"SEC. 1212. BASIC ELIGIBILITY.

''(a) BENEFITS.—(1) Subject to the availability of appropriations, the Attorney General shall provide financial assistance to a dependent who attends a program of education and is—

''(A) the child of any eligible Federal law enforcement officer under subpart 1; or

''(B) the spouse of an officer described in subparagraph (A) at the time of the officer's death or on the date of a totally and permanently disabling injury.

''(2) Financial assistance under this subpart shall consist of direct payments to an eligible dependent and shall be computed on the basis set forth in section 3532 of title 38, United States Code.

''(b) DURATION OF BENEFITS.—No dependent shall receive assistance under this subpart for a period in excess of forty-five months of full-time education or training or a proportional period of time for a part-time program.

''(c) AGE LIMITATION FOR DEPENDENT CHILDREN.—No dependent child shall be eligible for assistance under this subpart after the child's 27th birthday absent a finding by the Attorney General of extraordinary circumstances precluding the child from pursuing a program of education.

"SEC. 1213. APPLICATIONS; APPROVAL.

''(a) APPLICATION.—A person seeking assistance under this subpart shall submit an application to the Attorney General in such form and containing such information as the Attorney General reasonably may require.

''(b) APPROVAL.—The Attorney General shall approve an application for assistance under this usbpart unless the Attorney General finds that—

''(1) the dependent is not eligible for, is no longer eligible for, or is not entitled to the assistance for which application is made;

''(2) the dependent's selected educational institution fails to meet a requirement under this subpart for eligibility;

''(3) the dependent's enrollment in or pursuit of the educational program selected would fail to meet the criteria established in this subpart for programs; or

''(4) the dependent already is qualified by previous education or training for the educational, professional, or vocational objective for which the educational program is offered.

''(c) NOTIFICATION.—The Attorney General shall notify a dependent applying for assistance nuder this subpart of approval or disapproval of the application in writing.

"SEC 1214. REGULATIONS.

The Attorney General may promulgate reasonable and necessary regulations to implement this subpart.

"SEC. 1215. DISCONTINUATION FOR UNSATISFACTORY CONDUCT OR PROGRESS.

''The Attorney General may discontinue assistance under this subpart when the Attorney General finds that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

"SEC. 1216. SPECIAL RULE.

''(a) RETROACTIVE ELIGIBILITY.—Notwithstanding any other provision of law, each dependent of a Federal law enforcement officer killed in the line of duty on or after May 1, 1992, shall be eligible for assistance under this subpart, subject to the other limitations of this subpart.

''(b) RETROACTIVE ASSISTANCE.—The Attorney General may provide retroactive assistance to dependents eligible under this section for each month in which the dependent pursued a program of education at an eligible education institution. The Attorney General shall apply the limitations contained in this subpart to retroactive assistance.

''(c) PROSPECTIVE ASSISTANCE.—The Attorney General may provide prospective assistance to dependents eligible under this section on the same basis as assistance to dependents otherwise eligible. In applying the limitations on assistance under this subpart, the Attorney General shall include assistance provided retroactively. A dependent eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as dependents otherwise eligible.

"SEC. 1217. DEFINITIONS.

''For purposes of this subpart:

''(1) The term 'Attorney General' means the Attorney General of the United States.

''(2) The term 'Federal law enforcement officer' has the same meaning as under subpart 1.

''(3) The term 'program of education' means any curriculum or any combination of unit courses or subjects pursued at an eligible education institution, which generally is accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. It includes course work for the attainment of more than one objective if in addition to the previous requirements, all the objectives generally are recognized as reasonably related to a single career field.

''(4) The term 'eligible educational institution' means an institution which—

''(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section; and

''(B) is eligible to participate in programs under title IV of such Act.

"SEC. 1218. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart such sums as may be necessary.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1675) to provide for the nationwide tracking of convicted sexual predators, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, I will not object if the gentleman from Florida will please explain his request.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Speaker, we just passed the Sexual Offender Tracking and Identification Act of 1996 as a suspension a few minutes ago, and the entire purpose of this request today is to take up the companion Senate bill, which is identical to the bill we just passed by a vote of 423 to 1, and send it to the President for his consideration.

This allows us to send this bill, the Senate has already passed an identical bill, to the President without having to send it back to the other body. That is the entire purpose of this exercise.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation and agree to the urgency of this legislation and the importance in protecting our citizens from devastating crime.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1675

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 ''Pam Lychner Sexual Offender Tracking and Identification Act of 1996''.

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

"SEC. 170102. FBI DATABASE.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'FBI' means the Federal Bureau of Investigation;

''(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

''(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

''(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1);

''(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

''(C) meets the requirements for verification under section 170101(b)(3); and

''(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

''(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

''(1) each person who has been convicted of a criminal offense against a victim who is a minor;

''(2) each person who has been convicted of a sexually violent offense; and

''(3) each person who is a sexually violent predator.

''(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

''(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

''(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

''(2) for the life of the person, if that person—

''(A) has 2 or more convictions for an offense described in subsection (b);

''(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

''(C) has been determined to be a sexually violent predator.

''(e) VERIFICATION.—

''(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

''(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

''(f) COMMUNITY NOTIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

''(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

''(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

''(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

''(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

''(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate database, with—

''(A) the FBI; and

''(B) the State in which the new residence is established.

''(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

''(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

''(B) the FBI.

''(5) VERIFICATION.—

''(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction from which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

''(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

''(C) VERIFICATION.—

''(i) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

''(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (i), the FBI shall—

''(I) classify the person as being in violation of the registration requirements of the national database; and

''(II) add the name of the person to the National Crime Information Center Wanted person file and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

''(h) FINGERPRINTS.—

''(1) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

''(2) STATE REGISTRATION SYSTEMS.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

''(i) PENALTY.—A person required to register under paragraph (1), (2), or (3) of subsection (g) who knowingly fails to comply with this section shall—

''(1) in the case of a first offense—

''(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than $100,000; or

''(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than $100,000; or

''(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than $100,000.

''(j) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be disclosed by the FBI—

''(1) to Federal, State, and local criminal justice agencies for—

''(A) law enforcement purposes; and

''(B) community notification in accordance with section 170101(d)(3); and

''(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).''.

''(k) NOTIFICATION UPON RELEASE.—Any State not having established a program described in section 170102(a)(3) must—

''(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

''(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1).''.

SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

''(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

''(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

''(B) for the life of that person if that person—

''(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

''(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

''(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).''.

SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: '', victim rights advocates, and representatives from law enforcement agencies''.

SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

''(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).''.

SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: ''The person shall include with the verification form, fingerprints and a photograph of that person.''.

SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

''(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State Law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.''.

SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and Federal law enforcement agencies, employees of State and Federal law enforcement agencies, and State and Federal officials shall be immune from liability for good faith conduct under section 170102.

SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3456) was laid on the table.

REMOVAL OF RUSSIAN TROOPS FROM KALININGRAD

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 51) expressing the sense of the Congress relating to the removal of Russian troops from Kaliningrad, as amended.

The Clerk read as follows:

H. CON. RES. 51

Whereas from 1945 to the early 1990's Kaliningrad was a Russian military outpost consisting of as many as 200,000 Russian military personnel concentrated in an area of 15,000 square kilometers and Kaliningrad has suffered substantial environmental damage as a result of this military presence;

Whereas since this time the number of Russian military personnel in Kaliningrad has declined significantly, although the number of such personnel in the region is still substantial;

Whereas polls conducted by the Kaliningrad Sociological Center have shown that over 60 percent of the Kaliningrad public favors development of Kaliningrad as an economic bridge between Europe and Russia;

Whereas establishment of Kaliningrad as a free economic zone by the Russian Government in 1994 represents a positive step toward Kaliningrad's integration into the Baltic and European economies and toward giving Kaliningrad an opportunity to flourish economically and to contribute substantially to the well-being of the Baltic region; and

Whereas Russian economic analysts at the Russian Foreign Policy Foundation have noted that militarization of Kaliningrad ''corresponded neither to the needs of the population of the region itself, nor to the necessities of its economic development'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Lithuania, Latvia, and Estonia have the right to self-determination which extends to the conduct of their foreign policy regarding membership in the North Atlantic Treaty Organization;

(2) development of the Kaliningrad region as a free trade zone will help ensure the freedom and future prosperity and stability of the Baltic region; and

(3) continued military reductions in and environmental restoration of the Kaliningrad region will greatly facilitate economic development and prosperity in Kaliningrad.

□ 1245

The SPEAKER pro tempore. (Mr. EWING). Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New York, [Mr. GILMAN].

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

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

Mr. GILMAN. Mr. Speaker, House Concurrent Resolution 51 focuses on a situation that has received very little attention in our foreign policy considerations with regard to Europe—and specifically with regard to the Baltic region of that continent.

This resolution, as introduced by Congressman COX of California—and as amended by the House International Relations Committee, expresses certain concerns regarding that portion of the Baltic region now known as Kaliningrad, which has been a part of the Russian Federation since the end of World War II.

Specifically, the resolution notes the need for Russia to continue to reduce its military presence in Kaliningrad, encourages the environmental restoration of that enclave, and also encourages its economic integration into the larger Baltic region.

Unlike the original text, the amended version of this resolution does not raise questions concerning Russia's sovereignty over Kaliningrad.

Frankly, it is probably best that we leave unopened the Pandora's Box that involves possible border changes and challenges to sovereignty in post-cold-war Eastern Europe.

Still, although this resolution does not now challenge the sovereignty of the Russian Federation with regard to Kaliningrad, we should take a moment to at this point to note Russia's challenges to the sovereignty of the Baltic states—including:

Its threats of retaliation against those states as they seek membership in NATO;

Russian military transit to and from Kaliningrad through the sovereign territory of Lithuania; and

Questions related to the Russian border with Estonia.

With regard to that last issue, Russia's de facto demarcation of the border with Estonia has left Estonia with little choice but to relinquish 5 percent of the territory it held prior to the 1940 Soviet occupation.

All Estonia asks in return is that Russia recognize the validity of the 1920 Treaty of Tartu, under which the U.S.S.R. recognized Estonia's sovereignty.

Russia, however, continues to refuse to recognize that Treaty.

Mr. Speaker, as I have stated, this resolution, as amended, does not challenge the current status of Kaliningrad.

Let me take this opportunity, however, to say that what is good for the goose is good for the gander.

If Russia expects its sovereignty to be respected in regions like

Kaliningrad, it must respect the sovereignty of its neighbors, including the Baltic States.

I hope that the President will make that clear to the Russian Government, and make it clear also—as this resolution does—that the decision by the Baltic states to apply for membership in NATO is their decision to make.

It should not be subject to continuing threats of military retaliation originating in Russia proper or from the Kaliningrad region.

Mr. Speaker, I commend my colleague, Congressman COX, for working diligently on this resolution and on issues of security and stability in the Baltic region in general.

I am pleased to be a cosponsor of this resolution, along with more than 50 other Members of Congress, and I hope that all of my colleagues will join in supporting this measure.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of this resolution, as amended by the Committee on International Relations. I want to commend the gentleman from New York, the chairman of the Committee on International Relations, and the gentleman from California [Mr. COX] for their hard work in working the provisions of this resolution.

I appreciate the gentleman from California's willingness to work with the administration and with the minority to craft a resolution that deserves strong bipartisan support. I believe this resolution is constructive. It spells out a future for Kaliningrad that can contribute to peace, stability, and prosperity in the Baltic region. In case some of our colleagues do not know where Kaliningrad is located, Mr. Speaker, it is between Poland and Lithuania.

Mr. Speaker, I urge colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, let me just say that I have very much enjoyed serving under the gentleman's chairmanship. I served in my 18 years in Congress under many chairmen, but I must say that he is the most fair, the most open-minded and also the most internationally focused. It is one of the reasons the last resolution we had before us on Kaliningrad. There are not many chairmen, in my opinion, that would have taken this up because there is not much of a constituency. But it is a big problem and he addressed it. I think it exemplifies the type of leadership that we have had under his chairmanship, and I think I just want to say it has been most gratifying to serve under the gentleman.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX], who is a major sponsor of this measure.

Mr. COX of California. Mr. Speaker, I, too, want to congratulate the chairman not only for reporting this vitally important legislation but also for what he has done throughout the last 2 years of this remarkably productive Congress. He has been a beacon of wisdom, judgment, and expertise on the subject of foreign affairs. I wanted to thank him personally for the leadership that he has provided to the United States during this period.

The bill before us, House Concurrent Resolution 51, will promote two very good ideas in the relationship between Russia and Western Europe and, frankly, the United States and the rest of the world.

The first is that it will demilitarize a region that is not even contiguous to Russia but in which Russia maintains more than twice as many troops as does the United States and all of Europe. That is Kaliningrad. Kaliningrad, as has been discussed here amply, is nudged between, nestled between Lithuania, Poland, Belarus. It is not reachable from Russia without crossing the air space or the territory of some other country.

Necessarily without the permission of Lithuania, particularly when Russia used to be the Soviet Union, the troop crossings took place massively, disruptively in ways that caused a great deal of friction. It is important for Baltic peace, stability, and security that Kaliningrad be demilitarized. It is also important for the relationship of Russia, Europe, and the United States because this is a potential hot spot. This is where NATO and Russia might unfortunately accidentally meet in the future. It ought not to happen.

This is a flash point of conflict that we can see in advance, that we ought to deal with it just now. Russia did not create this problem. Russia is now a nation friendly to the United States. Russia inherited this problem, and as a sign of good faith Russia ought to neutralize this situation as quickly as possible.

The second good idea embedded in this resolution is that the area of Kaliningrad will be made a free trade zone, making this area centrally located at the intersection of the Baltics, of Western and Eastern Europe and Russia, making this area economically vital, a bridge from Russia to Europe and from Europe into Russia. In 1995, Boris Yelstin signed a decree creating a 10-year free ecomonic zone in Kaliningrad. Customs duty exemptions are maintained in this area as a result. There is a 5-year cap on tax rates at 16 percent. This compares favorably even to Hong Kong, where the rate is 17 percent.

Before Kaliningrad can become another economic Hong Kong, the region has to undergo a massive environmental cleanup. As a result of the Soviet military occupation and presence in this area for so long a period of time, Kaliningrad became the major polluter of the Baltic Sea. This, too, must be attended to. Kaliningrad must be cleaned up. The key elements of the resolution before us are the following: First, the need for Kaliningrad's demilitarization; second, the need for environmental cleanup; third, the development of Kaliningrad as a commercial bridge between Europe and Asia; and, finally, Lithuania, Latvia, and Estonia's right autonomously, independently, without coercion to join whatever military alliance they wish. It happens that that is NATO. They have the right to request NATO membership.

This resolution is strongly supported by a number of groups who have communicated with us in the Congress, not the least of whom are committees representing all the Baltic nations. I personally have met with the presidents of each of the Baltic countries in recent weeks to discuss this. I know that if Russia takes these forward-looking steps, it will very much improve the prospects for even better relations between the United States and Russia.

For that reason, I have written this resolution, introduced it, moved it through the committee, and am happy to have it here before us on the floor today. By sending this message, not just to Russia but to the people of Estonia, Latvia, Lithuania, Poland, Belarus, all of Europe, Congress will help reduce the possibility of military conflict between Russia and NATO, between Russia and its neighbors and bolster the progress of freedom in the Baltics and in Russia.

I urge an aye vote in favor of the resolution.

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

JOINT BALTIC AMERICAN
NATIONAL COMMITTEE, INC.,
Rockville, MD, September 13, 1996.

Hon. BENJAMIN GILMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILMAN: The Joint Baltic American National Committee, Inc. (JBANC) appreciates your efforts to facilitate NATO expansion and hopes for your support for Congressman Christopher Cox's Concurrent Resolution no. 51, regarding Kaliningrad.

JBANC is concerned about the security and territorial integrity of the Baltic countries. We support the Baltic states membership in NATO. The demilitarization of Russian forces, environmental restoration, and development of a free trade zone in the Kaliningrad region will help create stability in the entire Baltic area.

Baltic regional security is in the U.S. national interest. A recent study by the Commission on America's National Interests places the Baltic states in the ''extremely important interest'' category. It states that a U.S. policy priority is to prevent Russia from reabsorbing the Baltic states.

Your efforts to help restore security in the Baltic region will be greatly appreciated.

Sincerely,

VELLO EDERMA,
Chairman.

CENTRAL AND EAST
EUROPEAN COALITION,
Washington, DC, August 29, 1996.

COALITION STATEMENT ON BALTIC SECURITY

The Central and East European Coalition expresses deep concern for the security of the Baltic states of Estonia, Latvia and Lithuania in the face of constant vocal threats from Russia. These threats run from demands to draw them into the Russian sphere of influence and prevent them from being considered for NATO membership, to outright absorption into the Russian state.

The Central and East European Coalition is an umbrella organization of 18 national ethnic groups, representing some 22 million Americans with roots in Central and Eastern Europe.

The aggressive Russian rhetoric has originated from President Yeltsin, the Foreign and Defense Ministers and many other officials, diplomats and the military. In some cases, threats have included renewed military occupation. Government-funded think-tanks have drafted new doctrines that have suggested absorption of the three independent states into a new Russian-controlled entity. In confidential correspondence, President Yeltsin has attempted to influence President Clinton to keep the Balts out of NATO.

The Coalition opposes Russian intimidation against any of its neighbors. The Baltics, as other independent states of Central and Eastern Europe, are and must remain sovereign states. Their territorial integrity must be preserved. Their independence and development of democratic institutions and free markets are in the national interest of the United States. The Commission on America's National Interests, a joint enterprise consisting of RAND, Harvard and the Nixon Center, recently concluded that it is in ''extremely important'' U.S. national interest to prevent Russia from reintegrating Estonia, Latvia and Lithuania by force.

The Coalition urges the Administration and the Congress, along with the Presidential candidates, immediately to issue specific public declarations in support of the security of the Baltic States and their right to sovereignty, the inviolability of their territory, and their right to seek NATO membership. Russia must be warned that continued intimidation and threats against the Baltics will be met with appropriate measures.

LITHUANIAN AMERICAN COMMUNITY,
INC., BOARD OF DIRECTORS, EXECUTIVE COMMITTEE,
Los Angeles, CA, September 11, 1996.

Hon. BENJAMIN A. GILMAN,
Chairperson, Committee on International Relations, House of Representatives.

DEAR CONGRESSPERSON GILMAN: It is my understanding that in the near future, the Committee on International Relations might consider the revised version of House concurrent Resolution 51, introduced by Congressmen Christopher Cox and William O. Lipinski calling for the demilitarization of the Kaliningrad region on the shores of the Baltic sea.

This is an issue of monumental importance to the Baltic American community in the United States as well as the people of the Baltic countries. The Kaliningrad/Konigsberg enclave is the site of a massive concentration of Russian military forces, equipment and weapons right in the heart of the Baltic region. As such it is a serious military threat to the sovereignty of Estonia, Latvia and Lithuania and a destabilizing factor in Central and Eastern Europe.

Specifically, HCR 51 calls for the demilitarization of Kaliningrad and calls upon Russia to respect Baltic interests in joining NATO.

I respectfully ask your support for the resolution when it is considered by the Committee on International Relations.

Thank you for your help.

Respectfully,

ANTHONY POLIKAITIS,
Secretary.

SEPTEMBER 11, 1996.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives.

I understand that the Committee on International Relations may soon consider the revised version of House Concurrent Resolution 51, requesting demilitarization of the Kaliningrad region and respecting Baltic interests in joining NATO.

This is a critical issue to the safety of the Baltic region, as well as a major concern to the Baltic American Community. The large concentration of Russian military forces and weapons in the heart of Northern Europe poses a serious military threat. It is also a good reason for the Baltic countries to become part of NATO.

Our community asks that you support HCR 51 when it enters your committee. We appreciate your support.

Sincerely,

ULDIS K. SIPOLS,
Chairman, Latvian Association of Detroit.

AMERICAN LATVIAN ASSOCIATION
IN THE UNITED STATES, INC.,
Rockville, MD, September 9, 1996.

Hon. CHRISTOPHER COX,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: The American Latvian Association, which unites more than 160 Latvian American groups located throughout the United States, wholeheartedly supports HCR 51, expressing the sense of Congress concerning demilitarization, environmental improvement and economic development in the Kaliningrad region. We thank you for your leadership on this legislation, which affirms U.S. interest in the achievement of stable, secure and environmentally safe conditions for the furthering of democratic and market reforms in Central and Eastern Europe and the Baltic countries.

As the process of political, security and economic transformation continues in the lands formerly controlled by the Soviet Union and the Warsaw Pact, concern continues to grow about the Kaliningrad region of the Russian Federation. An exclave of the Russian Federation separated from Russia's mainland by Lithuania and Poland, the Kaliningrad region, economically disadvantaged and environmentally degraded by its former Soviet administrators, continues today to be a major outpost for the armed forces of the Russian Federation.

Russia has taken steps to reverse the region's economic plight, by establishing Kaliningrad as a Free Economic Zone. However, Kaliningrad and its military garrison continue to be used by Russia as a means to intimidate the country's closest western neighbors, including Latvia, Estonia, Lithuania and Poland. Russian military forces in the region have been used repeatedly as an argument against the expansion of the NATO alliance to include countries that have made clear their freely stated desire to join the group—specifically the formerly Soviet occupied, now sovereign countries of Latvia, Estonia and Lithuania.

In a Europe recovering from a half-century of superpower confrontation, Kaliningrad is notable for its lack of participation in the political, economic and security transformation now underway. This legislation, which offers sensible suggestions to achieve stability, security and environmental safety in Kaliningrad, serves as a reasonable expression of the will of Congress concerning this pivotal region of Europe. This is why the American Latvian Association supports HCR 5 1, and thanks you, Rep. Cox, for your sponsorship of this important legislation.

Sincerely,

JÃNIS KUKAINIS,
President.

LITHUANIAN-AMERICAN
COMMUNITY, INC.
Arlington VA, September 12, 1996.

Hon. CHRISTOPHER COX,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COX: As a steadfast and long time supporter of Lithuania's independence, we greatly value your efforts to enhance Lithuania's security and peace in the Baltic region by focusing U.S. government attention on the continuing problem of Russian military forces in the Baltic seacoast region now known as Kaliningrad.

We all know the history of the region; i.e., that the former Soviet government parlayed its role as temporary administrator of the area after World War II into a huge military base at the heart of Europe. The current Russian government maintains it as the most forward projection of Russian military power in Europe. As you know, the forces that Russia maintains in the Kaliningrad area do not fall under CFE Treaty limits. And Russian officers stationed in the region have been linked to illegal weapons shipments and smuggling of illicit drugs.

It is quite clear from the negotiations which have proceeded between yourself and the Clinton Administration, that the Clinton Administration intends to continue to turn a blind eye to the threats posed by the continuing Russian military presence in Kaliningrad.

We support your efforts without reservation and urge you and your colleagues in the House and Senate to stand firm in requiring the Clinton Administration to begin, what will be a long process of, strengthening the security of the emerging democracies of Lithuania, Poland, Latvia, Estonia and the rest of central Europe.

We believe that the fundamental question which the United States Congress should address is the question of security for the states bordering the Russian exclave in the Kaliningrad territory. We have suggested language which appears the State Department has rejected. But we submit it to the Congress, hoping that it or something similar in nature will find its way into the final version of the Cox resolution.

Resolved: That it is the sense of the Congress that the United States in pursuing enhanced security for the countries of Eastern Europe, should take all possible steps to ensure that the Russian Federation's efforts to maintain relations with the territory now known as Kaliningrad, not undermine the security and sovereignty of any neighboring country.

The current inattention to the threats emanating from the Russian military forces based in the Kaliningrad territory will only fester weakening the surrounding states and undermining the peace in Europe. Since the Administration lacks the political will to focus on this problem before it becomes a crisis, it is right that the United States Congress should remind the Administration of its responsibility to help secure the peace and security of the emerging democracies of Eastern Europe.

Sincerely,

REGINA NARUSIS, J.D.,
President, Lithuanian-American Community, Inc.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume. This may be the last item that I will be managing during the 104th Congress. I wanted to take just a moment to note that there were a number of significant legislative achievements of the Committee on International Relations during this Congress and to say a few words of gratitude to those who have assisted our committee in its work.

I also want to take this opportunity to recognize the members of our committee who will not be returning next year. We will have other opportunities to discuss their careers at length. I would like to mention special affection for the gentleman from Wisconsin, TOBY ROTH, for the gentlewoman from Kansas, JAN MEYERS, for the gentleman from Kansas, SAM BROWNBACK, the gentleman from New Jersey, BOB TORRICELLI, and the gentleman from Florida, HARRY JOHNSTON. Serving together on our committee is a very special experience, and I have valued our relationship with each of these Members.

I would also like to specifically thank the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the committee. He and I have faced each other many times during the past 2 years, sometimes on the same side of the question, sometimes on opposite sides. I very much appreciate his many courtesies and the courtesies he has extended through his staff.

I have been privileged during the Congress to have been able to have the assistance of the gentleman from Nebraska, DOUG BEREUTER, who served as the vice chairman of our committee and also as subcommittee chairman. I extend my thanks to him and to TOBY ROTH, the gentleman from New Jersey, CHRIS SMITH, the gentleman from Indiana, DAN BURTON, and the gentlewoman from Florida, ILEANA ROS-LEHTINEN, who served as our subcommittee chairs and to their respective subcommittee ranking members.

Our committee has had more full committee chairmen than any other committee as part of our membership. The gentleman from Pennsylvania, BILL GOODLING, the gentleman from Iowa, JIM LEACH, the gentleman from Illinois, HENRY HYDE, and JAN MEYERS are full committee chairs and have made time to participate in our committee's work. To them and to all the members of our committee on both sides of the aisle, I extend my personal thanks.

Mr. Speaker, many people who usually go unnamed and unnoticed by the American people are indispensable to the work of the House and the House committees. They have been especially helpful to me as I fulfilled my responsibilities as chairman of our committee during this session of the Congress. These people, the floor staffs, leadership staffs, Cloakroom staffs, and pages, as well as the Parliamentarians, reporters, clerks, and doormen, all deserve our thanks.

Also, we have received invaluable help from the Office of Legislative Counsel, Congressional Research Service, and finally our own committee staff provides highly professional assistance to the Members.

Under leave to revise and extend, I will be a little more detailed in our thanks, but I want to let all of them know that their assistance is truly heartfelt and thanks go to all of them.

Mr. Speaker, this may be the last item I will manage during the 104th Congress and I wanted to take just a moment to note that there were a number of significant legislative achievements of the Committee on International Relations during this Congress and to say a few words of gratitude to those who have assisted our committee in its work.

First of all, there was H.R. 7, our portion of the Contract With America, which had important provisions related to U.N. peacekeeping and command-and-control issues, as well as NATO enlargement.

Then, in H.R. 1561, the American Overseas Interest Act, we reauthorized and reinvented the American foreign policy establishment and extended—at lower levels—our foreign assistance programs. This bill was, unfortunately, subject to a long filibuster in the Senate and was ultimately vetoed even when it was reduced considerably in its reach.

We passed legislation providing for a move of the American Embassy in Israel to Israel's capital, Jerusalem. The President did not see fit to sign that bill, but did allow it to become law.

We passed legislation, that was signed into law, aimed at preventing foreigners from taking over the confiscated assets of American citizens in Cuba, under the LIBERTAD Act, also known as the Helms-Burton Act.

We passed legislation, also signed into law, aimed at cutting off investments in the Iranian energy sector, so as to deprive that regime of the funds needed to carry out terror operations and to develop weapons of mass destruction.

We passed legislation concerning important security assistance provisions, the first such authorization bill in 11 years. We also passed micro-enterprise and Africa development fund bills.

We also passed legislation aimed at facilitating the entry of emerging democracies into NATO, and we passed legislation extending and reforming the Export Administration Act.

These are just a few of our achievements of our committee. Many others took the form of oversight.

I also want to take this opportunity to recognize the members of our committee who will not be returning next year. We will have other opportunities to discuss their career at length, but I would like to mention special affection for TOBY ROTH, JAN MEYERS, SAM BROWNBACK, BOB TORRICELLI, and HARRY JOHNSTON. Serving together on our committee is a very special experience, and I have valued our relationships with each of these Members.

I would like to specially thank the gentleman from Indian [Mr. HAMILTON] the ranking minority member of our committee. He and I have faced each other many times during the past 2 years, sometimes on the same side of the question and sometimes on opposite sides. I very much appreciate his many courtesies and the courtesies he has extended through his staff.

I have been privileged during this Congress to have been able to have the assistance of Representative DOUG BEREUTER who served as vice chairman of our committee and also as subcommittee chairman. I extend my thanks to him and to TOBY ROTH, CHRIS SMITH, DAN BURTON, and ILEANA ROS-LEHTINEN, who have served as subcommittee chairmen, and to the respective subcommittee ranking members.

Our committee has had more full committee chairmen than any other committee. BILL GOODLING, JIM LEACH, HENRY HYDE, and JAN MEYERS, all full committee chairs, have made time to participate in our Committee's work.

To them, and to all of the members of our committee on both sides of the aisle, I extend my thanks.

Mr. Speaker, many people who usually go unnamed and unnoticed to the American public are indispensable in the work of the House. They have been especially helpful to me as I fulfilled my responsibilities as chairman of our committee.

I also wish to express my appreciation for the Speaker's floor staff—Len Swinehart and his colleagues, and the Speaker's Assistant for National Security matters, Gardner Peckham, who have been most helpful during this Congress.

Also, the majority leader's staff—David Hobbs, Peter Davidson, Brian Gunderson, Siobhan McGill, and their colleagues.

Also, the majority whip's staff—Scott Hatch and his colleagues, especially Scott Palmer and Monica Vegas Kladakis.

And the other members of the majority floor staff—Jay Pierson and Ron Lasch.

Also, the cloakroom managers and staff—Tim Harroun, Jim Oliver, Joelle Hall, and their colleagues; and the pages, who are under the supervision of Peggy Sampson.

We have had good cooperation from the minority counterparts of these individuals, as well.

I also wish to thank the House Parliamentarian, Charles Johnson, as well as his colleagues, John Sullivan, Tom Duncan, Moftiah McCartin, and Tom Wickham, who have worked extensively with our committee.

In addition, I'd like to recognize the reading clerks and other clerks and assistants who stand and sit near the presiding officer to aid him, as well as the skilled official reporters and transcribers who record our proceedings.

I also thank the other floor staff and doormen and Capitol Police who provide for our security or summon us to see our constituents.

I might also add that, off this floor, we have had wonderful assistance from the Office of Legislative Counsel, especially Ms. Yvonne Haywood, Mr. Mark Synnes, and Ms. Sandra Strokoff. We also had excellent help from the Congressional Research Service, especially the Foreign Affairs and Defense Division, the Economics Division, and the American Law Division.

And, finally, our own committee staff, headed by Dr. Richard Garon, and our committee's minority staff, headed by Dr. Mike Van Dusen.

I thank them all for the innumerable contributions to the work of our committee in this challenging and fruitful Congress.

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

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

The senior Democrat on this side of the aisle to the Committee on International Relations deeply regrets not being here because of a conflict of schedule. I am certain that the sentiments expressed earlier by the gentleman from New York is very much in order to the fact that this has been a very productive year for the Committee on International Relations.

I will say to the gentleman from New York that we have had our differences in principle, but it has never been on differences in personalities. I appreciate the leadership and certainly the fairness that he has given in this stewardship as chairman of this committee. I want the gentleman to know that.

Mr. Speaker, I also want to express the gratitude and appreciation of the Nation also to the two gentlemen from this side of the aisle on the committee, the gentleman from New Jersey [Mr. TORRICELLI], also the gentleman from Florida [Mr. JOHNSTON], who will also not be here next year due to retirement and other choices that they have made in their political careers. I certainly would like to commend them for their services that they have rendered as members, outstanding members of this committee.

I also want to recognize with appreciation the gentleman from Wisconsin whom I have had the privilege of working with closely on matters of international trade and some of the foreign policies that we have dealt with on this committee and certainly would like to wish him well because of his retirement. I want to express that on behalf of the members of this side of the committee.

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Mr. Speaker, the gentleman from California, given his profound statement and understanding of the seriousness of the problem here in the Baltic States, I think the provisions of this resolution are well in order, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time,

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

I want to thank the delegate from American Samoa, Mr. FALEOMAVAEGA, for his kind remarks and for his willingness to take an active role continually throughout the consideration of the measures before our Committee on International Relations. We thank him for his involvement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 51, 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 expressing the sense of the Congress concerning economic development, environmental improvement, and stability in the Baltic region.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

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

There was no objection.

UNITED STATES NATIONAL TOURISM ORGANIZATION ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2579) to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism in the United States, as amended.

The Clerk read as follows:

H.R. 2579

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 ''United States National Tourism Organization Act of 1996''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The travel and tourism industry is the second largest service and retail industry in the United States, and travel and tourism services ranked as the largest United States export in 1995, generating an $18.6 billion surplus for the United States.

(2) Domestic and international travel and tourism expenditures totaled $433 billion in 1995, $415 billion spent directly within the United States and an additional $18 billion spent by international travelers on United States carriers traveling to the United States.

(3) Direct travel and tourism receipts make up 6 percent of the United States gross domestic product.

(4) In 1994, the travel and tourism industry was the nation's second largest employer, directly responsible for 6.3 million jobs and indirectly responsible for another 8 million jobs.

(5) Employment in major sectors of the travel and tourism industry is expected to increase 35 percent by the year 2005.

(6) 99.7 percent of travel businesses are defined by the Federal government as small businesses.

(7) The White House Conference on Travel and Tourism in 1995 recommended the establishment of a new national tourism organization to represent and promote international travel and tourism to the United States.

(8) Recent Federal tourism promotion efforts have failed to stem the rapid erosion of our country's international tourism market share.

(9) In fact, the United States' share of worldwide travel receipts dropped from a peak of 19.3 percent in 1992 down to 15.7 percent by the end of 1994.

(10) The United States has now fallen to only the third leading international destination.

(11) Because the United States Travel and Tourism Administration had insufficient resources and effectiveness to reverse the recent decline in the United States' share of international travel and tourism, Congress discontinued USTTA's funding.

(12) Promotion of the United States' international travel and tourism interests can be more effectively managed by a private organization at less cost to the taxpayers.

(b) PURPOSE.—The purpose of this Act is to create a privately managed, federally sanctioned United States National Tourism Organization to represent and promote United States international travel and tourism.

SEC. 3. UNITED STATES NATIONAL TOURISM ORGANIZATION.

(a) ESTABLISHMENT.—There is established the United States National Tourism Organization which shall be a private not-for-profit organization.

(b) ORGANIZATION NOT A FEDERAL AGENCY.—The Organization shall (1) not be considered a Federal agency, (2) have employees appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, and (3) not be subject to the Federal Advisory Committee Act or any other Federal law governing the operation of Federal agencies.

(c) IRS STATUS.—The Organization shall be presumed to have the status of an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 until such time as the Secretary of the Treasury determines that the Organization does not meet the requirements of such section.

(d) PURPOSE OF THE ORGANIZATION.—The Organization shall—

(1) seek and work for an increase in the share of the United States in the global tourism market;

(2) work in conjunction with Federal, State, and local agencies to develop and implement a coordinated United States travel and tourism policy;

(3) advise the President, the Congress, and the domestic travel and tourism industry on the implementation of the national travel and tourism strategy and on other matters affecting travel and tourism;

(4) operate travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry in the United States;

(5) establish a travel and tourism data bank to gather and disseminate travel and tourism market data;

(6) conduct market research necessary for effective promotion of the travel and tourism market; and

(7) promote United States travel and tourism, including international trade shows and conferences.

(e) POWERS OF THE ORGANIZATION.—The Organization—

(1) shall have perpetual succession;

(2) shall represent the United States travel and tourism industry in its relations with international tourism agencies;

(3) may sue and be sued, make contracts, and acquire, hold, and dispose of real and personal property, as may be necessary for its corporate purposes;

(4) may provide financial assistance to any organization or association in furtherance of the purpose of the corporation;

(5) may adopt and alter a corporate seal;

(6) may establish and maintain offices for the conduct of the affairs of the Organization; and

(7) may conduct any and all acts necessary and proper to carry out the purposes of this Act.

(f) FUNDING.—

(1) FURTHERANCE OF ACT.—The Organization may accept gifts, legacies, devises, contributions, and payments in furtherance of the purposes of this Act.

(2) EXPENSES.— The Organization may also accept such gifts, legacies, devises, contributions, and payments on behalf of the National Tourism Organization Board to cover the expenses of the Board.

(g) POLITICAL ACTIVITIES PROHIBITED.—The Organization shall not engage in any activities designed in part or in whole to promote a political party or the candidacy of any person seeking or holding political office.

SEC. 4. UNITED STATES NATIONAL TOURISM ORGANIZATION BOARD.

(a) ESTABLISHMENT.—There is established the United States National Tourism Organization Board for the purposes of governing and supervising the activities of the Organization.

(b) MEMBERS.—The Board shall be self perpetuating and the initial members of the Board shall be appointed or elected as follows:

(1) The Under Secretary of Commerce for International Trade of the Department of Commerce, who will serve as a member ex officio;

(2) 5 State Travel Directors elected by the National Council of State Travel Directors;

(3) 5 members elected by the International Association of Convention and Visitors Bureaus;

(4) 3 members elected by the Air Transport Association;

(5) 1 member elected by the National Association of Recreational Vehicle Parks and Campgrounds, 1 member elected by the Recreation Vehicle Industry Association;

(6) 2 members elected by the International Association of Amusement Parks and Attractions;

(7) 3 members of the travel payments industry appointed by the Travel Industry Association of America;

(8) 5 members elected by the American Hotel and Motel Association;

(9) 2 members elected by the American Car Rental Association; 1 member elected by the American Automobile Association, 1 member elected by the American Bus Association, 1 member elected by Amtrak;

(10) 1 member elected by the American Society of Travel Agents, and 1 member elected by the Association of Retail Travel Agents;

(11) 1 member elected by the National Tour Association, 1 member elected by the United States Tour Operators Association;

(12) 1 member elected by the Cruise Lines International Association, 1 member elected by the National Restaurant Association, 1 member elected by the National Park Hospitality Association, 1 member elected by the Airports Council International, 1 member elected by the Meeting Professionals International, 1 member elected by the American Sightseeing International, 4 members elected by the Travel Industry Association of America;

(13) 1 member elected by the Rural Tourism Foundation;

(14) 1 member elected by the American Association of Museums; and

(15) 1 member elected by the National Trust for Historic Preservation.

(c) CHAIR.—The Board shall elect a Chair for an initial term of 2 years. After such initial term, the Chair shall be elected for such term as the Board may designate.

(d) PRESIDENT.—The Board shall appoint and establish the compensation and duties of a President of the Organization who shall assist the Chair in organizing and carrying out the necessary functions of the Board. The duties of the President shall include serving as a non-voting member of the Tourism Policy Council established under section 301 of the International Travel Act of 1961.

(e) POWERS AND DUTIES OF THE BOARD.—

(1) The Board shall adopt for itself and the Organization such bylaws and delegation of authority as it deems necessary and proper, which shall—

(A) require at least a three-fifths majority vote for amendment;

(B) set forth the process for the number, terms, and appointment or election of future Board members;

(C) provide the authority for the hiring and compensation of staff; and

(D) establish the procedures for calling meetings and providing appropriate notice, including procedures for closing meetings where confidential information or strategy will be discussed.

(2) The Board shall designate a place of business for the receipt of process for the Organization, subject to the laws of the State or district so designated, where such laws do not conflict with the provisions of this Act.

(3) The Board shall present testimony and make available reports on its findings and recommendations to the Congress and to legislatures of the States on at least a biannual basis.

(4) Within one year of the date of its first meeting, the Board shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on a plan for long-term financing for the Organization, with a focus on contributions from the private sector and State and local entities, and, if necessary, make recommendations to the Congress and the President for further legislation.

(f) COMPENSATION AND EXPENSES.—The Chair and members of the Board shall serve without compensation but may be compensated for expenses incurred in carrying out the duties of the Board.

(g) IMMUNITY.—Members of the Board shall not be personally liable for any action taken by the Board.

(h) MEETINGS.—The Board shall meet at the call of the Chair, but not less frequently than semiannually. The Board shall meet within 2 months of appointment of all members, but in any case no later than 6 months after the date of the enactment of this Act.

SEC. 5. SYMBOLS, EMBLEMS, TRADEMARKS, AND NAMES.

(a) IN GENERAL.—The Organization shall provide for the design of such symbols, emblems, trademarks, and names as may be appropriate and shall take all action necessary to protect and regulate the use of such symbols, emblems, trademarks, and names under law.

(b) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The Organization shall have exclusive right to use the name ''United States National Tourism Organization'' and the acronym ''USNTO'', the symbol described in subsection (c)(1)(A), the emblem described in subsection (c)(1)(B), and the words ''United States National Tourism Organization'', or any combination thereof, subject to the use reserved by subsection (c)(2).

(c) UNAUTHORIZED USE; CIVIL ACTION..—

(1) IN GENERAL.—Any person who, without the consent of the Organization, uses—

(A) the symbol of the Organization;

(B) the emblem of the Organization;

(C) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the Organization; or

(D) the words ''United States National Tourism Organization'' or the acronym ''USNTO'' or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Organization or any Organization activity;

for the purpose of trade, to induce the sale of any goods or services, or to promote any exhibition, shall be subject to suit in a civil action brought in the appropriate court by the Organization for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1501 et seq.) (popularly known as the Trademark Act of 1946).

(2) EXCEPTION.—Paragraph (1)(D) shall not be construed to prohibit any person who, before the date of the enactment of this Act, actually used the words ''United States National Tourism Organization'' or the acronym ''USNTO'' for any lawful purpose from continuing such lawful use for the same purpose and for the same goods and services.

(d) CONTRIBUTORS AND SUPPLIERS.—The Organization may authorize contributors and suppliers of goods and services to use the trade name of the Organization as well as any trademark, symbol, insignia, or emblem of the Organization in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Organization.

(e) LIMITATION.—The Organization may not adopt or use any existing symbol, emblem, trademark, or name that is protected under law (including any treaty to which the United States is a party).

SEC. 6. UNITED STATES GOVERNMENT COOPERATION.

(a) IN GENERAL.—The Secretary of Commerce, Secretary of State, the United States Trade Representative, Director of the United States Information Agency, and the Trade and Development Agency shall—

(1) give priority consideration to recommendations of the Organization; and

(2) cooperate with the Organization in carrying out its duties.

(b) REPORT.—The Under Secretary for International Trade, the Assistant Secretary for Trade Development, the Assistant Secretary and Director General for the United States and Foreign Commercial Service, the Director of the United States Information Agency, the United States Trade Representative, and the Trade and Development Agency shall report within 2 years of the date of the enactment of this Act, and every 2 years thereafter to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on any travel and tourism activities carried out with the participation of the United States Federal Government.

SEC. 7. SUNSET.

(a) TWO YEAR DEADLINE FOR DEVELOPMENT OF COMPREHENSIVE LONG-TERM FINANCING PLAN.—If within 2 years after the date of the enactment of this Act, the Board has not developed and implemented a comprehensive plan for the long-term financing of the Organization, then sections 3 through 6 of this Act are repealed.

(b) SUSPENSION OR TERMINATION OF OPERATIONS FOR INSUFFICIENT FUNDS.—The Board may suspend or terminate the Organization if sufficient private sector and State or local government funds are not identified or made available to continue the Organization's operations.

SEC. 8. TRADE PROMOTION COORDINATING COMMITTEE.

Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended in subsection (c) as follows:

(1) By striking ''and'' at the end of paragraph (4).

(2) By striking the period at the end of paragraph (5) and inserting ''; and''.

(3) By adding after paragraph (5) the following:

''(6) reflect the recommendations of the United States National Tourism Organization to the degree considered appropriate by the TPCC.''.

SEC. 9. REPEAL OF UNITED STATES TRAVEL AND TOURISM ADMINISTRATION AND RELATED PROVISIONS.

(a) IN GENERAL.—Sections 202, 203, 204, 205, 206, 301, 303, 304, 305, 306, and 307 of the International Travel Act of 1961 (22 U.S.C 2123, 2123a–2123d, 2124, 2124b, and 2126–2129) are repealed.

(b) TOURISM POLICY AND EXPORT PROMOTION ACT OF 1992.—Section 4 of the Tourism Policy and Export Promotion Act of 1992 is amended in subsection (c)(1)(B)(i) and subsection (c)(2) by striking ''Under Secretary of Commerce for Travel and Tourism'' and inserting ''Secretary of Commerce''.

SEC. 10. POWERS AND DUTIES OF SECRETARY OF COMMERCE.

Section 201 of the International Travel Act of 1961 (22 U.S.C. 2122) is amended to read as follows:

''SEC. 201. In order to carry out the national tourism policy established in section 101(b) and by the United States National Tourism Organization Act of 1996, the Secretary of Commerce (hereafter in this Act referred to as the 'Secretary') shall develop and implement a comprehensive plan to perform critical tourism functions which, in the determination of the Secretary, are not being carried out by the United States National Tourism Organization or other private sector entities or State governments. Such plan may include programs to—

''(1) collect and publish comprehensive international travel and tourism statistics and other marketing information;

''(2) design, implement, and publish international travel and tourism forecasting models;

''(3) facilitate the reduction or elimination of barriers to international travel and tourism; and

''(4) work with the United States National Tourism Organization, the Tourism Policy Council, State tourism agencies, and Federal agencies in—

''(A) coordinating the Federal implementation of a national travel and tourism policy;

''(B) representing the United States' international travel and tourism interests to foreign governments; and

''(C) maintaining United States participation in international travel and tourism trade shows and fairs until such activities can be transferred to such Organization and other private sector entities.''.

SEC. 11. TOURISM POLICY COUNCIL.

Section 302 of the International Travel Act of 1961 (22 U.S.C. 2124a) is repealed and the following is inserted:

''SEC. 301. (a) In order to ensure that the United States' national interest in tourism is fully considered in Federal decision making, there is established a coordinating council to be known as the Tourism Policy Council (hereafter in this Act referred to as the 'Council').

''(b) The Council shall consist of the following individuals:

''(1) The Secretary of Commerce, who shall serve as the Chairman of the Council.

''(2) The Under Secretary of Commerce for International Trade.

''(3) The Director of the Office of Management and Budget.

''(4) The Secretary of State.

''(5) The Secretary of Interior.

''(6) The Secretary of Labor.

''(7) The Secretary of Transportation.

''(8) The Commissioner of the United States Customs Service.

''(9) The President of the United States National Tourism Organization.

''(10) The Commissioner of the Immigration and Naturalization Service.

''(11) Representatives of other Federal agencies which have affected interests at each meeting as deemed appropriate and invited by the Chairman.

''(c) Members of the Council shall serve without additional compensation.

''(d) The Council shall conduct its first meeting not later than 6 months after the date of the enactment of the United States National Tourism Organization Act of 1996. Thereafter the Council shall meet not less than 2 times each year.

''(e)(1) The Council shall coordinate national policies and programs relating to international travel and tourism, recreation, and national heritage resources, which involve Federal agencies;

''(2) The Council may request directly from any Federal department or agency such personnel, information, services, or facilities as deemed necessary by the Chairman and to the extent permitted by law and within the limits of available funds.

''(3) Federal departments and agencies may, in their discretion, detail to temporary duty with the Council such personnel as the Chairman may request for carrying out the functions of the Council. Each such detail of personnel shall be without loss of seniority, pay, or other employee status.

''(f) Where necessary to prevent the public disclosure of non-public information which may be presented by a Council member, the Council may hold, at the discretion of the Chairman, a closed meeting which may exclude any individual who is not an officer or employee of the United States.

''(g) The Council shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress on or before December 31 of each year. The report shall include—

''(1) a comprehensive and detailed report of the activities and accomplishments of the Council;

''(2) the results of Council efforts to coordinate the policies and programs of member's agencies that have a significant effect on international travel and tourism, recreation, and national heritage resources, including progress towards resolving interagency conflicts and development of cooperative program activity;

''(3) an analysis of problems referred to the Council by State and local governments, the tourism industry, the United States National Tourism Organization, the Secretary of Commerce, along with a detailed summary of any action taken or anticipated to resolve such problems; and

''(4) any recommendation as deemed appropriate by the Council.

''(h) The membership of the President of the United States National Tourism Organization on the Council shall not in itself make the Federal Advisory Committee Act applicable to the Council.''.

SEC. 12. DEFINITIONS.

For purposes of this Act—

(1) the term ''Organization'' means the United States National Tourism Organization established under section 3; and

(2) the term ''Board'' means the United States National Tourism Organization Board established under section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, H.R. 2579 establishes a new, privately funded, and privately managed tourism organization to represent and promote international travel and tourism to the United States. I would note that in 1993, Ohio benefited from $443 million in travel and tourism receipts, ranking 18th among the States.

This bill is about less government and better government—by the people and for the people. It repeals the statutory language authorizing the largely ineffective U.S. Travel and Tourism Administration, and privatizes its tourism functions as much as possible into a nationwide private organization—the U.S. National Tourism Organization, or USNTO.

My first concern when I first reviewed this legislation, is why the Federal Government needed to be involved at all in establishing a private tourism organization.

This legislation is important because it allows the Government to play the role of honest broker in establishing a balanced and unbiased organization. Operating in a highly competitive marketplace, there is currently just not enough trust among individual travel and tourism interests to allow any single group to initiate an industry-wide tourism promotion association. Companies are still too dubious about each others' motives to be willing to participate and fund this new startup.

Thus, the Federal Government is acting, at no cost to the taxpayers, just to bypass the normal negotiation, paperwork, and antitrust concerns among industries—creating an incorporated, nonprofit organization, and allowing them full use of a reserved trademark and emblem without processing fees, in order to raise funds and carry out their business. This is the model successfully used when Congress created the U.S. Olympic Committee many years ago.

This legislation is also necessary to provide the USNTO a special role in formulating a coordinated national travel and tourism strategy for our country. One of the reasons the USTTA was disbanded is because the travel and tourism industries believed that their concerns were not being sufficiently addressed by the current and previous administrations—that they were butting up against a brick wall of beltway bureaucracy.

H.R. 2579 directs the various Federal agencies which affect the travel and tourism industry to give priority consideration to the USNTO's recommendations, and to report to Congress on their travel and tourism related activities. While the agencies are not necessarily required to follow all of the USNTO's recommendations, the bill signals the intent of Congress that the USNTO is the federally sanctioned and primary spokesman for the travel and tourism industry, and that current and future administrations must pay attention to their concerns.

Furthermore, the Trade Promotion Coordinating Committee, a Federal

committee tasked with coordinating trade policy across Federal agencies, is now required to make their reports reflect, to the degree considered appropriate, the recommendations of the USNTO. The Tourism Policy Council, a similar body dedicated solely to the promotion of travel and tourism, is slimmed down by the bill, with fewer regulations, more flexibility, and with the former role of the now disbanded USTTA privatized and transferred to the USNTO.

This bill thus gives the Federal Government an important and valuable role in jump-starting this USNTO private tourism promotion organization, giving it a federally sanctioned role as a priority spokesman for the industries. It involves no Federal expenditures, but does tell the Executive branch to wake up and listen to the newly coordinated private sector.

In closing, Mr. Speaker, I would like to thank my good friend and ranking member, the gentleman from Queens, NY, Mr. MANTON, as well as my good friend from Wisconsin, Mr. ROTH, from the Committee on International Relations. I would say that TOBY ROTH's middle initial ought to be ''I''; it ought to be TOBY ''I'' ROTH, and the ''I'' is for ''indefatigable''. He has worked so hard and so well on crafting this legislation. Certainly their hard work, the gentleman from New York [Mr. MANTON] and the gentleman from Wisconsin [Mr. ROTH], has gone a long way towards bringing this important bill forward.

I urge my colleagues' support for the bill.

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

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

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

Mr. MANTON. Mr. Speaker, I rise today in support of H.R. 2579, the Travel and Tourism Partnership Act of 1996. This bill enjoys strong bipartisan support in the House and, if adopted, promises to positively impact the future of travel and tourism in this country.

I would like to commend Chairman OXLEY and Chairman ROTH for their leadership in promoting this legislation, and for working cooperatively with the minority to incorporate changes that we feel have improved the bill. H.R. 2579 takes a reasonable approach to ensure the promotion of U.S. travel and tourism with particular emphasis on incorporating private sector funding and expertise.

Mr. Speaker, the travel and tourism industry contributes significantly to job creation and revenue generation nationwide. As a representative from the great State of New York, I am particularly aware of the important role that travel and tourism play in creating jobs and producing revenues for the private sector and essential tax dollars for all levels of government. The significance of the travel and tourism industry to our local, State, and national economies compels us to do what we can to maintain and enhance its capacity both at home and in the international marketplace.

Mr. Speaker, I support H.R. 2579 because it draws upon identified strengths in the promotion of U.S. travel and tourism. Both the government and the private sector have a stake in seeing to the success of this approach. The House may well revisit this issue to assess the progress and reevaluate the resources necessary for such a task, but for today, we are moving forward with a plan that holds much promise. H.R. 2579 is a good bill and I urge my colleagues to support the measure.

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

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the aforementioned gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH Mr. Speaker, I thank my friend, the gentleman from Ohio [Mr. OXLEY], very much for yielding me this time.

Mr. Speaker, this is a great day for America's travel and tourist industry, the second largest industry in America and the most dynamic industry in America. It is also a great day for the 307 members of the Travel and Tourist Caucus, the largest caucus in Congress, and as chairman of the caucus and as a lead sponsor of the bill, I want to thank my colleagues on both sides of the aisle for their help in making this day possible.

First I want to thank, of course, the chairman of the full Committee on Commerce, the gentleman from Virginia [Mr. BLILEY]; I only had to ask him once in the gym to bring this bill up; and I want to thank my good friend, the gentleman from Ohio [Mr. OXLEY], my neighbor, for all of his help and his leadership in refining this bill and bringing this bill to the floor today. MIKE, I want to say, Thanks for your help; this is very important to the people who work in the travel and tourist industry, and 1 out of every 10 people in America works in the travel and tourist industry. And I want to thank my good friend, the gentleman from New York [Mr. MANTON], the ranking member, for all the help and all the advice he has given me with this legislation.

So I want to thank them for their help, and let me thank the chairman of the Committee on International Relations, the Gentleman from New York [Mr. GILMAN], for expediting the consideration of this measure. And also, of course, I want to thank the ranking member of the Committee on Commerce, the gentleman from Michigan [Mr. DINGELL], for his cooperation in bringing up this bill.

Finally, let me thank the 262 Members of the House who cosponsored this bill, a solid and bipartisan majority of the House. Today we are successfully completing an initiative that began a year ago when the White House Conference on Travel and Tourism took place. We had more than 1,700 CEO's and other people in the travel and tourism industry come to Washington and help craft this legislation.

We do have a problem in travel and tourism, and that is how are we going to reverse the decline in America's share of the $300 billion global market, the market that will double in size in the next decade. To show my colleagues how important travel and tourism is, when the futurists come here to Capitol Hill, for example, before my committee, they said there are three pillars in the 21st century that jobs will come from: telecommunications, information technology, and travel and tourism. So today we are working on one of the three great pillars for jobs in the 21st century.

This bill was the No. 1 recommendation of the White House conference on Travel and Tourism.

The core of the bill, as the gentleman from Ohio [Mr. OXLEY] pointed out, is to harness the marketing expertise and the resources of the private sector and devise new and more effective ways to promote the United States as a travel destination for the international traveller. Why is this so important?

Well, the reason this is so important is not only because 1 out of every 10 jobs in America is in the travel and tourist industry, and worldwide travel and tourism is the largest industry in the world, but we are losing ground, America, in a growing market. Two years ago we had 18 percent of the world's travel market; now we are down to 16 percent, 2 million fewer visitors this year than we had 2 years ago. Two million, that is a huge decline. We lost some $3 billion in revenue, and 177,000 jobs could have gone to the Americans but instead today are going to other countries.

What is worse, under current projections our market share will keep declining to less than 14 percent by the year 2000. That is only 4 years from now. We clearly need a new initiative to turn the situation around.

In the travel business, marketing is key. In the travel business, promotion today translates into increased visitor volume. Our major competitors understand this, which is why they are pouring money into tourist promotion. Today the U.S. is outclassed and outgunned in the global market. In fact, we rank 33d in the world in resources devoted to national tourism marketing. Other countries are outspending us 10 to 1.

Now this bill will help redress the imbalance. But as has been pointed out, instead of more government, we provide a new entity for the private sector to take more of an initiative and more emphasis in this role. The U.S. National Travel and Tourism Organization and the National Tourism Board will devise a national strategy to recapture the global market. Congress, the President and the key Federal

trade-related agencies will receive recommendations from the best experts in the national tourism industry. As a result, we will strengthen the future of the Nation's travel and tourism industry and the 13 million Americans who work in this great industry.

The future growth of American travel and tourism is vitally dependent on international visitors. Already one-fifth or $80 billion of our $400 billion national industry comes from overseas visitors. The money spent here by international visitors contributes to 11 percent of our total export volume.

This bill will help our industry grow. It will create new jobs and it will strengthen our trade balance. That is why some of us in Congress are dedicated to helping our travel and tourist industry. It is why we have worked closely with the leaders of this industry to build support for this bill.

Today everyone involved in this effort can be proud of what we have accomplished. In this bill Congress takes a big step toward a brighter future for the millions of Americans who have made the travel and tourist industry the most dynamic in America and, quite frankly, around the world.

Let me close by saying again that in the 21st century the three great areas of jobs, according to the futurists, are telecommunication, information technology, travel and tourism.

So I want to thank the chairman, the gentleman from Virginia [Mr. BLILEY] and the ranking member, the gentleman from Michigan [Mr. DINGELL]. Mr. DINGELL has given me some good advice in my 18 years in Congress, and I want to thank him for his advice on this piece of legislation because he made it possible. Of course I also want to thank the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] for their advice and their good work. The people whoring in the 21st century are going to thank them for this legislation, as are the people that are working the travel and tourist industry here in America today and around the world.

□ 1315

Mr. MANTON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. DINGLELL], the ranking member of the committee.

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

Mr. DINGELL. Mr. Speaker, I want to commend the distinguished gentleman from Wisconsin [Mr. ROTH], my friend, the author of this bill. We are going to miss him. He is a fine Member of this body.

I wish, however, that he were leaving behind him a greater legacy than this piece of legislation which happens to be a bill in search of a reason to exist. The interesting question that we must ask is what does this bill to. It really does not do much. I think that can probably comfort us. But in point of fact, it sets up a nonprofit corporation. It gives it no money. It assigns it no responsibilities. We are curious; what is this nonprofit corporation that is being set up by my dear friend, the gentleman from Wisconsin, for whom I have so much respect and affection?

The bill is clearly, then, unnecessary. It promises more than it delivers. Very frankly, were it anybody other than the distinguished and gentleman from Wisconsin, the author, it would probably be charged with being a cynical approach to addressing legitimate issues concerning the U.S. travel and tourism industry.

No one disputes the importance of travel and tourism. The industry generates billions of dollars and employs thousands of Americans. It is an important part of the economy of every State, including my own State of Michigan. Indeed, the travel director of our State, working on behalf of our good Republican Governor, Mr. Engler, asked me to support full funding for the U.S. Travel and Tourism Administration early in this Congress.

I wish very much that he had communicated that thought to my Republican colleagues, because it was not very long before they abolished the bill or, rather, they abolished the legislation.

I have been a strong critic of USTTA in the past. If felt that the agency never proved it brought more into the United States than it cost American taxpayers to fund it. In 1985, I tried to abolish the agency. The effort was rejected by a bipartisan majority of the Committee on Commerce. The vote was 20 to 22.

Seven years later, in a serious effort to address the problem, the Congress passed bipartisan legislation to reform and to reinvent USTTA. Under Secretary Brown's leadership the agency made improvements and it significantly increased its effectiveness. Last fall, the President convened a successful conference on tourism. Ironically, shortly thereafter, the Republican Congress passed legislation eliminating USTTA's appropriation. After that, this bill was introduced.

Mr. Speaker, as I have mentioned, the bill is in search of reason to exist. Why do we need Federal legislation to create a private organization? Either there is a compelling interest in justifying government involvement in the promotion of U.S. tourism interests, or there is not. If there is such an interest, then the decision to eliminate the U.S. Travel and Tourism Office funding should be reconsidered. If there is no such compelling interest, then we should leave it to the industry to take up and to care for its own interests.

My Republican colleagues are very fond of preaching that we should get the Federal Government out of the way and turn the matters over to the States, but their bill creates a Federal mandate to establish a nonprofit corporation. Laws already exist in the District of Columbia and in every one of the States governing establishment of nonprofit corporations.

Supporters of the bill refer to this as a groundbreaking piece of legislation that is needed more than ever in view of the demise of USTTA, But anyone who takes a close look at the bill knows that it is really only feel-good, do-nothing legislation. It does nothing that the private sector cannot fully and as well do on its own.

However, I am certain that the private sector will be back soon, and the private sector will then say, now it is time for the Congress to shower money and special benefits on this new congressionally mandated corporation.

I do not know how anyone in this body can in good conscience support this bill. It is an apology to the travel and tourism industry, and I guess it is what politicians could refer to as cover. It is designed to make it look like the Congress is doing something good while trying to hide what the Republicans have already done.

I am going to watch with great curiosity and with great interest in the coming months to see how this wonderful newly formed U.S. National Tourism Organization measures up to the splendid promises that are made in support of this legislation.

In truth, when we look at this bill next year and when we go through the budget process, we are going to find it has not done anything. In truth, we are going to find that very shortly people are going to be down here in this well or over there at the hopper, introducing legislation or talking for a bill, saying now it is time we have to spend money on this organization which we set up.

I am not sure who is going to be in this organization. I am not sure what it is going to do. But no one has established that there is any reason to put any money in it. As a matter of fact, I suspect that even the sponsors of this legislation were too embarrassed to suggest that it should be funded.

So we are passing a bill with neither funding nor responsibilities. It is going to do nothing, it probably is going to cost the taxpayers a lot of money, but we can comfortably say it is not going to pass them now. The really sensible thing to do with this legislation is simply reject it, vote it down, and be done with it. I would urge that even more strongly, were it not for the great respect and affection that I have for the wonderful gentleman from Wisconsin who is the author of the legislation.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume. I would say, with friends like the gentleman from Michigan [Mr. DINGELL], who needs enemies? But I know Don Quixote from Detroit will put himself down as undecided, and move on. We appreciate his remarks.

Mr. Speaker, let me just point out, before recognizing the minority side, that this legislation was carefully crafted to be a bill that tracked the creation of the U.S. Olympic Committee. I do not think anybody can really make an argument that creation of the

U.S. Olympic Committee was not a huge success, both commercially and as a way of getting our best athletes on the field. So we were very careful, and I credit the gentleman from Wisconsin for doing exactly that, understanding how effective that legislation creating the U.S. Olympic Committee was. I know my friend, the gentleman from Detroit, has some problems with it, but I have to say that 270, now, cosponsors of the bill think otherwise.

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

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

Mr. Speaker, I would like to say that we all value our good friend and colleague, the gentleman from Michigan, Mr. DINGELL's advice; however, those who support this bill will hope to prove that he is in error in his judgment that this bill was not such a good one. We appreciate his advice, but I think we will all work hard to make this a good success.

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

Mr. FARR. of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am rising in support of this bill as an original cosponsor. I think Members have heard in the debate between the gentleman from Michigan [Mr. DINGELL], and others that there is a lot of controversy regarding how we ought to form a national policy regarding tourism.

It is a difficult issue. In an era when people think, well, tourism is a very lucrative industry and they ask themselves why does the industry need Government help. On the other hand, if we look at where tourists go, to the buildings, to the parks, to the communities, we will see that almost every community in America and certainly every State has a State-sponsored tourism office supported by taxpayers' money. Why is that? Why do we need to put taxpayer money into State tourism offices? Because it is the selling of a market. The market is the United States. There are other places in the world to visit.

In fact, there are a lot of Americans who go to the other places, and many of those Americans could go and spend time in their own State and in their own country. So, we need to give them, the tourists, American and foreign, the option of understanding what is available. We only do that through tourist promotions acts which are generic and essentially do not advertise a particular place to go. The successful places, Disneyland and so on, are able to do this on their own.

I have long been a supporter of a partnership between the private sector and public sector for the promotion of tourism. This act does not put public sector money in, but this act does create a public sector awareness and a public sector partnership along with the private sector in developing two things.

What is does is create a National Tourism Board, made up of people appointed by the President of the United States, and that board does four thing. It utilizes the private sector and the public sector to create policy, a national policy, a generic policy, about travel and tourism. It also suggests to the President and Congress how we can increase market share.

Why do we need to do that? Because when the tourists come here they spend tax dollars. They spend sales tax dollars. They spend room tax or TOT tax dollars. They spend transportation dollars on gasoline and airline tickets. Those expenditures benefit the local governments, the State governments, and the Federal Government to help promote things like tourism.

The board will also advise the President and Congress, and it will guide the National Tourism Organization which is also created in this bill. So I take issue with the gentleman from Michigan [Mr. DINGELL], in the fact that it does nothing. I think it does something.

What he points out is that it does not deliver any Federal money. This is a conservative Congress. We are cutting and squeezing the Federal Government. This was a decision that was made, that we are not at this point in time going to give Federal tax dollars to the National Tourism Organization.

I expect, as the gentleman said, that there will be an opportunity in the future for us to come back here with a plan that will be well thought out, well supported at the local level, well supported by the private sector, indeed asking Congress to appropriate funding.

We need to do this, frankly, because as Congressman MANTON said, this is the largest growing industry in America. It is an industry, if we think about it, that has a lot of vertical access. There is no glass ceiling for women in this industry. There are no limitations on minorities. There are no limitations on people with handicaps. There are no limitations because of educational degrees. It is an industry you can get into and move up as fast as your own ability allows you to do that. It is a fast-growing industry, one of the fastest in the world.

America is a beautiful place. Part of our democracy is coming to places like this. Although this is the seat of the Federal Government, this is also a tourist attraction. As the people are wandering around the Halls of this great building today, they are being tourists more than they are being civic-minded people.

Let us realize that part of the selling of what this country is all about is in its tourism. That is why it is so important for us to be in partnership with those in the private sector who are taking and risking venture capital to make a living by promoting tourism. I am strongly in support of whatever we can do to try to create a Federal partnership, along with the States, along with local communities, so indeed, together, we can promote this great country, our great States, and our communities. So I urge my colleagues to join in support of this important measure.

I just want to point out that I represent, as one of 435 Members here, a district like everyone else. I would hope that Members would take a careful look at their own districts. I happen to be looking at mine.

I live in an area many know about, the Central Coast of California: the beautiful Monterey Peninsula, the Big Sur coastline, the Santa Cruz boardwalk, the Santa Cruz redwoods and mountains—an area that tells us that we have to manage our resources well. And frankly, the expression out there is, ''Green is green.'' The more environmental protection you have, the more money you will make.

It is an area that produces $1.5 billion in agriculture without Federal subsidies. It is a region that draws $1.5 billion in tourism. So those two leading industries are both dependent upon good environmental stewardship.

So the promotion of tourism is more than just selling hotel rooms and selling travel opportunities. It is also a way that we incorporate the quality of life issues, the local zoning matters, the local business practices, the way we promote our communities.

We need to be in a partnership with the local, State, and Federal Government, because Government sets those laws and sets those patterns. I believe we cannot have an attractive community, we cannot improve our quality of life, we cannot develop the cultural aspects of our country without such a partnership.

That is why I think we ought to have a partnership with the arts for the NEA, why we ought to have a partnership with the National Endowment for the Humanities. Indeed, if tourism is going to come back here and ask for money, we ought to be as supportive of that as we have historically been for the National Endowment of the Arts and National Endowment for Humanities.

I would hope my colleagues on the other side of the aisle when they get in this cut, squeeze, and trim mode will realize that this is all part and parcel of what is basic about America.

□ 1330

It is about our people, it is about the things that our people have built, and it is about the land we have preserved. And in combination, we can indeed build an America in the future that is accessible and attractive and will provide a living for people for many generations to come. This bill is a good start in that direction. It is not the answer, but it is a good start. I ask my colleagues to support it.

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

I would only correct the previous speaker, my good friend from California, in one respect. He said he represented a district like everybody

else's. The Monterrey Peninsula is a lot different from some of the other districts, and a wonderful place that the gentleman should be quite proud of and one that I am sure attracts tourists from all over the world, a great place in the world to be from, and his remarks were right on point.

Mr. FARR of California. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from California.

Mr. FARR of California. Mr. Speaker, I really believe that in every community we have certainly wonderful natural beauty. I did not even mention the 27 golf courses. But I think every community in America has something historically beautiful about it, and certainly people went there originally, they ventured their risk capital, saying, ''We're going to settle here.'' I think we have to reach into that because if we find that same spirit, every town in America can be a tourist attraction.

Mr. OXLEY. I thank the gentleman for his contribution.

Mrs. VUCANOVICH. Mr. Speaker, I rise today in strong support of H.R. 2579, the Travel and Tourism Partnership Act. Travel and tourism is vitally important to the U.S. economy. The travel and tourism industry employs nearly 13 million Americans, and contributes approximately $400 billion to the U.S. economy. Also, travel and tourism will be the single largest job-creator for Americans in the 21st century.

With all the promising statistics about the benefits of the travel and tourism industry, the United States is faced with a potentially devastating problem. The U.S. share of the fast-growing international travel and tourism market is decreasing. In 1995, the United States had 2 million fewer international visitors than in 1993. This decline in international visitors cost 177,000 Americans travel-related jobs.

Many questions have arisen concerning the sudden decline in international visitors to the United States. What prompted this decline? How should we address this decline to benefit the U.S. travel and tourism industry? Mr. Speaker, the answers lie in H.R. 2579. This legislation is a bold new approach to marketing the United States as a travel destination. Rather than relying on the Federal Government, H.R. 2579 creates a partnership between the tourism industry and the public sector to devise and carry out a more efficient and effective marketing plan.

This is a job-creating bill. International travel to the United States adds $70 billion a year to our economy. Recapturing our lost market share and putting us back on a growth track will generate jobs through every district in America.

Mr. Speaker, I would also like to take this opportunity to commend Congressman TOBY ROTH, the chairman of the Travel and Tourism Congressional Member Caucus. TOBY has been in the forefront in this effort, laboring tirelessly to advance this legislation and initiatives that will benefit the travel and tourism industry in all States. My State of Nevada, well known as a popular tourist destination, has benefited greatly over the years from his efforts, and I know that his leadership regarding the travel and tourism industry will be sorely missed when he retires. It has been an honor and a privilege serving with him as the Secretary of the Travel and Tourism Congressional Caucus.

Mrs. LINCOLN. Mr. Speaker, today we are debating a bill that affects one of the three largest industries in Arkansas. The travel and tourism industry has a tremendous impact on my home State's economy and on our Nation's economy. It is America's largest services export, second largest employer, and third largest retail sales industry. However, the national focus on this industry has been minimal and changes are necessary in order to utilize the benefits this industry brings to America. That is why I am a cosponsor of H.R. 2579, the Travel and Tourism Partnership Act of 1995. I believe that this public/private partnership will provide the tourism industry with the proper organizational structure to increase our competitiveness in the global market.

Mr. Speaker, allow me to share some facts that help illustrate the impact of tourism on Arkansas. Nearly 18,000 people visited Arkansas in 1994 which created over 46,000 travel related jobs. State travel expenditures neared the $3 million mark in 1994 which is a $1 million increase since 1986. The Natural State is a fitting nickname for a State with 600,000 acres of lakes, 9,700 miles of streams, and nearly 10,000 campsites. Fishing, hunting, camping, biking, and hiking are very popular in Arkansas' 47 State parks. Whether you are enjoying the natural springs of Hot Springs National Park or digging for diamonds at the only diamond mine in the United States, it is not hard to realize the impact tourism has on Arkansas.

The First Congressional District has also felt the positive impact of the tourism industry. The natural resources and outdoor activities of the area have attracted an increasing number of travelers visiting the first district. The district is home to such attractions as Greers Ferry Lake, Blanchard Springs Caverns, the Buffalo National River, the White River, and numerous hunting areas and wildlife refuges. The recent government shutdowns reminded us all of the impact these recreational facilities have on revenues generated in this State. Because of the shutdown, our hunting lands and refuges were not available to potential visitors, thus meaning lost revenues for the first district.

Mr. Speaker, the United States is falling behind the rest of the world in the travel and tourism industry. Changes must be made or we will continue to encounter lost opportunities, but more importantly, lost jobs and lost revenue. That is why I believe it is vital that we pass this bill. The National Tourism Board and National Tourism Organization would give us a structured organization to develop a clear and concise vision for the future.

Mr. Speaker, the importance of the tourism industry is becoming more evident. This bill, which reflects the findings of last October's White House Conference on Travel and Tourism, provides for an appropriate commitment to this Nation's tourism industry. This issue is extremely important to me because of it's economic impact on the people of Arkansas and the first district, and I urge my colleagues to support this needed piece of legislation.

Mr. GILLMOR. Mr. Speaker, I rise in strong support of H.R. 2579, the Travel and Tourism Partnership Act, and commend the work of the gentleman from Wisconsin [Mr. ROTH] who in the final days of his congressional career is bringing this bipartisan legislation to our attention.

Travel and tourism are vital components to our growing service and leisure oriented economy and I think it is appropriate that Congress, like many other countries, recognize the benefits and implications of travel and tourism from a national and international perspective. H.R. 2579 tries to reverse the decline in the number of tourists visiting the United States by establishing a federally chartered private tourism organization.

Travel and tourism efforts are not just for warmer, tropical climate far south of here. I think we would be missing the boat—or plane, train, and automobile—if we stopped right there. Many of our own districts have places that people flock to for relaxation and enjoyment of their precious free-time. In my own district, which encompasses significant portions of Lake Erie, we have several areas that rely on travel and tourism to bolster their economies. In particular, I would point to both Put-In-Bay and Cedar Point, OH, whose popular restaurants, amusement parks, and taverns serve as an oasis to the rigors of the workweek. These places are the under-recognized stories of this industry.

Mr. Speaker, this bill reminds the world, and ourselves, about the numerous sojourns our country offers. H.R. 2579 offers opportunities, tempered with the current budget realities and ongoing government downsizing, that many would argue are necessary to move the United States up from 33d in tourism promotion and increase the number of travel-related jobs now held in our country. While this bill is not a panacea, it is a good first step for an industry that employs nearly 14 million Americans, contributes $400 billion dollars to the economy, and generates a $19 billion trade surplus.

I urge all my colleagues to support passage of this bill. It should not be forgotten that many small businesses are the beneficiaries of a vibrant travel economy. Travel and tourism are as much about creating and maintaining jobs as they are about rest and relaxation.

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

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

The SPEAKER pro tempore. (Mr. EWING). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 2579, 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. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 2579.

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

There was no objection.

TENSAS RIVER NATIONAL WILDLIFE REFUGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2660) to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

The Clerk read as follows:

Senate amendments:

Page 2, after line 12 insert:

SEC. 2. BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE.

(a) REFUGE EXPANSION.—Section 502(b)(1) of the Emergency Wetlands Resources Act of 1986 (Public Law 99–645; 100 Stat. 3590), is amended by inserting after the first sentence the following: ''In addition, the Secretary may acquire, within such period as may be necessary, an area of approximately 4,228 acres, consisting of approximately 3,928 acres located north of Interstate 10 between Little Woods and Pointe-aux-Herbes and approximately 300 acres south of Interstate 10 between the Maxent Canal and Michoud Boulevard that contains the Big Oak Island archaeological site, as depicted on the map entitled ''Bayou Sauvage Urban National Wildlife Refuge Expansion'', dated August, 1996, on file with the United States Fish and Wildlife Service.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. SAXTON. Mr. Speaker, on April 23 of this year, the House overwhelmingly adopted H.R. 2660, a bill introduced by our colleague from Louisiana, JIM MCCRERY, to increase the authorization level for the Tensas River National Wildlife Refuge.

The other body has not acted on this legislation and while they made no changes in the Tensas River provision, they did add a new title to the bill dealing with the Bayou Sauvage National Wildlife Refuge in Louisiana.

This refuge was established in 1986 to protect 19,000 areas of coastal wetlands. In fact, the refuge, which is located within the corporate limits of the city of New Orleans, has the distinction of having the largest amount of coastal wetlands in the United States that is easily accessible to city residents.

Title II of H.R. 2660 will allow the Secretary of the Interior to acquire an additional 4,228 acres of land. According to the authors of this provision, the inclusion of this property within the refuge will enhance the populations of migratory, shore, and wading birds, protect threatened and endangered species, encourage natural diversity of fish and wildlife species, and provide valuable opportunities to the public for environmental education on some of our Nation's essential coastal wetlands.

I am pleased to present this bill to the House and strongly believe that these modifications in two refuge units in Louisiana are consistent with the fundamental goals of our National Wildlife Refuge System.

I urge a vote in favor of H.R. 2660 and compliment JIM MCCRERY for his outstanding leadership in this matter.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I support this piece of legislation. It expands our national wildlife refuge system. It authorizes land acquisition in the State of Louisiana for the protection and conservation of wildlife. The administration also has given its support of this legislation. I want to commend the gentleman from Louisiana who is the chief sponsor of this legislation. I urge the adoption of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Shreveport, LA [Mr. MCCRERY], the author of this bill.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON], the chairman of the subcommittee, for yielding me this time, and I thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his kind remarks, and also the gentleman from Massachusetts [Mr. STUDDS], the ranking minority member of the subcommittee, for their help and cooperation in getting this bill to the floor.

Also, as we all know, staff always play an important part in getting legislation through the various hoops and hurdles in the legislative process, and I want to thank the staff of the subcommittee as well for their hard work, particularly Harry Burroughs.

This bill, as Chairman SAXTON explained, would increase to $20 million the authorization for land purchases in the Tensas National Wildlife Refuge. This refuge encompasses 64,000 acres in two parishes, or counties, in my district, Tensas and Madison Parishes, and the refuge is home to some of the Nation's rarest species, including the bald eagle and the peregrine falcon.

The Tensas Refuge also hosts the largest remaining population of the endangered Louisiana black bear. Also, a wide variety of plant species are found in this tract, including the largest tract of bottomland hardwoods remaining in the Mississippi River delta.

So it is a very important piece of land, and we want to preserve it for future generations. We have done a good job in seeing to that so far.

This bill, by the way, will not enlarge the boundaries of the refuge. It simply will allow us to purchase from willing sellers inholdings within the current boundaries of the refuge, and this will make management of the area easier and more effective, and no land will be purchased from anyone other than willing sellers and owners of inholdings in this existing refuge.

In closing, let me again thank the gentleman from New Jersey [Mr. SAXTON], the gentleman from Massachusetts [Mr. STUDDS], and the members of the subcommittee and the full committee for their support in getting this legislation to the floor. I urge my colleagues to support it and urge its approval.

Mr. FALEOMAVAEGA. Mr. Speaker, I urge the adoption of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2660.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate amendments to H.R. 2660.

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

There was no objection.

WYOMING FISH AND WILDLIFE FACILITY

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1802) to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

The Clerk read as follows:

S. 1802

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

SECTION 1. CONVEYANCE OF CERTAIN PROPERTY TO WYOMING.

(a) CONVEYANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey in ''as is'' condition, to the State of Wyoming without reimbursement—

(A) all right, title, and interest of the United States in and to the portion of the property commonly known as ''Ranch A'' in Crook County, Wyoming, other than the portion described in paragraph (2), consisting of

approximately 600 acres of land (including all real property, buildings, and all other improvements to real property) and all personal property (including art, historic light fixtures, wildlife mounts, draperies, rugs, and furniture directly related to the site, including personal property on loan to museums and other entities at the time of transfer);

(B) all right, title, and interest of the United States in and to all buildings and related improvements and all personal property associated with the building on the portion of the property described in paragraph (2); and

(C) a permanent right of way across the portion of the property described in paragraph (2) to use the buildings conveyed under subparagraph (B).

(2) RANCH A.—Subject to the exceptions described in subparagraphs (B) and (C) of paragraph (1), the United States shall retain all right, title, and interest in and to the portion of the property commonly known as ''Ranch A'' in Crook County, Wyoming, described as Township 52 North, Range 61 West, Section 24 N½ SE¼, consisting of approximately 80 acres of land.

(b) USE AND REVERSIONARY INTEREST.—

(1) USE.—The property conveyed to the State of Wyoming under this section shall be retained by the State and be used by the State for the purposes of—

(A) fish and wildlife management and educational activities; and

(B) using, maintaining, displaying, and restoring, through State or local agreements, or both, the museum-quality real and personal property and the historical interests and significance of the real and personal property, consistent with applicable Federal and State laws.

(2) ACCESS BY INSTITUTIONS OF HIGHER EDUCATION.—The State of Wyoming shall provide access to the property for institutions of higher education at a compensation level that is agreed to by the State and the institutions of higher education.

(3) REVERSION.—All right, title, and interest in and to the property described in subsection (a) shall revert to the United States if—

(A) the property is used by the State of Wyoming for any other purpose than the purposes set forth in paragraph (1);

(B) there is any development of the property (including commercial or recreational development, but not including the construction of small structures, to be used for the purposes set forth in subsection (b)(1), on land conveyed to the State of Wyoming under subsection (a)(1)(A)); or

(C) the State does not make every reasonable effort to protect and maintain the quality and quantity of fish and wildlife habitat on the property.

(c) ADDITION TO THE BLACK HILLS NATIONAL FOREST.—

(1) TRANSFER.—Administrative jurisdiction of the property described in subsection (a)(2) is transferred to the Secretary of Agriculture, to be included in and managed as part of the Black Hills National Forest.

(2) NO HUNTING OR MINERAL DEVELOPMENT.—No hunting or mineral development shall be permitted on any of the land transferred to the administrative jurisdiction of the Secretary of Agriculture by paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. SAXTON. Mr. Speaker, S. 1802 is the Senate version of H.R. 3579, a bill to transfer the property known as Ranch A to the State of Wyoming. H.R. 3579 was introduced by Congresswoman BARBARA CUBIN on June 5, 1996, and passed the House on September 4, 1996.

Ranch A consists of a lodge, a barn, and associate buildings and includes approximately 680 acres. The property is located in Crook County, WY, which is within Sand Creek Canyon and includes the headwaters of Sand Creek.

The Fish and Wildlife Service acquired the Ranch A property in 1963, but has had little to no oversight of it since 1986. The Wyoming Department of Game and Fish currently manages the majority of the Ranch A property and, up until 1995, raised trout and transplanted the trout to waters around the State of Wyoming.

The bill authorizes the transfer of 600 acres to the State of Wyoming to be used by the State for fish and wildlife management and educational activities. S. 1802 also transfers 80 acres to the Black Hills National Forest.

S. 1802 is similar to measures the House of Representatives has approved to transfer certain Federal fish hatcheries to non-Federal control, and it contains the standard language requiring that the property revert to the Federal Government, if it is used for something other than the authorized purposes.

I urge my colleagues to support this noncontroversial piece of legislation and I compliment our distinguished colleague, BARBARA CUBIN, for her effective leadership on behalf of her Wyoming constituents.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I am aware of no opposition of this bill on our side of the aisle. This bill is similar to the one that was passed by the House of Representatives. The earlier sponsor of this legislation was the gentlewoman from Wyoming [Mrs. CUBIN]. At this time there were still some disagreements over the legislation but we are told that this has been resolved and I understand that as the chief sponsor from the other body, Senate bill 1802, the gentleman from South Dakota, Mr. DASCHLE, apparently this bill does represent the compromise that was worked out with the Members involved between Wyoming and South Dakota, obviously, and the compromise has been reached by the interested parties. We therefore have no reason to object to the passage of this legislation today. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the Senate bill, S. 1802.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

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

There was no objection.

PRAIRIE ISLAND INDIAN COMMUNITY CHARTER REVOCATION

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (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.

The Clerk read as follows:

Senate Amendment: Strike out all after the enacting clause and insert:

SECTION 1. REVOCATION OF CHARTER OF INCORPORATION OF THE PRAIRIE ISLAND INDIAN COMMUNITY UNDER THE INDIAN REORGANIZATION ACT.

(a) ACCEPTANCE OF REQUEST TO REVOKE CHARTER.—The request of the Prairie Island Indian Community to surrender the charter of incorporation issued to that community on July 23, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the ''Indian Reorganization Act'' (48 Stat. 988, chapter 576; 25 U.S.C. 477) is hereby accepted.

(b) REVOCATION OF CHAPTER.—The charter of incorporation referred to in subsection (a) is hereby revoked.

SEC. 2. AMENDMENT TO THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT.

Section 8(e)(3) The Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2241) is amended by striking ''December 31, 1996'' and inserting ''December 31, 1998''.

SEC. 3. AMENDMENT TO THE SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking ''December 31, 1996'' and inserting ''June 30, 1997''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. SAXTON. Mr. Speaker, H.R. 3068 was passed by the House on May 16, amended by the other body on September 19, and sent back to us for further action.

The amendment added by the other body consists of section 2 and section 3.

Section 2 would amend the Jicarilla Apache Tribe Water Rights Settlement Act by extending, for 2 years, the time during which the tribe, the State of New Mexico, and other parties to the suit must work out various details to this water settlement and have those details included in a court decree adjudicating the water rights in question.

Section 2 of H.R. 3068 is important, is fair, and should be supported by the House.

Section 3, added by amendment by the other body, would amend the San Carlos Apache Tribe Water Rights Settlement Act of 1992 by extending to June 30, 1997, the date for the parties to this settlement to reach agreement on certain matters which are part of that settlement.

This amendment to H.R. 3068 is important, is fair, and should be supported by the House.

In summary, Mr. Speaker, I urge my colleagues to vote ''yes'' on H.R. 3068, as amended by the other body.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman for yielding me time, and commend the subcommittee for this good piece of legislation, which has, in my judgment, been made more important by the addition of the Jicarilla Water Rights Settlement Act, because this is a provision that affects one of the tribes in my congressional district.

The Senate Indian Affairs Committee added this provision extending the water rights settlement of the Jicarilla by 2 years. So what we have is an ability for the tribe now to have access to water and water settlement funds under the act, and with this provision. This is contingent upon dismissal of actions by the tribe against the U.S. Government and a waiver of the tribe's reserve water rights claims in State courts with respect to the Rio Chama and San Juan Rivers.

This bill also requires the U.S. Government and the State of New Mexico to enter into partial final decrees by December 31, 1996. State court proceedings have been delayed, however, and all parties, that is, the tribe, the U.S. Government and the State, requested a 2-year extension to finalize the settlement.

This has been an important settlement. It needs to be settled. More time is needed. Hopefully these 2 years will avoid litigation in the future, for the Jicarilla's water rights are critically important. For the State of New Mexico this is a paramount issue, and for the Federal Government, we are getting a good bang for the buck. So this is a good bill, and it has been enhanced, in my judgment, by this Senate amendment, which extends the Jicarilla Water Rights Act by 2 years.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Rochester, MN [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, today, I am pleased that the House is giving final consideration to a H.R. 3068, a bill to repeal the corporate charter of the Prairie Island Dakota Community in Minnesota. The Senate added two noncontroversal amendments to this bill which extend the deadline to complete water rights settlements for tribes in New Mexico and Arizona.

The Prairie Island Tribe contacted me last June requesting revocation of their 1934 charter. By law, revoking this 62-year-old document can only be done by an act of Congress.

In its entire tribal government history, Prairie Island has never used its corporate charter in the management of its enterprises.

H.R. 3068 passed the House and Senate by voice vote. The bill acknowledges that the people of Prairie Island know best how to handle their business activities. It is another example of this Congress sending control back to local communities, and I am proud to be part of that process.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I, too, support this bill and urge its passage. We revisit this bill a second time because of two noncontroversial Senate amendments to our original bill which passed this House under suspension of rules on May 22 of this year.

This bill takes the long overdue step of revoking the Prairie Island Indian community of Minnesota's Federal charter of incorporation issued under the archaic Indian Reorganization Act [IRA] in 1937. We take this step because only Congress can revoke this charter. Congress created the IRA in an attempt to remake tribal governments by giving them boilerplate constitutions and bylaws including provisions allowing tribal councils to conduct business enterprises pursuant to charters issued under section 17 of the IRA. The tribe received its charter in 1937. The charter has proven to be more of a hindrance than a help. For instance, the charter prevents the tribe from entering into contracts of more than $100 without secretarial approval. Basically, the charter is outmoded, burdensome, and more a vestige of 1930's paternalism than the current Federal policy of self-determination. Thus, the tribe has asked us to revoke their charter and we do so today.

The Senate Indian Affairs Committee added a provision extending the Jicarilla Water Rights Settlement Act of 1992 by 2 years. The tribe's access to water and settlement funds under the act are contingent upon dismissal of actions by the tribe against the United States and a waiver of the tribe's reserved water rights claims in State courts with respect to the Rio Chama and San Juan Rivers. The act also requires the United States and New Mexico to enter into partial final decrees by December 31, 1996. State court proceedings have been delayed, however, and all parties—the tribe, the United States and the State—request a 2-year extension to finalize the settlement.

The Senate Indian Affairs Committee also added a provision extending the San Carlos Apache Water Rights Settlement Act of 1992 by 6 months. The 1992 act imposed a deadline of December 31, 1995, for completion of agreements between the tribe and other parties. Because the tribe, the city of Globe, AZ, and the Phelps Dodge Corp. had not reached an agreement by the deadline, Congress extended the settlement deadline by 1 year, to December 31, 1996, earlier this session—Pub. Law 104–91 (H.R. 1358). Unfortunately, the parties have still not reached an agreement and have asked for an additional extension of 6 months, until June 30, 1997. The administration supports this request.

These amendments have our support and will assist these tribes in furthering their own economic self-dependence and help settle longstanding water disputes. Again, I urge my colleagues to support these measures.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3068.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 3068.

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

There was no objection.

REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES TO AGUA CALIENTE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3804) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, as amended.

The Clerk read as follows:

H.R. 3804

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

SECTION 1. REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES.

(a) IN GENERAL.—The fourth undersigned paragraph in section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'' approved September 21, 1959 (25 U.S.C. 951 et seq.), is amended by striking ''east: *Provided*,'' and all that follows through ''deceased member.'' and inserting ''east.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to net rents, profits, and other revenues that accrue on or after the date of enactment of this Act.

(c) AGREEMENT TO MAKE PAYMENT.—The Congress finds that the Agua Caliente Band of Mission Indians, in Tribal Ordinance Number 22, dated August 6, 1996, has agreed to make payments permitted by reason of the amendment made by subsection (a). The Congress expects the Band to make such payments within 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. SAXON. Mr. Speaker, H.R. 3804, a bill authored by the gentleman from Palm Springs, CA [Mr. BONO], the former mayor of Palm Springs, would remove a restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

This restriction removal is necessary so that the tribe may move forward with its distribution of revenues to tribal members. I support the bill, and I commend the author, Mr. Speaker, for his hard work on this measure, and urge my colleagues to support it.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to lend my support to H.R. 3804, a bill introduced to help the Agua Caliente Band of Cahuilla Indians who reside in the resort town of Palm Springs, the heart of Representative SONNY BONO'S district, who is also the sponsor of this measure. The bill will allow the tribe to distribute revenues from its Mineral Springs parcel to all members of the tribe. Presently, only about 85 members are entitled to these revenues as the 1959 Settlement Act reserved certain lands that resulted in an unequal distribution of allotments to tribal members. To compensate members who received smaller allotments because of the act's reservation of lands, the act gave certain members and their heirs the right to revenues from the Mineral Springs parcel. That parcel is home today to the tribe's Spa Hotel and Casino.

I and my Democratic colleagues, however, have a serious reservation about this bill that I wish to express. Our reservation is that this bill, in effect, gives the tribe the opportunity to begin per capita payments to tribal members from gaming profits from the tribe' casino in Palm Springs. I am not alone in my hesitancy to condone these kind of payments. Rather, and most of my colleagues feel the same way, the authorization of per capita payments is one of the most serious flaws in the Indian Gaming Regulatory Act. Although there are restrictions in the act to guarantee that most gaming revenues are used to fund tribal governmental programs and promote tribal economic development, the fact is that some tribes have chosen to make significant per capita payments to their members. Unfortunately, these payments often have the effect of reducing work incentives or have sometimes been made in order to create a supportive base among tribal members. I hope that tribes, including this tribe, will see past the short term and illusory attractiveness of per capita payments and continue to reinvest all gaming revenues into public programs.

Nevertheless, it is equally true that we are committed to furthering the Federal policy of self-determination and self-governance, and that if that phrase is to mean anything other than mere words, then it means that Indian tribes have, and we must trust them with, the same opportunities and decisionmaking capabilities as other governments in this country. Accordingly then, although we may be opposed to per capita payments, self-determination requires that we leave that decision up to the tribe, who as a sovereign nation, as a government, is fully vested with the power and wisdom to look after and protect its own people.

Mr. Speaker, noting these concerns, this legislation deserve support and approval by this body, and I urge my colleagues to adopt this legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BONO], the author of the bill, who has a longstanding interest in this issue.

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

Mr. BONO. Mr. Speaker, I thank my colleague, the gentleman from American Samoa [Mr. FALEOMAVAEGA], for his comments. The gentleman described the issue perfectly.

Mr. Speaker, not to repeat what has already been described, basically this is a readjustment of funds for the tribes and for the allottees. This is an agreement that the tribes and the allottees have reached themselves, where they have decided it would be a more equitable distribution of portions of the funds.

Mr. Speaker, I tried to do whatever I could to accommodate their needs, and this bill seems to fit within the needs that they are requesting. So I ask that this bill pass unanimously.

Mr. Speaker, the bill amends the 1959 Agua Caliente Allotment Act so that allottees may receive equal allotment income, and so funds from the Mineral Springs parcel of land may be used for the benefit of the entire tribe.

Agua Caliente has 319 members.

Under the 1959 act, 85 allottees or their heirs were given exclusive right to revenues from the Mineral Springs land. The intent of this provision was to provide a means for these allottees to make up for a $5,000 shortfall in allotment values. The attached materials fully explain the history of this shortfall.

However, the tribal government determined that implementation of this provision would have actually defeated the intention of the 1959 act by giving more to these allottees than others would have received. Therefore, the tribe has never made the payments to the 85 allottees of their heirs.

This amendment will finally make the good intentions of the 1959 act a reality. Under this amendment, the allottees receive $22,000 from the tribal government to make up for original $5,000 shortfall from 1959.

This figure was based on a 1993 appraisal of the parcel's current value, and was equally divided among the 85 allottees, and chosen by tribal members in a poll. The funds are currently being held in escrow in anticipation of enactment of this legislation.

To address concerns of a few of the allottees, I have placed in this bill language which specifies that the payments must be made within 180 days of enactment of this bill.

I have also included language requiring compliance with the August 6, 1996, tribal ordinance which explains the disbursement procedure and clearly states that this one-time lump payment to allottees cannot preclude these allottees from receiving tribal funds from the land in the future. This ordinance is in addition to the tribal council's resolution No. 22 of April 25, 1996.

In exchange for this one-time large payment, the allottees give up their exclusive right to funds from the parcel, so that the tribal government can use revenues for the benefit of the whole tribe.

These funds are particularly needed, as 50 percent of the tribal members live in poverty.

I have received over 50 letters from tribal members in support of this bill, which I enter in the RECORD as attachments.

This is a good solution to a long-standing problem. I urge my colleagues to support it.

Mr. Speaker, I include for the RECORD a letter concerning this matter, as well as a copy of the Agua Caliente Ordinance No. 22.

SEPTEMBER 17, 1996.

Re Proposed Amendment to H.R. 3804, Palm Springs Equalization of Allotments Act, Agua Caliente Indian Reservation.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: You may have heard that three members of the Agua Caliente Band of Cahuilla Indians oppose certain aspects of the above proposed legislation. While those three may oppose it, the great majority of the Members of this Tribe support the legislation.

The amendment has been discussed at 19 meetings of the Tribal Council, and the minutes of these meetings have been mailed out to all Tribal Members. The proposed amendment has been the subject of at least one special Tribal Meeting, as well as a straw poll and vote as to the wishes of the Members. We believe that this proposed amendment will remove a long-standing obstacle to the economic self-sufficiency of this Tribe and its Members, and will do so in a way that is fair to all affected.

We urge you to continue to support this important legislation for the benefit of all Tribal Members.

Sincerely yours,

MORAINO J. PATENCIO,
Agua Caliente Tribal Member #142.

ORDINANCE NO. 22

Whereas, an early version of the bill which became the Agua Caliente Equalization Act of September 21, 1959 (P.L. 86–339, 25 U.S.C. Section 951, et seq.) provided for the allotment of virtually all of the lands of the Agua Caliente Indian Reservation, reserving from allotment only Parcel A of what is now the Spa Hotel property and certain other properties not relevant to this matter; and

Whereas, by a resolution adopted by the Tribal Council on April 1, 1958, the Tribe requested Congress to reserve from allotment not only Parcel A but also Parcel B of what is now the Spa Hotel Property, so as to allow the construction of the Spa Hotel to proceed on both parcels; and

Whereas, Congress granted the Tribe's request and reserved both Parcel A and Parcel B from allotment; and

Whereas, when Congress granted this Tribal request, it knew that the non-allotment of Parcel B would reduce the then appraised value of the land available for equalization allotments to approximately 85 otherwise eligible Tribal Members by approximately $5,000 each; and

Whereas, in order to provide some benefit to those approximately 85 otherwise eligible Tribal Members who would have shared in or benefited from the allotment of Parcel B if it had not been reserved from allotment, Congress inserted the following language as a proviso (the ''Proviso'') into Section 3(b) of the Agua Caliente Equalization Act:

Provided, That no distribution to member of the band of the net rents, profits, or other revenues derived from that portion of these lands which is designated as ''parcel B'' in the supplement dated September 8, 1958, between the Agua Caliente Band of Mission Indians and Palm Springs Spa dated January 21, 1958, or the net income derived from the investment of such net rents, profits, and other revenues or from the sale of said lands or of assets purchased with the net rents, profits, and other revenues aforesaid or with the net income from the investment thereof shall be made except to those enrolled members who are entitled to an equalization allotment or to a cash payment in satisfaction thereof under this subchapter or, in the case of such a member who died after September 21, 1959, to those entitled to participate in his estate, and any such distribution shall be per capita to living enrolled members and per stirpes to participants in the estate of a deceased member; and

Whereas, while the Tribal Council does not believe that any of the approximately 85 Members and others covered by the Proviso necessarily has a vested property right under the terms of the Proviso, the Tribe does wish to treat both them and all other Tribal Members fairly and equitably as it seeks legislation to delete the Proviso from federal law and thereby to allow any revenues from Parcel B to be used for the benefit of all Tribal Members after providing appropriate compensation to the affected 85 Tribal Members and others; and

Whereas, the Tribal Council has consulted with all Tribal Members on the above subject by calling a special Tribal Meeting on October 5, 1995, by distributing a straw poll on the subject of appropriate compensation for those affected by the deletion of the Proviso, and by numerous discussions at meetings of the Tribal Council; and

Whereas, after extensive discussion, research, and consideration, both within the Tribal Council and with others, the Tribal Council believes that there is no perfect solution that will satisfy every potential concern of every one of the 85 affected Tribal Members, while also satisfying all other Tribal Members in every regard; and

Whereas, there is no dollar figure for such compensation which would fairly take into account every possible factor in calculating an appropriate dollar figure, which factors include, but are certainly not limited to: possible sale, lease, or condemnation of Parcel B; if leased, whether the lessee would have performed; if leased, the amount of income from the lease; if leased, the value of the underlying fee subject to the lease; interest rates on the $5,000 equivalent value for each of the 85 interests; rates of return on the $5,000 equivalent value for each of the 85 interests if this equivalent value had been invested, and risk of loss thereof; etc.; and

Whereas, because it is not possible to produce any dollar figure for compensation for the 85 interests which takes into account all of the above variables and others, the Tribal Council has instead elected to choose an arbitrary figure of $22,000; and

Whereas, the total payment pertaining to the 85 interests will be $1,870,000, of which the Tribe has already accumulated approximately 70% pursuant to item A.1.c. of its Interim Gaming Revenue Allocation Plan, which amounts cannot be used for any purpose other than satisfaction of the claims of the above 85 Tribal Members and others; and

Whereas, the Tribal Council wishes to provide formal assurance to the holders of the 85 shares that they will actually be paid the above sum; and

Whereas, the Tribal Council has reviewed and approved a set of escrow instructions which conforms to the following requirements, with accompanying exhibits;

Now, therefore, be it ordained and enacted by the Tribal Council of the Agua Caliente Band of Cahuilla Indians that:

1. No later than August 8, 1996 the Tribe, acting through its Tribal Council, will open an escrow with Spring Mountain Escrow Co., 559 South Palm Canyon Drive, Suite B–101, Palm Springs, CA. Into this escrow, the Tribal Council will deposit no less than $1,309,000 upon the opening of the escrow. The escrow instructions for this escrow will be a standard format for a basic holding escrow. The instructions will specify that, no later than one year from the date of the enactment by Congress of a United States statute, and its approval by the President, which statute includes or comprises the language which is set forth in Exhibit A hereto, the total sum of $1,870,000 will be disbursed by the escrow holder to those persons whose names appear on the list which is attached hereto as Exhibit B in the amounts set forth and to the addresses set forth in Exhibit B. The Tribal Council will deposit the balance of the $1,870,000 remaining after the above initial deposit of no less than $1,309,000 within 120 days of the opening of the escrow. The escrow holder will disburse these funds in a first increment of $1,309,000 promptly after the enactment of the said statue, and in a second increment promptly after the deposit by the Tribe of the balance of approximately $561,000 into the escrow. The escrow instructions will specify that, once the initial deposit is made, the only changes in instructions that the escrow holder will accept will be to reflect changes in the names of those entitled to payment due to deaths, and changes in mailing addresses, with the names and amounts being fixed as of the date of the enactment of the said statute. The instructions will further specify that, until disbursed, the deposited funds will be invested in a liquid federally-insured interest-bearing account, with the interest thereon paid to cover the expenses and fees of the escrow, and any remaining balance being returned to the Tribe at the close of escrow, which will occur no later than one year from the opening of the escrow and preferably promptly after the second disbursement.

2. The Tribal Council hereby authorizes and directs its Chairman and/or Vice-Chairman to execute the accompanying set of escrow instructions which conform to the above requirements, a copy of which is attached hereto as Exhibit C, and to take all actions called for in those instructions.

3. The Tribal Council hereby authorizes the Chairman or Vice-Chairman to cause the payment of the above $1,309,000, plus an amount no more than twice the estimated escrow fees and expenses, from the category allocated for this purpose in the Interim Tribal Gaming Revenue Allocation Plan, item A.1.c., into the above escrow no later than August 8, 1996.

4. The Tribal Council hereby authorizes and directs its Chairman or Vice-Chairman to cause the deposit of the balance of approximately $561,000 from the category allocated for this purpose in the Interim Tribal Gaming Revenue Allocation Plan, item A.1.c., into the above escrow no later than 120 calendar days after the opening of the above escrow.

5. The Tribal Council hereby approves the use in the above escrow of the documents accompanying this Ordinance and identified in this Ordinance as:

Exhibit A: language of proposed federal statute

Exhibit B: list of names of those to receive payment under this Ordinance, together with amount to be paid to each

Exhibit C: Escrow instructions

6. As soon as practical after the enactment of this Ordinance, the Chairman or Vice-Chairman will cause the Tribal Office Staff to prepare for informal review by those members of the Tribal Council who are readily available a list of the mailing addresses of all those names appear on Exhibit B, based on the official mailing list for those individuals who are living Tribal Members and on the best available information from Tribal and Bureau of Indian Affairs records for those who are not Tribal Members. The Chairman or Vice-Chairman is hereby authorized and directed to transmit this list of

mailing addresses to the escrow holder for use as specified in the escrow instructions.

7. The Chairman and Vice-Chairman, as well as the Tribal Attorney and Tribal Office Staff, are hereby authorized and directed to take whatever other steps are called for in Exhibit C to perform the tasks, give the instructions and documents, and take all other steps called for in the escrow instructions in order to accomplish its goals and to close the escrow as quickly as possible.

8. Once a complete package is ready, consisting of this Ordinance and Exhibits A,B, and C, the Chairman or vice-Chairman is authorized and directed to send copies of that package, plus an appropriate cover letter of explanation, to all those whose names appear on Exhibit B. The purpose of doing so will be both to inform those affected of how the Agua Caliente Band intends to compensate those who are affected by the proposed legislation, and to verify their mailing addresses. Also, copies of this package will be available to all Tribal Members on request.

Dated: August 6, 1996.

RICHARD M. MILANOVICH,
Chairman.
BARBARA GONZALES-LYONS,
Vice-Chairman.
MARCUS J. PETE,
Secretary/Treasurer.
VIRGINIA SIVA,
Member.
CANDACE PATE,
Member.

EXHIBIT C

INSTRUCTIONS TO SPRING MOUNTAIN ESCROW CORPORATION FOR THE CONDUCT OF AN ESCROW BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS

A. Identification of Parties

The Agua Caliente Band of Cahuilla Indians is a federally-recognized Indian tribe with offices at 110 North Indian Canyon Drive, Palm Springs, CA 92262, and is hereinafter referred to as the ''Tribe,'' Spring Mountain Escrow Corporation is a California corporation with offices at 559 South Palm Canyon Drive, Suite B–101, Palm Springs, CA 92264, and is hereinafter referred to as ''Escrow.'' The Tribe now establishes this escrow pursuant to the following Instructions.

B. Purpose of Escrow

The purpose of these Instructions is for the Tribe to give specific directions to Escrow on the subject of how, when, and under what conditions Escrow will distribute a fund of money to be deposited with Escrow by the Tribe into 85 equal shares, with some shares going to single individuals, and other shares being divided among the heirs of deceased individuals. This is a holding escrow with no other parties except the recipients of the funds. All of the instructions to the Escrow will come from the Tribe. The escrow will be deemed open upon the delivery of one executed original set of these Instructions to Escrow.

C. Deposit of Funds

No later than August 8, 1996 the Tribe will deposit into escrow, by means of a check payable to Escrow, the sum of one million three hundred ten thousand dollars ($1,310,000).

At a later date, which will be no later than 120 calendar days after the opening of the escrow, The Tribe will deposit into escrow, by means of a second check payable to Escrow, the additional sum of five-hundred sixty-one thousand dollars ($561,000).

All such funds will be used and disbursed by Escrow in accordance with these Instructions. The Tribe and Escrow acknowledge that, prior to the disbursement or use of any funds, including any investment thereof, all funds received by Escrow shall be subject to a ''hold'' until such time as the funds are deemed ''collected'' according to the statutes governing escrow agents.

D. Deposit of Documents

No later than August 8, 1996, the Tribe will deposit into escrow a written schedule (''Schedule A'') of the names of the persons to whom Escrow will disburse the deposited funds. Along side each such name will appear the amount to be disbursed to each such named person. Escrow will not be concerned with the accuracy or completeness of either the names or amounts so listed, and will rely on the document supplied by the Tribe for this purpose. However, because of the possibility of deaths and other changes in the names on Schedule A, it is possible that the initial version of Schedule A will be replaced by later version(s). Escrow will rely on and use the last-deposited version of Schedule A as of the date specified in section H below. To be valid and accepted by Escrow, any version of Schedule A must bear the original signature of either the Tribe's chairman, Richard M. Milanovich, or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons, (or successor).

No later than August 23, 1996, the Tribe will deposit into escrow a written schedule (''Schedule B'') of the mailing addresses of each person whose name appears on Schedule A. Escrow will not be concerned with the completeness or accuracy of the addresses on Schedule B, and will rely on the document supplied by the Tribe for this purpose. However, because addresses may change, it is possible that the initial version of Schedule B will be replaced by later version(s). Escrow will rely on and use the last-deposited version of Schedule B as of the date specified in section H below. To be valid and accepted by Escrow, any version of Schedule B must bear the original signature of either the Tribe's Chairman, Richard M. Milanovich, or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons, (or successor).

If and when Congress enacts a certain provision of federal law and the President signs it, the Tribe will deposit into escrow a resolution, executed by the Tribal Council, stating that such provision has been enacted into federal law, attached to which will be a copy of the said provision. This letter and attachment will be referred to as ''Resolution A.''

E. Investment of Funds

Upon clearance of Funds, Escrow is authorized and directed to invest the escrow funds in short-term and liquid instruments either guaranteed by the United States, or an agency thereof, or obligations of the United States, or an agency thereof. In either case, the invested funds must be fully insured or guaranteed by the United States. Because the Tribe is no subject to federal income tax, Escrow will not issue an IRS form W–9 or similar instrument to the Tribe for the income so earned by the investment of the escrow funds. Such investments shall be approved by the Tribal Council.

F. Release of Funds

Upon the receipt of Resolution A from the Tribe, Escrow will disburse one million three hundred and ten thousand dollars of the escrow funds to the persons whose names appear on Schedule A in amounts proportionate to a fraction whose numerator is 1,309,000 and whose denominator is 1,870,000 multiplied by the amount listed on Schedule A opposite the name of each such person. For example, in the case of a person opposite whose name the figure of $22,000 appears on Schedule A, the first payment will be:

(1,309,000÷1,870,000)$22,000=$15,400.00

The above set of payments will be referred to as the first round of disbursements. All payments will be made by check payable to each person whose name appears on Schedule A by certified mail, return receipt requested, to the addresses as listed in Schedule B.

Upon all of the following three events, Escrow will promptly make a second round of disbursements:

1. The completion of the first round of disbursements
2. Deposit by the Tribe into escrow of the above sum of $561,000 in addition to the above deposit of $1,309,000
3. No more than one calendar year has elapsed since the date of the enactment of the federal statute described above and attached to Letter A, as determined from the date of the President's signature thereon.

This second round of disbursements will be to those persons whose names appear on Schedule A in the same manner as with the first round of disbursements, but in amounts proportionate to a fraction whose numerator is 561,000 and whose denominator is 1,870,000 multiplied by the amount listed in Schedule A opposite the name of each such person. For example, in the case of a person opposite whose name the figure of $22,000 appears on Schedule A, the second payment will be:

(561,000÷1,870,000)$22,000=$6,600.00

The end result of both disbursements will be that each person whose name is listed on Schedule A, and opposite whose name the figure of $22,000 appears, will receive a total of $15,400.000 + $6,600.00 = $22,000.00, while all others whose names appear on Schedule A will receive two payments which total the figure listed opposite the name of each on Schedule A in the above proportions.

G. Disposition of undisbursed funds

Whatever funds may remain with Escrow after payment of all of Escrow's fees and expenses, whether the first or second deposit into escrow by the Tribe or the income thereon, will be returned to the Tribe by check payable to the Tribe upon the happening of the sooner of the following two events:

1. The second round of disbursements is complete, or
2. One year has elapsed since the opening of escrow

H. Fixing of Names and Amounts on Schedule A

Escrow will make all disbursements based on the latest-received version of Schedule A that has been deposited by the Tribe into escrow on the date of the enactment of the federal statute, a copy of which is attached to Resolution A above, with the date of such enactment determined by the date of the President's signature thereon.

I. Notice to Recipients

Outside of escrow, and as a matter with which Escrow will not be concerned, the Tribe will mail to each person whose name appears on Schedule A at the address listed for each such person on Schedule B a copy of these Instructions, a copy of Schedule A, and an explanatory letter.

J. Amendments to these Instructions

The only amendments to these Instructions which Escrow will accept and act upon must be accompanied by an original resolution of the Tribal Council of the Tribe, must bear the original signature of either the Tribe's Chairman, Richard M. Milanovich (or successor), or the Tribe's Vice-Chairman, Barbara Gonzales-Lyons (or successor), and must be on one or more of the following subjects only:

1. A new version of Schedule A which is received by Escrow prior to the date described in section H above
2. A new version of Schedule B

K. Close of escrow

This escrow will close on the earlier of the two dates described above in section G. At

that time, Escrow shall return the items and funds deposited by the Tribe to the Tribe as set forth herein.

L. Payment of Fees and Expenses of Escrow

Attached hereto is a schedule of the normal or anticipated fees and expenses which Escrow expects to incur in performing its duties under this escrow. The Tribe approves this schedule, up to a total maximum of $3,500.00, which sum will not be exceeded without written authorization from the Tribe's Tribal Council, which authorization will not be treated as an amendment to these Instructions. Escrow will deduct all such authorized fees and expenses prior to making the disposition of funds described in section G above.

M. General Provisions

Escrow's printed General Provisions follow the typed section of these Instructions and are incorporated by reference as if set forth in full at this point. In case of any conflict between the General Provisions and these typed Instructions, the typed Instructions will prevail.

Dated: August 6, 1996, Agua Caliente Band of Cahuilla Indians (''Tribe'').

RICHARD M. MILANOVICH,
Chairman.

Breakdown of Holding Escrow for Agua Caliente Band Escrow

Holding fee	$1,600.00
Postage for appx. 200 checks certified mail	1,000.00
Per check charge at $2.00 per check appx. 200	400.00

In the event of excessive checks and postage, we will charge as stated above.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I commend my good friend, the gentleman from California [Mr. BONO], the chief sponsor of this legislation, I urge adoption of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 3804, 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. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on H.R. 3804, as amended.

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

There was no objection.

PROVIDING FOR STUDY ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3973) to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, as amended.

The Clerk read as follows:

H.R. 3973

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

SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

The Congress finds and declares the following:

(1) The Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (hereafter in this Act referred to as the ''Alaska Natives Commission'') was established by Public Law 101–379 (42 U.S.C. 2991a note) following the publication in 1989 of the ''Report on the Status of Alaska Natives: A Call for Action'' by the Alaska Federation of Natives and after extensive congressional hearings which focused on the need for the first comprehensive assessment of the social, cultural, and economic condition of Alaska's 86,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92–203.

(2) The 14 member Alaska Natives Commission held 15 regional hearings throughout Alaska between July 1992 and October 1993, and 2 statewide hearings in Anchorage coinciding with the Conventions of 1992 and 1993 of the Alaska Federation of Natives. In May 1994, the Alaska Natives Commission issued its 3 volume, 440 page report. As required by Public Law 101–379, the report was formally conveyed to the Congress, the President of the United States, and the Governor of Alaska.

(3) The Alaska Natives Commission found that many Alaska Native individuals, families, and communities were experiencing a social, cultural, and economic crisis marked by rampant unemployment, lack of economic opportunity, alcohol abuse, depression, and morbidity and mortality rates that have been described by health care professionals as ''staggering''.

(4) The Alaska Natives Commission found that due to the high rate of unemployment and lack of economic opportunities for Alaska Natives, government programs for the poor have become the foundation of many village economies. Displacing traditional Alaska Native social safety nets, these well-meaning programs have undermined the healthy interdependence and self-sufficiency of Native tribes and families and have put Native tribes and families at risk of becoming permanent dependencies of Government.

(5) Despite these seemingly insurmountable problems, the Alaska Natives Commission found that Alaska Natives, building on the Alaska Native Claims Settlement Act, had begun a unique process of critical self-examination which, if supported by the United States Congress through innovative legislation, and effective public administration at all levels including traditional native governance, could provide the basis for an Alaska Native social, cultural, economic, and spiritual renewal.

(6) The Alaska Natives Commission recognized that the key to the future well-being of Alaska Natives lay in—

(A) the systematic resumption of responsibility by Alaska Natives for the well-being of their members,

(B) the strengthening of their economies,

(C) the strengthening, operation, and control of their systems of governance, social services, education, health care, and law enforcement, and

(D) exercising rights they have from their special relationship with the Federal Government and as citizens of the United States and Alaska.

(7) The Alaska Natives Commission recognized that the following 3 basic principles must be respected in addressing the myriad of problems facing Alaska Natives:

(A) Self-reliance.

(B) Self-determination.

(C) Integrity of Native cultures.

(8) There is a need to address the problems confronting Alaska Natives. This should be done rapidly, with certainty, and in conformity with the real economic, social, and cultural needs of Alaska Natives.

(9) Congress retains and has exercised its constitutional authority over Native affairs in Alaska subsequent to the Treaty of Cession and does so now through this Act.

SEC. 2. ALASKA NATIVE IMPLEMENTATION STUDY.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Alaska Natives Commission adopted certain recommendations raising important policy questions which are unresolved in Alaska and which require further study and review before Congress considers legislation to implement solutions to address these recommendations; and

(2) the Alaska Federation of Natives is the representative body of statewide Alaska Native interests best suited to further investigate and report to Congress with proposals to implement the recommendations of the Alaska Natives Commission.

(b) GRANT.—The Secretary of Health and Human Services shall make a grant to the Alaska Federation of Natives to conduct the study and submit the report required by this section. Such grant may only be made if the Alaska Federation of Natives agrees to abide by the requirements of this section.

(c) STUDY.—Pursuant to subsection (b), the Alaska Federation of Natives shall—

(1) examine the recommendations of the Alaska Natives Commission;

(2) examine initiatives in the United States, Canada, and elsewhere for successful ways that issues similar to the issues addressed by the Alaska Natives Commission have been addressed;

(3) conduct hearings within the Alaska Native community on further ways in which the Commission's recommendations might be implemented; and

(4) recommend enactment of specific provisions of law and other actions the Congress should take to implement such recommendations.

(d) CONSIDERATION OF LOCAL CONTROL.—In developing its recommendations pursuant to subsection (c)(4), the Alaska Federation of Natives shall give specific attention to the ways in which the recommendations may be achieved at the local level with maximum local control of the implementation of the recommendations.

(e) REPORT.—Not later than 12 months after the date on which the grant is made under subsection (b), the Alaska Federation of Natives shall submit a report on the study conducted under this section, together with the recommendations developed pursuant to subsection (c)(4), to the President and the Congress and to the Governor and legislature of the State of Alaska. In addition, the Alaska Federation of Natives shall make the report available to Alaska Native villages and organizations and to the general public.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $350,000 for the grant under subsection (b).

(g) ADDITIONAL STATE FUNDING.—The Congress encourages the State of Alaska to provide the additional funding necessary for the completion of the study under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Alaska [Mr. YOUNG] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3973 is legislation which I introduced in consultation with the Alaska Federation of Natives. This legislation will authorize a study to assist in the implementation of the recommendations of the Joint Federal/State Commission on Policies and Programs affecting Alaska Natives and is needed to begin to address the social and economic crisis of Alaska Natives.

The primary focus of the 1992 Commission study was to provide an in-depth analysis, with specific recommendations to Congress, the President of the United States, the Alaska Legislature, the Governor of the State of Alaska and the Native community on the social and economic conditions of Alaska Natives. The Commission completed 2 years of research, public hearings and task force discussion and submitted its report in May of 1994.

The Committee on Resources held a joint oversight hearing in November of 1995 with the Senate Energy and Natural Resources Committee and the Senate Indian Affairs Committee to hear testimony on the Alaska Native Commission report dated May 1994 from the Alaska Native Community, the Governor of the State of Alaska and from the administration. Their testimony focused on recommendations provided by the Commission report on how to address the extremely volatile social and economic conditions of Alaska Natives. This legislation is the outcome of the testimony accepted by all entities in the first step of addressing the crisis status of Alaska Natives.

The Administration has verbally stated no opposition to this legislation and has a letter forthcoming.

I urge my colleagues to vote for passage of H.R. 3973.

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

□ 1400

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to support this legislation of my colleague from Alaska, the distinguished chairman of the committee and the chief sponsor of this bill.

We share the majority's concern, Mr. Speaker, about the need to do something to improve the economic and social conditions of Alaska Natives. We are proud of the work we have done on a bipartisan basis with the other side in the past. We hope that the chairman and the Alaskan Federation of Natives will continue to work with us on this issue.

Mr. Speaker, we agree with the thrust of the 1994 report on the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives. Both the Congress and the State must give Alaskan Native tribes greater opportunities for self-governance. One obvious form would be in terms of enhanced governmental powers, some that we have successfully fought for through passage of Self-Determination Act amendments of 1994, and the Self-Governance Act of 1994.

Another obvious form that would be the recognition and protection of Alaskan Native subsistence hunting and fishing rights, including those won recently by Natives in the 9th Circuit Court of Appeals decision in the ''Katie John'' decision, as well as congressional review of whether or not ''Indian Country'' exists in Alaska.

Mr. Speaker, we are all too aware of the fact that of the more than 200 Alaskan Native villages, two-thirds of them do not have piped water and sewer systems. Even health clinics do not have running water. In the Copper River Basin area, incidences of fetal alcohol syndrome in the late 1980's occurred at the astonishing rate of 350 per 1,000 live births. A recent CDC study shows Alaskan Natives are dying from tobacco-related illnesses at a higher rate than any other group in Alaska. Despite the fact Alaskan Natives have the highest medium income among all Native Americans, more than 25 percent still live below the poverty level.

Mr. Speaker, these statistics are, in a word, heartbreaking. There is no question we take our commitment to improving the lives of Native Americans seriously. We intend to do something about these conditions. We simply believe we can do something more quickly if we can work together as we have tried and are doing so on a bipartisan basis.

Mr. Speaker, I urge the adoption of this legislation.

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

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3973, 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill just passed.

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

There was no objection.

HELIUM PRIVATIZATION ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4168) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The Clerk read as follows:

H.R. 4168

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 ''Helium Privatization Act of 1996''.

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Helium Act (50 U.S.C. 167 to 167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

''SEC. 3. AUTHORITY OF SECRETARY.

''(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

''(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

''(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

''(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

''(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

''(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

''(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

''(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

''(b) STORAGE, TRANSPORTATION, AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

"SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

''(a) STORAGE, TRANSPORTATION, AND WITHDRAWAL.—The Secretary may store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

''(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

''(c) DISPOSAL OF FACILITIES.—

''(1) IN GENERAL.—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

''(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

''(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

''(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

''(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation, and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

''(d) EXISTING CONTRACTS.—

''(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

''(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

"SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

''(a) IN GENERAL.—Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

''(b) TREATMENT.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).''.

SEC. 4. SALE OF CRUDE HELIUM.

(a) Subsection 6(a) is amended by striking ''from the Secretary'' and inserting ''from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary''.

(b) Subsection 6(b) is amended—

(1) by inserting ''crude'' before ''helium''; and

(2) by adding the following at the end: ''Except as may be required by reason of subsection (a), sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.''.

(c) Subsection 6(c) is amended—

(1) by inserting ''crude'' after ''Sales of''; and

(2) by striking ''together with interest as provided in this subsection'' and all that follows through the end of the subsection and inserting ''all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as 'repayable amounts'). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—

''(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

''(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.''.

(d) Subsection 6(d) is amended to read as follows:

''(d) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LANDS.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).''.

(e) Subsection 6(e) is repealed.

(f) Subsection 6(f) is amended—

(1) by striking ''(f)'' and inserting ''(e)(1)''; and

(2) by adding the following at the end:

''(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c), all amounts in such fund in excess of $2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

''(B) On repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the general fund of the Treasury.''.

SEC. 5. ELIMINATION OF STOCKPILE.

Section 8 is amended to read as follows:

"SEC. 8. ELIMINATION OF STOCKPILE.

''(a) STOCKPILE SALES.—

''(1) COMMENCEMENT.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

''(2) TIMES OF SALE.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

''(3) PRICE.—The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

''(b) DISCOVERY OF ADDITIONAL RESERVES.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a).''.

SEC. 6. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

Section 12 is amended to read as follows:

"SEC. 12. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

''(a) IN GENERAL.—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of $1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

''(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

''(1) FIRST TRACT.—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

''Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

''Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

''Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

''Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

''Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

''(2) SECOND TRACT.—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

''Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

''Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

''Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

''Containing an area of 331 acres, more or less.''.

SEC. 7. REPORT ON HELIUM.

Section 15 is amended to read as follows:

"SEC. 15. REPORT ON HELIUM.

''(a) NAS STUDY AND REPORT.—Not later than 3 years before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to study and report on whether such disposal of helium reserves will have a substantial adverse

effect on United States scientific, technical, biomedical, or national security interests.

''(b) TRANSMISSION TO CONGRESS.—Not later than 18 months before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall transmit to the Congress—

''(1) the report of the National Academy under subsection (a);

''(2) the findings of the Secretary, after consideration of the conclusions of the National Academy under subsection (a) and after consultation with the United States helium industry and with heads of affected Federal agencies, as to whether the disposal of the helium reserve under section 8 will have a substantial adverse effect on the United States helium industry, United States helium market or United States scientific, technological, biomedical, or national security interests; and

''(3) if the Secretary determines that selling the crude helium reserves under the formula established in section 8 will have a substantial adverse effect on the United States helium industry, the United States helium market or United States scientific, technological, biomedical, or national security interest, the Secretary shall make recommendations, including recommendations for proposed legislation, as may be necessary to avoid such adverse effects.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of H.R. 4168. This bill is similar to previous passed legislation, H.R. 3008, which sailed through this body earlier this year with bipartisan support by a vote of 411 to 10. This legislation includes language negotiated in the Senate Energy and Natural Resources Committee to provide a National Academy of Sciences study on how to dispose of the helium reserve.

We bring this measure before the House again today because of the limited amount of time remaining in the 104th Congress. By passing this version of the bill, the Senate can act on the same measure and the bill can go directly to the President for signature.

This bill demonstrates our commitment to put an end to bloated Government programs by shutting down an inefficient facility which has outlived its need and can't compete with the private sector. I thank my colleague, Mr. COX, for his tireless efforts to bring this important bill to the floor. I also want to thank my colleague on the Committee on Resources, MAC THORNBERRY, in whose district the helium reserve is located and whose constituents are affected by the loss of jobs at the facility. Mr. THORNBERRY worked diligently through the committee process to find the best solution for his constituents, offered privatization alternatives to the plan closure, and pushed for reconsideration of how to conduct the sale of the helium reserve.

Specifically this bill will:

Get the Federal Government out of the helium business, including sale of the stockpile, and shut down an inefficient helium refinery.

Ensure repayment of the helium debt.

And, protect our domestic helium industry from undue disruption by the Federal Government.

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

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, before I begin I want to say that I had the opportunity, in fact the privilege, of being in the Committee on Ways and Means the other day when the portrait of Mr. YOUNG was unveiled. I want to take this opportunity to publicly thank him for his untiring efforts on behalf of the causes associated with the Committee on Resources. Regardless, Mr. Speaker, of what one's views might or might not be on any given issue, one can always count on the fact that in dealing with Chairman YOUNG we are dealing with a man of unquestioned integrity, whose commitment to this Nation and to the Committee on Resources has been unfailing. I want to say to him, Mr. YOUNG, that one of the singular privileges of my political life has been to serve with you.

Mr. Speaker, I rise, with certain regrets, in support of H.R. 4168, a bill to close the Federal Helium Program. In these days of downsizing, it seems the time has come to terminate programs which appear to have outlived their usefulness, like the Federal Helium Program.

Since 1925, when the Defense Department believed that dirigibles, or blimps, would be an integral part of our national defense, the Federal Government has managed a helium program. Today, the Federal Helium Program continues to serve the needs of major Federal users of helium, such as NASA and DOE laboratories.

The Federal Government got involved in helium production at a time when there was no private helium production. Today, however, the private sector manufactures 90 percent of the world's helium production. For this reason, groups such as the National Taxpayers Union, the 20/20 TV program, the Interior Department inspector general, and the Heritage Foundation have called for its elimination.

H.R. 4168, like its predecessor H.R. 3008 in this Congress and H.R. 3967 in the 103d Congress, enjoys bipartisan support. While I did not support termination of the program, I recognize that, after several years of consideration, Congress is poised to resolve the question of the helium program by terminating it. But, I remain concerned that we have not done enough to aid the 200-plus employees in Amarillo, TX, who will lose their livelihood as a consequence of our decision.

During committee consideration of this bill, I offered an amendment to provide employee benefits in addition to those authorized under existing law, so that the 200-plus employees in Amarillo—many of whom have built their careers on this program—would get the same kind of additional education and job placement assistance that we gave defense employees working at bases that were closed. These are people—men and women—who through no fault of their own find themselves working for a Federal program targeted for downsizing. My amendment would have given these people help in addition to what the Secretary is already authorized to provide. The same kind of help that we have provided to many of the defense employees working at military bases scheduled for closure—job placement assistance, extended life and health insurance coverage and the option to take an early retirement without penalty.

Sadly, my Republican colleagues could not be persuaded to provide this type of much-needed aid. During committee debate, my colleague, Representative CALVERT argued that the Secretary already has the authority to provide these benefits. This is simply incorrect. My amendment would have added authority necessary to enable the Secretary to extend health and life insurance coverage for 3 years beyond an employee's termination; the Secretary does not have the ability to provide this assistance under current law. My amendment would have allowed Federal helium employees access to the enhanced early retirement option; current law does not provide for this protection. My amendment would have given Federal helium employees hiring preference governmentwide—not just in the Amarillo area as is provided for under existing law.

So, my amendment failed. And even though I agreed with my colleague, Representative MAC THORNBERRY, that we don't need to terminate this program, I could see that the bill would pass. So I tried to lessen the blow so that the helium workers might be able to find another Federal job, or if they had served 20 years, take an early out and retire from civil service. But, this was not to be.

These activities would have been paid from the existing helium account, and would have cost relatively pennies especially in comparison to the costs of unemployment payments. The CBO said that my amendment would have no budgetary effect.

It seemed only fair to offer this assistance to the innocent victims of our downsizing zeal. So that the employees—who had nothing to do with the difficulties facing the program—would not be left stranded by their Government. But, my Republican colleagues could not see their war clear to help their fellow public servants.

And so, today, we will pass H.R. 4168 under suspension of the rules so we can praise ourselves for making Government smaller. I just wish we could have done so in a more humane and compassionate manner. I am somewhat consoled by the information that provision for unemployment benefits has been included in the Interior appropriations conference report.

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

Mr. Speaker, H.R. 4168, the Helium Act of 1966, is very similar to a bill that I, along with former Representative Richard Lehman and Representative VUCANOVICH supported during the 103d Congress. H.R. 4168 is almost indistinguishable to the bill the House passed earlier this year, with our support. H.R. 4168, as I understand it, is identical to the bill recently favorably reported by the Senate Energy Committee, with several inconsequential changes. By passing this bill today, we will make it possible for the Senate to finish action on this bill should the House adjourn prior to completion of business in the other Chamber.

H.R. 4168, like its predecessors in this Congress and the 103d Congress, is a bipartisan good Government bill to get the Federal Government out of the helium business.

While many people don't realize that helium is used in the Space Shuttle Program, in Star Wars research, for cryogenics and magnetic resonance imaging, there is still no overriding need for the Federal Government to continue its role in the helium business. The now defunct Bureau of Mines began its helium program during World War I as an effort to assure the Government of an adequate supply of helium at a time when there was no private helium production.

Currently, 32 billion cubic feet of helium are stockpiled in an underground dome northwest of Amarillo, TX. Estimates suggest that this amount will safely cover Federal needs for over a century.

Today, the private sector produces over 90 percent of the helium supplies in the United States. But, because Federal agencies are required to purchase helium from the Bureau, the Government continues top operate the helium recovery and purification facility in Amarillo, TX. Unfortunately, these facilities are outmoded, in need of constant repair, and are not nearly as efficient as private facilities. The General Accounting Office, the inspector general of the Department of Interior, the Taxpayers Union and the Helium Advisory Council have called for reform of the helium program.

In recognition of these factors, we have supported legislation which would get the Federal Government out of the helium business without creating a fire sale of the crude helium in the stockpile. The bill before us eliminates the Federal Government helium refining and production enterprise. Federal agencies would be allowed to purchase helium from the lowest bidder. The stockpile would be maintained until no later than 2014 to allow other reserves to be depleted and to ensure that Federal helium will receive the optimum price when sold and that such sales will not disrupt the private market.

I am saddened that the bill was not amended to provide adequate assistance for those employees that, through no fault of their own, will find themselves unemployed with the closing of this program. However, I understand that the fiscal year 1997 Interior appropriations conference report contains provision for unemployment benefits for these employees.

At a time of shrinking resources and rising costs, it only makes sense to eliminate this unnecessary Government function. We have no objections to passage of H.R. 4168 under suspension of the rules.

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Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX], sponsor of the legislation.

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

I am sorry that we are back on the floor with this bill. This is the third time that the House of Representatives will vote to pass this bill. The last time we did so with 411 votes. There are only 435 Members that work here and some of them could not make the vote.

There is no question but that the people's House wishes to see this legislation enacted into law. Quite frankly, there is not really any objection to it from the other body. But for 2 years now, we have waited and waited and waited, and at the present time there are two of our colleagues in the other body who have a hold on this bill. It has been taken hostage for other reasons and so on.

The SPEAKER pro tempore (Mr. EWING). The gentleman will refrain from characterizing action or inaction of the Senate.

Mr. COX of California. I do not mean to characterize the action, Mr. Speaker, only to describe it.

The reason that we are here is that we want to make sure that this bill has every chance of passage during the 104th Congress, and so the bill that we are taking up is only slightly different than the one that we passed last time. The difference is the change that has been made in the other body. The bill that we are bringing up here is thus identical to the bill that has already been reported out of the committee completely favorably in the other body. If, therefore, we vote to pass this legislation, it remains only for the other body to take a vote and the bill will go directly to the President.

This is a serious subject. Helium is, of course, a scarce resource. It occurs naturally as a byproduct of natural gas. We know that at least in that form it occurs in finite quantities. We have to, therefore, make sure that we conserve it. Currently under Federal Government management, we are losing to the atmosphere a great deal of helium. Each year it escapes because we do not store and transport it properly. Furthermore, the Federal Government is in the business still of marketing helium. What this bill will do is get the Federal Government out of the marketing and refining business and leave that to the private sector where, incidentally, 90 percent of the world's helium supply already comes from.

The Federal Government is no longer needed for this purpose. I say no longer because there was a time, back in the 1920's, when we first came up with the idea for the Federal Government to be in this business. When there was a legitimate purpose for national security reasons, the Federal Government got into the helium business to make sure we had a captive and constant source of supply to field a fleet of blimps in time of war. That time has passed. We do not any longer need helium to field blimps in time of war. Instead, we need helium for magnetic resonance imaging, we need helium for undersea welding and untold other uses that science, not Government, is best equipped to deal with.

Instead of relying on the Federal Government to operate a commercial industry of this source, we should rely on the private sector on which we rely for all other minerals, strategic or otherwise, in our commerce and in our national defense.

There is a legitimate question about how best to conserve helium in the future and one of the changes, the only change from our House bill that made its way into this bill in the Senate, is that we will have the National Academy of Science conduct a formal inquiry into this aspect of the helium question. But it is no longer, as my colleague on the other side of the aisle just pointed out, it is no longer a partisan question whether we should have the national helium reserve. We ought not to. Incidentally, it loses money. It is wasteful. Its debt to the taxpayers is now $1.4 billion. It has been unable to pay back the debt to the taxpayers on a constant basis as was contemplated in 1960, when the taxpayers loaned the Government commercial enterprise a whole lot of money. By turning ownership and management of this over to the private sector, we can recapture the taxpayers' investment.

One final point. That is that some are concerned that because helium is important, we should not in any way change the way we presently are doing business in the Federal Government. Physicists in particular understand the fundamental law of conservation of matter. When title to this helium changes from government to private sector, the helium will not go away. It will still be there. In fact, it will be

there for many, many, decades, in fact well into the next century to come.

I think it is vitally important that we end this poster child of Government waste once and for all. I congratulate my colleagues for their patience and tolerance for bringing this bill up for what will probably be another unanimous vote for the third time this session. It is what our form of government is all about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS].

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

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Alaska for yielding me this time.

Mr. Speaker, it was with some surprise that I saw this bill suddenly up on the agenda again, without committee action, and I am sorry I did not have more time to prepare and discuss it with the bill's sponsor. This bill did go through the House several months ago and I was tangentially involved in the discussion. At that time I was also surprised because it had popped up on the floor without having, to the best of my knowledge, gone through committee.

At that time I was told that the scientific societies' concerns and scientists' concerns had been taken care of. I found out later they were not, and I regret that I voted for the bill on false information I was given.

But I did want to point out that, even though this bill is certainly better than the one that passed this body a few months ago, now that the Senate amendment is included, I still have a serious reservation about the entire topic.

As has been mentioned here, helium has tremendous uses in the scientific world. We continue to find more all along. The difficulty is, it is a very limited resource. It is found in economically feasible quantities only in certain gas fields in this country. If we do not recover it at the time that the gas is pumped out of the ground, that helium is lost because it is simply pumped out with the gas. When the gas is burned, the helium goes into the atmosphere.

Helium is used in medicine. It is used in scientific research. It is used in transmission power lines in certain special instances. It is used in large superconducting magnets for many research facilities. It is used in the space program. Most recently it has been used in the discovery of the fifth state of matter. Most of us, when we were in school, learned about the three states of matter: solid, liquid, gaseous. Later we discovered that there is a fourth state: plasma. We know have a fifth state of matter, which was postulated by Bose and Einstein nearly a century ago, and was finally just discovered within the past year, at micro-degrees Kelvin temperature, a temperature which can only be achieved with liquid helium under a pumped condition.

This will lead to a whole new frontier of science, and there are many other unknown frontiers which are yet to be discovered using helium, particularly in the liquid form. So it is a very, very special material; and in particular once it is used, it is lost to the atmosphere. It cannot be recovered economically. Furthermore, because of its lightness and the speed of motion of its atoms within the atmosphere, it is lost into space more readily than the other gases in the atmosphere.

The economics that make this issue so difficult at this time occur because there is still relative abundant supply, and it is not economically feasible to recover all that we could recover. Furthermore, we have to recover it from the natural gases which possess the largest quantities of helium, because other natural gases do not have as much and it would be more expensive to recover from those. This is why the Government got in the business in the first place.

I am certainly in sympathy with the intents of the sponsor and others who want to get the Government out of the business, but the economics are such at this time that if we are not careful we will lose vast quantities of helium, not from our use but from the use of the next generation and generations beyond. And that would be extremely tragic because it is absolutely irreplaceable.

I hope no one in the House of Representatives hopes that somehow there will be a new technological invention of some sort that will replace helium. It simply cannot happen. Helium is a distinct entity of matter. There is only a certain amount of helium on this planet. We have to make sure it is used wisely, and we should not use it for blimps. We should not even use it for helium-filled balloons. We should try to conserve it for the future. What concerns me is that I have no assurance under this bill that this will be taken into account.

I do welcome the amendment that calls for the study by the National Academy of Sciences. I believe that is a good step to take. However, the decision is still finally going to be made by the Secretary of the Interior. We have no idea who the Secretary of the Interior might be at that time and whether or not that person will have an adequate knowledge and understanding of the scientific aspects of helium use to make a wise and intelligent decision.

I would feel much better, frankly, if we simply commissioned the National Academy study, and then had the issue come back to the House once again for debate and review.

Having said that, the dilemma we face now is that the bill is before us. We have to make a decision. I urge all Members of the House to consider these factors very carefully, very thoughtfully, and vote accordingly. I have great reservations about this bill and I hope that we look at the issue very carefully before passing it.

Mr. THORNBERRY. Mr. Speaker, I rise today in opposition to H.R. 4168, which would authorize the Secretary of the Interior to enter into agreements with private parties for the recovery and disposal of helium on Federal lands.

As we all know, the House approved similar legislation earlier this year with the passage of H.R. 3008. H.R. 4168 is the same bill as H.R. 3008 with one exception—it includes a provision directing the National Academy of Science to study and report on whether such disposal of helium reserves will have a substantial adverse effect on the scientific, technical, biomedical, or national interests of the United States.

While I agree in principle with the goal of this provision and, in fact, have my own concerns about the effect selling the Federal helium reserves will have on the private market and our national security, I think the legislation in which it is included is fundamentally flawed and should be defeated.

Even if one believes that the Federal Government ought to get out of the helium business, this is the wrong way to do it. In many areas over the past few months and years, this Congress and, to a lesser extent, the administration through its Reinventing Government efforts, have tried to get the Government out of certain activities. In doing so, they have both tried to turn those activities over to the private sector.

Unfortunately, H.R. 4168 would create a situation in which privatization is not a feasible economic alternative. This bill effectively prevents an individual or company from buying the Government assets and operating the helium refinery which the Government has operated all these years. As a result, what could have been a revenue generator for the Federal Government will actually continue to drain treasury coffers for the benefit of those companies already involved in the business of helium sales.

I would remind my colleagues that while NASA currently requires several railroad cars of helium for each shuttle launch, it can only take it in gaseous form. No private company can supply it in gaseous form. Consequently, if H.R. 4168 passes, we're going to have to spend a lot of money to modify facilities to accept the helium as a liquid and then convert it to a gas.

Common sense would be to allow a private company to buy the refinery and some helium from the stockpile to supply NASA and others. Unfortunately, this cannot happen under this bill.

I have had several people from my district express an interest in either buying the refinery and some helium and trying to operate the plant, or buying some of the helium and building a new, modern refinery that is much smaller. But there is no realistic opportunity of either of those things happening because of the formula used by this bill to sell helium.

Virtually everyone agrees that we have more helium in the ground than we need. This bill requires the excess helium to be sold according to a formula that is designed to pay back the debt and interest that one part of the Government owes another part of the Government. The difficulty is that none of the helium will be sold because the formula prices it far higher than the market price.

As a matter of fact, this bill will price crude helium about $8 to $13 million cubic feet more

than the current market price. Mr. COX may say there is no specific language which prohibits sales from the stockpile, but when it is priced 25 to 48 percent above the market price, I doubt there will be much sold. So not only can we not privatize the helium operation, but the taxpayers will not see the deficit go down because none of the helium will be sold.

The substitute which I offered in the House Resources Committee would still get the Government out of the helium business. But it would also allow some helium to be sold according to the market price at the time it was sold, as long as it did not disrupt the market. It would have also canceled the debt, which consists mainly of compound interest which one part of the Government owes another part of the Government. And it would have delayed closure of the plant for 3 years, not 18 months, which would have provided additional time not only for NASA to transition to private sources of helium, but for the plant's workers to transition to new jobs and careers. This plan was similar to the proposal suggested by the Clinton administration, and makes a lot more sense than the proposal we are considering today.

Mr. Speaker, I don't know if we're serious about doing this the right way or just interested in a press release. I don't know if the President was serious about doing this the right way when he mentioned helium in his State of the Union speech in 1995. But I do know that there is a right way and a wrong way to end this Federal program, and this bill is the wrong way.

The House registered its clear opposition to continued Federal funding of the helium program when it approved H.R. 3008 by a vote of 411–10 on April 30 of this year. I do not plan to request a vote on H.R. 4168.

But I do urge my colleagues to remember that in considering the future of other programs, we ought to strive to make the Federal Government not just smaller—but smarter, as well.

This bill is not a smart way to reform the helium program, and for that reason, I oppose it.

Mr. YOUNG of Alaska. Mr. Speaker, I have no 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4168.

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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3752) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, as amended.

The Clerk read as follows:

H.R. 3752

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 ''American Land Sovereignty Protection Act of 1996''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a—1) is amended—

(1) in subsection (a) in the first sentence, by—

(A) inserting ''(in this section referred to as the 'Convention')'' after ''1973''; and

(B) inserting ''and subject to subsections (b), (c), (d), (e), and (f)'' before the period at the end;

(2) in subsection (b) in the first sentence, by inserting ''; subject to subsection (d),'' after ''shall''; and

(3) adding at the end the following new subsections:

''(d) The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.

''(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention unless—

''(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

''(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

''(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

''(1) An accounting of all money expended to manage the site.

''(2) A summary of Federal full time equivalent hours related to management of the site.

''(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

''(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.''.

SEC. 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

''SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

''(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

''(1) is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996 and before December 31, 1999;

''(2) consists solely of lands that on the date of that enactment are owned by the United States; and

''(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

''(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

''(1) An accounting of all money expended to manage the reserve.

''(2) A summary of Federal full time equivalent hours related to management of the reserve.

''(3) A list and explanation of all nongovernmental organizations contributing to the management of the reserve.

''(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.''.

SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amendment by adding at the end the following new section:

''SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

''(b) A nomination, classification, or designation of lands owned by a State or local government, under any international agreement shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

''(c) A nomination, classification, or designation of privately owned lands under any international agreement shall have no force or effect without the written consent of the owner of the lands.

''(d) This section shall not apply to—

''(1) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention);

''(2) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

''(3) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

''(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.''.

SEC. 6. CLERICAL AMENDMENT.

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is amended by striking ''Committee on Natural Resources'' and inserting ''Committee on Resources''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3752, the American Land Sovereignty Protection Act of 1996, asserts the power of Congress under article IV, section 3 of the United States Constitution over management and use of lands belonging to the United States. So that everyone understands, the concern here is the U.S. Congress—and therefore, the people of the United States—are left out of the domestic process to designate ''World Heritage Sites and Biosphere Reserves.'' This will require the participation of the U.S. Congress and the citizens of this Nation in the process.

Within the last 25 years, more and more of our Nation's land has become subject to international land-use restrictions. A total of 67 sites in the United States have been designated as ''UN Biosphere Reserves or World Heritage Sites.'' These land designations under the World Heritage and Biosphere Reserve programs have been created with virtually no congressional oversight and no congressional hearings. The public and local governments are rarely consulted.

The World Heritage Site program is based on a treaty. This bill does not suggest that the United States shrug off the World Heritage Site program. We have a domestic law implementing the program and H.R. 3752 proposes to change that domestic law so that Congress must approve the sites.

In the case of Biosphere Reserves, the program is not even authorized by a single U.S. law or even an international treaty. That is wrong. Executive branch appointees—whatever their political party—cannot and should not do things that the law does not authorize.

What is unreasonable about Congress insisting that no land be designated for inclusion in these international land use programs without clear and direct approval of Congress? We need to reemphasize the congressional duty to keep international commitments from floating free of traditional Constitutional constraints. Otherwise, the boundaries between one owner's land and another or even between the government's land and private property are too easily ignored.

H.R. 3752 provides a process under which the United States may when desirable designate lands for inclusion under certain international agreements. This process will protect: State sovereignty, individual rights of United States citizens, and private interests in real property. This bill will also prevent attempts by the Executive branch to use international land designations to bypass the Congress in making land use decisions.

H.R. 3752 is a good bill which will protect our domestic land use decision-making process from unnecessary international interference. I look forward to reporting this bill to the House for consideration.

Mr. Speaker, if World Heritage Sites and Biosphere Reserves have strong grassroots support, then why haven't we seen any evidence of this?

I have here a letter from the chairman of the Minnesota Senate Environment and Natural Resources Committee, the Honorable Bob Lessard, which supports H.R. 3752 lamenting the lack of public input in these designations. I request that this letter along with the attached letters be entered in the RECORD.

At our committee hearing, local elected officials from Eddy County, NM; Ulster County, NY; and Lake George, NY testified in support of H.R. 3752 and also criticized the lack of public process in making these international designations.

Moreover, we also have received letters of support from the coalition of Arizona/New Mexico coalition and northern counties land use coordinating council in Minnesota.

SENATE,
STATE OF MINNESOTA,
September 25, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing to express my strong support for your bill the American Land Sovereignty Act (H.R. 3752) which would provide badly needed congressional oversight for areas designated as World Heritage Sites or International Biosphere Reserves in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Northwoods International Biosphere Reserve was proposed for much of northern Minnesota in the mid-1980's. This proposal included Voyagers National Park and the Boundary Waters Canoe Area Wilderness.

Thankfully, the area was withdrawn from consideration because of massive local oppositions. A bipartisan commission created by the Minnesota Legislature concluded, among other things, that the designation would be contrary to the purpose for which Voyageurs National Park was established. It was also found that this designation included provisions for creating buffer zones around federal areas. I understand that former Wilderness Society President George Frampton, who is currently Assistant Secretary of Interior for Fish, Wildlife and Parks, proposed creating biosphere reserves around all national parks and wilderness areas where roads would be closed and economic development would be eliminated.

I also understand that dozens of these areas have been created throughout the United States with virtually no legislative oversight or public input. I consider this an appalling situation that needs to be remedied.

As Chairman of the Senate Environmental and Natural Resources Committee, I am concerned about the motives and intentions of those who propose increased federal and state land use control under the guise of program administered by the United Nations.

In that day and age of open government. I cannot understand how programs like these can continue without congressional oversight and local public input. As a result, I enthusiastically support the American Land Sovereignty Act.

SENATOR BOB LESSARD,
Chairman, Senate Environment and Natural Resources Committee.

NORTHERN COUNTIES LAND USE COORDINATING BOARD,
Duluth, MN, September 25, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee, Washington, DC.

DEAR CONGRESSMAN YOUNG: I am writing to support the American Lands Sovereignty Act that would require Congressional approval for areas proposed for designation as Biosphere Reserves.

My district includes the eastern portion of Voyageurs National Park in Minnesota. In 1985, the National Park Service proposed that the park and adjacent areas be designated as the Northwoods International Biosphere Reserve. Local opposition resulted in the elimination of this proposal in 1987. One of the main concerns was that there was no congressional approval required for these areas, although they clearly have implications for the future of lands and waters both inside and outside boundaries established by Congress. Furthermore, a commission created by the Minnesota legislature concludes that the Biosphere Reserve purpose was contrary to the purposes for which the national park was established.

As you know, we have had persistent problems in Northern Minnesota with federal land management policies, as evidenced by the results of Congressional Hearings held over the past year. More Congressional oversight of federal land management policies and practices is clearly necessary to restore public trust and confidence in these agencies. The American Land Sovereignty Act will go a long way toward achieving that goal.

Sincerely,

Chairman.

SEPTEMBER 25, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee, Washington, DC.

DEAR MR. CHAIRMAN: The American Sheep Industry Association (ASI), the National Cattlemen's Beef Association (NCBA) and the American Farm Bureau Federation (AFBF) representing 4.5 million members, wish to express their support for your American Land Sovereignty Protection Act (H.R. 3752). As you are aware, the Department of the Interior presently operates the Man & Biosphere Program on Biosphere Reserves without legislative direction and no authorization from Congress. Furthermore, the 1995 designations of Glacier National Park and the Carlsbad Caverns as World Heritage sites, and the 1989 designation of Yellowstone National Park as a Biosphere Reserve were made with no public or Congressional input. Your bill makes available a process in which we can begin to correct these problems.

The operational guidelines for both World Heritage sites and Biosphere Reserves require the establishment of a buffer zone near or around designated areas. In many areas, the establishment of buffer zones conflicts with the property rights of both the individual and the state. ASI, NCBA and AFBF policies support the language of your bill that compels Congress to consider the implications of international designations on these rights before the designations are made.

The undersigned organizations stand with you and other members of Congress in support of the American Land Sovereignty Protection Act and thank you for your efforts in support of fairness to land owners.

AMERICAN FARM BUREAU FEDERATION.
AMERICAN SHEEP INDUSTRY ASSOCIATION.
NATIONAL CATTLEMEN'S BEEF ASSOCIATION.

ENVIRONMENTAL CONSERVATION *Organization,*
Hollow Rock, TN, September 20, 1996.

Hon. DON YOUNG, Chairman,
House Resources Committee,
Washington, DC.

DEAR CONGRESSMAN YOUNG: Thank you for introducing The American Land Sovereignty Protection Act (HR3752). Since Congress bears the Constitutional responsibility for managing federal lands and for protecting the private property rights of individual citizens, the Bill offers welcome relief from the intrusions of the international community. The 20 World Heritage Sites, authorized under the World Heritage Treaty, and the 47 Biosphere Reserves, administered in lockstep with UNESCO's Biosphere Program by the U.S. Man and the Biosphere Program, have imposed land use controls on public and private lands that have not been authorized by Congress. Your Bill, HR3752, will assure that the people affected by such designations will have an opportunity to express their views on such designations—before the designation is imposed.

We are equally concerned about Presidential, and Administrative declarations that exclude Congress from land management decisions on public lands and restrict and erode property rights on private lands. The President's decision to designate ''Canyons of the Escalante'' in Utah as a National Monument is an excellent example of federal land use control by Presidential decree which excludes Congress, locally elected officials, and the people whose lives are directly affected. The Chenoweth Bill, HR4120, would prevent these unilateral Presidential decrees. These two Bills together, would put Congress back in control of the management of federal lands and give private property owners a measure of protection—as is required by the Constitution.

The undersigned organizations support both these measures, HR3752 and HR4120. We stand with you and other members of Congress who support these measures, and we will work to see that both become the law of the land.

Thank you for all of your efforts.

Sincerely,

HENRY LAMB,
Executive Vice President, and the following organizations:

Citizens for Private Property Rights, Sullivan, MO; Western States Coalition, New Harmony, WY; New Mexico Cattle Growers' Association, Albuquerque, NM; Bootheel Heritage Association, Animas, NM; Earthcare Contractors Coalition, Hollow Rock, TN; Texas Wildlife Association, San Antonio, TX; Davis Mountains Trans-Pecos Heritage Association, Alpine, TX; Hill Country Heritage Association, Lampasas, TX; Trans Texas Heritage Association, Alpine, TX; Network for Eco-Policy Awareness, Anchorage, AK; National Federal Lands Conference, Bountiful, UT; Oregonians in Action, Tigard, OR; Texas Eagle Forum, Dallas, TX; New Mexico Wool Growers Action Committee, Yeso, NM; Take Back Arkansas, Fayetteville, AR; Multiple Use Association, Shellburne, NH; Coalition of Arizona/New Mexico Counties, Glenwood, NM; Citizens Against Repressive Zoning, Haslett, MI; ACCORD People for the West, Phoenix, AZ.

□ 1403

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

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

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

Mr. RICHARDSON. Mr. Speaker, we have passed a number of bipartisan bills under this Committee on Resources, which is very ably led by the gentleman from Alaska [Mr. YOUNG] who works very cooperatively with the gentleman from California [Mr. MILLER]. But this bill, Mr. Speaker, is a disaster, and this bill should be defeated.

I have with me a statement from the Office of Management and Budget that just came in that the administration would veto this bill. Just as well, Mr. Speaker. This bill could be called the Black Helicopters Prevention Act. As my colleagues know, at their town meetings somebody gets up and says ''There's a bunch of black helicopters coming from the United Nations to take over our land.'' This bill plays to the delusion of the paranoid people that put out information like that.

Mr. Speaker, Smokey the Bear is not fitted for a U.N. uniform and a blue helmet. World Heritage designation is an honor. Nations fight to have sites designated. It does not change, if one is a World Heritage site, U.S. laws one iota; management of these sites is completely, 100 hundred percent, under U.S control.

Mr. Speaker, what this bill does is, it helps extractive industries whose activities, if unchecked, would despoil our national parks and other public lands. If there was ever a solution in search of a problem, this bill is it.

This bill exploits the myth spread by anti-U.N. right wing groups that the World Heritage Convention, other international environmental conventions, and the manned and biosphere programs somehow undermine U.S. sovereignty; simply not true. All of these programs are carried out in the United States only to the extent consistent with U.S. domestic law, and sites can only be nominated for World Heritage or biosphere designation by the country in which the site lies. No land or resource use restrictions are imposed within these areas beyond those imposed under domestic law.

What this bill would do is unnecessarily restrict American participation in successful and prestigious international conservation and historic preservation efforts. The World Heritage Convention is not a scheme hatched by U.N. bureaucrats for global hegemony.

We are opposing the United Nations right now because it is mismanaged and because it has too much staff, and

we have said that the Secretary General of the United Nations must be replaced because he is not a reformer. But this bill here exceeds the paranoia that some have for the United Nations.

World Heritage designation has been an American initiative modeled after our national parks program. It was our idea. We pushed for it in the international community, and we were the first country to ratify the treaty.

Opponents of these programs allege that they violate the constitutional rights of the States and property owners, but not one shred of credible evidence has emerged.

When we get beyond the flag-waving and Constitution quoting, what we find is this legislation is about mining and other corporate interests whose activities, often on public lands, would degrade our national parks if left unchecked. For example, international concern over a proposed coal mine just outside of Yellowstone helped to motivate the administration, acting strictly within U.S. law, to negotiate a voluntary settlement with a claim holder. We had the industry and the administration and the environmentalists negotiating on something that should have been resolved that way, rather than as a Heritage site or through U.S. legislation. The New World Mine at the Yellowstone would have polluted streams within the park, a wild and scenic river in a wilderness area.

In the end, a bipartisan solution was found to this problem.

Of course these special interests would prefer to operate without the harsh glare of publicity and international media attention that World Heritage or biosphere reserve status brings with it. But this is America, and the supporters of this legislation passed over one of the most important amendments on their way to the 5th and 10th. They forgot about the first amendment, and that is what this really comes down to.

Mr. Speaker, this Congress has not had a good environmental record. There is little time left, but we still have important legislation to consider. This legislation is not going anywhere. It should not have been under suspension; it should have been under a modified closed rule to offer alternatives. The President is never going to sign it into law. He has already said he is going to veto it even if we are going to take it up.

Mr. Speaker, this is not a good bill, and the gentleman from Alaska [Mr. YOUNG] has done a good job as our chairman, but this is not one of the pieces of legislation that we should approve. I will ask for a recorded vote. This legislation should go down.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 26, 1996.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 3752—American Land Sovereignty Act of 1996—Young(R) AK and 27 cosponsors.

If H.R. 3752 were presented to the President, the Department of the Interior would recommend that the bill be vetoed.

The Administration strongly opposes H.R. 3752, which would impose unnecessary restrictions on the existing legal and administrative framework that implements U.S. commitments to international environmental cooperative efforts. This bill could significantly reduce U.S. leadership and influence in global conservation and is counter to the U.S. role in global environmental cooperation.

H.R. 3752 is based upon the faulty premise that the World Heritage Convention, the Biosphere Reserve Program, and other international conservation agreements threaten the United States' sovereignty over its lands. There are several reasons why these agreements do not encroach upon U.S. sovereignty:

International agreements, such as the World Heritage Convention, and programs, such as the U.S. Man in the Biosphere Program, do not give the United Nations the authority to affect land management decisions within the United States and have in no way been utilized to exclude Congress from land management decisions, nor could they do so.

The nomination processes for international conservation designations are consultative in a nature and based on demonstrated commitment as the local level.

International site recognitions do not affect land use decisions by the local governments, tribes, or private property owners, and are subject to applicable domestic laws.

International site recognitions do not impose restrictions on land use or stop economic growth. To the contrary, World Heritage sites and U.S. Biosphere Reserves have been embraced in many local areas as value-added designations, increasing partnership among Federal, State and local governments and private property owners for mutual benefit and have contributed to an increase in international tourism, which is especially vital to rural economies.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Just like to say I hope the gentleman asks for a recorded vote. I want the people on record, being recorded they are against the people of the United States being involved in land decisions. They do not let the executive branch be involved in deciding what type of property should be taken off and what private property should be infringed upon. I want to have that vote. I want to see who has the guts to vote against the American people.

Mr. Speaker, I yield 5½ minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Alaska for yielding this time to me.

Mr. Speaker, I find it very interesting how the debate deteriorates when people do not have the facts at hand, and we are not debating about black helicopters and paranoid people and extremists. We are debating about this issue, which is, who should control the land mass in the United States? Should not the Congress have a say in whether the U.N. comes in in certain instances and controls certain areas? That is the simple question. There is nothing in here about blue helmets or anything like that.

I stand today in strong support of H.R. 3752, the American Land Sovereignty Protection Act of 1996, and I commend the chairman of the Committee on Resources, Mr. YOUNG, for introducing and moving this bill. It has to be part of the debate, and I hope we can stick to the facts.

H.R. 3752 will establish a simple process of due process, and will reestablish the role of Congress where it should be in the first place, as the ultimate decision-maker who manages the lands of the United States and who should maintain sovereign control of the lands in the United States of America.

There are two types of land designations of international status by the United Nations currently taking place with no congressional approval. That is wrong, Mr. Speaker. There are biosphere reserves carried out by the United Nations environmental, sociological and cultural organizations, and World Heritage sites which are sponsored by the U.N.-backed World Heritage Committee.

Mr. Speaker, more than 51 million acres in this country has already been designated by the U.N., with the agency's consent, without congressional consent, as either World Heritage sites or biosphere reserves. That is 51 million acres of U.S. soil, an area nearly the size if the whole State of Colorado, that the U.N. has taken control of without congressional involvement and legitimate public participation.

A biosphere reserve is a federally zoned and coordinated region consisting of three areas or zones that meet certain minimum requirements established by the United Nations. The inner or most protected area, the core zone, are usually Federal lands, whereas the outer zones are not-Federal lands. That is either private property or State property.

Mr. Speaker, currently 10 Federal agencies involved in the biosphere reserve are competing for turf with each other. This is occurring despite the fact that the United States withdrew their participation from UNESCO in 1984 because of gross financial mismanagement, and Congress has never, not once, ratified the Biodiversity Treaty which calls for these biosphere reserve designations.

When the Committee on Resources held hearings on this bill, we heard testimony from private property owners and local officials all around the country who felt that their role in the land management process had been significantly diminished by these designations. Many of these people did not even know their own property or their city or country's property, and State property, and surrounding lands were involved in this particular designation until final decisions were made.

Mr. Speaker, when laws and processes established by the Congress to manage our resources are bypassed by the agencies and by the executive, not

only does this create an atmosphere of secrecy and confusion, but it violates our very sovereignty. What we are doing in this bill is saying, let us open up the process to the light of day, instead of such a secretive process as we have seen with the impact of the World Heritage site. That includes a large buffer zone surrounding Yellowstone Park.

My colleague from New Mexico, Mr. RICHARDSON stated empirically that the particular mine that was shut down because the agencies called the U.N. in before they had been able to finish their environmental impact statement, my colleague from New Mexico stated that the problem was that this mine was going to pollute the rivers and streams. No so, Mr. Speaker, because the environmental impact statement had not even been completed.

So this bill should be considered a noncontroversial bill. It simply protects the lands for our citizens. Mr. Speaker, it protects, this bill simply protects our lands and the citizens by rightfully placing Congress in the primary role for determining land use policy where it should be.

Mr. RICHARDSON. Mr. Speaker, I yield 2 minutes to the distinguished ranking member from California, Mr. MILLER.

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

Mr. MILLER of California. Mr. Speaker, this, I think, as was just demonstrated in the previous testimony, is why this bill should be rejected. The gentlewoman from Idaho talked about the outer zones and the inner zones in these Heritage areas. What she did not talk about was the twilight zone, where the support for this legislation comes from. It comes from those individuals who believe that there is some worldwide conspiracy of the U.N. to take over U.S. lands. The gentlewoman kept saying that the U.N. controlled 55 million acres, would take control of these lands.

Mr. Speaker, our colleagues do not get a right to just stand up here and misrepresent the laws of the United States and what legislation does or does not do. The fact of the matter is, long before there was ever the U.N., there was the United States Congress that designates these lands as national parks or other assets of the public lands of the United States. Then, sometimes, we ask for the honor of being designated as part of the international heritage provisions.

□ 1445

What does that do? Very often, in the gentlewoman's State she represents, that drives up tourist receipts. People travel from all over the world to see these, whether it is the Everglades or whether it is Yellowstone, or the other assets within the United States.

We really have got to separate fantasy, absolute fantasy, by a group of people that are trying to find a way to beat up on the U.N. and what the laws of this Nation are. That is, we control the management of the parks, we control the management of the public lands, we design the reviews, we design the management plans. That is how those parks, that is how those assets are run, not by some group of people from the U.N. in black helicopters who hide in these areas and then spring forth on our community. Absolute fantasy, absolutely from the twilight zone.

The gentlewoman is representing them well when she characterizes this legislation as somehow stopping some kind of mythical group of people from taking over the national parks and the lands of the United States. This ought to be laughed off the floor, but, unfortunately, we will have to vote it off the floor.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask only, I would suggest to our friend, the gentleman from California, Mr. MILLER, all I am asking in this legislation is, let the Congress, the House of the people, have some say. I cannot, for the life of me, see why anyone would object.

Members have not heard me attack the U.N. I am very reasonably attacking those agencies that actually implement and instigate the heritage areas. All I am asking for is for us to play a role.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I rise today in support of H.R. 3752, the American Land Sovereignty Protection Act. The United States has a long and proud record of preserving areas which we consider of national importance. We do this because in a democracy it is what the people ask of us and it preserves part of our rich heritage.

However, the same cannot be said of other countries around the world. Former Socialist and Communist countries have endured some of the worst environmental damage of all. Why? Because the people of those countries were not in charge of their land management. Instead, environmental and land use decisions were left to a central bureaucracy that was more interested in power and not in the wishes of the people. Fortunately, communism and socialism have been discredited around the world, but their central principles live on in the United Nations.

Back in the 1970s, as stated, this body made a mistake. They entered into a treaty with the U.N. to establish a body called the United Nations Educational, Scientific, and Cultural Organization. In this treaty we gave the U.N. the ability to designate World Heritage Sites in the U.S. without seeking approval of Congress. This was wrong. H.R. 3752 will correct this mistake by requiring any new designations to be cleared by Congress. That is all this bill does.

Our environmental and land use successes have come from allowing the people of the United States to make decisions about our land. This has proven a balance between wise use of our natural resources and environmental protection. This bill takes the power away from a huge world bureaucracy and puts the land use decisions back where they belong, in the hands of the people of the United States, and not in the U.N.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY] an environmental leader.

Mr. MARKEY. Mr. Speaker, the name of this bill is the American Land Sovereignty Protection Act. Most Americans would be surprised to learn that America's sovereignty over its lands is at risk here this afternoon and in need of protection. It would have been leading every news story in America for the past week, because it is 130 years since the end of the Civil War, the last time our national sovereignty was directly threatened.

There does not appear to be any imminent threat of invasion from Canada or Mexico. The Russians are having a tough time with the Chechnyans. So just where does this threat to America's national sovereignty come from? What group of Fifth Columnists stand ready to betray us? What band of modern day Benedict Arnolds is threatening America?

According to the bill's sponsor, the answer is very simple: It is Bruce Babbitt. That is right. According to the bill, America's national sovereignty is threatened by our own Secretary of the Interior and the Babbitt brigade serving under him. The danger to our national sovereignty comes not from some foreign despot or from some dictator, but from the risk that Bruce Babbitt might actually name sites such as Yellowstone Park and the Everglades to the U.N. List of World Heritage Sites.

According to this bill, we cannot trust Bruce Babbitt, so we will not let him name any site to the World Heritage List without prior congressional approval.

So what are we worried about? Are we afraid that the World Heritage List, once it is constructed, will have U.N. Secretary Boutros Boutros-Ghali in our districts, which is what the Republicans have been handing out here on the floor?

Mr. Speaker, I can understand the threat because I have been listening to the Republicans over the last year, because we very well might have blue-helmeted U.N. troops sweeping in in black helicopters, driving out our poor Smoky the Bear-hatted park rangers in a triumphant victory of the new world order of sinister forces. That is their version.

What this whole thing is about is putting the Everglades on a national honorary list of the environmentally protected parts of America that we are proudest of.

Let me say this: If in fact we were putting a mining company on the U.N.

list of the best mining companies in the world, we would have this side up here cheering. If we were putting the best timber-cutting companies in the United States on some world list, to be honored, we would have these guys up cheering. But if we want to honor the Everglades, if we want to honor Yellowstone Park or the Grand Canyon internationally, oh, my God, it is a conspiracy.

The problem here is that, just like the Presidential Medal of Freedom that we give to Americans, just because people receive it does not exempt them from the laws of the United States; they still have to live under all the laws. If we honor the Everglades by having it recognized internationally, it is still under all American laws, not international laws.

The problem that the Republicans have is that they are afraid that the world will recognize that the Everglades and Yellowstone Park and the Grand Canyon are parts of the world that should not be mined, that should not be stripped. That is the one thing they are afraid of, is that the whole world will recognize what they have been trying to do for the last 2 years. That is what they are afraid of. That is why the only environmental vote for the coming generations of Americans is a no vote on this preposterous, absurd, last-minute, crazy consumption of congressional time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, someone who would protest so loudly must have something to hide.

All we have tried to do in this legislation is let the people and the Congress have a say. That is all we are trying to suggest in this legislation. So when one gives a presentation as radical as that was, something must be wrong. They must be trying to cover up what can and has happened.

We had a hearing on this, Mr. Speaker. We had a hearing. We had 10 witnesses all testify in favor of the bill but one. That is this administration. We had no participation from the other side. Not one showed up to listen to those private citizens, those landholders that have been abused by previous administrations and this administration because of the biospheres and heritage areas.

I would suggest, Mr. Speaker, he who protests too loud and tries to protect those trying to take away our rights may have something to hide.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I do not know if I should stand up after that last performance or not. I was a little confused about ''Boutros Boutros Babbitt,'' or was it ''Bruce Ghali,'' or whatever he was talking about.

I just wonder how this country survived the previous 20 years. We had those Watergate babies came romping in here, and they took over this place. Most of them could not even get jobs in the private sector until they came down here. They ran this place for 20 years, almost ran it into the ground. Now this kind of legislation is changing that. That is why I rise in the strongest possible support of this American Land Sovereignty Act of 1996.

I credit the chairman of the committee, the gentleman from Alaska [Mr. YOUNG], with having the courage and foresight to bring this bill forward. He is truly a defender of American property rights, individual property rights in this country.

This bill sends one overall message, and let me say this loud and clear, only Americans in America have sovereignty over U.S. lands. That may be a hard concept for some people in the United States to grasp, in the United Nations, but that is the law we are laying down here today. Frankly, it is rather sad that we even have to do this, but considering the willingness of some Federal and State officials in the country to rubberstamp U.N. designs for American land use, this bill is absolutely imperative.

Mr. Speaker, I come from a place in New York State consisting of the Hudson Valley, the Catskill Mountains, the Adirondack Mountains. They snuck this thing into the Adirondack Mountains before we even knew about it. They tried to do this in the Catskill Mountains, and we caught them. We stopped them dead in their tracks. It is a beautiful place we live in, and we want to keep it that way.

Let me just point this out, Mr. Speaker. Back in 1986, UNESCO, that arm of the United Nations that has always been a hotbed of extreme leftwing internationalism, decided that our Adirondacks would become a U.N. Biosphere Reserve. Now they are trying to enforce it up there. Thus, the Adirondackers were subject to the double indignity of having their land designated for varying degrees of preservation, not only by an unelected international body but one from which the United States had withdrawn in 1984. What an outrage, Mr. Speaker. Since when does the United Nations or UNESCO have the right to do this? And since when does the Department of the Interior have the right to, in turn, declare these areas a U.S. Biosphere Reserve without congressional authorization?

Let me tell the Members something. This bill is going to put an end to it. The gentleman said President Clinton will veto it. President Dole will sign it. That is why I am voting for Dole come November.

Mr. RICHARDSON. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER], the distinguished ranking member.

Mr. MILLER of California. Mr. Speaker, just as a Member of the Watergate reform class, I would like to remind the gentleman from New York that this was supported by that well-known Watergate figure, Richard M. Nixon.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO], the former chairman of the Subcommittee on National Parks, Forests, and Public Lands of the Committee on Resources.

Mr. VENTO. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise in opposition to this measure. The fact is that the Man in the Biosphere and the World Heritage conventions have been in place during the term of our last six Presidents, four Republicans and two Democrats. This is an issue where the United States had taken the lead, with some credit to the American people and the American ideas in terms of conservation, in terms of preservation and restoration of landscapes, as being one of the best ideas that our people have ever had. But it is pretty clear today that that sort of notion does not necessarily prevail universally in this Congress. I very much regret that. It seems like some of my colleagues, my G.O.P. colleagues want to stop the world and get off.

I think there is apparently a deep need to conjure up problems with the positive leadership that the United States is trying to provide and has provided on a global basis the past three decades. The fact is that all of these sites have been voluntary on the part of the countries that have joined, 140 signatures to these conventions on a global basis that the United States has led, and 126 countries have participated in having these sites within their borders all of a voluntary basis.

What is the problem in 1996 that we face? I will tell the Members what the problem is. It is that the New World Mine outside of Yellowstone received global attention, because it would have affected Yellowstone Park. The fact is that those that want to defend and want to shield from criticism those various interests, from any criticisms of the effects on Yellowstone Park because of that new mine, are up here today protesting, because that particular type of international biosphere recognition actually weighed in and probably had some impact, as well it should have some impact. These international designations are entirely voluntary and honorific but apparently carry some communication and symbolic clout.

One Member got up here and said that this bill really did not do anything with existing sites. That is incorrect. Because under this bill, there is a prohibition and actual termination of United Nations Biosphere Reserves in this bill. Some 47 different Biosphere Reserves that are recognized on a voluntary basis in the U.S. by Republican and Democratic administrations over the last 30 years, or 25 years, would be terminated under this bill.

□ 1500

We would be sending a negative message on a global basis to the recognition, antiscience, anticonservation to the voluntary leadership that the United States has provided on a global basis with this bill, in one stroke, would be stripped away.

Why are we doing this when it is a voluntary effort? We need, and I would suggest that one of the leading issues into the next century is going to be the environment on a global basis, in terms of air, water, in terms of landscapes, in terms of resources, and we need at least this type of voluntary effort that exists in this particular law—not this head in the sand action of this measure. We have been successful in pursuit of this logical policy under both Republican and Democratic administrations, and yet this action of this House shows that it wants to put its head in the sand and go back to those thrilling days of yesteryear when the robber barons were running amuck over this land in terms of what is going on without comment without any role or sense of global consciousness. The actions of this Congress, I think, speak louder than their words. The buzz words that are going on here within measure that are being used in terms of anti-U.N., affecting property rights, are to say the least misleading. Where are the court cases? Where is the property owner that has been denied anything or suffered a loss? Where has it been demonstrated in a court of law or anyplace else across this land in a State or in this Nation? We do not have that type of information because the events and injury has not happened from this program. Most of these designations, the 20 designations for world heritage sites, are almost all U.S. national parks. The level of recognition accorded by this World Heritage Convention is far less than that of a national park. The fact is you are attacking this measure because of the park protection. If some of the Members of this body had their way, they would strip away the park designation or undercut the basic park and wilderness land as has failed this session. But we have stood up to that type of pressure and we should stand up today and vote ''no'' on this silly idea that is being presented to us.

I urge my colleagues to vote no, Mr. Speaker.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

May again I remind that he who protests too loudly, what is wrong with the Congress, the house of the people, having a say? There is nothing wrong. I urge the people that are watching this debate to consider the people's involvement. There is nothing in this bill that repeals any existing heritage sites or biosphere sites. I am suggesting respectfully, all I am asking these people to understand, let the Congress play a role in making these designations.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise today in strong support of this legislation. This bill champions the rights of local governments; it champions the constitutional role of the United States in making federal land policy; and it champions the self-determination and absolute sovereignty of the United States within the world community of nations.

Mr. Speaker, the past 25 year has seen an explosion of global treaties and programs about which U.S. citizens have had little or no say. Among the most troubling of these has been a 1971 United Nations agreement to establish so-called ''biosphere reserves'' around the world each surrounded by enormous buffer zones encompassing both public and private property within which human activity is significantly restricted. Quietly, over the last 25 years, without the arrogant election-year fanfare that we recently saw in Utah, faceless federal bureaucrats have classified a total area larger than the entire state of Colorado as biosphere reserves.

Local communities did not consent to these designations. Neither did State governments. Even Congress was not allowed to participate in the designation process. All that was required to create these biosphere reserves was the urging of an international environmental organization and the stroke of a pen from a Federal authority who was not accountable to a single U.S. citizen for his actions.

Mr. Speaker, it is time to bring our communities, our States and the United States Congress back into the process of governing our public lands. The American Land Sovereignty Protection Act will do just that. I strongly urge my colleagues to vote ''aye'' on this important legislation.

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Los Angeles, CA [Mr. TORRES], the distinguished environmental leader.

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

Mr. TORRES. I thank the gentleman for yielding me this time.

Mr. Speaker, let us really understand here what we are talking about when we say biosphere reserve. It is a term denoting an area that has been nomiated by the locality and the country in which it is located for participation in the worldwide biosphere reserve program under what is called the U.S. Man in the Biosphere program. It is a program that is administered worldwide, if you will, in cooperation with the United Nations Educational, Scientific and Cultural Organization. We have heard it batted around here as UNESCO.

Areas are nominated and recognized on the basis of their significance for research and the study of representative biological regions of the world. The United States has 47 such reserve regions. It is part of a worldwide network of 324 biosphere reserves in 82 countries in the globe. Biosphere reserve recognition does not convey any control or its jurisdiction over such sites to the United Nations or any other entity. The United States and/or State and local communities where biosphere reserves are located continue to exercise the same jurisdiction in place as before designation. Areas are listed only at the request of the country in which they are located, and they can be removed from the biosphere reserve list at any time upon the request of the country.

Mr. Speaker, I know the process. I represented the United States as its Ambassador before UNESCO, that organization that we heard here labeled as an extremist lift-wing conspiracy. I was there as a U.S. representative under instruction from the President of the United States, the Department of Interior and the State Department and the people of this Nation. There is a process. And simply the process is to promote cooperation and communication along a worldwide network of areas that would include all the major ecosystems globally.

This issue, this scare that we are hearing here today about U.N. control, the representative from New Mexico citing the scare tactics, the conspiracy, the specter of the United Nation, the black helicopters, is so much a red herring and just a politically timely bill that approaches this House at this time. Already people in the parks are calling up their local radio stations, as we hear in some cases, because somehow the U.N. has taken over the public parks because they saw a plaque that said United Nations Heritage Wilderness Area. Can you imagine the scare?

I think some of my colleagues who propose this bill simply have seen the number of efforts by mining and timber interests to exploit public lands or lands that are near public facilities that are slowed down or even stopped by the fact that facilities are on this World Heritage protected list.

Certainly we have plenty of examples about U.S. gold mining within 1 mile of Yellowstone National Park and Canadian mining, gold mining at Glacier Bay in Alaska or the Florida Everglades. And yes, ladies and gentlemen, it was not the U.N. that designated the park in Utah so that it would not be a big coal mine and exploit that park; it was the President of the United States. And Mr. Boutros Boutros-Ghali and nobody else, UNESCO or nobody else had anything to say to that except the President of the United States.

This is a ludicrous, insidious bill that comes before us that my colleague has said is just a simple waster of time. I urge my colleagues here today to use common sense. The American people are in charge. Our Nation is in charge of our lands. And they should vote no.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BONO].

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

Mr. BONO. Mr. Speaker, the United Nations is a useless waste of billions of dollars, and frankly I wish this bill was for the abolishment of the United Nations. It is another bureaucracy that does not do anything but eat dollars that we could easily control and handle much better ourselves.

People, start understanding what bureaucracies are and what all this rhetoric is and what all this bleeding heart is. The further away you get from issues, the less control you have of issues. And when you hear all this drama, it astounds me that there is so much drama. It is more than the industry I came from before. I have never seen performances like this, but it is pure drama. It is not a reality. The reality is why would you want the United Nations to control anything or be involved in anything? Can Congress not, and can the President not handle things, and can we not appoint people to do the jobs that are necessary to do, at much less the funds?

I presume you all know how well the United Nations did in Bosnia. I hope you all know how well they did. I hope you all know how esteemed Boutros Boutros-Ghali is as he cracks his jokes about us. So I find it disgusting that bureaucrats continue to inhabit this marvelous building and try to install more bureaucracy, and more bureaucracy, and more Government, and more dollars. We can handle it. We can handle it fine.

Biosphere. You like the word? Well, that word allows all these things to happen. I hope they have been to other countries lately, because other countries have not nearly done what we have as far as taking care of our environment. Go over there and start working on that first, then come over here and try to get one-tenth the effectiveness that we have in environment right now.

Mr. Speaker, I find any opposition to this disgusting.

Mr. RICHARDSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just to summarize, this is a bad bill, the bill has been called a Black Helicopters Prevention Act, the Boutros-Ghali/Babbitt bill. Whatever it is, this is a bad bill. We should vote it down. World heritage designation is not a threat. It is an honor. The United States has total control.

International agreements such as these do not give the United Nations any authority. Congress has delegated this authority to our national parks. These are professional American men and women that work for the Government that do a good job. The bill is going nowhere. This is an easy way to pick up an environmental vote for colleagues on both sides of the aisle. Let us defeat this bill. It is a bad bill. It is searching for a problem. There are a number of other issues we should be spending time on as we adjourn.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. POMBO].

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

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the bill and I think for the very reasons that were just outlined by my colleague. These designations are called honorary, something that just bestows an honorary status on sites in America and yet they are extremely important. This is ranked as an environmental vote. They are extremely important.

We heard my other colleague say that these are used to stop mining, timber, grazing. For the very reasons that you guys have outlined is the exact reason why Congress should have oversight over this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

May I suggest one thing. Let the House participate. Let this Congress participate in this process. This is the people's house. Let the people have the decision to make. That is crucially important, to continue the process. That is all this bill does.

For those that are afraid of letting this Congress participate, you should not be in Congress. It is that simple. What is wrong with us being involved? Why should we let the executive branch and the U.N. make decisions about my private property rights? I urge the passage of this legislation.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3752, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□ 1515

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just considered.

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

There was no objection.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2505) to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2505

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

SECTION 1. AUTOMATIC LAND BANK PROTECTION.

(a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN FEDERAL AGENCIES.—The matter preceding clause (i) of section 907(d)(1)(A) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by inserting ''or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law'' after ''Settlement Trust''.

(b) LANDS EXCHANGED AMONG NATIVE CORPORATIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C. 1636(d)(2)) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; and'', and by adding at the end the following:

''(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.''.

(c) ACTIONS BY TRUSTEE SERVING PURSUANT TO AGREEMENT OF NATIVE CORPORATIONS.—Section 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting ''; or'', and by adding at the end the following:

''(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.''.

SEC. 2. RETAINED MINERAL ESTATE.

Section 12(c)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (B) the following new subparagraphs:

''(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), the Corporation may, upon request, have such public land conveyed to it.

''(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).

''(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.

''(iii) For purposes of this subparagraph and subparagraph (C), the term 'Regional Corporation' shall refer only to Doyon, Limited.''; and

(2) in subparagraph (E) (as so redesignated), by striking ''(A) or (B)'' and inserting ''(A), (B), or (C)''.

SEC. 3. PROPOSED AMENDMENT TO PUBLIC LAW 102–415.

Section 20 of the Alaska Land Status Technical Corrections Act of 1992 (106 Stat. 2129)

is amended by adding at the end the following new subsection:

''(h) Establishment of the account under subsection (b) and conveyance of land under subsection (c), if any, shall be treated as though 3,520 acres of land had been conveyed to Gold Creek under section 14(h)(2) of the Alaska Native Claims Settlement Act for which rights to in-lieu subsurface estate are hereby provided to CIRI. Within 1 year from the date of enactment of this subsection, CIRI shall select 3,520 acres of land from the area designated for in-lieu selection by paragraph I.B.(2)(b) of the document identified in section 12(b) of the Act of January 2, 1976 (43 U.S.C. 1611 note).''.

SEC. 4. CALISTA CORPORATION LAND EXCHANGE.

(a) CONGRESSIONAL FINDINGS.—Congress finds and declares that—

(1) the land exchange authorized by section 8126 of Public Law 102–172 should be implemented without further delay;

(2) lands and interests in lands in the exchange are within the boundaries of the Yukon Delta National Wildlife Refuge established by the Alaska National Interest Lands Conservation Act (ANILCA) and include wetlands, grasslands, marshes, and riverine and upland fish and wildlife habitat lands, which represent the premier habitat area for waterfowl and other birds in the Pacific and other flyways—

(A) for nesting, breeding, and staging grounds for countless thousands of migratory waterfowl, including species such as Spectacled Eider, Tundra Swan, White-fronted Goose, many song birds and neotropical migrants, Harlequin Duck, Canvasbacked Duck, Snow Goose, several species of diving and dabbling ducks, Cackling and other subspecies of Canada Geese, and Emperor Goose; and

(B) as habitat for other wildlife and fish such as wolf, brown and black bear, moose, caribou, otter, fox, mink, musk ox, salmon, grayling, sheefish, rainbow trout, blackfish, pike, and dolly varden,

the acquisition of which lands and interests in lands would further the purposes for which the refuge was established by ANILCA;

(3) the Yukon-Kuskokwim Delta Region is burdened by some of the most serious and distressing economic, social, and health conditions existing anywhere in the United States, including high incidence of infant mortality, teenage suicide, hepatitis, alcoholism, meningitis, tuberculosis, and unemployment (60 to 90 percent);

(4) the Calista Corporation, the Native Regional Corporation organized under the authority of the Alaska Native Claims Settlement Act (ANCSA) for the Yupik Eskimos of Southwestern Alaska, which includes the entire Yukon Delta National Wildlife Refuge—

(A) has responsibilities provided for by the Settlement Act to help address social, cultural, economic, health, subsistence, and related issues within the Region and among its villages, including the viability of the villages themselves, many of which are remote and isolated; and

(B) has been unable to fully carry out such responsibilities, and

the implementation of this exchange is essential to helping Calista utilize its assets to carry out those responsibilities to realize the benefits of ANCSA;

(5) the parties to the exchange have been unable to reach agreement on the valuation of the lands and interests in lands to be conveyed to the United States under section 8126 of Public Law 102–171; and

(6) in light of the foregoing, it is appropriate and necessary in this unique situation that Congress authorize and direct the implementation of this exchange as set forth in this section in furtherance of the purposes and underlying goals of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

(b) LAND EXCHANGE IMPLEMENTATION.—Section 8126(a) of Public Law 102–172 (105 Stat. 1206) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''October 1, 1996'' and inserting ''October 1, 2002'';

(3) by inserting after ''October 28, 1991'' the following: ''(hereinafter referred to as 'CCRD') and in the document entitled, 'The Calista Conveyance and Relinquishment Document Addendum', dated September 15, 1996 (hereinafter referred to as 'CCRD Addendum')'';

(4) by striking ''The value'' and all that follows through ''*Provided*, That the'' and inserting in lieu thereof the following:

''(2) Unless prior to December 31, 1996, the parties mutually agree on a value of the lands and interests in lands to be exchanged as contained in the CCRD and the CCRD Addendum, the aggregate values of such lands and interests in lands shall be established as of January 1, 1997, as provided in paragraph (6) of the CCRD Addendum. The'';

(5) in the last sentence, by inserting a period after ''1642'' and striking all that follows in that sentence; and

(6) by adding at the end the following new paragraph:

''(3) The amount credited to the property account is not subject to adjustment for minor changes in acreage resulting from preparation or correction of the land descriptions in the CCRD or CCRD Addendum or the exclusion of any small tracts of land as a result of hazardous materials surveys.''.

(c) EXTENSION OF RESTRICTION ON CERTAIN PROPERTY TRANSFERS.—Section 8126(b) of Public Law 102–172 (105 Stat. 1206) is amended by striking ''October 1, 1996'' and inserting ''October 1, 2002''.

(d) EXCHANGE ADMINISTRATION.—Section 8126(c) of Public Law 102–172 (105 Stat. 1207) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by striking the sentence beginning ''On October 1, 1996,'' and inserting in lieu thereof the following: ''To the extent such lands and interests have not been exchanged with the United States, on January 1, 1997, the Secretary of the Treasury shall establish a property account on behalf of Calista Corporation. If the parties have mutually agreed to a value as provided in subsection (a)(2), the Secretary of the Treasury shall credit the account accordingly. In the absence of such an agreement the Secretary of the Treasury shall credit the account with an amount equal to 66 percent of the total amount determined by paragraph (6) of the CCRD Addendum. The account shall be available for use as provided in subsection (c)(3), as follows:

''(A) On January 1, 1997, an amount equal to one-half the amount credited pursuant to this paragraph shall be available for use as provided.

''(B) On October 1, 1997, the remaining one-half of the amount credited pursuant to this paragraph shall be available for use as provided.

''(2) On October 1, 2002, to the extent any portion of the lands and interests in lands have not been exchanged pursuant to subsection (a) or conveyed or relinquished to the United States pursuant to paragraph (1), the account established by paragraph (1) shall be credited with an amount equal to any remainder of the value determined pursuant to paragraph (1).'';

(3) by inserting ''(3)'' before ''Subject to'';

(4) by striking ''on or after October 1, 1996,'' and by inserting after ''subsection (a) of this section,'' the following: ''upon conveyance or relinquishment of equivalent portions of the lands referenced in the CCRD and the CCRD Addendum,''; and

(5) by adding at the end the following new paragraphs:

''(4) Notwithstanding any other provision of law, Calista Corporation or the village corporations identified in the CCRD Addendum may assign, without restriction, any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior.

''(5) Calista will provide to the Bureau of Land Management, Alaska State Office, appropriate documentation, including maps of the parcels to be exchanged, to enable that office to perform the accounting required by paragraph (1) and to forward such information, if requested by Calista, to the Secretary of the Treasury as authorized by such paragraph. Minor boundary adjustments shall be made between Calista and the Department to reflect the acreage figures reflected in the CCRD and the CCRD Addendum.

''(6) For the purpose of the determination of the applicability of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) to revenues generated pursuant to this section, such revenues shall be calculated in accordance with paragraph (4) of the CCRD Addendum.''.

SEC. 5. MINING CLAIMS.

Paragraph (3) of section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

(1) by striking out ''regional corporation'' each place it appears and inserting in lieu thereof ''Regional Corporation''; and

(2) by adding at the end the following: ''The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 7(i) of this Act.''.

SEC. 6. SALE, DISPOSITION, OR OTHER USE OF COMMON VARIETIES OF SAND, GRAVEL, STONE, PUMICE, PEAT, CLAY, OR CINDER RESOURCES.

Subsection (i) of section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

(1) by striking ''Seventy per centum'' and inserting ''(A) Except as provided by subparagraph (B), seventy percent''; and

(2) by adding at the end the following:

''(B) In the case of the sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources made after the date of enactment of this subparagraph, the revenues received by a Regional Corporation shall not be subject to division under subparagraph (A). Nothing in this subparagraph is intended to or shall be construed to alter the ownership of such sand, gravel, stone, pumice, peat, clay, or cinder resources.''.

SEC. 7. ALASKA NATIVE ALLOTMENT APPLICATIONS.

Section 905(a) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)) is amended by adding at the end the following:

''(7) Paragraph (1) of this subsection and section (d) shall apply, and paragraph (5) of this subsection shall cease to apply, to an application—

''(A) that is open and pending on the date of enactment of this paragraph,

''(B) if the lands described in the application are in Federal ownership, and

''(C) if all protests which were filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application have been

withdrawn and not reasserted or are dismissed.''.

SEC. 8. VISITOR SERVICES.

Paragraph (1) of section 1307(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(b)) is amended—

(1) by striking ''Native Corporation'' and inserting ''Native Corporations''; and

(2) by striking ''is most directly affected'' and inserting ''are most directly affected''.

SEC. 9. REPORT.

Within nine months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report which includes the following:

(1) LOCAL HIRE.—(A) The report shall—

(i) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198); and

(ii) also address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service.

(B) The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this paragraph with respect to the Forest Service.

(2) LOCAL CONTRACTS.—The report shall describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 2505 is legislation I introduced on behalf of the Alaska Federation of Natives, the statewide organization which serves the interests of the over 90,000 Natives in the State of Alaska. The bill addresses issues of importance to several ANCSA native corporations. I want to thank the Calista Native Corp., the Alaska Federation of Natives, the Department of the Interior and Committee staff for their efforts to resolve many of the difficult issues in this bill. The bill before the House has been amended to reflect this agreement.

The bill, as amended, contains several provisions, I will briefly explain few:

Considerable time has been spent resolving the Calista land exchange issue. Thanks to all parties involved for their commitment to move forward on this important provision. The Calista region in Alaska is one of the poorest and most socially troubled areas in the Nation. This land exchange was authorized to provide Calista with a means of economic self-sufficiency, consistent with the purpose of ANCSA. Under ANCSA, the Secretary of the Interior and Calista were to determine a mutually agreeable value for Calista's lands and interests which are to be exchanged, subject to a maximum per acre value. However, to date, the two parties have been unable to arrive at a mutually agreeable value. The committee feels that the Secretary's appraisals did not comply with previous legislative directives and, as a result, significantly underestimated the value of Calista's lands and interests. Section 5 of this bill would eliminate this impasse by establishing a value for Calista's lands, as Congress has had to do in numerous other instances since 1976. In doing so, Congress is simply providing the figure which Calista and the Secretary of the Interior were unable to determine. There are costs associated with this provision and we have no formal offset for those costs contained in H.R. 2505. However, we have worked with Chairman KASICH and the Budget Commission to also consider the Resources Committee bill to sell the Nation's helium reserves that will more than offset the costs of this bill.

Another provision would make revenues derived by the Native regional corporations from the sale of sand, rock, and gravel exempt from the revenue-sharing provisions of ANCSA. This provision would codify an agreement that was reached between the ANCSA regional corporations in June 1980—after many years of litigation.

Another provision would extend automatic land bank protections to land trades between Alaska Native organizations and Federal or State governments.

Mr. Speaker, all of those provisions have been discussed at length between the majority and minority. The bill was reported by the Resources Committee on a voice vote and I am happy to bring to the floor yet another consensus bill.

I believe this is an excellent ANCSA amendments package and urge my colleagues support.

Mr. Speaker, I include the following for the RECORD.

ADDENDUM TO THE CALISTA CONVEYANCE AND RELINQUISHMENT DOCUMENT, SEPTEMBER 15, 1996

1. Purpose: The purpose of this Addendum is to provide for the addition of certain surface and subsurface estate lands owned by The Kuskokwim Corporation, NIMA Corporation and the Calista Corporation to those lands to be available for exchange with the United States pursuant to Section 8126 of P.L. 102–172.

2. Kuskokwim Corporation Tracts: (a) The surface estate lands (through conservation easements) comprised of approximately 17,000 acres which are to be available for exchange from The Kuskokwim Corporation, are those which have been conveyed to The Kuskokwin Corporation and which are generally depicted on a map dated September 15, 1996, entitled, ''Kuskokwim Corporation Parcel, Calista Land Exchange.''

(b) Upon conveyance of the land or interests in land, including, but not limited to conservation easements, from The Kuskokwim Corporation to the United States pursuant to section 8126 of P.L. 102–172 and this Addendum, Calista shall contemporaneously assign to The Kuskokwim Corporation that portion of its property account allocable to the lands or interest in lands being conveyed from The Kuskokwim Corporation to the United States. Calista is committed to reserve the portion of its property account allocable to The Kuskokwim Corporation and shall maintain its account for that purpose until the conveyance of the interest in land by The Kuskokwim Corporation to the United States.

(c) The conservation easement conveyed through this Addendum shall restrict the use of the land subject to the easement so as to ensure that it and its resources shall be conserved in perpetuity, that there shall be no development of such land, that such lands shall be opened to public recreational uses compatible with the conservation purposes of this easement, reserving to The Kuskokwim Corporation and its shareholders existing rights to the use of the land for traditional, cultural, customary and subsistence purposes.

3. NIMA Corporation Tracts: The surface estate lands which are to be available for exchange from the NIMA Corporation, comprised of approximately 10,000 acres, are those which have been conveyed to the NIMA Corporation and which are generally depicted on a map dated September 15, 1996, entitled, ''NIMA Corporation Parcel, Calista Land Exchange.''

4. Calista Corporation Tracts: The subsurface estates underlying The Kuskokwim Corporation Parcel and the NIMA Corporation Parcel are to be available for exchange from Calista Corporation.

5. ANCSA: For purposes of Section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), ''Revenues'' are only those realized in excess of $20 million from the sale or generation of income from property received in exchange for subsurface estate listed in the Calista Conveyance and Relinquishment Document and the CCRD Addendum.

6. Land Exchange Accounting: (a) The accounting, and, to the extent necessary, the establishment of a property account required by subsection (c) of Section 8126 of P.L. 102–172, upon the relinquishment and conveyance by Calista (and where relevant, The Hamilton Corporation, The Kuskokwim Corporation, or NIMA Corporation) of the lands and interests in lands in the CCRD (less the Tuluksak parcel) and the CCRD Addendum, shall be based on and credited with, respectively, a total amount of $30 million for the lands and interests in lands referenced in the CCRD and in the CCRD Addendum.

(b) The allocation of value between Calista and the other owners of lands, interests in land, and entitlement to lands contained in the CCRD and the CCRD Addendum to specific lands, interest in lands and entitlement to lands shall be based on the product of the following: (A) the relevant acreage listed in the CCRD or the CCRD Addendum, (B) the per-acre equivalent exchange value (in 1996 dollars) from subparagraph I(C)(2)(e)(iii) of the document entitled ''Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area'', as referenced in Section 12(b)(7)(iv) of the Act of January 2, 1976 (P.L. 94–204), as amended, and (C) relevant factor from the following list: unexplored subsurface estate—.066; surface estate—.237; fee—.303; 14(h)(8) entitlement—.514; conservation easements on surface estate—.178.

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

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

Mr. Speaker, let me commend the gentleman from Alaska, Chairman YOUNG. This one is a good bill, and I commend the gentleman for working in a bipartisan fashion with the minority.

As the gentleman said, 9 out of the 10 areas of disagreement were worked out. The 10th was dropped. The compensation package was worked out also. What you have here is basically some Native American corporations getting Federal surplus property. This is a good piece of legislation. I think the chairman worked very well with the administration, which he frequently does.

Mr. Speaker, let me say we support the bill, and we congratulate the chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from New Mexico for his comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2505, 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2505, as amended.

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

There was no objection.

CONGRESSIONAL PENSION FORFEITURE ACT OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4011) to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other purposes, as amended.

The Clerk read 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 ''Congressional Pension Forfeiture Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Members of Congress pledge to uphold the Constitution and the laws of the United States;

(2) Members of Congress are elected to serve in the public trust and pledge to uphold the public trust;

(3) a breach of the public trust by a Members of Congress is a serious offense that should have serious consequences; and

(4) taxpayers should not pay for the retirement benefits of Members of Congress who have breached the public trust.

SEC. 3. FORFEITURE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end of following:

''(o)(1) Notwithstanding any other provisions of this subchapter, the service of an individual convicted of an offense described in paragraph (2) shall not, if or to the extent rendered as a Member (irrespective of when rendered), be taken into account for purposes of this subchapter. Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

''(i) The offense is committed by the individual (referred to in paragraph (1)) while a Member.

''(ii) The conduct on which the offense is based is directly related to the individual's service as a Member.

''(iii) The offense is committed during the One Hundred Fifth Congress or later.

''(B) The offenses described in this subparagraph are as follows:

''(i) An offense within the purview of—

''(I) section 201 of title 18 (bribery of public officials and witnesses);

''(II) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(III) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(IV) section 207 of title 18 (restrictions on former officers, employees, and elected officials of their executive and legislative branches);

''(V) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(VI) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(VII) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(VIII) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(IX) section 597 of title 18 (expenditures to influence voting);

''(X) section 599 of title 18 (promise of appointment by candidate);

''(XI) section 602 of title 18 (solicitation of political contributions);

''(XII) section 606 of title 18 (intimidation to secure political contributions);

''(XIII) section 607 of title 18 (place of solicitation);

''(XIV) section 641 of title 18 (public money, property or records);

''(XV) section 1001 of title 18 (statements or entries generally);

''(XVI) section 1341 of title 18 (frauds and swindles);

''(XVII) section 1343 of title 18 (fraud by wire, radio, or television);

''(XVIII) section 1503 of title 18 (influencing or injuring officer or juror);

''(XIX) section 1951 of title 18 (interference with commerce by threats or violence);

''(XX) section 1952 of title 18 (interstate and foreign travel or transportation in aid of racketeering enterprises);

''(XXI) section 1962 of title 18 (prohibited activities); or

''(XXII) section 7201 of the Internal Revenue Code of 1986 (attempt to evade or defeat tax).

''(ii) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by clause (i).

''(iii) Subornation of perjury committed in connection with the false denial of another individual as specified by clause (ii).

''(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this subchapter while serving as a Member.

''(4) Except as provided in paragraph (5), the Office shall prescribe such regulations as may be necessary to carry out this subsection, including provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b).

''(5) The Executive Director (within the meaning of section 8401(13)) shall prescribe such regulations as may be necessary to carry out the purposes of this subsection with respect to the Thrift Savings Plan. Regulations under this paragraph shall include provisions requiring the return of all vested amounts.

''(6) Nothing in this subsection shall restrict any authority under subchapter II or any other provision of law to deny or withhold benefits authorized by statute.

''(7) For purposes of this subsection, the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2).''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United Stats Code, is amended by adding at the end the following:

''(i)(1) Notwithstanding any other provision of this chapter, the service of an individual convicted of an offense described in paragraph (2) shall not, if or to the extent rendered as a Member (irrespective of when rendered), be taken into account for purposes of this chapter. Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

''(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

''(A) The offense is committed by the individual (referred to in paragraph (1)) while a Member.

''(B) The conduct on which the offense is based is directly related to the individual's service as a Member.

''(C) The offense is committed during the One Hundred Fifth Congress or later.

''(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

''(4) Except as provided in paragraph (5), the Office shall prescribe such regulations as may be necessary to carry out this subsection, including provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b).

''(5) The Executive Director shall prescribe such regulations as may be necessary to carry out the purposes of this subsection with respect to the Thrift Savings Plan. Regulations under this paragraph shall include provisions requiring the return of all vested amounts.

''(6) Nothing in this subsection shall restrict any authority under subchapter II of

chapter 83 or any other provision of law to deny or withhold benefits authorized by statue.

''(7) For purposes of this subsection, the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

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

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

Mr. Speaker, H.R. 4011, as indicated, the Congressional Pension Forfeiture Act of 1996, a piece of legislation introduced by my colleague, the gentleman from Washington [Mr. TATE], the gentleman from California [Mr. RIGGS], the gentleman from Arkansas [Mr. DICKEY], and others, does provide that if a Member of Congress is convicted of a felony directly related to that Member's duties, the Member forfeits retirement benefits based on his or her service as a Member.

During its meeting on September 19, 1996, the Committee on House Oversight approved two amendments, which are included in the bill. The first amendment identifies the specific felonies which will result in the forfeiture of the pension. The second amendment clarifies that vested Thrift Savings Plan contributions, both the Member's contributions and the Federal employer's matching amounts, will be returned to the individual.

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

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened carefully to the explanation of the gentleman from California, Chairman THOMAS, of the bill in committee and here again on the floor. While I do not take specific issue with his characterization, I would point out that there's been a great deal of political fervor in this election year on the subject of congressional pensions. Yet here we are, in the waning days of this Congress, taking final action on a bill on which the committee has held no hearings and has not filed a committee report.

Under the circumstances, we should regard with suspicion any legislation which is moved this late in the legislative year, especially without the usual legislative tools of analysis that we have come to expect from bills that have undergone thorough committee consideration.

The Committee on House Oversight gave this bill very cursory consideration on Thursday, September 19. It adopted one written amendment and one amendment in principle, which was later converted to legislative language and has been incorporated in the bill which is at the desk.

The subject of congressional pensions, and their use as criminal penalties, is worthy of serious policy consideration, and this bill, in particular, merits serious consideration.

Unfortunately, our committee held not a single hearing on this legislation. We never heard from its sponsor, we never heard from its cosponsors, and we never heard from its opponents. Committee members discussed the bill for less than 30 minutes, including the complete consideration of two amendments that altered the provisions of the bill significantly. As my colleagues know, the bill is presented today without any committee report.

No matter what the merits of this bill—and it is true that the bill was approved unanimously by those present and voting—the House deserves better than this. We deserve more information about this important subject than the majority has provided. There are a number of potential defects to this bill that I would like to point out, and I hope that the Senate can remedy them, or a conference committee can remedy them, or as is more likely the case, we can examine them more fully in the 105th Congress—in the manner that this legislation should be examined.

The concerns about this legislation might well be answered adequately by testimony from the sponsor of the bill, or in testimony from other expert witnesses.

For example, the equivalent Senate bill would impose these forfeiture penalties on senior Government officers of the executive and judicial branches. But this bill makes no mention of executive or judicial officers. Why the omission? That appears to be a real shortcoming of this legislation.

In addition, the Justice Department testified to the Senate that enactment of this type of forfeiture legislation could adversely affect the Justice Department's investigations of malfeasance in office, and the Department's ability to gain the cooperation of witnesses. This kind of testimony is significant in the formulation of public policy, and really needs to be assessed seriously. Unfortunately, we held no hearings and did not deliberate on that key issue.

The Justice Department reportedly had some constitutional concerns with the Senate equivalent legislation, but again, the House will not have the benefit of such information.

Having said all that, I will reluctantly support the bill before us today. Despite its shortcomings, this bill offers a promising concept that the public accepts wholeheartedly—that Members who commit criminal acts in carrying out the public trust should forfeit a benefit of that office. It has undergone considerable change since it was introduced, and our committee made changes which, I believe, strengthen the bill considerably.

We adopted an amendment offered by Representative VERN EHLERS which ties the penalties to felonies which are based on a Member's official acts—essentially conduct that would constitute malfeasance in office.

I agree with this provision. At my direction, the Congressional Research Service researched a number of State statutes bearing some resemblance to H.R. 4011. But of the States surveyed, all confined such statutes to public acts—illegal acts that would reflect a breach of faith with the public.

I believe that is a viewpoint appropriate to this legislation. The penalties involved in forfeiting pension benefits would be in addition to any criminal penalties imposed in a particular case. It seems fitting that in eliminating the benefits earned by a Member during his or her service as a Member, those penalties should be tied to official acts as a Member.

We also adopted an important amendment proposed by Representative STENY HOYER which clarifies the treatment of the Thrift Savings Account under this legislation. Representative HOYER pointed out accurately that Thrift Savings Plan contributions are property held in trust by the Government. The committee agreed that although a convicted Member should no longer participate in the Thrift Savings Plan, the Member's TSP contribution, including the Federal contributions made to the retirement fund, should be treated in the same manner as contributions to the retirement fund—that is, they should be disbursed in a lump sum.

In summary, H.R. 4011 is a good starting point in the formulation of public policy on this topic. But it is only a start, and I believe this legislation should be substantially improved before it is signed into law. I reluctantly ask my colleagues to support it, with the hope that full and thorough consideration of this legislation will be accomplished in the Senate, in conference, or in the 105th Congress.

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

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

Mr. Speaker, the bill is fairly self-evident; that is, if you commit a felony in the line of duty, you lose your pension. All of the amendments that were offered in committee were accepted by the committee.

Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Washington [Mr. TATE], the primary sponsor of the bill.

Mr. TATE. Mr. Speaker, I thank the gentleman for yielding me this time.

First for all, Mr. Speaker, I would like to commend Chairman THOMAS for his efforts not only on this particular piece of legislation, but throughout the 2 years that I have been here. The committee has been a real leader on reforming the House of Representatives, and the gentleman should be commended.

Also, I would like to thank my cosponsors, the gentleman from California [Mr. RIGGS], the gentleman from Arkansas [Mr. DICKEY], and the gentleman from Michigan [Mr. HOEKSTRA], who headed up the reform task force.

This piece of legislation has been not only endorsed by the Committee on House Oversight, but the Americans for Tax Reform, Citizens Against Government Waste, National Taxpayers Union, and over 70 Members of the House of Representatives, both Republicans and Democrats.

□ 1530

On April 9, 1996, a former Member of the great House of Representatives was convicted of two counts of mail fraud and sent to jail for 17 months. I was at one of my town meetings a few days

later when a gentleman stood up and said, ''Mr. TATE, can you explain to me why I work hard, I pay my taxes, I play by the rules, I have broken no laws, and my tax dollars are going to subsidize someone who broke the public trust, is going to jail and going to collect $96,000 a year?''

There is no good answer to that, except this legislation. And that is why we need the Congressional Pension Forfeiture Act. That is what has prompted us. Starting with the first day of the next Congress, any congressional felon will forfeit their taxpayer-funded congressional pension. In 1994, lawmakers turned lawbreakers collected $667,000 in taxpayer-funded pension benefits.

Every Member is expected to uphold the public trust. That is what is expected to uphold the public trust. That is what is expected by the great people of the Ninth District of Washington. They strongly support this legislation. They work hard to put food on the table, to provide clothes for their kids, to provide for their education and health care for their family. What they cannot understand, as I go door to door, is, why is this not the law already? They are shocked. They are surprised. They cannot believe that this is not already the law.

We have a lot of tormented taxpayers out there that are working harder and harder and becoming more disillusioned with their government. This will lead us on the path to restoring integrity back to this Congress.

Someone sentenced for breaking the trust of this great country as a Member of Congress breaches the trust of the people, breaches their oath of office and their moral responsibility as an elected official. This bill is about restoring integrity to this great institution.

In 1904 there was the first recorded congressional conviction of a felony, and there have been 37 since that time. Ninety years. This legislation is long overdue. This Congress has been committed to reform, and today we are changing the way this Congress does business. I commend the chairman for his efforts on this legislation.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

I think this a good example of why committee legislating is far preferable to task force approaches to passing good bills in this institution. I think H.R. 4011 is a good starting point in the formulation of public policy on this topic, but it is only a start, and I believe this legislation should be substantially improved before it is signed into law.

I reluctantly ask my colleagues to support it in this form, with the hope that full and thorough consideration of this legislation will be accomplished either in the Senate, in conference committee, or preferably in the 105th Congress.

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

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I wanted to thank the gentleman from California, Chairman THOMAS, for moving on this legislation in a very expeditious fashion so we could get this bill to the House floor before this Congress concludes its business.

Ladies and gentlemen of the House, this is a pretty important day for me because it is really the culmination of efforts that I began two Congresses ago, the 102d Congress, back in 1991, when I was one of a rogue band, then known as the Gang of Seven, seven Republican freshmen who helped expose the House Bank and Post Office scandals that brought great disgrace and disrepute on this venerable House.

I attempted back then, under the old regime, the old Democratic party leadership of the House, on two occasions to offer legislation very similar to the bill before the House today that would have eliminated taxpayer-funded pensions. That is right, taxpayers' hard earned tax dollars going to Members of Congress to pay their pension benefits even though they had been convicted of committing a felony crime while serving in elective office. I cannot think of a greater breach of the public trust than to commit a felony crime while holding high elective office.

So, again, this is, for me anyway, a day of great satisfaction. It is the culmination of 4 years of efforts. It is also a continuation of the congressional reforms we have initiated in this Congress, the first Republican Congress in 40 years.

In 1994 the voters called for a change in business as usual in Washington, including greater accountability by public officials. And a very important step in the overhaul of the Congress is kicking Members of Congress convicted of crimes, felony crimes, while serving in public office off of the public dole.

So I am delighted to join with the gentleman from Washington, Mr. TATE, who has shown tremendous leadership on this issue since arriving in the House, and our other colleagues in bringing this bill to the floor.

As I mentioned, I have been advocating for this type of legislation since the 102d Congress, when I was then a Member and, some said, the ring leader of the gang of seven that led the call for House action against those who had overdrafts at the House bank. And, again, at that time, the House leadership, the House Democratic Party leadership, would not even give my pension forfeiture legislation a hearing, much less allow this legislation to come to the floor.

So I think it is very important to make that kind of comparison, particularly when I hear many of my Democratic colleagues come down into this well and rail against the Speaker of the House for alleged ethical abuses. They seize the moral high ground and go on and on and on, but I do not think that they are quite willing to acknowledge what occurred just a few years ago on their watch.

So I am looking for those same Members, hoping that they will come to the floor now, today, and speak of this legislation and prove that they really are willing to reform the Congress in a bipartisan way.

The bottom line, Mr. Speaker, is the people, the public, they need to see Congress keeping its own house in order if they are going to trust us to do their business.

We have only a short time left before adjournment, and I am pleased that the House leadership and Chairman THOMAS have placed this reform bill at the top of the agenda. I urge its passage today and hope that the other body will move expeditiously on this legislation so that we can send it to the President for his signature before we conclude our legislative business.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER], a cosponsor of the legislation.

Mr. WELLER. Mr. Speaker, I thank the gentleman from California, Chairman THOMAS, so much.

I also want to commend my colleagues, the gentleman from California, Congressman RIGGS, and the gentleman from Washington State, Congressman RANDY TATE, for their leadership on an issue which, frankly, just makes so much sense.

I was back home over the last weekend and was talking with some folks in local coffee shops, the grain elevators, and the union halls, and I was talking about this very bill. Their response was, well, it is about time. It is about time that we told congressional felons that if they commit a crime while they are in public trust, serving the people and on the public payroll, that they are going to lose something which many people hold dear, and that is their pension.

The folks back home said it is about time that we cancel the pensions of congressional felons. Because in representing the Chicago region, and I represent the most diverse district in Illinois, I represent the city of Chicago and the south suburbs and rural communities 100 miles west, nothing outraged the people of the Chicago area more than when they learned that Dan Rostenkowski is collecting almost $100,000 a year while his feet are propped up on the prison cell bed.

Ladies and gentlemen, it is about time that we pass this legislation to cancel the pensions of congressional felons. And, clearly, no one better exemplifies the need to do this than the most well-known congressional felon, Dan Rostenkowski of Chicago.

This is an important reform and just one of many reforms that this Congress has passed. In fact, I am proud that on our very first day we did something that previous Congresses refused to do, and that is, we said if we are going to make the laws, we should obey the laws. And we did that on day one.

We also passed the first lobbying disclosure and lobbying reform legislation in 40 years; eliminated free gifts and travel and meals for Members of the House; provided for term limits for committee chairmen and the speaker; reduced our committee staff bureaucracy by one-third; and did something that politicians are not known to do, and that is, we cut our own budget.

In fact, we cut our own budget by 10 percent, which is a significant amount, and we cut the White House's budget. They probably were not quite as thrilled as we were. But if we are going to ask everyone to live within their

means, we need to learn to lead by example, and we did this.

Ladies and gentlemen, it is about time. It is about time that we passed the Dan Rostenkowski Pension Reform Act of 1996. Let us make it very clear that if a Member violates the public trust, if a Member commits a felony while serving in Congress, that Member will lose their taxpayer-financed pension.

Mr. Speaker, I thank the chairman once again.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], a cosponsor of the legislation.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I want to take this opportunity to congratulate the chairman of the committee, the gentleman from Washington [Mr. TATE], and the gentleman from California [Mr. RIGGS], for moving this piece of legislation.

It is kind of interesting as we are here at the end of the year to take a look at all the legislation that the committee has passed, that Members like Mr. TATE have passed, and to take a look at the problems of the past, to remember the House bank scandal, remember the hundreds of bounced checks, the post office scandal, the stamps for cash, unauditable House books, a Congress that exempted itself from the laws that it passed on the rest of the country, days of subsidized haircuts, days of free gifts and meals from lobbyists.

The gentleman from California, Chairman THOMAS, has worked hard for 2 years to change much of that, if not all of it.

Taking a look at our booklet, which is called ''The Index of Congressional Reform,'' it outlines the changes that this Congress has made over the last 2 years. On opening day we applied a whole series of private sector laws to this Congress.

Remember, these were the laws that did not even apply to us before but were applied to the rest of the country: Age Discrimination and Employment Act, Americans With Disabilities Act, the Civil Rights Act, Worker Adjustment and Retraining Notification Act, Veterans Reemployment Act, Federal Labor-Management Relations Act.

We limited congressional terms. We held the first vote ever on congressional term limits. This Congress gave the next President the line-item veto. We cut congressional budgets. We reduced committee staff size. We slashed committee budgets. We limited the terms of chairmen and the Speaker of the House. We cut taxpayer-financed mass mailings. We eliminated free personalized calendars. We passed zero tolerance for gift ban.

And today we add one more to this long, impressive list, where we are saying here is another law that only makes common sense; that for somebody who abuses their office, they will lose their Government-funded pension. It makes sense. It is a commonsense reform.

I congratulate the chairman of the committee and the authors of this bill for bringing this bill to the floor today. It makes common sense. They have worked hard at taking this through the committee and building this bipartisan support.

This goes on, the other items that we passed during Reform Week, where we denied floor privileges to former Members who are registered lobbyists. We prohibited the handing out of campaign checks on the floor of the House.

We worked on campaign finance reform. We had a great bill. We did not get it passed, but we are going to revisit the issue of campaign finance reform.

Also, in the rules package for the 105th Congress, we are going to include the Enumerated Powers Act. What does that mean? It means that in any piece of legislation that is brought before the House, the authors will have to outline the constitutional justification.

What this brings is a complete and impressive package of reforms that inherently change the way business is done in Washington. It says that if Members abuse their role, their special role in this country, they will lose the benefits of serving, of having served in this institution.

□ 1545

We have changed the way that Washington works. We have got a lot more work to do. This country is still $5 trillion in debt. But this Congress, this Congress, led by Republicans, has made significant progress in moving toward a balanced budget and moving toward the fundamental and systemic changes that will ensure that we will balance the budget. I congratulate the gentleman.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. BARRETT] who has been such a leader in the effort to bring lobbying reform to the floor of this Congress and overcame great odds to do so, ultimately successfully.

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today in support of this bill. I think that this bill is a good bill. It is a bill that is overdue, and it is one that I think that all of us can be proud of as Members of this body to support. I think that there is a fundamental duty that the Members of this body have to serve our constituencies and to serve the people of this country well.

I also think it is important to note that some of the reforms that were just discussed, some of which are actual reforms, some of which were actually not reforms, were in many ways a result of a group of bipartisan legislators who were working together, people who decided that the best way for us to make progress on these issues was not to label these issues as Democratic or Republican issues but rather to work together to move forward. And frankly, if it had not been for that bipartisan approach, I do not think that we would have been successful.

I say that in the last session, in the waning days of the session, when we were trying to pass the Congressional Accountability Act, then-Representative Dick Swett and the gentleman from Connecticut, Mr. CHRIS SHAYS, who were the leaders at that time, again, a bipartisan group working together, were thwarted when then-minority leader GINGRICH basically killed the bill as we were trying to consider it.

So I think we have to keep that in perspective. I think we have to keep in perspective that it does take a bipartisan approach and that it does take Members working together. This is a good bill. This is something that we have to recognize that the American people want.

Having said that, I am troubled because again in the waning days of this Congress, we are faced with another challenge to this institution. It is a real challenge. It is a challenge to this institution and the credibility of this institution and everybody who serves here. That challenge comes in the form of what I consider to be the failure of the majority to release the report pertaining to Speaker GINGRICH. I am not an expert on these issues. I am not someone who has a long history in this body, but I do have enough of a history to know that Speaker GINGRICH has spoken on this issue. Speaker GINGRICH has addressed this issue when then-Speaker Wright had a report developed for him.

Let me use some of Speaker GINGRICH's words, if I may. These are quotes from Representative or Speaker GINGRICH in 1989, urging publication of a report on alleged violations by then-Speaker Jim Wright. The report was filed by outside counsel.

POINTS OF ORDER

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the gentleman from Wisconsin is not speaking to the legislation in front of us, and he knows it.

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. BARRETT] wish to be heard on the point of order?

Mr. BARRETT of Wisconsin. Mr. Speaker, I certainly do. I am tying this into the reforms that are going on in this body. The previous speaker spoke to the many reforms that he thought were necessary. I acknowledge that there are reforms that are necessary. I also think that this is very consistent with those reforms and whether we have reform in this body.

The SPEAKER pro tempore. The gentleman from Wisconsin should confine his remarks to the subjects contained within this bill. The Chair sustains the point of order.

Mr. FAZIO of California. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. FAZIO of California. Mr. Speaker, a number of Members have spoken on the issue of reform, as it has come before the body during this entire Congress. Speakers who preceded the gentleman from Wisconsin have certainly strayed from the subject of this bill. They have talked about a range of legislation. To allow the gentleman from Wisconsin [Mr. BARRETT] to proceed would only be fair in light of what has happened in prior discussion of this legislation.

The SPEAKER pro tempore. Points of order were not made concerning the statements that were made previously. A point of order was made at this particular point.

Mr. FAZIO of California. The Chair decided not to intervene until he was asked to intervene?

The SPEAKER pro tempore. Under the precedents, the Chair does not take the initiative regarding relevancy of debate. The point of order was raised by the gentleman from California [Mr. THOMAS].

Mr. BARRETT of Wisconsin. Mr. Speaker, may I address the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I think that this is very relevant because I think that the issue here is whether Members who have been accused of committing crimes or have been convicted of committing crimes can——

Mr. THOMAS. Mr. Speaker, the Chair has ruled.

Mr. BARRETT of Wisconsin. Mr. Speaker, I have the floor to speak on the point of order. If a Member of this body has been convicted of a crime——

Mr. THOMAS. Mr. Speaker, the Chair has ruled. How can the gentleman from Wisconsin speak on the point of order when the Chair has ruled?

The SPEAKER pro tempore. The gentleman from California is correct. The Chair has ruled. The gentleman from Wisconsin will confine his remarks to subjects in this bill.

Mr. BARRETT of Wisconsin. Mr. Speaker, I hope that no Member of this body ever commits a felony. I think that that would be a horrible disservice to the people in this country. But to make sure that Members do not commit felonies, we cannot cover up reports that have been done by congressional committees. In order for us to have those reports, those reports have to be made public. That is my point today. We should not be covering up reports.

I do not think that there are any felonies that are committed, but the only way for us to know for sure is to have that report released to the American people. That is why this point is relevant to this bill. I do not want to have anybody disgrace this body. I want this body to know what is in the report that is not being released by the ethics committee. I think in order for us to do that, we have to have a full discussion.

Again, in closing, I just want to say a couple of things. This is the Speaker's own comments, ''I cannot imagine going to the country, tell them we have got a $1.6 million report and, by the way, there is nothing in''——

POINT OF ORDER

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

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the gentleman from Wisconsin well knows the Speaker ruled that out of order, yet he continued to read. The comity of the House is threatened by the gentleman from Wisconsin, yet he speaks of potential crimes. And he does it by willfully violating the rules of the House.

The SPEAKER pro tempore. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. BARRETT of Wisconsin. Yes, Mr. Speaker. Again, my whole point here is I think that this is a good bill. I support this bill. In fact, I am a cosponsor of a similar version of this bill. I think that we should pass this legislation.

My point, in a generic sense, is that we as a body have to make sure that we police ourselves as well. And to police ourselves as well means that we have to disclose reports that we have paid for. Why would we spend $500,000 on a report and not release it to the public? That is my only point.

The SPEAKER pro tempore. The point of order is sustained. The gentleman from Wisconsin will confine his remarks to the bill before the House.

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

Mr. Speaker, what we are dealing with is a piece of legislation that deals with the violation of law, that a felony has been committed. I find it interesting that the gentleman from Wisconsin could not utilize any examples in talking about a violation of this potential law on our side of the aisle. Perhaps his problem is we have examples on his side of the aisle.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I want to confine my remarks to the Tate-Riggs bill. It has to do with the pensions that are available to Members of Congress who have been convicted of felonies. I had someone in Arkansas come up to me and say, let me get this thing straight; said, you just had a Member of Congress, a very powerful Member of Congress who was convicted of numerous felonies, and he is getting $96,000 a year in the process. I said, they said, JAY, just get me straight now. Explain to me how that is fair.

Well, I want to put this poster up so that that person who said that to me will know that I am here to do something about it. Dan Rostenkowski is getting $96,462 a year from a pension after he has committed felonies related to his service in Congress. There is not a way in the world that we can stay in this, on this floor and in this body and allow this to happen and then go home and say, we want to have your respect.

People are fed up. They are through with that sort of thing. I did not have an explanation. The only explanation I have is that I am going to work hard on this bill. I am going to try to make sure that that is not going to happen again. We have gone through a committee process. Those of us who got behind this bill have found that we have had to compromise in a lot of ways. But we are not going to compromise on this picture right here of $96,462 being given to someone who has admitted, has admitted in a court of law to the commission of felonies while in office. This is what we are doing.

We are saying to the people out there in America, we are listening to what you have to say, and we are not going to listen to our own greed and our own strategy of trying to gain money from you all while we are in prison or in jail or having been convicted of a felony while committing an act in response of being a Representative of the people of the United States of America.

I am strongly in favor of this bill. I want to urge my colleagues to please vote for it so that we can, the little people at home and the people who feel like they do not have representation will know that someone is up here listening and wants to do right.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS], who, when we talk about desire for reform and cleaning up the process, takes a back seat to no one.

Mr. SHAYS. Mr. Speaker, I have never been more proud to be part of an institution as this Congress and to have been part of this 104th Congress. To think of all that we did, the major reforms in the opening day, reducing the size of committees to reducing the number of staff, to eliminating those absurd proxy votings where a chairman would vote for their Members as if they did not have enough brains to vote for themselves.

Then to pass the Congressional Accountability Act, a bill that Mr. THOMAS championed to get Congress under all the laws as the rest of the country and to pass gift ban and lobby disclosure legislation, all in this 104th Congress. We had years and years and years, the lobby disclosure bill had not been amended since 1946. It happened under our watch.

I think on a bipartisan basis, I think all sides can take joy and gratitude in this. This bill is a logical bill that should be adopted, but this has been a magnificent Congress in terms of reform. I count my blessings that we have all been able to share in it.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Let me simply summarize by saying this bill has the support of the minority. We wish it had been brought to the floor earlier so that it could actually have the opportunity of becoming law. We wish it had been more comprehensive and covered the other two branches of government that have sworn personnel who have the same level of public trust that Members of Congress have. We wish we had had more time for hearings on the implications of the Justice Department's concerns.

Having said all that, I appreciate the remarks of that in fact many of the successes we have had on reforms have become law because of a bipartisan approach. I only regret that this product of the Republican task force had been brought to the committee earlier so we could have done a more proper job of covering it. But having said that, Mr. Speaker, let us move on.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. NEUMANN].

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

Mr. NEUMANN. Mr. Speaker, I rise in support of this bill. It is an excellent piece of legislation. I am a cosponsor of it, and I would just like to express my support.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

In closing, as the gentleman from California [Mr. FAZIO] said, the bill came out of committee unanimously. There are a number of Democrats who are bipartisan supporters. He indicated the bill is not perfected because it does not have broad enough scope. I will tell the gentleman, I looked forward to the legislation he will introduce in the 105th and would be pleased to be a cosponsor.

Mr. PORTER. Mr. Speaker, I strongly support H.R. 4011, the Congressional Pension Forfeiture Act.

Under current law, a Member of Congress who is convicted of a felony is eligible for a full Federal pension. This pension is partially subsidized by the American taxpayer.

I am very pleased that this Congress has made government reform the centerpiece of its agenda and is now considering this bill to prohibit Members of Congress convicted of a felony from receiving the taxpayer funded portion of their Federal pension. In my opinion, this reform is long overdue.

In 1975, as a member of the Illinois State Legislature, I successfully enacted into law a measure denying pay and pensions to Illinois State legislators convicted of felonies. In 1982, as a relatively new Member of Congress, I introduced similar Federal legislation to deny congressional felons their annuity benefits. Unfortunately, my proposal failed to gain widespread support in previous Congresses in which I introduced it, but under new leadership, this Congress is about to enact it.

As lawmakers, Members of Congress have a duty to be law abiders. Americans should expect a high standard of conduct from its elected officials and demand nothing less. When an elected Member of Congress breaches the public trust by showing a blatant disregard for the law, the integrity of the entire institution is questioned. To compound this damage by rewarding these felons with a taxpayer funded pension is unconscionable.

The Congressional Pension Forfeiture Act will ensure that the American taxpayer only funds the retirement benefits of those public officials who have earned the public's trust. Enactment of this legislation is critical if we are to maintain the confidence of the people we are elected to serve.

Mr. TATE. Mr. Speaker, I first want to thank the majority leader for his courage, foresight and fortitude to schedule my bill, the Congressional Pension Forfeiture Act of 1996, for action on the House floor today. I also want to thank Chairman BILL THOMAS for his hard work and leadership on this issue and Chairman BILL CLINGER for his continued support as I have pursued this historic legislation.

Today, the House will consider H.R. 4011, the Congressional Pension Forfeiture Act. Congressman FRANK RIGGS from California and Congressman JAY DICKEY from Arkansas deserve a tremendous amount of credit for working long and hard with me, to refine this momentous and historic legislation to deny pension benefits to Members of Congress convicted of crimes related to their duties of office. Other of my colleagues like PETER HOEKSTRA, chairman of the Speaker's Task Force on Reform, JERRY WELLER, J.D. HAYWORTH, and ZACH WAMP deserve my gratitude. H.R. 4011 would not be on the floor of the House today without their backing.

We have all worked long and hard to get the Congressional Pension Forfeiture Act to the House floor for a vote today. That is a feat of which we should be immensely proud. This legislation is long overdue.

The Congressional Pension Forfeiture Act, as amended by the House Oversight Committee, combines the best elements of the three bills introduced separately by Mr. RIGGS, DICKEY, and myself. Beginning on the first day of the 105th Congress, and Member of Congress convicted of a felon related to the official duties of office will forfeit his taxpayer-funded congressional pension. A convicted Member will receive a lump sum payment of his own contributions and will then be kicked out of the Civil Service Retirement System, the Federal Employees Retirement System, and the Thrift Savings Plan.

The American people are fed up with business as usual in Washington, DC. The last thing that hardworking Americans and their families should expect is to pay for is a convicted felon's retirement. No family struggling to pay for groceries, health care, or education should be handling hard-earned money over to congressional felons.

The Congressional Pension Forfeiture Act has over 70 cosponsors and bipartisan support. I know an overwhelming majority of Americans support this common-sense, historic congressional reform legislation.

In fact, it was this strong, popular support that was the impetus for this common-sense legislation. Earlier this year, a man, with his son by his side, stood up at one of my town hall meetings and said, ''Congressman, why do I have to hand over my hard-earned money, to an ex-Congressman who now sits behind bars?'' Many in the crowd could not believe their ears. Most people think we already have a law that takes taxpayer-funded pensions away from congressional felons. Unfortunately, I had to tell that gentleman that congressional convicts do get taxpayer-funded retirement nest eggs. After so many years and so many congressional embarrassments, the House finally will address this important issue today. Needless to say, the Congressional Pension Forfeiture Act is long overdue.

A former Representative was recently sentenced to 17 months in prison for crimes he committed against the American people. But while he sits behind bars, he'll be collecting nearly $100,000 a year from his taxpayer funded congressional pension. For this House to turn its back on the American public and let another congressional criminal leave office with his retirement nest egg intact would be unconscionable. Our bipartisan, consensus bill ends this taxpayer ripoff.

Every Member of Congress makes a contract with the working men and women in his district when he takes the Oath of Office—a contract to uphold the public trust. Last year, 14 lawmakers-turned-lawbreakers collected $667,000 in taxpayer-subsidized congressional pension benefits. I want to help hard-working middle class Americans, not congressional felons. That is why I started this fight for a return to common sense.

If H.R. 4011 becomes law, after the beginning of the 105th Congress, Members who are convicted of crimes that are committed while they are in office will forfeit their congressional pensions. Members who are found guilty of crimes like taking a bribe, intimidating someone into making a political campaign contribution, and trading their vote for money will no longer feed at the public trough. It's that simple. Breach the trust that voters place in you as a federally elected official and you lose your taxpayer-subsidized congressional pension. H.R. 4011 is just plain common sense, and every Member of this body should vote for it.

By passing this legislation, we are once again standing up for hard-working American families. This legislation is for all Americans who have never broken the law and pay taxes out of their hard-earned money. It is for their sake that we will eliminate this egregious policy today.

Passage of H.R. 4011 will be the crown jewel of the Congress with the strongest reform agenda in 40 years. The 104th Congress has done more to reform this institution than any Congress before us. Congressional pension reform is what the American people want and it is what we in the House of Representatives should give them.

I urge all of my colleagues to lend their wholehearted support to the Congressional Pension Forfeiture Act and again, congratulate Mr. RIGGS and Mr. DICKEY on their hard work in bringing this important bill to the floor.

Mr. BEREUTER, Mr. Speaker, this Member rises in support of H.R. 4011, the Congressional Pension Forfeiture Act. This Member would like to thank the distinguished gentleman from California, Mr. BILL THOMAS, the chairman of the House Oversight Committee, and the distinguished gentleman from California, Mr. VIC FAZIO, the ranking member of the House Oversight Committee, for bringing this measure to the House Floor. This Member also extends his appreciation to the gentleman

from California, Mr. FRANK RIGGS, and the gentleman from Washington, Mr. RANDY TATE, for their efforts in securing House floor consideration of this legislation.

As an original cosponsor of H.R. 4011, and as a cosponsor of similar, earlier legislation, H.R. 2244, this Member is certainly pleased to be here today supporting legislation which prohibits a Member of Congress, if convicted of a felony, from collecting accumulated retirement benefits under either the Civil Service Retirement System or the Federal Employees' Retirement System. This Member has long believed that it is intolerable and outrageous that there has been nothing in Federal law which precluded a Member of Congress from drawing Federal pensions while sitting in jail. Therefore, this Member strongly believes this particular reform of congressional pensions is long overdue.

This Member's only regret is that, because of the constitutional prohibition against ex post factor laws, it is clear that the forfeiture of pension benefits cannot be made retroactive. While this Member will not specifically name the former Members of Congress, who have recently been convicted of felonies and will not be required to forfeit their congressional pensions, this Member will go so far as to ask these former Members of Congress to voluntarily give up their right to such pensions. It is simply the right thing to do as the American people deserve and expect better of those they elect to Congress.

Mr. Speaker, despite this regret that the Constitution prevents us from retroactive application of this legislation, this Member urges all of his colleagues to support this important measure.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 4011, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□ 1600

CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–848)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Aviation Reauthorization Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Reauthorization of FAA Programs

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.

Subtitle B—Airport Development Financing

Sec. 121. Apportionments.
Sec. 122. Discretionary fund.
Sec. 123. Use of apportioned amounts.
Sec. 124. Designating current and former military airports.
Sec. 125. Period of applicability of amendments.

Subtitle C—Airport Improvement Program Modifications

Sec. 141. Intermodal planning.
Sec. 142. Pavement maintenance program.
Sec. 143. Access to airports by intercity buses.
Sec. 144. Cost reimbursement for projects commenced prior to grant award.
Sec. 145. Selection of projects for grants from discretionary fund.
Sec. 146. Small airport fund.
Sec. 147. State block grant program.
Sec. 148. Innovative financing techniques.
Sec. 149. Pilot program on private ownership of airports.

TITLE II—FAA REFORM

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Effective date.

Subtitle A—General Provisions

Sec. 221. Findings.
Sec. 222. Purposes.
Sec. 223. Regulation of civilian air transportation and related services by the Federal Aviation Administration and Department of Transportation.
Sec. 224. Regulations.
Sec. 225. Personnel and services.
Sec. 226. Contracts.
Sec. 227. Facilities.
Sec. 228. Property.
Sec. 229. Transfers of funds from other Federal agencies.
Sec. 230. Management Advisory Council.

Subtitle B—Federal Aviation Administration Streamlining Programs

Sec. 251. Review of acquisition management system.
Sec. 252. Air traffic control modernization reviews.
Sec. 253. Federal Aviation Administration personnel management system.
Sec. 254. Conforming amendment.

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

Sec. 271. Findings
Sec. 272. Purposes
Sec. 273. User fees for various Federal Aviation Administration services.
Sec. 274. Independent assessment of FAA financial requirements; establishment of National Civil Aviation Review Commission.
Sec. 275. Procedure for consideration of certain funding proposals.
Sec. 276. Administrative provisions.
Sec. 277. Advance appropriations for Airport and Airway Trust Fund activities.
Sec. 278. Rural Air Service Survival Act.

TITLE III—AVIATION SECURITY

Sec. 301. Report including proposed legislation on funding for airport security.
Sec. 302. Certification of screening companies.
Sec. 303. Weapons and explosive detection study.
Sec. 304. Requirement for criminal history records checks.
Sec. 305. Interim deployment of commercially available explosive detection equipment.
Sec. 306. Audit of performance of background checks for certain personnel.
Sec. 307. Passenger profiling.
Sec. 308. Authority to use certain funds for airport security programs and activities.
Sec. 309. Development of aviation security liaison agreement.
Sec. 310. Regular joint threat assessments.
Sec. 311. Baggage match report.
Sec. 312. Enhanced security programs.
Sec. 313. Report on air cargo.
Sec. 314. Sense of the Senate regarding acts of international terrorism.

TITLE IV—AVIATION SAFETY

Sec. 401. Elimination of dual mandate.
Sec. 402. Protection of voluntarily submitted information.
Sec. 403. Supplemental type certificates.
Sec. 404. Certification of small airports.
Sec. 405. Authorization for State-specific safety measures.
Sec. 406. Aircraft engine standards.
Sec. 407. Accident and safety data classification; report on effects of publication and automated surveillance targeting systems.

TITLE V—PILOT RECORD SHARING

Sec. 501. Short title.
Sec. 502. Employment investigations of pilot applicants.
Sec. 503. Studies of minimum standards for pilot qualifications and of pay for training.
Sec. 504. Study of minimum flight time.

TITLE VI—CHILD PILOT SAFETY

Sec. 601. Short title.
Sec. 602. Child pilot safety.

TITLE VII—FAMILY ASSISTANCE

Sec. 701. Short title.
Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in aircraft accidents.
Sec. 703. Air carrier plans to address needs of families of passengers involved in aircraft accidents.
Sec. 704. Establishment of task force.
Sec. 705. Limitation on statutory construction.

TITLE VIII—AIRPORT REVENUE PROTECTION

Sec. 801. Short title.
Sec. 802. Findings; purpose.
Sec. 803. Definitions.
Sec. 804. Restriction on use of airport revenues.
Sec. 805. Regulations; audits and accountability.
Sec. 806. Conforming amendments to the Internal Revenue Code of 1986.

TITLE IX—METROPOLITAN WASHINGTON AIRPORTS

Sec. 901. Short title.
Sec. 902. Use of leased property.
Sec. 903. Board of Directors.
Sec. 904. Termination of Board of Review.

Sec. 905. Limitations.
Sec. 906. Use of Dulles Airport Access Highway.
Sec. 907. Effect of judicial order.
Sec. 908. Amendment of lease.
Sec. 909. Sense of the Senate.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

Sec. 1001. Extension of Airport and Airway Trust Fund expenditures.

TITLE XI—FAA RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 1101. Short title.
Sec. 1102. Authorization of appropriations.
Sec. 1103. Research priorities.
Sec. 1104. Research advisory committee.
Sec. 1105. National aviation research plan.

TITLE XII—MISCELLANEOUS PROVISIONS

Sec. 1201. Purchase of housing units.
Sec. 1202. Clarification of passenger facility revenues as constituting trust funds.
Sec. 1203. Authority to close airport located near closed or realigned military base.
Sec. 1204. Gadsden Air Depot, Alabama.
Sec. 1205. Regulations affecting intrastate aviation in Alaska.
Sec. 1206. Westchester County Airport, New York.
Sec. 1207. Bedford Airport, Pennsylvania.
Sec. 1208. Worcester Municipal Airport, Massachusetts.
Sec. 1209. Central Florida Airport, Sanford, Florida.
Sec. 1210. Aircraft Noise Ombudsman.
Sec. 1211. Special rule for privately owned reliever airports.
Sec. 1212. Sense of the Senate regarding the funding of the Federal Aviation Administration.
Sec. 1213. Rural air fare study.
Sec. 1214. Carriage of candidates in State and local elections.
Sec. 1215. Special flight rules in the vicinity of Grand Canyon National Park.
Sec. 1216. Transfer of air traffic control tower; closing of flight service stations.
Sec. 1217. Location of Doppler radar stations, New York.
Sec. 1218. Train whistle requirements.
Sec. 1219. Increased fees.
Sec. 1220. Structures interfering with air commerce.
Sec. 1221. Hawaii cargo.
Sec. 1222. Limitation on authority of States to regulate gambling devices on vessels.
Sec. 1223. Clarifying amendment.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act apply only to fiscal years beginning after September 30, 1996.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1996.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Reauthorization of FAA Programs

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking ''September 30, 1981'' and inserting ''September 30, 1996''; and

(2) by striking ''$17,583,500,000'' and all that follows through the period at the end and inserting the following: ''$2,280,000,000 for fiscal years ending before October 1, 1997, and $4,627,000,000 for fiscal years ending before October 1, 1998.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''1996'' and inserting ''1998''.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $2,068,000,000 for fiscal year 1997.

''(2) $2,129,000,000 for fiscal year 1998.''.

(b) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48101 and inserting the following:

***''§ 48101. Air navigation facilities and equipment''**; and*

(2) in the table of sections by striking the item relating to section 48101 and inserting the following:

''48101. Air navigation facilities and equipment.''.

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended by striking ''$4,088,000,000'' and all that follows through the period at the end and inserting the following: ''$5,158,000,000 for fiscal year 1997 and $5,344,000,000 for fiscal year 1998.''.

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) is amended—

(1) in the subsection heading by striking ''1996'' and inserting ''1998'';

(2) in the matter preceding paragraph (1) by striking ''1994, 1995, and 1996'' and inserting ''1994 through 1998''; and

(3) in paragraph (2)(A) by striking ''70 percent'' and inserting ''72.5 percent''.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) is amended by striking ''1996'' and inserting ''1998''.

(d) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48104 and inserting the following:

***''§ 48104. Operations and maintenance''**; and*

(2) in the table of sections by striking the item relating to section 48104 and inserting the following:

''48104. Operations and maintenance.''.

Subtitle B—Airport Development Financing

SEC. 121. APPORTIONMENTS.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) PRIMARY AIRPORTS.—Section 47114(c)(1)(A) is amended—

(A) by striking ''and'' at the end of clause (iii);

(B) in clause (iv) by striking ''additional passenger boarding'' and inserting ''of the next 500,000 passenger boardings'';

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding at the end the following:

''(v) $.50 for each additional passenger boarding at the airport during the prior calendar year.''.

(2) CARGO ONLY AIRPORTS.—Section 47114(c)(2) of such title is amended to read as follows:

''(2) CARGO ONLY AIRPORTS.—

''(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to 2.5 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds.

''(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the proportion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

''(C) LIMITATION.—Not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.

''(D) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

''(E) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year.''.

(3) REPEAL OF LIMITATION.—Section 47114(c)(3) is repealed.

(b) AMOUNTS APPORTIONED TO STATES.—Section 47114(d)(2) of such title is amended—

(1) by striking ''12'' and inserting ''18.5'';

(2) in subparagraph (A) by striking ''one'' and inserting ''0.66'';

(3) in each of subparagraphs (B) and (C) by striking ''49.5'' and inserting ''49.67''; and

(4) in each of subparagraphs (B) and (C) by striking ''except'' the second place it appears and all that follows through ''title,'' and inserting ''excluding primary airports but including reliever and nonprimary commercial service airports,''.

SEC. 122. DISCRETIONARY FUND.

Section 47115 is amended by striking the second subsection (f), relating to minimum amounts to be credited, and inserting the following:

''(g) MINIMUM AMOUNT TO BE CREDITED.—

''(1) GENERAL RULE.—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

''(A) $148,000,000; plus

''(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

''(2) REDUCTION OF APPORTIONMENTS.—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

''(3) AMOUNT OF REDUCTION.—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

''(4) SPECIAL RULE.—For a fiscal year in which the amount credited to the fund under this subsection exceeds $300,000,000, the Secretary shall allocate the amount of such excess as follows:

''(A) ⅓ shall be made available to airports for which apportionments are made under section 47114(d) of this title.

''(B) ⅓ shall be made available for airport noise compatibility planning under section 47505(a)(2) of this title and for carrying out noise compatibility programs under section 47504(c)(1) of this title.

''(C) ⅓ shall be made available to current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title.''.

SEC. 123. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by inserting before the period at the end of the first sentence the following: ''or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year''.

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1) is amended—

(1) by striking ''made available under section 48103'' and inserting ''available to the discretionary fund under section 47115'';

(2) by striking subparagraphs (A), (C), and (D);

(3) by redesignating subparagraphs (B) and (E) as subparagraphs (A) and (B), respectively;

(4) in subparagraph (A), as so redesignated, by striking ''at least 12.5'' and inserting ''At least 31'';

(5) by adding at the end of subparagraph (A), as so redesignated, the following: ''The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.'';

(6) in subparagraph (B), as so redesignated, by striking ''at least 2.25'' and all that follows through ''1996,'' and inserting ''At least 4 percent for each fiscal year thereafter''; and

(7) by inserting before the period at the end of subparagraph (B), as so redesignated, the following: ''and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed $30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant''.

(c) CONFORMING AMENDMENTS.—Section 47117(e) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 124. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) GENERAL REQUIREMENTS.—Section 47118(a) is amended to read as follows:

''(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate current or former military airports for which grants may be made under section 47117(e)(1)(B) of this title. The maximum number of airports bearing such designation at any time is 12. The Secretary may only so designate an airport (other than an airport so designated before August 24, 1994) if—

''(1) the airport is a former military installation closed or realigned under—

''(A) section 2687 of title 10;

''(B) section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); or

''(C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

''(2) the Secretary finds that such grants would—

''(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

''(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.''.

(b) ADDITIONAL DESIGNATION PERIODS.—Section 47118(d) is amended by striking ''designation.'' and inserting ''designation, and for subsequent 5-fiscal-year periods if the Secretary determines that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent 5-fiscal-year period.''.

(c) PARKING LOTS, FUEL FARMS, UTILITIES, AND HANGARS.—Section 47118(f) is amended—

(1) in the heading by striking ''AND UTILITIES'' and inserting ''UTILITIES, AND HANGARS'';

(2) by striking ''for the fiscal years ending September 30, 1993–1996,'' and inserting ''for fiscal years beginning after September 30, 1992,''; and

(3) by striking ''and utilities'' and inserting ''utilities, and hangars''.

(d) 2-YEAR EXTENSION.—Section 47117(e)(1)(B), as redesignated by section 123(b) of this Act, is amended by striking ''and 1996,'' and inserting ''1996, 1997, and 1998''.

SEC. 125. PERIOD OF APPLICABILITY OF AMENDMENTS.

The amendments made by this subtitle shall cease to be effective on September 30, 1998. On and after such date, sections 47114, 47115, 47117, and 47118 of title 49, United States Code, shall read as if such amendments had not been enacted.

Subtitle C—Airport Improvement Program Modifications

SEC. 141. INTERMODAL PLANNING.

Section 47101(g) is amended to read as follows:

''(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

''(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

''(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

''(A) foster effective coordination between aviation planning and metropolitan planning;

''(B) include an evaluation of aviation needs within the context of multimodal planning; and

''(C) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

''(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.''.

SEC. 142. PAVEMENT MAINTENANCE PROGRAM.

(a) PAVEMENT MAINTENANCE.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47132. Pavement maintenance

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue guidelines to carry out a pavement maintenance pilot project to preserve and extend the useful life of runways, taxiways, and aprons at airports for which apportionments are made under section 47114(d). The guidelines shall provide that the Administrator may designate not more than 10 projects. The guidelines shall provide criteria for the Administrator to use in choosing the projects. At least 2 such projects must be in States without a primary airport that had 0.25 percent or more of the total boardings in the United States in the preceding calendar year. In designating a project, the Administrator shall take into consideration geographical, climatological, and soil diversity.

''(b) EFFECTIVE DATE.—This section shall be effective beginning on the date of the enactment of this section and ending on September 30, 1999.''.

(b) COMPLIANCE WITH FEDERAL MANDATES.—

(1) USE OF AIP GRANTS.—Section 47102(3) is amended—

(A) in subparagraph (E) by inserting ''or under section 40117'' before the period at the end; and

(B) in subparagraph (F) by striking ''paid for by a grant under this subchapter and''.

(2) USE OF PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is amended—

(A) by inserting ''and'' at the end of subparagraph (D);

(B) by striking ''; and'' at the end of subparagraph (E) and inserting a period; and

(C) by striking subparagraph (F).

(c) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by inserting after the item relating to section 47131 the following:

''47132. Pavement maintenance.''.

SEC. 143. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting ''; and''; and

(3) by adding at the end the following:

''(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, but the sponsor does not have any obligation under this paragraph, or because of it, to fund special facilities for intercity bus service or for other modes of transportation.''.

SEC. 144. COST REIMBURSEMENT FOR PROJECTS COMMENCED PRIOR TO GRANT AWARD.

(a) COST REIMBURSEMENT.—Section 47110(b)(2)(C) is amended to read as follows:

''(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) of this title and if the cost is incurred—

''(i) after September 30, 1996;

''(ii) before a grant agreement is executed for the project; and

''(iii) in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after the grant agreement had been executed;''.

(b) USE OF DISCRETIONARY FUNDS.—Section 47110 is amended by adding at the end the following:

''(g) USE OF DISCRETIONARY FUNDS.—A project for which cost reimbursement is provided under subsection (b)(2)(C) shall not receive priority consideration with respect to the use of discretionary funds made available under section 47115 of this title even if the amounts made available under paragraphs (1) and (2) of section 47114(c) are not sufficient to cover the Government's share of the cost of project.''.

SEC. 145. SELECTION OF PROJECTS FOR GRANTS FROM DISCRETIONARY FUND.

(a) SELECTION OF PROJECTS FOR GRANTS.—Section 47115(d) is amended—

(1) by striking ''; and'' at the end of paragraph (2) and inserting the following: '', including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;'';

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

''(4) the airport improvement priorities of the States, and regional offices of the Administration, to the extent such priorities are not in conflict with paragraphs (1) and (2);

''(5) the projected growth in the number of passengers that will be using the airport at which the project will be carried out; and

''(6) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which the number of passenger boardings increased by at least 20 percent as compared to the number of passenger boardings in the 12-month period preceding such period.''.

(b) PRIORITY FOR LETTERS OF INTENT.—Section 47115, as amended by section 122 of this Act, is further amended by adding at the end the following:

''(h) PRIORITY FOR LETTERS OF INTENT.—In making grants in a fiscal year with funds made available under this section, the Secretary shall fulfill intentions to obligate under section 47110(e).''.

SEC. 146. SMALL AIRPORT FUND.

Section 47116 is amended by adding at the end the following:

''(d) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multi-year projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.''.

SEC. 147. STATE BLOCK GRANT PROGRAM.

(a) PARTICIPATING STATES.—Section 47128 is amended—

(1) in subsection (a) by striking ''7 qualified States'' and inserting ''8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter'';

(2) in subsection (b)(1)—

(A) by striking ''(1)''; and

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(3) by striking subsection (b)(2).

(b) USE OF STATE PRIORITY SYSTEM.—Section 47128(c) is amended—

(1) by striking ''(b)(1)(B) or (C)'' and inserting ''(b)(2) or (b)(3)''; and

(2) by adding at the end the following: ''In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.''.

(c) REPEAL OF EXPIRATION DATE.—

(1) IN GENERAL.—Section 47128 is amended—

(A) by striking ''**pilot**'' in the section heading;

(B) by striking ''pilot'' in subsection (a); and

(C) by striking subsection (d).

(2) CONFORMING AMENDMENT.—The table of sections for chapter 471 is amended by striking the item relating to section 47128 and inserting the following:

''47128. State block grant program.''.

SEC. 148. INNOVATIVE FINANCING TECHNIQUES.

(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under subchapter I of chapter 471 of title 49, United States Code, for not more than 10 projects for which grants received under such subchapter may be used to implement innovative financing techniques.

(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects to Congress and the National Civil Aviation Review Commission.

(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under the demonstration program result in a direct or indirect guarantee of any airport debt instrument by the Federal Government.

(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term ''innovative financing technique'' shall be limited to the following:

(1) Payment of interest.

(2) Commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development.

(3) Flexible non-Federal matching requirements.

(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary to carry out the demonstration program shall expire on September 30, 1998.

SEC. 149. PILOT PROGRAM ON PRIVATE OWNERSHIP OF AIRPORTS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471, as amended by section 804 of this Act, is further amended by adding after section 47133 the following:

''§ 47134. Pilot program on private ownership of airports

''(a) SUBMISSION OF APPLICATIONS.—If a sponsor intends to sell or lease a general aviation airport or lease any other type of airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

''(b) APPROVAL OF APPLICATIONS.—The Secretary may approve, with respect to not more than 5 airports, applications submitted under subsection (a) granting exemptions from the following provisions:

''(1) USE OF REVENUES.—

''(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

''(i) by at least 65 percent of the air carriers serving the airport; and

''(ii) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.

''(B) LANDED WEIGHT DEFINED.—In this paragraph, the term 'landed weight' means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

''(2) REPAYMENT REQUIREMENTS.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

''(3) COMPENSATION FROM AIRPORT OPERATIONS.—The Secretary may grant an exemption to a purchaser or lessee from the provisions of sections 47107(b) and 47133 of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

''(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

''(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

''(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

''(3) The purchaser or lessee will maintain, improve, and modernize the facilities of the airport through capital investments and will submit to the Secretary a plan for carrying out such maintenance, improvements, and modernization.

''(4) Every fee of the airport imposed on an air carrier on the day before the date of the lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

''(A) by at least 65 percent of the air carriers serving the airport; and

''(B) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.

''(5) The percentage increase in fees imposed on general aviation aircraft at the airport will not exceed the percentage increase in fees imposed on air carriers at the airport.

''(6) Safety and security at the airport will be maintained at the highest possible levels.

''(7) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

''(8) Any adverse effects on the environment from airport operations will be mitigated to the same extent as at a public airport.

''(9) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

''(d) PARTICIPATION OF CERTAIN AIRPORTS.—

''(1) GENERAL AVIATION AIRPORTS.—If the Secretary approves under subsection (b) applications with respect to 5 airports, one of the airports must be a general aviation airport.

''(2) LARGE HUB AIRPORTS.—The Secretary may not approve under subsection (b) more than 1 application submitted by an airport that had 1 percent or more of the total passenger boardings (as defined in section 47102) in the United States in the preceding calendar year.

''(e) REQUIRED FINDING THAT APPROVAL WILL NOT RESULT IN UNFAIR METHODS OF COMPETITION.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the approval will not result in unfair and deceptive practices or unfair methods of competition.

''(f) INTERESTS OF GENERAL AVIATION USERS.—In approving an application of an airport under this section, the Secretary shall ensure that the interests of general aviation users of the airport are not adversely affected.

''(g) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

''(1) imposing a passenger facility fee under section 40117 of this title;

''(2) receiving apportionments under section 47114 of this title; or

''(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

''(h) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

''(i) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms

specified in subsection (c) for the sale or lease of the airport.

''(j) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so as to apply to any airport owned by a public agency that is not participating in the program established by this section.

''(k) AUDITS.—The Secretary may conduct periodic audits of the financial records and operations of an airport receiving an exemption under this section.

''(l) REPORT.—Not later than 2 years after the date of the initial approval of an application under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on implementation of the program under this section.

''(m) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term 'general aviation airport' means an airport that is not a commercial service airport.''.

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 47133, as added by section 804 of this Act, the following:

''47134. Pilot program on private ownership of airports.''.

(b) TAXATION.—Section 40116(b) is amended—

(1) by striking ''a State or'' and inserting ''a State, a''; and

(2) by inserting after ''of a State'' the following: '', and any person that has purchased or leased an airport under section 47134 of this title''.

(c) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) 40 percent for a project funded by the Administrator from the discretionary fund under section 47115 at an airport receiving an exemption under section 47134.''.

(d) RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.—Section 47129(a) is amended by adding at the end the following:

''(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47134 of this title, the Secretary shall consider whether the airport has complied with section 47134(c)(4).''.

TITLE II—FAA REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Air Traffic Management System Performance Improvement Act of 1996''.

SEC. 202. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 203. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

Subtitle A—General Provisions

SEC. 221. FINDINGS.

Congress finds the following:

(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution over the years is one measure of the benefit received by the general public, military, and other users of Administration's services.

(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration's future budget needs.

(5) Congress must keep its commitment to the users of the national air transportation system by seeking to spend all moneys collected from them each year and deposited into the Airport and Airway Trust Fund. Existing surpluses representing past receipts must also be spent for the purposes for which such funds were collected.

(6) The aviation community and the employees of the Administration must come together to improve the system. The Administration must continue to recognize who its customers are and what their needs are, and to design and redesign the system to make safety improvements and increase productivity.

(7) The Administration projects that commercial operations will increase by 18 percent and passenger traffic by 35 percent by the year 2002. Without effective airport expansion and system modernization, these needs cannot be met.

(8) Absent significant and meaningful reform, future challenges and needs cannot be met.

(9) The Administration must have a new way of doing business.

(10) There is widespread agreement within government and the aviation industry that reform of the Administration is essential to safely and efficiently accommodate the projected growth of aviation within the next decade.

(11) To the extent that Congress determines that certain segments of the aviation community are not required to pay all of the costs of the government services which they require and benefits which they receive, Congress should appropriate the difference between such costs and any receipts received from such segment.

(12) Prior to the imposition of any new charges or user fees on segments of the industry, an independent review must be performed to assess the funding needs and assumptions for operations, capital spending, and airport infrastructure.

(13) An independent, thorough, and complete study and assessment must be performed of the costs to the Administration and the costs driven by each segment of the aviation system for safety and operational services, including the use of the air traffic control system and the Nation's airports.

(14) Because the Administration is a unique Federal entity in that it is a participant in the daily operations of an industry, and because the national air transportation system faces significant problems without significant changes, the Administration has been authorized to change the Federal procurement and personnel systems to ensure that the Administration has the ability to keep pace with new technology and is able to match resources with the real personnel needs of the Administration.

(15) The existing budget system does not allow for long-term planning or timely acquisition of technology by the Administration.

(16) Without reforms in the areas of procurement, personnel, funding, and governance, the Administration will continue to experience delays and cost overruns in its major modernization programs and needed improvements in the performance of the air traffic management system will not occur.

(17) All reforms should be designed to help the Administration become more responsive to the needs of its customers and maintain the highest standards of safety.

SEC. 222. PURPOSES.

The purposes of this title are—

(1) to ensure that final action shall be taken on all notices of proposed rulemaking of the Administration within 18 months after the date of their publication;

(2) to permit the Administration, with Congressional review, to establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to establish a more autonomous and accountable Administration within the Department of Transportation; and

(4) to make the Administration a more efficient and effective organization, able to meet the needs of a dynamic, growing industry, and to ensure the safety of the traveling public.

SEC. 223. REGULATION OF CIVILIAN AIR TRANSPORTATION AND RELATED SERVICES BY THE FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION.

(a) IN GENERAL.—Section 106 is amended—

(1) by striking ''The Administrator'' in subsection (b) and inserting ''Except as provided in subsection (f) or in other provisions of law, the Administrator''; and

(2) in subsection (f)—

(A) by striking ''(f) The Secretary'' and inserting the following:

''(f) AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.—

''(1) AUTHORITY OF THE SECRETARY.—Except as provided in paragraph (2), the Secretary'';

(B) in subsection (f)(1), as so designated—

(i) by moving the remainder of the text 2 ems to the right;

(ii) by striking ''The Secretary may not'' and inserting ''Neither the Secretary nor the Administrator may''; and

(iii) by striking ''nor'' and inserting ''or''; and

(C) by adding at the end the following:

''(2) AUTHORITY OF THE ADMINISTRATOR.—The Administrator—

''(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

''(i) the appointment and employment of all officers and employees of the Administration (other than Presidential and political appointees);

''(ii) the acquisition and maintenance of property and equipment of the Administration;

''(iii) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

''(iv) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

''(B) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

''(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

''(D) except as otherwise provided for in this title, and notwithstanding any other provision of law, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

''(3) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subsection, the term 'political appointee' means any individual who—

''(A) is employed in a position listed in sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

''(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

''(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.''.

(b) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this title or the amendments made by this title limits any authority granted to the Administrator by statute or by delegation that was in effect on the day before the date of the enactment of this Act.

SEC. 224. REGULATIONS.

Section 106(f), as amended by section 223 of this Act, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) REGULATIONS.—

''(A) IN GENERAL.—In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 16 months after the last day of the public comment period for the regulations or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after the date of publication in the Federal Register of notice of the proposed rulemaking.

''(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996) in any year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if the Administrator, in consultation with the Secretary (as appropriate), determines that the regulation is likely to—

''(I) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

''(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

''(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

''(IV) raise novel legal or policy issues arising out of legal mandates.

''(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

''(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

''(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

''(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after such date of enactment beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

''(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

''(iii) For purposes of this subparagraph, the term 'unusually burdensome regulation' means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $25,000,000 or more (adjusted annually for inflation beginning with the year following the date of the enactment of the Air Traffic Management System Performance Act of 1996) in any year.

''(iv) The periodic review of regulations may be performed by advisory committees and the Management Advisory Council established under subsection (p).''.

SEC. 225. PERSONNEL AND SERVICES.

Section 106 is amended by adding at the end the following:

''(l) PERSONNEL AND SERVICES.—

''(1) OFFICERS AND EMPLOYEES.—Except as provided in section 40122(a) of this title and section 347 of Public Law 104–50, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40122(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

''(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

''(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

''(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

''(5) VOLUNTARY SERVICES.—

''(A) GENERAL RULE.—In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

''(B) INCIDENTAL EXPENSES.—The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence, for volunteers who provide voluntary services under this subsection.

''(C) LIMITED TREATMENT AS FEDERAL EMPLOYEES.—An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.''.

SEC. 226. CONTRACTS.

Section 106(l), as added by section 225 of this Act, is further amended by adding at the end the following:

''(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.''.

SEC. 227. FACILITIES.

Section 106, as amended by section 225 of this Act, is further amended by adding at the end the following:

''(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.''.

SEC. 228. PROPERTY.

Section 106, as amended by section 227 of this Act, is further amended by adding at the end the following:

''(n) ACQUISITION.—

''(1) IN GENERAL.—The Administrator is authorized—

''(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

''(i) air traffic control facilities and equipment;

''(ii) research and testing sites and facilities; and

''(iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

''(B) to lease to others such real and personal property; and

''(C) to provide by contract or otherwise for eating facilities and other necessary facilities

for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

''(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.''.

SEC. 229. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

Section 106, as amended by section 228 of this Act, is further amended by adding at the end the following:

''(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.''.

SEC. 230. MANAGEMENT ADVISORY COUNCIL.

Section 106, as amended by section 229 of this Act, is further amended by adding at the end the following:

''(p) MANAGEMENT ADVISORY COUNCIL.—

''(1) ESTABLISHMENT.—Within 3 months after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the 'Council'). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

''(2) MEMBERSHIP.—The Council shall consist of 15 members, who shall consist of—

''(A) a designee of the Secretary of Transportation;

''(B) a designee of the Secretary of Defense; and

''(C) 13 members representing aviation interests, appointed by the President by and with the advice and consent of the Senate.

''(3) QUALIFICATIONS.—No member appointed under paragraph (2)(C) may serve as an officer or employee of the United States Government while serving as a member of the Council.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

''(ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

''(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

''(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council or such aviation rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—(i) Except as provided in subparagraph (B), members of the Council appointed by the President under paragraph (2)(C) shall be appointed for a term of 3 years.

''(ii) Of the members first appointed by the President—

''(I) 4 shall be appointed for terms of 1 year;

''(II) 5 shall be appointed for terms of 2 years; and

''(III) 4 shall be appointed for terms of 3 years.

''(iii) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(iv) A member whose term expires shall continue to serve until the date on which the member's successor takes office.

''(B) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(C) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(D) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.''.

Subtitle B—Federal Aviation Administration Streamlining Programs

SEC. 251. REVIEW OF ACQUISITION MANAGEMENT SYSTEM.

Not later than April 1, 1999, the Administrator shall employ outside experts to provide an independent evaluation of the effectiveness of the Administration's acquisition management system within 3 months after such date. The Administrator shall transmit a copy of the evaluation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 252. AIR TRAFFIC CONTROL MODERNIZATION REVIEWS.

Chapter 401 is amended by adding at the end the following:

''§ 40121. Air traffic control modernization reviews

''(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Administrator of the Federal Aviation Administration shall terminate any acquisition program initiated after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996 and funded under the Facilities and Equipment account that—

''(1) is more than 50 percent over the cost goal established for the program;

''(2) fails to achieve at least 50 percent of the performance goals established for the program; or

''(3) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program.

''(b) AUTHORIZED TERMINATION OF ACQUISITION PROGRAMS.—The Administrator shall consider terminating, under the authority of subsection (a), any substantial acquisition program that—

''(1) is more than 10 percent over the cost goal established for the program;

''(2) fails to achieve at least 90 percent of the performance goals established for the program; or

''(3) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program.

''(c) EXCEPTIONS AND REPORT.—

''(1) CONTINUANCE OF PROGRAM, ETC.—Notwithstanding subsection (a), the Administrator may continue an acquisitions program required to be terminated under subsection (a) if the Administrator determines that termination would be inconsistent with the development or operation of the national air transportation system in a safe and efficient manner.

''(2) DEPARTMENT OF DEFENSE.—The Department of Defense shall have the same exemptions from acquisition laws as are waived by the Administrator under section 348(b) of Public Law 104–50 when engaged in joint actions to improve or replenish the national air traffic control system. The Administration may acquire real property, goods, and services through the Department of Defense, or other appropriate agencies, but is bound by the acquisition laws and regulations governing those cases.

''(3) REPORT.—If the Administrator makes a determination under paragraph (1), the Administrator shall transmit a copy of the determination, together with a statement of the basis for the determination, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.''.

SEC. 253. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Chapter 401, as amended by section 252 of this Act, is further amended by adding at the end the following:

''§ 40122. Federal Aviation Administration personnel management system

''(a) IN GENERAL.—

''(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator of the Federal Aviation Administration on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

''(2) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement. If the services of the Federal Mediation and Conciliation Service do not lead to an agreement, the Administrator's proposed change to the personnel management system shall not take effect until 60 days have elapsed after the Administrator has transmitted the proposed change, along with the objections of the exclusive bargaining representatives to the change, and the reasons for such objections, to Congress.

''(3) COST SAVINGS AND PRODUCTIVITY GOALS.—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

''(4) ANNUAL BUDGET DISCUSSIONS.—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

''(b) EXPERT EVALUATION.—On the date that is 3 years after the personnel management system is implemented, the Administration shall

employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

''(c) PAY RESTRICTION.—No officer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

''(d) ETHICS.—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 2635 of title 5 of the Code of Federal Regulations.

''(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

''(f) LABOR-MANAGEMENT AGREEMENTS.—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration date, unless the Administrator and the exclusive bargaining representative agree to the contrary.''.

SEC. 254. CONFORMING AMENDMENT.

The table of sections for chapter 401 is amended by adding at the end the following:

''40121. Air traffic control modernization reviews.

''40122. Federal Aviation Administration personnel management system.''.

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

SEC. 271. FINDINGS.

Congress finds the following:

(1) The Administration is recognized throughout the world as a leader in aviation safety.

(2) The Administration certifies aircraft, engines, propellers, and other manufactured parts.

(3) The Administration certifies more than 650 training schools for pilots and nonpilots, more than 4,858 repair stations, and more than 193 maintenance schools.

(4) The Administration certifies pilot examiners, who are then qualified to determine if a person has the skills necessary to become a pilot.

(5) The Administration certifies more than 6,000 medical examiners, each of whom is then qualified to medically certify the qualifications of pilots and nonpilots.

(6) The Administration certifies more than 470 airports, and provides a limited certification for another 205 airports. Other airports in the United States are also reviewed by the Administration.

(7) The Administration each year performs more than 355,000 inspections.

(8) The Administration issues more than 655,000 pilot's licenses and more than 560,000 nonpilot's licenses (including mechanics).

(9) The Administration's certification means that the product meets worldwide recognized standards of safety and reliability.

(10) The Administration's certification means aviation-related equipment and services meet world-wide recognized standards.

(11) The Administration's certification is recognized by governments and businesses throughout the world and as such may be a valuable element for any company desiring to sell aviation-related products throughout the world.

(12) The Administration's certification may constitute a valuable license, franchise, privilege or benefits for the holders.

(13) The Administration also is a major purchaser of computers, radars, and other systems needed to run the air traffic control system. The Administration's design, acceptance, commissioning, or certification of such equipment enables the private sector to market those products around the world, and as such confers a benefit on the manufacturer.

(14) The Administration provides extensive services to public use aircraft.

SEC. 272. PURPOSES.

The purposes of this subtitle are—

(1) to provide a financial structure for the Administration so that it will be able to support the future growth in the national aviation and airport system;

(2) to review existing and alternative funding options, including incentive-based fees for services, and establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to ensure that any funding will be dedicated solely for the use of the Administration;

(4) to authorize the Administration to recover the costs of its services from those who benefit from, but do not contribute to, the national aviation system and the services provided by the Administration;

(5) to consider a fee system based on the cost or value of the services provided and other funding alternatives;

(6) to develop funding options for Congress in order to provide for the long-term efficient and cost-effective support of the Administration and the aviation system; and

(7) to achieve a more efficient and effective Administration for the benefit of the aviation transportation industry.

SEC. 273. USER FEES FOR VARIOUS FEDERAL AVIATION ADMINISTRATION SERVICES.

(a) IN GENERAL.—Chapter 453 is amended by striking section 45301 and inserting the following:

''§ 45301. General provisions

''(a) SCHEDULE OF FEES.—The Administrator shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

''(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States government or of a foreign government that neither take off from, nor land in, the United States.

''(2) Services (other than air traffic control services) provided to a foreign government.

''(b) LIMITATIONS.—

''(1) AUTHORIZATION AND IMPACT CONSIDERATIONS.—In establishing fees under subsection (a), the Administrator—

''(A) is authorized to recover in fiscal year 1997 $100,000,000; and

''(B) shall ensure that each of the fees required by subsection (a) is directly related to the Administration's costs of providing the service rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States.

''(2) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register an initial fee schedule and associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

''(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 453 is amended by striking the item relating to section 45301 and inserting the following:

''45301. General provisions.''.

SEC. 274. INDEPENDENT ASSESSMENT OF FAA FINANCIAL REQUIREMENTS; ESTABLISHMENT OF NATIONAL CIVIL AVIATION REVIEW COMMISSION.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall contract with an entity independent of the Administration and the Department of Transportation to conduct a complete independent assessment of the financial requirements of the Administration through the year 2002.

(2) ASSESSMENT CRITERIA.—The Administrator shall provide to the independent entity estimates of the financial requirements of the Administration for the period described in paragraph (1), using as a base the fiscal year 1997 appropriation levels established by Congress. The independent assessment shall be based on an objective analysis of agency funding needs.

(3) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including—

(A) anticipated air traffic forecasts;

(B) other workload measures;

(C) estimated productivity gains, if any, which contribute to budgetary requirements;

(D) the need for programs; and

(E) the need to provide for continued improvements in all facets of aviation safety, along with operational improvements in air traffic control.

(4) COST ALLOCATION.—The independent assessment shall also assess the costs to the Administration occasioned by the provision of services to each segment of the aviation system.

(5) DEADLINE.—The independent assessment shall be completed no later than 90 days after the contract is awarded, and shall be submitted to the Commission established under subsection (b), the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(b) NATIONAL CIVIL AVIATION REVIEW COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the National Civil Aviation Review Commission (hereinafter in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall consist of 21 members to be appointed as follows:

(A) 13 members to be appointed by the Secretary, in consultation with the Secretary of the Treasury, from among individuals who have expertise in the aviation industry and who are able, collectively, to represent a balanced view of the issues important to general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers. At least one member appointed under this subparagraph shall have detailed knowledge of the congressional budgetary process.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(3) TASK FORCES.—The Commission shall establish an aviation funding task force and an aviation safety task force to carry out the responsibilities of the Commission under this subsection.

(4) FIRST MEETING.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

(5) HEARINGS AND CONSULTATION.—

(A) HEARINGS.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

(B) CONSULTATION.—The Commission shall consult on a regular and frequent basis with the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(C) FACA NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(6) DUTIES OF AVIATION FUNDING TASK FORCE.—

(A) REPORT TO SECRETARY.—

(i) IN GENERAL.—The aviation funding task force established pursuant to paragraph (3) shall submit a report setting forth a comprehensive analysis of the Administration's budgetary requirements through fiscal year 2002, based upon the independent assessment under subsection (a), that analyzes alternative financing and funding means for meeting the needs of the aviation system through the year 2002. The task force shall submit a preliminary report of that analysis to the Secretary not later than 6 months after the independent assessment is completed under subsection (a). The Secretary shall provide comments on the preliminary report to the task force within 30 days after receiving the report. The task force shall issue a final report of such comprehensive analysis within 30 days after receiving the Secretary's comments on its preliminary report.

(ii) CONTENTS.—The report submitted by the aviation funding task force under clause (i)—

(I) shall consider the independent assessment under subsection (a);

(II) shall consider estimated cost savings, if any, resulting from the procurement and personnel reforms included in this Act or in sections 347 and 348 of Public Law 104–50, and additional financial initiatives;

(III) shall include specific recommendations to Congress on how the Administration can reduce costs, raise additional revenue for the support of agency operations, and accelerate modernization efforts; and

(IV) shall include a draft bill containing the changes in law necessary to implement its recommendations.

(B) RECOMMENDATIONS.—The aviation funding task force shall make such recommendations under subparagraph (A)(ii)(III) as the task force deems appropriate. Those recommendations may include—

(i) proposals for off-budget treatment of the Airport and Airway Trust Fund;

(ii) alternative financing and funding proposals, including linked financing proposals;

(iii) modifications to existing levels of Airport and Airways Trust Fund receipts and taxes for each type of tax;

(iv) establishment of a cost-based user fee system based on, but not limited to, criteria under subparagraph (F) and methods to ensure that costs are borne by users on a fair and equitable basis;

(v) methods to ensure that funds collected from the aviation community are able to meet the needs of the agency;

(vi) methods to ensure that funds collected from the aviation community and passengers are used to support the aviation system;

(vii) means of meeting the airport infrastructure needs for large, medium, and small airports; and

(viii) any other matter the task force deems appropriate to address the funding and needs of the Administration and the aviation system.

(C) ADDITIONAL RECOMMENDATIONS.—The aviation funding task force report may also make recommendations concerning—

(i) means of improving productivity by expanding and accelerating the use of automation and other technology;

(ii) means of contracting out services consistent with this Act, other applicable law, and safety and national defense needs;

(iii) methods to accelerate air traffic control modernization and improvements in aviation safety and safety services;

(iv) the elimination of unneeded programs; and

(v) a limited innovative program based on funding mechanisms such as loan guarantees, financial partnerships with for-profit private sector entities, government-sponsored enterprises, and revolving loan funds, as a means of funding specific facilities and equipment projects, and to provide limited additional funding alternatives for airport capacity development.

(D) IMPACT ASSESSMENT FOR RECOMMENDATIONS.—For each recommendation contained in the aviation funding task force's report, the report shall include a full analysis and assessment of the impact implementation of the recommendation would have on—

(i) safety;

(ii) administrative costs;

(iii) the congressional budget process;

(iv) the economics of the industry (including the proportionate share of all users);

(v) the ability of the Administration to utilize the sums collected; and

(vi) the funding needs of the Administration.

(E) TRUST FUND TAX RECOMMENDATIONS.—If the task force's report includes a recommendation that the existing Airport and Airways Trust Fund tax structure be modified, the report shall—

(i) state the specific rates for each group affected by the proposed modifications;

(ii) consider the impact such modifications shall have on specific users and the public (including passengers); and

(iii) state the basis for the recommendations.

(F) FEE SYSTEM RECOMMENDATIONS.—If the task force's report includes a recommendation that a fee system be established, including an air traffic control performance-based user fee system, the report shall consider—

(i) the impact such a recommendation would have on passengers, air fares (including low-fare, high frequency service), service, and competition;

(ii) existing contributions provided by individual air carriers toward funding the Administration and the air traffic control system through contributions to the Airport and Airways Trust Fund;

(iii) continuing the promotion of fair and competitive practices;

(iv) the unique circumstances associated with interisland air carrier service in Hawaii and rural air service in Alaska;

(v) the impact such a recommendation would have on service to small communities;

(vi) the impact such a recommendation would have on services provided by regional air carriers;

(vii) alternative methodologies for calculating fees so as to achieve a fair and reasonable distribution of costs of service among users;

(viii) the usefulness of phased-in approaches to implementing such a financing system;

(ix) means of assuring the provision of general fund contributions, as appropriate, toward the support of the Administration; and

(x) the provision of incentives to encourage greater efficiency in the provision of air traffic services by the Administration and greater efficiency in the use of air traffic services by aircraft operators.

(7) DUTIES OF AVIATION SAFETY TASK FORCE.—

(A) REPORT TO ADMINISTRATOR.—Not later than 1 year after the date of the enactment of this Act, the aviation safety task force established pursuant to paragraph (3) shall submit to the Administrator a report setting forth a comprehensive analysis of aviation safety in the United States and emerging trends in the safety of particular sectors of the aviation industry.

(B) CONTENTS.—The report to be submitted under subparagraph (A) shall include an assessment of—

(i) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors;

(ii) the Administration's processes for ensuring the public safety from fraudulent parts in civil aviation and the extent to which use of suspected unapproved parts requires additional oversight or enforcement action; and

(iii) the ability of the Administration to anticipate changes in the aviation industry and to develop policies and actions to ensure the highest level of aviation safety in the 21st century.

(8) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Commission appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(9) TRAVEL AND PER DIEM.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(10) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Commission such staff, information, and administrative services and assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(c) REPORTS TO CONGRESS.—

(1) REPORT BY THE SECRETARY BASED ON FINAL REPORT OF AVIATION FUNDING TASK FORCE.—

(A) CONSIDERATION OF TASK FORCE'S PRELIMINARY REPORT.—Not later than 30 days after receiving the preliminary report of the aviation funding task force, the Secretary, in consultation with the Secretary of the Treasury, shall furnish comments on the report to the task force.

(B) REPORT TO CONGRESS.—Not later than 30 days after receiving the final report of the aviation funding task force, and in no event more than 1 year after the date of the enactment of this Act, the Secretary, after consulting the Secretary of the Treasury, shall transmit a report to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives. Such report shall be based upon the final

report of the task force and shall contain the Secretary's recommendations for funding the needs of the aviation system through the year 2002.

(C) CONTENTS.—The Secretary shall include in the report to Congress under subparagraph (B)—

(i) a copy of the final report of the task force; and

(ii) a draft bill containing the changes in law necessary to implement the Secretary's recommendations.

(D) PUBLICATION.—The Secretary shall cause a copy of the report to be printed in the Federal Register upon its transmittal to Congress under subparagraph (B).

(2) REPORT BY THE ADMINISTRATOR BASED ON FINAL REPORT OF AVIATION SAFETY TASK FORCE.—Not later than 30 days after receiving the report of the aviation safety task force, the Administrator shall transmit the report to Congress, together with the Administrator's recommendations for improving aviation safety in the United States.

(d) GAO AUDIT OF COST ALLOCATION.—The Comptroller General shall conduct an assessment of the manner in which costs for air traffic control services are allocated between the Administration and the Department of Defense. The Comptroller General shall report the results of the assessment, together with any recommendations the Comptroller General may have for reallocation of costs and for opportunities to increase the efficiency of air traffic control services provided by the Administration and by the Department of Defense, to the Commission, the Administrator, the Secretary of Defense, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of the enactment of this Act.

(e) GAO ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall transmit to the Commission and Congress an independent assessment of airport development needs.

SEC. 275. PROCEDURE FOR CONSIDERATION OF CERTAIN FUNDING PROPOSALS.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

"§ 48111. Funding proposals

''(a) INTRODUCTION IN THE SENATE.—Within 15 days (not counting any day on which the Senate is not in session) after a funding proposal is submitted to the Senate by the Secretary of Transportation under section 274(c) of the Air Traffic Management System Performance Improvement Act of 1996, an implementing bill with respect to such funding proposal shall be introduced in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate.

''(b) CONSIDERATION IN THE SENATE.—An implementing bill introduced in the Senate under subsection (a) shall be referred to the Committee on Commerce, Science, and Transportation. The Committee on Commerce, Science, and Transportation shall report the bill with its recommendations within 60 days following the date of introduction of the bill. Upon the reporting of the bill by the Committee on Commerce, Science, and Transportation, the reported bill shall be referred sequentially to the Committee on Finance for a period of 60 legislative days.

''(c) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) IMPLEMENTING BILL.—The term 'implementing bill' means only a bill of the Senate which is introduced as provided in subsection (a) with respect to one or more Federal Aviation Administration funding proposals which contain changes in existing laws or new statutory authority required to implement such funding proposal or proposals.

''(2) FUNDING PROPOSAL.—The term 'funding proposal' means a proposal to provide interim or permanent funding for operations of the Federal Aviation Administration.

''(d) RULES OF THE SENATE.—The provisions of this section are enacted—

''(1) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate and they supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

''48111. Funding proposals.''.

SEC. 276. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—Chapter 453 is amended—

(1) by redesignating section 45303 as section 45304; and

(2) by inserting after section 45302 the following:

"§ 45303. Administrative provisions

''(a) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration are payable to the Administrator of the Federal Aviation Administration.

''(b) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

''(c) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on September 30, 1996, are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

''(1) shall be credited to a separate account established in the Treasury and made available for Administration activities;

''(2) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

''(3) shall remain available until expended.

''(d) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(1) a list of fee collections by the Administration during the preceding fiscal year;

''(2) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

''(3) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

''(4) any proposed disposition of surplus fees by the Administration; and

''(5) such other information as those committees consider necessary.

''(e) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

''(f) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 453 is amended by striking the item relating to section 45303 and inserting the following:

''45303. Administrative provisions.

''45304. Maximum fees for private person services.''.

SEC. 277. ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FUND ACTIVITIES.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding at the end the following:

"CHAPTER 482—ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES

''Sec.

''48201. Advance appropriations.

"§ 48201. Advance appropriations

''(a) MULTIYEAR AUTHORIZATIONS.—Beginning with fiscal year 1999, any authorization of appropriations for an activity for which amounts are to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 shall provide funds for a period of not less than 3 fiscal years unless the activity for which appropriations are authorized is to be concluded before the end of that period.

''(b) MULTIYEAR APPROPRIATIONS.—Beginning with fiscal year 1999, amounts appropriated from the Airport and Airway Trust Fund shall be appropriated for periods of 3 fiscal years rather than annually.''.

(b) CONFORMING AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 481 the following:

"482. ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES .....48201.".

SEC. 278. RURAL AIR SERVICE SURVIVAL ACT.

(a) SHORT TITLE.—This section may be cited as the ''Rural Air Service Survival Act''.

(b) FINDINGS.—Congress finds that—

(1) air service in rural areas is essential to a national and international transportation network;

(2) the rural air service infrastructure supports the safe operation of all air travel;

(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

(4) rural air service has suffered since deregulation;

(5) the essential air service program under the Department of Transportation—

(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

(B) is necessary for the economic growth and development of rural communities;

(C) is a critical component of the national and international transportation system of the United States; and

(D) has endured serious funding cuts in recent years; and

(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended to read as follows:

"§ 41742. Essential air service authorization

''(a) IN GENERAL.—Out of the amounts received by the Federal Aviation Administration credited to the account established under section 45303 of this title or otherwise provided to the Administration, the sum of $50,000,000 is authorized and shall be made available immediately for obligation and expenditure to carry

out the essential air service program under this subchapter for each fiscal year.

''(b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.—Notwithstanding any other provision of law, moneys credited to the account established under section 45303(a) of this title, including the funds derived from fees imposed under the authority contained in section 45301(a) of this title, shall be used to carry out the essential air service program under this subchapter. Notwithstanding section 47114(g) of this title, any amounts from those fees that are not obligated or expended at the end of the fiscal year for the purpose of funding the essential air service program under this subchapter shall be made available to the Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under this subchapter.

''(c) SPECIAL RULE FOR FISCAL YEAR 1997.—Notwithstanding subsections (a) and (b), in fiscal year 1997, amounts in excess of $75,000,000 that are collected in fees pursuant to section 45301(a)(1) of this title shall be available for the essential air service program under this subchapter, in addition to amounts specifically provided for in appropriations Acts.''.

(d) CONFORMING AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41742 and inserting the following:

''41742. Essential air service authorization.''.

TITLE III—AVIATION SECURITY

SEC. 301. REPORT INCLUDING PROPOSED LEGISLATION ON FUNDING FOR AIRPORT SECURITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in cooperation with other appropriate persons, shall conduct a study and submit to Congress a report on whether, and if so how, to transfer certain responsibilities of air carriers under Federal law for security activities conducted onsite at commercial service airports to airport operators or to the Federal Government or to provide for shared responsibilities between air carriers and airport operators or the Federal Government.

(b) CONTENTS OF REPORT.—The report submitted under this section shall—

(1) examine potential sources of Federal and non-Federal revenue that may be used to fund security activities, including providing grants from funds received as fees collected under a fee system established under subtitle C of title II of this Act and the amendments made by that subtitle; and

(2) provide legislative proposals, if necessary, for accomplishing the transfer of responsibilities referred to in subsection (a).

SEC. 302. CERTIFICATION OF SCREENING COMPANIES.

The Administrator of the Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.

SEC. 303. WEAPONS AND EXPLOSIVE DETECTION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

(b) PANEL OF EXPERTS.—

(1) IN GENERAL.—In carrying out a study under this section, the Director of the National Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section referred to as the ''panel'').

(2) EXPERTISE.—Each member of the panel shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

(c) STUDY.—The panel, in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas;

(3) assess the cost and advisability of requiring hardened cargo containers as a way to enhance aviation security and reduce the required sensitivity of bomb detection equipment; and

(4) on the basis of the assessments and determinations made under paragraphs (1), (2), and (3), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

(d) COOPERATION.—The National Science and Technology Council shall take such actions as may be necessary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

(1) expertise; and

(2) to the extent allowable by law, resources and facilities.

(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1997 through 2001 such sums as may be necessary to carry out this section.

SEC. 304. REQUIREMENT FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(1)'' and inserting ''(1)(A)''; and

(3) by adding at the end the following:

''(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check in any case described in subparagraph (C)) be conducted for—

''(i) individuals who will be responsible for screening passengers or property under section 44901 of this title;

''(ii) supervisors of the individuals described in clause (i); and

''(iii) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

''(C) Under the regulations issued under subparagraph (B), a criminal history record check shall be conducted in any case in which—

''(i) an employment investigation reveals a gap in employment of 12 months or more that the individual who is the subject of the investigation does not satisfactorily account for;

''(ii) such individual is unable to support statements made on the application of such individual;

''(iii) there are significant inconsistencies in the information provided on the application of such individual; or

''(iv) information becomes available during the employment investigation indicating a possible conviction for one of the crimes listed in subsection (b)(1)(B).

''(D) If an individual requires a criminal history record check under subparagraph (C), the individual may be employed as a screener until the check is completed if the individual is subject to supervision.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(3) shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act; except that the Administrator of the Federal Aviation Administration may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of the enactment of this Act.

SEC. 305. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT.

(a) IN GENERAL.—Section 44913(a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security. The Administrator may permit the requirements of this paragraph to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.''.

(b) AGREEMENTS.—The Administrator is authorized to use noncompetitive or cooperative agreements with air carriers and airport authorities that provide for the Administrator to purchase and assist in installing advanced security equipment for the use of such entities.

SEC. 306. AUDIT OF PERFORMANCE OF BACKGROUND CHECKS FOR CERTAIN PERSONNEL.

Section 44936(a) is amended by adding at the end the following:

''(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.''.

SEC. 307. PASSENGER PROFILING.

The Administrator of the Federal Aviation Administration, the Secretary of Transportation, the intelligence community, and the law enforcement community should continue to assist air carriers in developing computer-assisted passenger profiling programs and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.

SEC. 308. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds referred to in subsection

(b) may be used for the improvement of facilities and the purchase and deployment of equipment to enhance and ensure the safety and security of passengers and other persons involved in air travel.

(b) COVERED FUNDS.—The following funds may be used under subsection (a):

(1) Project grants made under subchapter 1 of chapter 471 of title 49, United States Code.

(2) Passenger facility fees collected under section 40117 of title 49, United States Code.

SEC. 309. DEVELOPMENT OF AVIATION SECURITY LIAISON AGREEMENT.

The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies' field offices in or near cities served by a designated high-risk airport.

SEC. 310. REGULAR JOINT THREAT ASSESSMENTS.

The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at each airport determined to be high risk.

SEC. 311. BAGGAGE MATCH REPORT.

(a) REPORT.—If a bag match pilot program is carried out as recommended by the White House Conference on Aviation Safety and Security, not later than the 30th day following the date of completion of the pilot program, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the safety, effectiveness, and operational effectiveness of the pilot program. The report shall also assess the extent to which implementation of baggage match requirements (coupled with the best available technologies and methodologies, such as passenger profiling) enhance domestic aviation security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Administrator should work with airports and air carriers to develop, to the extent feasible, effective domestic bag matching proposals.

SEC. 312. ENHANCED SECURITY PROGRAMS.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end of subchapter I the following:

"§ 44916. Assessments and evaluations

''(a) PERIODIC ASSESSMENTS.—The Administrator shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Administration shall perform periodic audits of such assessments.

''(b) INVESTIGATIONS.—The Administrator shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 44915 the following:

''44916. Assessments and evaluations.''.

SEC. 313. REPORT ON AIR CARGO.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any changes recommended and implemented as a result of the White House Commission on Aviation Safety and Security to enhance and supplement screening and inspection of cargo, mail, and company-shipped materials transported in air commerce.

(b) CONTENTS.—The report shall include—

(1) an assessment of the effectiveness of the changes referred to in subsection (a);

(2) an assessment of the oversight by the Federal Aviation Administration of inspections of shipments of mail and cargo by domestic and foreign air carriers;

(3) an assessment of the need for additional security measures with respect to such inspections;

(4) an assessment of the adequacy of inspection and screening of cargo on passenger air carriers; and

(5) any additional recommendations, and if necessary any legislative proposals, necessary to carry out additional changes.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the inspection of cargo, mail, and company-shipped materials can be enhanced.

SEC. 314. SENSE OF THE SENATE REGARDING ACTS OF INTERNATIONAL TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) there has been an intensification in the oppression and disregard for human life among nations that are willing to export terrorism;

(2) there has been an increase in attempts by criminal terrorists to murder airline passengers through the destruction of civilian airliners and the deliberate fear and death inflicted through bombings of buildings and the kidnapping of tourists and Americans residing abroad; and

(3) information widely available demonstrates that a significant portion of international terrorist activity is state-sponsored, -organized, -condoned, or -directed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if evidence establishes beyond a clear and reasonable doubt that any act of hostility towards any United States citizen was an act of international terrorism sponsored, organized, condoned, or directed by any nation, a state of war should be considered to exist or to have existed between the United States and that nation, beginning as of the moment that the act of aggression occurs.

TITLE IV—AVIATION SAFETY

SEC. 401. ELIMINATION OF DUAL MANDATE.

(a) SAFETY CONSIDERATIONS IN PUBLIC INTEREST.—

(1) SAFETY AS HIGHEST PRIORITY.—Section 40101(d) is amended—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.''.

(2) ELIMINATION OF PROMOTION.—Section 40101(d) is further amended—

(A) in paragraph (2), as redesignated by paragraph (1)(A) of this subsection, by striking ''its development and''; and

(B) in paragraph (3), as so redesignated—

(i) by striking ''promoting, encouraging,'' and inserting ''encouraging''; and

(ii) by inserting before the period at the end '', including new aviation technology''.

(b) FAA SAFETY MISSION.—

(1) IN GENERAL.—Section 40104 is amended—

*(A) by inserting ''**safety of**'' before ''**air commerce**'' in the section heading;*

(B) by inserting ''SAFETY OF'' before ''AIR COMMERCE'' in the heading of subsection (a); and

(C) by inserting ''safety of'' before ''air commerce'' in subsection (a).

(2) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40104 and inserting the following:

''40104. Promotion of civil aeronautics and safety of air commerce.''.

SEC. 402. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401, as amended by section 253 of this Act, is further amended by adding at the end the following:

"§ 40123. Protection of voluntarily submitted information

''(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

''(1) the disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

''(2) withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

''(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

''40123. Protection of voluntarily submitted information.''.

SEC. 403. SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) SUPPLEMENTAL TYPE CERTIFICATES.—

''(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

''(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

''(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.''.

SEC. 404. CERTIFICATION OF SMALL AIRPORTS.

(a) IN GENERAL.—Section 44706(a) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and'';

(3) by striking ''and'' at the end of paragraph (3), as redesignated by paragraph (1) of this subsection;

(4) by striking ''(3) when'' and inserting ''if''; and

(5) by moving the matter following paragraph (3), as redesignated by paragraph (1) of this subsection, to the left flush full measure.

(b) COMMUTER AIRPORTS.—Section 44706 is amended by adding at the end the following:

''(d) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective

or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).''.

(c) EFFECTIVE DATE.—Section 44706 is further amended by adding at the end the following:

''(e) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.''.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44706 is further amended by adding at the end the following:

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).''.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS FOR STATE-SPECIFIC SAFETY MEASURES.

There are authorized to be appropriated to the Federal Aviation Administration not more than $10,000,000 for fiscal year 1997 for the purpose of addressing State-specific aviation safety problems identified by the National Transportation Safety Board.

SEC. 406. AIRCRAFT ENGINE STANDARDS.

(a) STANDARDS AND REGULATIONS.—Subsection (a)(1) of section 44715 is amended to read as follows:

''(a) STANDARDS AND REGULATIONS.—(1)(A) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

''(i) standards to measure aircraft noise and sonic boom; and

''(ii) regulations to control and abate aircraft noise and sonic boom.

''(B) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.''.

(b) INTERAGENCY COOPERATION.—Section 231(a)(2) of the Clean Air Act (42 U.S.C. 7571(a)(2)) is amended—

(1) by inserting ''(A)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(B)(i) The Administrator shall consult with the Administrator of the Federal Aviation Administration on aircraft engine emission standards.

''(ii) The Administrator shall not change the aircraft engine emission standards if such change would significantly increase noise and adversely affect safety.''.

SEC. 407. ACCIDENT AND SAFETY DATA CLASSIFICATION; REPORT ON EFFECTS OF PUBLICATION AND AUTOMATED SURVEILLANCE TARGETING SYSTEMS.

(a) ACCIDENT AND SAFETY DATA CLASSIFICATION.—

(1) IN GENERAL.—Subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1119. Accident and safety data classification and publication

''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the National Transportation Safety Board shall, in consultation and coordination with the Administrator of the Federal Aviation Administration, develop a system for classifying air carrier accident data maintained by the Board.

''(b) REQUIREMENTS FOR CLASSIFICATION SYSTEM.—

''(1) IN GENERAL.—The system developed under this section shall provide for the classification of accident and safety data in a manner that, in comparison to the system in effect on the date of the enactment of this section, provides for safety-related categories that provide clearer descriptions of accidents associated with air transportation, including a more refined classification of accidents which involve fatalities, injuries, or substantial damage and which are only related to the operation of an aircraft.

''(2) PUBLIC COMMENT.—In developing a system of classification under paragraph (1), the Board shall provide adequate opportunity for public review and comment.

''(3) FINAL CLASSIFICATION.—After providing for public review and comment, and after consulting with the Administrator, the Board shall issue final classifications. The Board shall ensure that air travel accident covered under this section is classified in accordance with the final classifications issued under this section for data for calendar year 1997, and for each subsequent calendar year.

''(4) PUBLICATION.—The Board shall publish on a periodic basis accident and safety data in accordance with the final classifications issued under paragraph (3).

''(5) RECOMMENDATIONS OF THE ADMINISTRATOR.—The Administrator may, from time to time, request the Board to consider revisions (including additions to the classification system developed under this section). The Board shall respond to any request made by the Administrator under this section not later than 90 days after receiving that request.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''1119. Accident and safety data classification and publication.''.

(b) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—Section 44713 is amended by adding at the end the following:

''(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

''(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

''(2) DEADLINES FOR DEPLOYMENT.—

''(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

''(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

''(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.''.

TITLE V—PILOT RECORD SHARING

SEC. 501. SHORT TITLE.

This title may be cited as the ''Pilot Records Improvement Act of 1996''.

SEC. 502. EMPLOYMENT INVESTIGATIONS OF PILOT APPLICANTS.

(a) IN GENERAL.—Section 44936 is amended by adding at the end the following:

''(f) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

''(1) IN GENERAL.—Before hiring an individual as a pilot, an air carrier shall request and receive the following information:

''(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administrator concerning—

''(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

''(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(7), from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

''(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

''(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator shall maintain pilot records described in paragraph (1)(A) for a period of at least 5 years.

''(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested. A person who receives a request for records under this paragraph shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

''(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives

a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

''(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

''(B) in accordance with paragraph (10), a copy of such records, if requested by the individual.

''(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

''(8) STANDARD FORMS.—The Administrator shall promulgate—

''(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

''(B) standard forms that may be used by an air carrier to—

''(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

''(ii) inform the individual of—

''(I) the request; and

''(II) the individual right of that individual to receive a copy of any records furnished in response to the request.

''(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

''(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B) (i) or (ii) pertaining to the employment of the pilot.

''(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(12) PERIODIC REVIEW.—Not later than 18 months after the date of the enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(13) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

''(A) to protect—

''(i) the personal privacy of any individual whose records are requested under paragraph (1); and

''(ii) the confidentiality of those records;

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

''(C) to ensure prompt compliance with any request made under paragraph (1).

''(g) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—

''(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under paragraph (2), against—

''(A) the air carrier requesting the records of that individual under subsection (f)(1);

''(B) a person who has complied with such request;

''(C) a person who has entered information contained in the individual's records; or

''(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (f).

''(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (f).

''(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (f)(1), that—

''(A) the person knows is false; and

''(B) was maintained in violation of a criminal statute of the United States.

''(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsection (f) shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Administrator, the National Transportation Safety Board, or a court.''.

(b) CONFORMING AMENDMENTS.—Section 30305(b) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

''(7) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under paragraph (2) to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.''.

(c) CIVIL PENALTIES.—Section 46301, as amended by section 1220(b) of this Act, is further amended—

(1) in each of subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i) by inserting ''44724,'' after ''44718(d),''; and

(2) in subsection (a)(2)(A) by inserting ''44724,'' after ''44716,''.

(d) APPLICABILITY.—The amendments made by this section shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following the date of the enactment of this Act.

SEC. 503. STUDIES OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS AND OF PAY FOR TRAINING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall appoint a task force consisting of appropriate representatives of the aviation industry to conduct—

(1) a study directed toward the development of—

(A) standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of an applicant for employment as a pilot by an air carrier; and

(B) standards and criteria for pilot training facilities to be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in subparagraph (A); and

(2) a study to determine if the practice of some air carriers to require employees or prospective employees to pay for the training or experience that is needed to perform flight check duties for an air carrier is in the public interest.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a)(2).

SEC. 504. STUDY OF MINIMUM FLIGHT TIME.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

TITLE VI—CHILD PILOT SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Child Pilot Safety Act''.

SEC. 602. CHILD PILOT SAFETY.

(a) MANIPULATION OF FLIGHT CONTROLS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44724. Manipulation of flight controls

''(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

''(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

''(2) the appropriate medical certificate issued by the Administrator under part 67 of such title, to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

''(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

''(c) PILOT IN COMMAND DEFINED.—In this section, the term 'pilot in command' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''44724. Manipulation of flight controls.''.

(b) CHILDREN FLYING AIRCRAFT.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(2) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(A) whether the restrictions established by the amendment made by subsection (a)(1) should be modified or repealed; and

(B) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(4) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

TITLE VII—FAMILY ASSISTANCE

SEC. 701. SHORT TITLE.

This title may be cited as the ''Aviation Disaster Family Assistance Act of 1996''.

SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—Subchapter III of chapter 11 is amended by adding at the end the following:

''§ 1136. Assistance to families of passengers involved in aircraft accidents

''(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

''(5) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF AIR CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney or any potential party to the litigation to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster regardless of its cause or suspected cause.

''(2) PASSENGER.—The term 'passenger' includes an employee of an air carrier aboard an aircraft.''.

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1135 the following:

''1136. Assistance to families of passengers involved in aircraft accidents.''.

(b) PENALTIES.—Section 1155(a)(1) of such title is amended—

(1) by striking ''or 1134(b) or (f)(1)'' and inserting '', section 1134(b), section 1134(f)(1), or section 1136(g)''; and

(2) by striking ''either of'' and inserting ''any of''.

SEC. 703. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) IN GENERAL.—Chapter 411 is amended by adding at the end the following:

''§ 41113. Plans to address needs of families of passengers involved in aircraft accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

''(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

''(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

''(c) CERTIFICATE REQUIREMENT.—After the date that is 6 months after the date of the enactment of this section, the Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

''(d) LIMITATION ON LIABILITY.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

''(e) AIRCRAFT ACCIDENT AND PASSENGER DEFINED.—In this section, the terms 'aircraft accident' and 'passenger' have the meanings such terms have in section 1136 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

''41113. Plans to address needs of families of passengers involved in aircraft accidents.''.

SEC. 704. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) GUIDELINES AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) guidelines to assist air carriers in responding to aircraft accidents;

(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);

(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A); and

(D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

SEC. 705. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

TITLE VIII—AIRPORT REVENUE PROTECTION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Airport Revenue Protection Act of 1996''.

SEC. 802. FINDINGS; PURPOSE.

(a) IN GENERAL.—Congress finds that—

(1) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

(2) a grant recipient that uses airport revenue for purposes that are not airport related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

(3) any diversion of airport revenues in violation of the condition referred to in paragraph (1) undermines the interest of the United States in promoting a strong national air transportation system that is responsive to the needs of airport users;

(4) the Secretary and the Administrator have not enforced airport revenue diversion rules adequately and must have additional regulatory tools to increase enforcement efforts; and

(5) sponsors who have been found to have illegally diverted airport revenues—

(A) have not reimbursed or made restitution to airports in a timely manner; and

(B) must be encouraged to do so.

(b) PURPOSE.—The purpose of this title is to ensure that airport users are not burdened with hidden taxation for unrelated municipal services and activities by—

(1) eliminating the ability of any State or political subdivision thereof that is a recipient of a project grant to divert airport revenues for purposes that are not related to an airport, in violation of section 47107 of title 49, United States Code;

(2) imposing financial reporting requirements that are designed to identify instances of illegal diversions referred to in paragraph (1);

(3) establishing a statute of limitations for airport revenue diversion actions;

(4) clarifying limitations on revenue diversion that are permitted under chapter 471 of title 49, United States Code; and

(5) establishing clear penalties and enforcement mechanisms for identifying and prosecuting airport revenue diversion.

SEC. 803. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIRPORT.—The term ''airport'' has the meaning provided that term in section 47102(2) of title 49, United States Code.

(3) PROJECT GRANT.—The term ''project grant'' has the meaning provided that term in section 47102(14) of title 49, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) SPONSOR.—The term ''sponsor'' has the meaning provided that term in section 47102(19) of title 49, United States Code.

SEC. 804. RESTRICTION ON USE OF AIRPORT REVENUES.

(a) IN GENERAL.—Subchapter I of chapter 471, as amended by section 142 of this Act, is further amended by adding after section 47132 the following:

''§ 47133. Restriction on use of revenues

''(a) PROHIBITION.—Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

''(1) the airport;

''(2) the local airport system; or

''(3) any other local facility that is owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of passengers or property.

''(b) EXCEPTIONS.—Subsection (a) shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.''.

(b) PENALTIES.—Section 46301(a)(5) is amended to read as follows:

''(5) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.''.

(c) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by inserting after the item relating to section 47132, as added by section 142 of this Act, the following:

''47133. Restriction on use of revenues.''.

SEC. 805. REGULATIONS; AUDITS AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following:

''(m) AUDIT CERTIFICATION.—

''(1) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall promulgate regulations that require a recipient of a project grant (or any other recipient of Federal financial assistance that is provided for an airport) to include as part of an annual audit conducted under sections 7501 through 7505 of title 31, a review and opinion of the review concerning the funding activities with respect to an airport that is the subject of the project grant (or other Federal financial assistance) and the sponsors, owners, or operators (or other recipients) involved.

''(2) CONTENT OF REVIEW.—A review conducted under paragraph (1) shall provide reasonable assurances that funds paid or transferred to sponsors are paid or transferred in a manner consistent with the applicable requirements of this chapter and any other applicable provision of law (including regulations promulgated by the Secretary or the Administrator).

''(3) REQUIREMENTS FOR AUDIT REPORT.—The report submitted to the Secretary under this subsection shall include a specific determination and opinion regarding the appropriateness of the disposition of airport funds paid or transferred to a sponsor.

''(n) RECOVERY OF ILLEGALLY DIVERTED FUNDS.—

''(1) IN GENERAL.—Not later than 180 days after the issuance of an audit or any other report that identifies an illegal diversion of airport revenues (as determined under subsections (b) and (l) and section 47133), the Secretary, acting through the Administrator, shall—

''(A) review the audit or report;

''(B) perform appropriate factfinding; and

''(C) conduct a hearing and render a final determination concerning whether the illegal diversion of airport revenues asserted in the audit or report occurred.

''(2) NOTIFICATION.—Upon making such a finding, the Secretary, acting through the Administrator, shall provide written notification to the sponsor and the airport of—

''(A) the finding; and

''(B) the obligations of the sponsor to reimburse the airport involved under this paragraph.

''(3) ADMINISTRATIVE ACTION.—The Secretary may withhold any amount from funds that would otherwise be made available to the sponsor, including funds that would otherwise be made available to a State, municipality, or political subdivision thereof (including any multimodal transportation agency or transit authority of which the sponsor is a member entity) as part of an apportionment or grant made available pursuant to this title, if the sponsor—

''(A) receives notification that the sponsor is required to reimburse an airport; and

''(B) has had an opportunity to reimburse the airport, but has failed to do so.

''(4) CIVIL ACTION.—If a sponsor fails to pay an amount specified under paragraph (3) during the 180-day period beginning on the date of notification and the Secretary is unable to withhold a sufficient amount under paragraph (3), the Secretary, acting through the Administrator, may initiate a civil action under which the sponsor shall be liable for civil penalty in an amount equal to the illegal diversion in question plus interest (as determined under subsection (o)).

''(5) DISPOSITION OF PENALTIES.—

''(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

''(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil action under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

''(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the amount that has been collected from the sponsor under paragraph (4) (including any amount of interest calculated under subsection (o)).

''(7) STATUTE OF LIMITATIONS.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (l)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

''(o) INTEREST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (n) in an amount equal to the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

''(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

''(3) ACCRUAL.—Interest assessed under subsection (n) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (n).

''(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

''(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

''(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

''(p) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (o), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.''.

(b) REVISION OF POLICIES AND PROCEDURES; DEADLINES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, acting through the Administrator, shall revise the policies and procedures established under section 47107(l) of title 49, United States Code, to take into account the amendments made to that section by this title.

(2) STATUTE OF LIMITATIONS.—Section 47107(l) is amended by adding at the end the following:

''(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (n)(7), with respect to project grants made under this chapter—

''(A) any request by a sponsor to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

''(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (n).''.

SEC. 806. CONFORMING AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Section 9502 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subsection (b)(3);

(2) by striking the period at the end of subsection (b)(4) and inserting '', and''; and

(3) by adding at the end of subsection (b) the following:

''(5) amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(n) of title 49, United States Code.''; and

(4) by adding at the end of subsection (d) the following:

''(5) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN AIRPORTS.—The Secretary of the Treasury may transfer from the Airport and Airway Trust Fund to the Secretary of Transportation or the Administrator of the Federal Aviation Administration an amount to make a payment to an airport affected by a diversion that is the subject of an administrative action under paragraph (3) or a civil action under paragraph (4) of section 47107(n) of title 49, United States Code.''.

TITLE IX—METROPOLITAN WASHINGTON AIRPORTS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Metropolitan Washington Airports Amendments Act of 1996''.

SEC. 902. USE OF LEASED PROPERTY.

Section 6005(c)(2) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2454(c)(2)) is amended by inserting before the period at the end of the second sentence the following: ''which are not inconsistent with the needs of aviation''.

SEC. 903. BOARD OF DIRECTORS.

(a) APPOINTMENT OF ADDITIONAL MEMBERS.—Section 6007(e)(1) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(1)) is amended—

(1) in the matter preceding subparagraph (A) by striking ''11'' and inserting ''13'';

(2) in subparagraph (D) by striking ''one member'' and inserting ''three members''.

(b) RESTRICTIONS.—Section 6007(e)(2) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(2)) is amended by striking ''except that'' and all that follows through the period and inserting ''except that the members appointed by the President shall be registered voters of States other than Maryland, Virginia, or the District of Columbia.''.

(c) TERMS.—Section 6007(e)(3) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(3)) is amended—

(1) in subparagraph (B) by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(D) by the President after the date of the enactment of this subparagraph, 1 shall be appointed for 4 years.

A member may serve after the expiration of that member's term until a successor has taken office.''.

(d) VACANCIES.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by redesignating paragraphs (4) and (5) as paragraphs (8) and (9), respectively, and by inserting after paragraph (3) the following:

''(4) VACANCIES.—A vacancy in the board of directors shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.''.

(e) POLITICAL PARTIES OF PRESIDENTIAL APPOINTEES.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by inserting after paragraph (4), as inserted by subsection (d) of this section, the following:

''(5) POLITICAL PARTIES OF PRESIDENTIAL APPOINTEES.—Not more than 2 of the members of the board appointed by the President may be of the same political party.''.

(f) DUTIES OF PRESIDENTIAL APPOINTEES.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by inserting after paragraph (5), as inserted by subsection (e) of this section, the following:

''(6) DUTIES OF PRESIDENTIAL APPOINTEES.—In carrying out their duties on the board, members of the board appointed by the President shall ensure that adequate consideration is given to the national interest.''.

(g) DEADLINE FOR PRESIDENTIAL APPOINTMENTS.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)) is amended by inserting after paragraph (6), as inserted by subsection (f) of this section, the following:

''(7) DEADLINE FOR PRESIDENTIAL APPOINTMENTS.—

''(A) DEADLINE.—The members to be appointed to the board by the President under section 6007(e)(1)(D) shall be appointed on or before September 30, 1997.

''(B) APPLICABILITY OF LIMITATIONS.—If the deadline of subparagraph (A) is not met, the Secretary and the Airports Authority shall be subject to the limitations described in subsection (i) for the period beginning on October 1, 1997, and ending on the first day on which all of the

members referred to in subparagraph (A) have been appointed.''.

(h) REQUIRED NUMBER OF VOTES.—Section 6007(e)(9) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456(e)(9)), as redesignated by subsection (d) of this section, is amended by striking ''Seven'' and inserting ''Eight''.

SEC. 904. TERMINATION OF BOARD OF REVIEW.

(a) IN GENERAL.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended by striking subsections (f) and (h) and redesignating subsections (g) and (i) as subsections (f) and (g), respectively.

(b) STAFF.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended—

(1) by inserting paragraph (8) of subsection (f), as in effect before the amendment made by subsection (a) of this section, after subsection (g), as redesignated by such subsection (a);

(2) by moving such paragraph 2 ems to the left and redesignating such paragraph as subsection (h); and

(3) in subsection (h), as so redesignated—

(A) in the first sentence by striking ''The Board of Review'' and inserting ''To assist the Secretary in carrying out this Act, the Secretary''; and

(B) in the second sentence by striking ''Board'' and inserting ''Secretary''.

(c) CONFORMING AMENDMENTS.—The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451 et seq.) is amended—

(1) in section 6009(b) by striking ''or by reason'' and all that follows before the period; and

(2) in section 6011 by striking ''Except as provided in section 6007(h), if'' and inserting ''If''.

(d) PROTECTION OF CERTAIN ACTIONS.—Actions taken by the Metropolitan Washington Airports Authority and required to be submitted to the Board of Review pursuant to section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 before the date of the enactment of this Act shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board of Review.

SEC. 905. LIMITATIONS.

Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is further amended by adding at the end the following:

''(i) LIMITATIONS.—After October 1, 2001—

''(1) the Secretary may not approve an application of the Airports Authority for an airport development project grant under subchapter I of chapter 471 of title 49, United States Code; and

''(2) the Secretary may not approve an application of the Airports Authority to impose a passenger facility fee under section 40117 of such title.''.

SEC. 906. USE OF DULLES AIRPORT ACCESS HIGHWAY.

The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451 et seq.) is further amended by adding at the end the following:

''SEC. 6013. USE OF DULLES AIRPORT ACCESS HIGHWAY.

''(a) RESTRICTIONS.—Except as provided by subsection (b), the Airports Authority shall continue in effect and enforce paragraphs (1) and (2) of section 4.2 of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995.

''(b) ENFORCEMENT.—The district courts of the United States shall have jurisdiction to compel the Airports Authority and its officers and employees to comply with the requirements of this section. An action may be brought on behalf of the United States by the Attorney General or by any aggrieved party.''.

SEC. 907. EFFECT OF JUDICIAL ORDER.

The Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451 et seq.) is further amended by adding at the end the following:

''SEC. 6014. EFFECT OF JUDICIAL ORDER.

''If any provision of the Metropolitan Washington Airports Amendments Act of 1996 or the amendments made by such Act (or the application of that provision to any person, circumstance, or venue) is held invalid by a judicial order, on the day after the date of the issuance of such order, and thereafter, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to the limitations described in section 6007(i) of this Act.''.

SEC. 908. AMENDMENT OF LEASE.

The Secretary of Transportation shall amend the lease entered into with the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority Act of 1986 to secure the Airports Authority's consent to the amendments made to such Act by this title.

SEC. 909. SENSE OF THE SENATE.

It is the sense of the Senate that the Metropolitan Washington Airports Authority—

(1) should not provide any reserved parking areas free of charge to Members of Congress, other Government officials, or diplomats at Washington National Airport or Washington Dulles International Airport; and

(2) should establish a parking policy for such airports that provides equal access to the public, and does not provide preferential parking privileges to Members of Congress, other Government officials, or diplomats.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

SEC. 1001. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES.

(a) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 1996'' and inserting ''October 1, 1998''.

(b) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting before the semicolon at the end ''or the Federal Aviation Reauthorization Act of 1996''.

TITLE XI—FAA RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 1101. SHORT TITLE.

This title may be cited as the ''FAA Research, Engineering, and Development Management Reform Act of 1996''.

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking ''and'' at the end of paragraph (1)(J);

(2) by striking the period at the end of paragraph (2)(J) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(3) for fiscal year 1997—

''(A) $13,660,000 for system development and infrastructure projects and activities;

''(B) $34,889,000 for capacity and air traffic management technology projects and activities;

''(C) $19,000,000 for communications, navigation, and surveillance projects and activities;

''(D) $13,000,000 for weather projects and activities;

''(E) $5,200,000 for airport technology projects and activities;

''(F) $36,504,000 for aircraft safety technology projects and activities;

''(G) $57,055,000 for system security technology projects and activities;

''(H) $23,504,000 for human factors and aviation medicine projects and activities;

''(I) $3,600,000 for environment and energy projects and activities; and

''(J) $2,000,000 for innovative/cooperative research projects and activities.''.

SEC. 1103. RESEARCH PRIORITIES.

Section 48102(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking ''AVAILABILITY FOR RESEARCH.—(1)'' and inserting in lieu thereof ''RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

''(2)''.

SEC. 1104. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

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

''(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).''.

SEC. 1105. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) is amended—

(1) in paragraph (2)(A) by striking ''15-year'' and inserting in lieu thereof ''5-year'';

(2) by amending subparagraph (B) to read as follows:

''(B) The plan shall—

''(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

''(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

''(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

''(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance.''; and

(3) in paragraph (3) by inserting '', including a description of the dissemination to the private sector of research results and a description of any new technologies developed'' after ''during the prior fiscal year''.

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. PURCHASE OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) PURCHASE OF HOUSING UNITS.—

''(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is $300,000 or less.

''(2) ADJUSTMENTS FOR INFLATION.—For fiscal years beginning after September 30, 1997, the Administrator may adjust the dollar amount specified in paragraph (1) to take into account increases in local housing costs.

''(3) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

''(4) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(A) a description of the housing unit and its price;

''(B) a certification that the price does not exceed the median price of housing units in the area; and

''(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

''(5) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts made available to the Administrator.''.

SEC. 1202. CLARIFICATION OF PASSENGER FACILITY REVENUES AS CONSTITUTING TRUST FUNDS.

Section 40117(g) is amended by adding at the end the following:

''(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility fee constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the fee. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.''.

SEC. 1203. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE.

Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982, or any other law if the airport is located within 2 miles of a United States Army depot which has been closed or realigned; except that in the case of disposal of the land associated with the airport, the part of the proceeds from the disposal that is proportional to the Government's share of the cost of acquiring the land shall be paid to the Secretary of Transportation for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).

SEC. 1204. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value of such interest (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport, lands (including any improvements thereto) which produce revenues that are used for airport development purposes, or both.

SEC. 1205. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA.

In modifying regulations contained in title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

SEC. 1206. WESTCHESTER COUNTY AIRPORT, NEW YORK.

Notwithstanding sections 47107(b) and 47133 of title 49, United States Code, and any other law, regulation, or grant assurance, all fees received by Westchester County Airport in the State of New York may be paid into the treasury of Westchester County pursuant to section 119.31 of the Westchester County Charter if the Secretary finds that the expenditures from such treasury for the capital and operating costs of the Airport after December 31, 1990, have been and will be equal to or greater than the fees that such treasury receives from the Airport.

SEC. 1207. BEDFORD AIRPORT, PENNSYLVANIA.

If the Administrator of the Federal Aviation Administration decommissions an instrument landing system in Pennsylvania, the Administrator may transfer and install the system at Bedford Airport, Pennsylvania.

SEC. 1208. WORCESTER MUNICIPAL AIRPORT, MASSACHUSETTS.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to improve the safety of aircraft landing at Worcester Municipal Airport, Massachusetts, including, if appropriate, providing air traffic radar service to such airport from the Providence Approach Radar Control in Coventry, Rhode Island.

SEC. 1209. CENTRAL FLORIDA AIRPORT, SANFORD, FLORIDA.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to improve the safety of aircraft landing at Central Florida Airport, Sanford, Florida, including, if appropriate, providing a new instrument landing system on Runway 27R.

SEC. 1210. AIRCRAFT NOISE OMBUDSMAN.

Section 106, as amended by section 230 of this Act, is further amended by adding at the end the following:

''(q) AIRCRAFT NOISE OMBUDSMAN.—

''(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

''(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

''(A) be appointed by the Administrator;

''(B) serve as a liaison with the public on issues regarding aircraft noise; and

''(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.

''(3) NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES.—The appointment of an Ombudsman under this subsection shall not result in an increase in the number of full-time equivalent employees in the Administration.''.

SEC. 1211. SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.

Section 47109 is amended by adding at the end the following:

''(c) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.''.

SEC. 1212. SENSE OF THE SENATE REGARDING THE FUNDING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) FINDINGS.—The Senate finds that—

(1) Congress is responsible for ensuring that the financial needs of the Federal Aviation Administration, the agency that performs the critical function of overseeing the Nation's air traffic control system and ensuring the safety of air travelers in the United States, are met;

(2) aviation excise taxes that constitute the Airport and Airway Trust Fund, which provides most of the funding for the Federal Aviation Administration, have expired;

(3) the surplus in the Airport and Airway Trust Fund will be spent by the Federal Aviation Administration by December 1996;

(4) the existing system of funding the Federal Aviation Administration will not provide the agency with sufficient short-term or long-term funding;

(5) this Act creates a sound process to review Federal Aviation Administration funding and develop a funding system to meet the Federal Aviation Administration's long-term funding needs; and

(6) without immediate action by Congress to ensure that the Federal Aviation Administration's financial needs are met, air travelers' confidence in the system could be undermined.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should be an immediate enactment of an 18-month reinstatement of the aviation excise taxes to provide short-term funding for the Federal Aviation Administration.

SEC. 1213. RURAL AIR FARE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to—

(1) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(A) between—

(i) nonhub airports located in small communities; and

(ii) large hub airports; and

(B) between large hub airports;

(2) analyze—

(A) the extent to which passenger service that is provided from nonhub airports is provided on—

(i) regional commuter commercial air carriers; or

(ii) major air carriers;

(B) the type of aircraft employed in providing passenger service at nonhub airports; and

(C) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(b) FINDINGS.—The Secretary shall include in the report of the study conducted under subsection (a) findings concerning—

(1) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(2) the nature of competition, if any, in rural markets (as defined by the Secretary) for commercial air carriers;

(3) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers traveling on jet aircraft from small communities (as defined by the Secretary) and, if such a relation exists, the nature of that relationship;

(4) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(5) the number of small communities served by airports with respect to which, after commercial air carrier fares were deregulated, jet aircraft service was replaced by turboprop aircraft service; and

(6) where such replacement occurred, any corresponding decreases in available seat capacity for consumers at the airports referred to in that subparagraph.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a final report on the study carried

out under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ADJUSTED AIR FARE.—The term ''adjusted air fare'' means an actual air fare that is adjusted for distance traveled by a passenger.

(2) AIR CARRIER.—The term ''air carrier'' is defined in section 40102(a)(2) of title 49, United States Code.

(3) AIRPORT.—The term ''airport'' is defined in section 40102(9) of such title.

(4) COMMERCIAL AIR CARRIER.—The term ''commercial air carrier'' means an air carrier that provides air transportation for commercial purposes (as determined by the Secretary).

(5) HUB AIRPORT.—The term ''hub airport'' is defined in section 41731(a)(2) of such title.

(6) LARGE HUB AIRPORT.—The term ''large hub airport'' shall be defined by the Secretary but the definition may not include a small hub airport, as that term is defined in section 41731(a)(5) of such title.

(7) MAJOR AIR CARRIER.—The term ''major air carrier'' shall be defined by the Secretary.

(8) NONHUB AIRPORT.—The term ''nonhub airport'' is defined in section 41731(a)(4) of such title.

(9) REGIONAL COMMUTER AIR CARRIER.—The term ''regional commuter air carrier'' shall be defined by the Secretary.

SEC. 1214. CARRIAGE OF CANDIDATES IN STATE AND LOCAL ELECTIONS.

The Administrator of the Federal Aviation Administration shall revise section 91.321 of the Administration's regulations (14 C.F.R. 91.321), relating to the carriage of candidates in Federal elections, to make the same or similar rules applicable to the carriage of candidates for election to public office in State and local government elections.

SEC. 1215. SPECIAL FLIGHT RULES IN THE VICINITY OF GRAND CANYON NATIONAL PARK.

The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall take such action as may be necessary to provide 45 additional days for comment by interested persons on the special flight rules in the vicinity of Grand Canyon National Park and the Draft Environmental Assessment described in the notice of proposed rulemaking issued on July 31, 1996, at 61 Fed. Reg. 40120 et seq.

SEC. 1216. TRANSFER OF AIR TRAFFIC CONTROL TOWER; CLOSING OF FLIGHT SERVICE STATIONS.

(a) HICKORY, NORTH CAROLINA TOWER.—

(1) TRANSFER.—The Administrator of the Federal Aviation Administration may transfer any title, right, or interest the United States has in the air traffic control tower located at the Hickory Regional Airport to the City of Hickory, North Carolina, for the purpose of enabling the city to provide air traffic control services to operators of aircraft.

(2) STUDY.—The Administrator shall conduct a study to determine whether the number of operations at Hickory Regional Airport meet the criteria for contract towers and shall certify in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce and Infrastructure of the House of Representatives whether that airport meets those criteria.

(b) NEW BERN–CRAVEN COUNTY STATION.—The Administrator shall not close the New Bern–Craven County flight services station or the Hickory Regional Airport flight service station unless the Administrator certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such closure will not result in a degradation of air safety and that it will reduce costs to taxpayers.

(c) PIERRE, SOUTH DAKOTA STATION.—The Administrator shall not close the Pierre, South Dakota Regional Airport flight service station unless following the 180th day after the date of the enactment of this Act the Administrator certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such closure will not result in a degradation of air safety, air service, or the loss of meteorological services or data that cannot otherwise be obtained in a more cost-effective manner, and that it will reduce costs to taxpayers.

SEC. 1217. LOCATION OF DOPPLER RADAR STATIONS, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the feasibility of constructing 2 offshore platforms to serve as sites for the location of Doppler radar stations for John F. Kennedy International Airport and LaGuardia Airport in New York City, New York.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), including proposed locations for the offshore platforms. Such locations shall be as far as possible from populated areas while providing appropriate safety measures for John F. Kennedy International Airport and LaGuardia Airport.

SEC. 1218. TRAIN WHISTLE REQUIREMENTS.

(a) IN GENERAL.—Section 20153 is amended by adding at the end the following:

''(i) REGULATIONS.—In issuing regulations under this section, the Secretary—

''(1) shall take into account the interest of communities that—

''(A) have in effect restrictions on the sounding of a locomotive horn at highway-rail grade crossings; or

''(B) have not been subject to the routine (as defined by the Secretary) sounding of a locomotive horn at highway-rail grade crossings;

''(2) shall work in partnership with affected communities to provide technical assistance and shall provide a reasonable amount of time for local communities to install supplementary safety measures, taking into account local safety initiatives (such as public awareness initiatives and highway-rail grade crossing traffic law enforcement programs) subject to such terms and condition as the Secretary deems necessary, to protect public safety; and

''(3) may waive (in whole or in part) any requirement of this section (other than a requirement of this subsection or subsection (j)) that the Secretary determines is not likely to contribute significantly to public safety.

''(j) EFFECTIVE DATE OF REGULATIONS.—Any regulations under this section shall not take effect before the 365th day following the date of publication of the final rule.''.

SEC. 1219. INCREASED FEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Surface Transportation Board shall not increase fees for services to be collected from small shippers in connection with rail maximum rate complaints pursuant to part 1002 of title 49, Code of Federal Regulations, Ex Parte No. 542.

(b) APPLICABILITY.—Subsection (a) shall no longer be effective after September 30, 1998.

SEC. 1220. STRUCTURES INTERFERING WITH AIR COMMERCE.

(a) LANDFILLS.—Section 44718 is amended by adding at the end the following:

''(d) LANDFILLS.—For the purposes of enhancing aviation safety, in a case in which 2 landfills have been proposed to be constructed or established within 6 miles of a commercial service airport with fewer than 50,000 enplanements per year, no person shall construct or establish either landfill if an official of the Federal Aviation Administration has stated in writing within the 3-year period ending on the date of the enactment of this subsection that 1 of the landfills would be incompatible with aircraft operations at the airport, unless the landfill is already active on such date of enactment or the airport operator agrees to the construction or establishment of the landfill.''.

(b) CIVIL PENALTIES.—Section 46301 is amended by inserting ''44718(d),'' after ''44716,'' in each of subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i).

SEC. 1221. HAWAII CARGO.

Notwithstanding any other provision of law, and for a period that shall not extend beyond September 30, 1998, an air carrier which commenced all-cargo turnaround service during November 1995 with Stage 2 aircraft with a maximum weight of more than 75,000 pounds may operate no more than one Stage 2 aircraft in all-cargo turnaround service and may also maintain a second such aircraft in reserve. The reserve aircraft may only be used as a replacement aircraft when the first aircraft is not airworthy or is unavailable due to closure of an airport at which the first aircraft is located in the State of Hawaii.

SEC. 1222. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Subsection (b)(2) of section 5 of the Act of January 2, 1951 (commonly referred to as the ''Johnson Act'') (64 Stat. 1135, chapter 1194; 15 U.S.C. 1175), is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if such voyage or segment includes or consists of a segment—

''(i) that begins that ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which such segment begins.''.

SEC. 1223. CLARIFYING AMENDMENT.

Section 1 of the Railway Labor Act (45 U.S.C. 151) is amended by inserting '', any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,'' after ''Board'' the first place it appears in the first paragraph.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 501) and the Senate amendment (except section 1001), and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,
JOHN J. DUNCAN, Jr.,

From the Committee on Transportation and Infrastructure, for consideration of section 501 of the House bill and section 1001 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 675 of the Senate bill, and modifications committed to conference:

DAVID DREIER,
JOHN LINDER,

As additional conferees from the Committee on Science, for consideration of sections 601–05 of the House bill, and section 103 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
CONNIE MORELLA,

As additional conferees from the Committee on Science, for consideration of section 501 of the Senate amendment and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Ways and Means, for the consideration of section 501 of the House bill, and sections 417, 906, and 1001 of the Senate amendment and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
SAM M. GIBBONS,
Managers on the Part of the House.

LARRY PRESSLER,
TED STEVENS,
JOHN MCCAIN,
FRITZ HOLLINGS,
WENDELL H. FORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

House bill

Section 1: ''Federal Aviation Authorization Act of 1996''.

Senate amendment

Section 1: ''Federal Aviation Reauthorization Act of 1996''.

Conference substitute

Section 1: Senate provision.

2. AMENDMENTS TO TITLE 49

House bill

Section 2: States that Amendments in this Act are to Title 49.

Senate amendment

Section 2: Same provision.

Conference substitute

Section 2: Same provision.

3. APPLICABILITY

House bill

Section 3: This bill applies only after September 30, 1996.

Senate amendment

No provision.

Conference substitute

Section 3: House provision.

4. AIP AUTHORIZATION

House bill

Section 101:
FY 97—$2.28 billion.
FY 98—$2.347 billion.
FY 99—$2.412 billion.
Removes cumulative totals.

Senate amendment

Section 104: FY 97—$2.28 billion.

Conference substitute

Section 101: House provision, but only for 2 years. The AIP formula changes discussed below also expire after two years.

5. F&E AUTHORIZATION

House bill

Section 102:
FY 97—$2.068 billion.
FY 98—$2.129 billion.
FY 99—$2.191 billion.
Changes heading for section.

Senate amendment

Section 102: FY 97—$1.8 billion.

Conference substitute

Section 102: House provision, but only for 2 years.

The Managers note that the Laser Visual Guidance Systems (LVGS) is a laser based guidance system that has been tested extensively by the Navy and suggest that FAA consider this system for utilization in the National Airspace System (NAS). The Conferees further suggest that the FAA work with the manufacturer to evaluate the fitness of the system for possible certification under 14 FAR Part 171.

The Secretary of Transportation should take such actions as may be necessary to replace the FAA Control Tower at Syracuse Hancock International Airport in Syracuse, New York. All design and engineering work on the Replacement Control Tower has been completed and the Managers understand that this project is the top priority of the FAA's Eastern Region.

6. OPERATIONS AUTHORIZATION

House bill

Section 103:
FY 97—$5.158 billion.
FY 98—$5.344 billion.
FY 99—$5.538 billion.

Extends for 3 years the limit on spending Trust Fund money for operations. Changes heading of section. No change in Trust Fund share.

Senate amendment

Section 101:
FY 97—$5 billion.

Removes limit on spending Trust Fund money on operations. Raises Trust Fund share from 70% to 75%.

Conference substitute

Section 103: House, except for 2 years and the Trust Fund share is raised to 72.5%.

7. INTERACCOUNT FLEXIBILITY

House bill

No provision.

Senate amendment

Section 105: Permits the Administrator to transfer budget authority among the Operations, F&E, and RE&D appropriations accounts. Transfers of budget authority could not be made if outlays would exceed the aggregate estimated outlays. A transfer also could not result in a net decrease of more than 5 percent, or a net increase of more than 10 percent, in budget authority available under any appropriation involved in that transfer. Any transfer would be treated as a reprogramming of funds and could only occur after the FAA submitted a report to the appropriate authorizing and appropriating committees of Congress. Each committee would have 30 days to object to any transfer.

Conference substitute

House.

8. PASSENGER ENTITLEMENT

House bill

Section 201(a)(1): Same as current law except that airports receive 50 cents per passenger for each passenger over a million.

Senate amendment

No provision.

Conference substitute

Section 121(a): House provision.

9. CARGO ENTITLEMENT

House bill

Section 210(a)(2): Entitlement changed to 2.5%. Airports that do not meet landed-weight minimum can still get grant under this entitlement if Secretary finds that airport will be served primarily by cargo aircraft.

Senate amendment

No change.

Conference substitute

Section 121(a)(2): House provision.

10. ENTITLEMENT CAPS

House bill

Section 201(a)(3): Caps eliminated

Senate amendment

No change.

Conference substitute

House provision: Section 121(a)(3).

11. STATE ENTITLEMENT

House bill

Section 201(b): Raised to 18.5%. Relievers and small commercial service airports added.

Senate amendment

No change.

conference substitute

House provision: Section 121(b).

12. DISCRETIONARY FUND

House bill

Section 202: Must be at least $50 million plus amount needed to cover letters of intent issued prior to 1/1/96. Entitlement and set-asides reduced accordingly if necessary to meet this minimum. Amount in fund above what is needed to cover letters of intent is distributed 15% to planning & general aviation airports and 30% to small hubs and non-hubs.

Senate amendment

Section 203: FAA must fulfill letter of intent (LOI) commitments.

Conference substitute

Section 122: House except that $50 million is changed to $148 million and the 15% guarantee to general aviation airports and the 30% guarantee to small airports is eliminated. In FY 97, this should result in a remaining discretionary fund of $300 million. The Managers would expect this to be distributed in accordance with FAA's historical discretionary fund distribution practices. If the formula results in a discretionary fund of more than $300 million, the portion that exceeds $300 million should be distributed one-third to general aviation airports, one-third to noise projects, and one-third to the military airport program.

13. CAP ON GRANTS TO LARGE AIRPORTS

House bill

No provision.

Senate amendments

Section 202: Establishes a sliding cap on the level of total AIP funds going to large and medium hubs. The percentage limit would vary depending upon the level of funds appropriated to AIP. The percentage of total AIP funds going to projects at large and medium hub airports would be: 44.3 percent at funding of $1.45–1.55 billion; 44.8 percent at funding of $1.35–1.45 billion; 45.4 percent at funding of $1.25–1.35 billion; 46 percent at funding of $1.15–1.25 billion; and 47 percent at funding below $1.15 billion.

Conference substitute

House.

14. CARRYOVER ENTITLEMENTS

House bill

Section 203(a): Non-hubs can carry over their entitlements for 3 years.

Senate amendment

No provision.

Conference substitute

House provision: Section 123(a).

15. SET-ASIDES

House bill

Section 203(b): Eliminates reliever, small commercial, and planning set-asides. Set-aside for noise is 31% of discretionary fund. This includes what an airport spends on noise from its entitlement. Set-aside for military airports is 4% of the discretionary fund. This can be used for operational and maintenance at general aviation airports adversely affected by a military base closure.

Senate amendment

No provision.

Conference substitute

House provision: Section 123(b).

16. MILITARY AIRPORT PROGRAM

House bill

Section 204:

Reduces number of airports to 10.

Changes criteria so that airports could be included if they would increase capacity in major metropolitan areas and reduce delays.

Extends indefinitely eligibility of parking lots, fuel farms, and utilities.

Adds hangars to eligible items.

Also, Section 203(b) extends program indefinitely.

Senate amendment

Section 204:

Reduces number of airports to 12.

Criteria changed so that except for airports included before August 24, 1994, the only ones that could be included would be closed or realigned military airports or those that would reduce delays at an airport with 20,000 annual delays or would increase capacity in metropolitan areas or reduce delays.

A military airport may be designated for additional 5-year periods.

Extends indefinitely eligibility of parking lots, fuel farms, and utilities.

Extends program for one year.

Conference substitute

Section 124:

Senate provision but add eligibility for hangars from House bill.

Extend program length for 2 years.

17. INNOVATIVE FINANCING

House bill

Section 206: Authorizes 10 innovative financing projects over next 3 years limited to payment of interest, bond insurance, and flexible local match. Phased funding is not included.

Senate amendment

No provision.

Conference substitute

Section 148: House provision.

18. INTERMODAL PLANNING

House bill

Section 301: This section encourages coordination between aviation planning and other transportation planning in the metropolitan area and encourages Metropolitan Planning Organizations (MPOs) to include airport operators as members. Subsection (b) requires the sponsor of a new airport to give the MPO a chance to review plans for the new airport and include in the AIP grant application its response to any comments made by the MPO.

Senate amendment

No provision.

Conference substitute

Section 141: House provision but drop subsection (b).

19. FEDERAL MANDATES

House bill

Section 302: This section broadens the ability of AIP and PFC funds to be used to pay for Federal mandates.

Senate amendment

Section 201(b): Similar provision.

Conference substitute

Section 142(b): Senate provision.

20. RUNWAY MAINTENANCE

House bill

Section 303: Permits AIP grants for up to 10 runway maintenance projects per year at general aviation airports.

Senate amendment

Section 201: Similar but requires issuance of regulations. Two projects must be in states without a medium or large hub. In designating projects, FAA must take into account geographical, climatological, and soil diversity.

Conference substitute

Section 142(a): Senate provision, but the Administration will issue guidelines instead of regulations.

21. INTERCITY BUSES

House bill

Section 304: A new grant assurance directing airports to try to provide access to intercity buses.

Senate amendment

Section 206: Similar grant assurance except it applies to other modes of transportation and explicitly states that the airport does not have to fund any special facilities as a result of this provision.

Conference substitute

Section 143: Senate provision.

22. COST REIMBURSEMENT

House bill

Section 305:

This section allows AIP grants to be used to reimburse an airport for a project already underway. This reimbursement must be from the airport's entitlement funds and the grant can be made only if:

(i) The project is begun after September 30, 1996;

(ii) A grant agreement is executed for the project; and

(iii) The project is in accordance with the airport's approved layout plan and complies with all laws, rules, and assurances that usually apply to AIP grants.

Subsection (b) states that an airport will not receive any priority for discretionary funds if its entitlement turns out to be insufficient to cover reimbursement for the project.

Senate amendment

No provision.

Conference substitute

Section 144: House provision.

23. LETTER OF INTENT

House bill

Section 306: This section requires the Secretary to issue rules requiring a cost-benefit analysis for new letters of intent (LOI) for projects at medium and large hub airports. No letters of intent can be issued for projects not yet under construction until these rules take effect even if the airport has already applied for the LOI. A request for a letter of intent must include specific details of the proposed financing plan for the project. The Secretary must consider the effect of the project on overall national air transportation policy when deciding whether to issue a letter for a project.

Senate amendment

No provision.

Conference substitute

Senate provision: The Managers understand that concerns have been voiced regarding previous management by the Federal Aviation Administration (FAA) for Letters of Intent (LOI) under the Airport Improvement Program. As outlined in GAO/RCED–94–100, the FAA has been criticized for not ''establish[ing] goals and performance measures for the [LOI] program, including a goal for improving systemwide capacity.'' Recognizing the need for a clear set of selection criteria to review all new LOI applications, the FAA promulgated a new review policy, as printed in the Federal Register on October 31, 1994, which evaluates three components of an application: a project's effect on overall national air transportation system capacity; a project's benefit and cost, and, the financing commitment, including project timing, in terms of the airport capital improvement plan by the airport sponsor. The Managers applaud the FAA's efforts on this matter and direct FAA officials to consider each of the three requirements prior to issuance of any Letters of Intent.

24. SELECTION CRITERIA FOR AWARD OF DISCRETIONARY GRANTS

House bill

Section 307: This section adds three additional criteria to be considered in the award of discretionary grants. They are the priority that a State gives to the project, the projected growth in passengers at the airport, and whether the number of passengers has increased by more than 20 percent over the previous 12-month period.

Senate amendment

Section 203: Adds two additional criteria. They are (1) at a reliever airport, the number of operations projected to be diverted to the reliever airport as a result of the project and the cost savings to be realized by the users and (2) the priorities of the States and FAA regional offices to the extent they are not in conflict with the other criteria of this section.

Conference substitute

Section 145: both House bill and Senate amendment.

25. SMALL AIRPORT FUND

House bill

Section 308: This section states that in making grants to non-hub airports from the small airport fund, the Secretary shall give priority to multi-year projects for construction of new runways that are cost beneficial and would increase capacity in a region of the U.S.

Senate amendment

No provision.

Conference substitute

Section 146: House provision.

26. STATE BLOCK GRANT

House bill

Section 309: This section changes the state block grant program by increasing the number of participating states from 7 to 10, directing FAA to permit States to use their own priority system when not inconsistent with the national priority system, and making the program permanent.

Senate amendment

Section 205:

Directs FAA to permit States to use their own priority system when not inconsistent with the national priority system.

Extends program for one year.

Conference substitute

Section 147:

House provision, except the number of states is increased to 8 in 1997 and 9 in 1998. Many airport sponsors own and operate more than one airport. For instance, an entity may serve as the sponsor of a primary airport, and it may also own and operate one or more reliever airports. The sponsor in essence maintains an integrated airport system.

In a State Block Grant Program state, the state has been designated the responsibility for distributing federal grant funds to the state's reliever airports. The Managers are aware, however, of instances in which a State Block Grant state has entered into an agreement with the Federal Aviation Administration, under which the appropriate FAA regional office continues to determine and distribute grant funds to particular reliever airports that are owned and operated by a sponsor that also owns and operates a primary airport.

The Managers support continuation of this type of arrangement. it would be inefficient and unnecessarily duplicative for an airport sponsor that owns and operates a primary airport and one or more reliever airports as an integrated system to be subject to two different sets of grant procedures and standards (both federal and state) in the execution and administration of federal AIP grants. The Managers encourage the continuaitonof this arrangement between the FAA and the state, even when the law provides that states shall hold the authority to administer reliever airport funds.

27. AIRPORT PRIVATIZATION

House bill

Section 310:

Creates a pilot program permitting, subject to DOT approval, the sale or long-term lease of 6 airports. The sponsor and the potential purchaser must file an application. DOT may grant the application by issuing three exemptions. The first exemption would waive the revenue diversion prohibitions to permit the public owner to make money from the sale but only an amount agreed to by 60 percent of the airlines serving that airport with 60 percent of the landed weight. The second exemption would waive the requirements in law and FAA policy guidance that AIP grants be repaid and land received from the Federal government be returned. The third exemption would permit the new owner to receive compensation from operating the airport.

Subsection (c) of new section 47133 lists the conditions that must be met by an airport sale or lease agreement. These conditions are provisions to ensure that; (1) the airport will be available to the public on reasonable terms and without discrimination; (2) the airport will continue in operation without interruption in the event the new owner goes bankrupt; (3) the new owner will maintain and improve the airport and include a plan for doing so; (4) airline fees will not increase faster than inflation unless more than 60 percent of the airlines with 60 percent of the landed weight agree to higher rates; (5) safety at the airport will be maintained; (6) noise from the airport will be mitigated; (7) environment impacts will be mitigated; and (8) collective bargaining agreements of airport employees will not be abrogated.

At least one of the privatized airports is to be a general aviation airport. The private airports under this section are authorized to charge a PFC, receive AIP entitlement grants, and charge users reasonable rates, fees, and charges like other airports. The new owner is required to continue to use the facility as an airport. The exemptions issued under this section may be revoked if, after notice and hearing, DOT finds that the purchaser or lessee has knowingly violated any of the commitments that it made in the purchase or lease agreement.

Subsection (h) of new section 47133 clarifies that the power of airlines over use of revenue and fees in this section applies only to the airports purchased or leased under this section and not to other airports.

Subsection (b) of this section makes private airports subject to the same prohibition on head taxes as public airports.

Subsection (c) requires DOT to consider whether the private airport has complied with the requirement that airline fees not increase faster than the rate of inflation in deciding a rates and charges complaint against that airport.

Senate amendment

No provision:

Conference substitute

Section 149:

House provision with following changes or clarifications:

Reduce number of participating airports from 6 to 5

1 large, 3 medium, small, or non-hubs, and 1 general aviation airports are eligible for this pilot program

65% of airlines must agree to transactions and to rate hikes. If 1 carrier represents 65% of landed weight then 2 airlines must approve for transactions and rate hikes.

Discretionary AIP grants allowed but only if sanctioned by FAA Administrator with 60% private money match to 40% Federal

2-year study of the pilot program with a report to appropriate Congressional committees

DOT Secretary must validate that any airport privatized would not be anti-competitive requirement that airport operator has to improve and modernize airport through capital investments

Secretary has authority to audit airport anytime.

Rate hikes on general aviation shall rise no faster than those of commercial carriers.

Secretary shall consider needs of general aviation when approving privatization

Commercial service airports limited to long-term leases. Lease or sale permitted for general aviation airports.

The Managers have agreed to a limited pilot program to determine if new investment and capital from the private sector can be attracted through innovative financial arrangements. The managers spent a great deal of time discussing and debating a series of conditions and limitations. The managers are aware that Allegheny County Airport, a general aviation facility in Pennsylvania, and Stewart Airport in New York State are interested in pursuing these innovative arrangements. The managers anticipate that all airport applications should be appropriately considered and that the Secretary should select airports for this pilot program based on the best qualified candidates.

28. USE OF NOISE ABATEMENT FUNDS BY NON-AIRPORT LOCAL GOVERNMENTS

House bill

Section 311: This section permits noise abatement grants to be made to State or local government that is not the airport's owner if that government has land use and zoning control in the area and if the airport agrees that the state or local government's noise abatement plan or project is consistent with airport operations and plans.

Senate amendment

No provision.

Conference substitute

Senate.

29. DUAL MANDATE

House bill

Section 401: Amends sections 40101(d) to make safety and security FAA's highest priority and to strike promotion language in two other paragraphs. Amends 40104(a) to strike promotion language.

Senate amendment

Section 407: Amends section 40104 to require FAA to encourage the safety of air commerce in addition to the development of civil aeronautics.

Conference substitute

Section 401: House changes to section 40101(d) and Senate changes to section 40104(a). The Managers have adopted provisions from both the House and Senate bills to clarify that the FAA's highest priority is safety and security. The managers do not intend for enactment of this provision to require any changes in the FAA's current organization or functions. Instead, the provision is intended to address any public perceptions that might exist that the promotion of air commerce by the FAA could create a conflict with its safety regulatory mandate.

30. PURCHASE OF HOUSING UNITS

House bill

Section 402: This section permits FAA to purchase housing outside the 48 States if the unit does not cost more than $200,000 and the FAA files a report with Congress 30 days before the closing certifying that the price of the units does not exceed the median price in the area and that buying the housing is the most cost beneficial way to provide housing for its employees.

Senate amendment

Section 401: Similar provision except no $200,000 cap and no certification that price does not exceed the median price.

Conference substitute

Section 1201: House except the cap is raised to $300,000 plus inflation in the local area.

31. TECHNICAL CORRECTION RELATING TO STATE TAXATION

House bill

Section 403: This section corrects a mistake that was made when section 1113 of the Federal Aviation Act of 1958 (49 U.S.C. 1513) was recodified as section 40116 of Title 49.

Senate amendment

No provision.

Conference substitute

No provision. The managers recognize that this technical correction has created confusion. In order to provide more time for review, the provision has not been included in this bill. However, the managers continue to believe that the recodification of section 1113 was done incorrectly and would expect that the new section 40116 would continue to be interpreted in the same way as former section 1113.

32. USE OF PFC FOR DEBT FINANCING PROJECT

House bill

Section 404: This section permits revenue from an airport's passenger facility charge (PFC) to be spent on debt financing on terminal development projects at non-hub airports where construction began between November 5, 1988 and November 5, 1990 and the airport certifies that no safety, security, or capacity project will be deferred by spending PFC money in this way.

Senate amendment

No provision.

Conference substitute

Senate.

33. CLARIFICATION OF PFC REVENUE AS CONSTITUTING TRUST FUNDS

House bill

Section 405: States that PFC money collected by airlines is held in trust by them

and that they hold neither a legal or equitable interest in it except for the handling fee or interest permitted by DOT.

Senate amendment

No provision.

Conference substitute

Section 1202: House provision.

This provision clarifies Congress' intent in authorizing the Passenger Facility Charge program in 1990 that PFCs collected by airlines and their agents are held in trust for the local agencies imposing those fees. FAA's current regulations implementing the PFC statute accurately reflects the trust fund nature of the airlines' collection and remittance of PFC funds from their passengers. In certain recent and current airline bankruptcy cases, courts have appeared erroneously not to accept the trust fund nature of the collection process; PFC proceeds should not be treated as other funds of the bankrupt carrier.

34. VOLUNTARILY SUBMITTED SAFETY INFORMATION

House bill

Section 406:

This section permits FAA to withhold voluntarily provided safety and security information if disclosure would discourage people from providing it, the information helps FAA improve safety and security, and withholding the information would not be inconsistent with the FAA's safety and security responsibilities.

The FAA should issue rules to establish the process by which protection from disclosure will be afforded to voluntarily submitted information.

Senate amendment

Section 402: Same provision with slight wording differences.

Conference substitute

Section 402: Senate provision.

35. SUPPLEMENTAL TYPE CERTIFICATES

House bill

Section 407: This section states that FAA may issue supplemental type certificates (STCs) for modifications to aircraft parts. It requires anyone installing the modification to have the permission of the holder of the STC to use it.

Senate amendment

No provision.

Conference substitute

Section 403: House provision.

Nothing in this provision is intended to alter or modify the continuing obligation of an STC design holder under existing Federal Aviation Regulations to notify the operator of an STC modified aircraft of changes necessary to ensure continued airworthiness of the product.

36. REVENUE DIVERSION

House bill

Section 408: This section imposes the existing prohibition against revenue diversion on all airports certificated by FAA even if they are not receiving AIP grants. This provision does not apply to heliports. Airports that have not received grants in the last 10 years can get waivers from the FAA. Subsection (b) imposes treble damages on anyone caught illegally diverting airport revenue.

Senate amendment

Section 904:

Prohibits using local taxes (except taxes effective on December 30, 1987) or revenues generated by an airport that is subject to Federal assistance, for anything but capital and operating costs of the airport, the local airport system, or other facilities owned or operated by the airport that are directly related to air transportation.

Exemption for airports who had a statute passed before September 2, 1982 allowing revenue to support the general debt obligations or other facilities of the owner or operator.

State tax on aviation may still support aviation noise mitigation purposes.

Section 905:

Requires the annual audit required in Sections 7501–7505 of Title 31 of airport grant recipients include an audit of funding activities. If the airport is found to inappropriately handle airport funds, the Administrator must review the audit, collect appropriate information, and hold a hearing to render a final determination if the airport illegally diverted revenues. The Airport sponsor is then notified. The Secretary may withhold transportation funds if the sponsor is found to owe the airport revenue. Sponsor has 180 days to pay or may be charged civil penalties which would go to the aviation trust fund. Actions to recover illegally diverted funds have a 6 year statute of limitations.

The Secretary shall charge a minimum interest rate of illegally diverted revenue. In 90 days, DOT shall revise the policies and procedures under 47107(i) of Title 49. If an airport pays for services conducted off the airport for capitol or operating expenses later than 6 years after the expense was incurred, it is considered revenue diversion.

Section 906: This is a conforming amendment to the Internal Revenue Code of 1986.

Conference substitute

Title VIII:

Senate, but add treble damages from the House bill.

The conferees want to clarify that if a local fuel tax was enacted or adopted before December 30, 1987, but for which collections were not made until some significant period of time after December 30, 1987, it shall not be grandfathered pursuant to this section and all proceeds of such a tax must be used for the capital or operating costs of the airport, the local airport system, or pursuant to paragraph (3) of subsection (a).

37. CERTIFICATION OF SMALL AIRPORTS

House bill

Section 409:

This section authorizes FAA to certificate airports served by commuter aircraft with between 10 and 30 seats. In establishing the standards with which these small airports must comply, the FAA should adopt the least burdensome alternative that will provide a comparable level of safety with the larger airports. Any rule imposing standards on these small airports cannot go into effect until 120 days after the rule, and a report on the impact of the rule on air service to the airports involved, is submitted to Congress.

An airport cannot be required to seek a certificate if it does not desire commuter air service.

Senate amendment

No provision.

Conference substitute

House provision: Section 404.

38. PILOT RECORD SHARING

House bill

Section 410. This is based on H.R. 3536 (Report 104–684) that passed the House on July 22, 1996.

Adds a new section 44723 to the chapter on air safety regulation.

Subsection (a) of section 44723 deals with pilot records. This subsection would require an airline, before hiring a pilot, to request the pilot's records. The hiring airline would be required to request from the FAA, the pilot's license, medical certificate, type rating, and any enforcement actions that resulted in a finding against the pilot that has not been overturned.

In addition, it requires the airline to request records from the pilot's previous airline employer. These records include proficiency and route checks, airplane and route qualifications, training, physical exams, physical or professional disqualifications, drug tests and alcohol tests.

Airlines would be required to request the motor vehicle driving records of the pilot from the National Driver Register.

Similar items would be required at contract carriers and at commuter airlines.

Records that must be furnished are limited to those entered within 5 years of the date of the request unless the record involves a license revocation that is still in effect.

The FAA and the airlines would be required to maintain the relevant records for 5 years. Before any records are released, the FAA and the airlines must obtain written consent from the pilot. These records must be provided within 30 days.

The pilot must also be informed within 20 days that his or her records have been requested and that the pilot has a right to receive a copy of those records. A reasonable charge may be imposed by those providing the requested records.

An airline receiving the records must give the pilot a chance to submit written comments correcting any inaccuracies in those records. The pilot is also afforded the right to review his or her records at the current employer.

The privacy of the pilot is protected by limiting the use of the records received under this section to those involved in the hiring decision and by requiring that the records be destroyed or returned when they are no longer needed.

The FAA would be permitted to provide standard forms to request records, obtain the written consent from pilots, and inform the pilot of the record request. In addition, this section would permit the FAA to promulgate rules protecting the privacy of pilots and ensuring the prompt compliance with a request for records.

Subsection (b) of section 44723 limits liability and preempts States and local law. Paragraph (1) prohibits lawsuits against an airline or its employees for requesting a pilot's record, complying with such a request, or entering information into the pilot's record. Paragraph (2) preempts any State or local government from passing any law which would undermine this prohibition. However, paragraph (3) provides a limited exception to the prohibition in paragraph (1) by permitting a lawsuit or State action if the airline knowingly provided false information about the pilot.

Subsection (c) of section 44723 makes clear that the privacy protections and other limits in this bill are not meant to hinder the FAA, NTSB, or a court in their ability to obtain records in the course of an investigation of an accident. This section also makes conforming changes to the current law governing the National Drive Register.

Subsection (d) makes violations of the record-sharing and privacy provisions subject to civil penalties.

Subsection (e) makes the above changes applicable to any airline hiring a pilot 30 days after the date of enactment.

Requires the FAA to issue a proposed rule within 18 months establishing minimum standards for pilot qualifications.

Requires the FAA, together with the Defense Department, to report within one year on whether military pilot records should be made available to civilian airlines seeking to hire that pilot.

Requires the FAA to conduct a study to determine whether current minimum flight time requirements for an individual seeking employment as a pilot with an air carrier are

sufficient. The results of this study must be submitted to Congress not later than 1 year after the date of enactment.

Senate amendment

Sections 701–703: Same as House except:

Different short title.

Uses phrase ''hiring an individual as a pilot'' rather than ''allowing individual to being service as a pilot''.

No exception for records on flight, duty, and rest time.

No requirement that FAA obtain written consent from the pilot before releasing records (b)(2).

Permits airlines to obtain a release from liability (f)(2)(B).

No requirement that air carrier or trustee maintain records for 5 years. (f)(4).

30 day deadline for furnishing records runs from receipt of request rather than from receipt of pilot's consent. (f)(5)

No deadline for providing record to pilots. (f)(6)

Promulgation of standard forms is mandatory rather than discretionary. (f)(8)

No requirement to destroy or return records if the pilot is not hired.

Adds a periodic review.

No protection from liability for person writing the records.

Exception from liability for knowingly providing false information applies only if record was maintained in violation of a criminal statute.

No assurance that DOT, NTSB, and courts will have access to pilot records.

No civil penalties.

No deadline on study of minimum standards for pilots.

No study of military records.

No study of minimum flight times.

Conference substitute

Title V:

Senate with the following provisions from the House bill—

Air carrier records to be shared with prospective employers should not include records relating to flight time, duty time, or rest time

Provide written consent for release of records

Records must be furnished to a pilot in 20 days of receipt of request

Protection from liability for person entering information into the records

Assurance that FAA, NTSB, and the courts will have access to the records

A study of pay for training is also added.

39. CHILD PILOT SAFETY

House bill

Section 411. This is based on H.R. 3267 (Report 104–683) that passed the House on July 22, 1996.

States that a pilot in command of an aircraft may not allow an individual who does not hold a valid private pilots certificate and the appropriate medical certificate to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an Aeronautical competition or feat. The Administrator is given the power to revoke an airman's certificate if the Administrator finds that a pilot has allowed a non-pilot to manipulate the controls while attempting to set a record or engage in an aeronautical competition or feat.

Requires the FAA Administrator to conduct a study of the impacts of children flying aircraft. The Administrator must consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation. The report is due 6 months after enactment, and should include recommendations on: (1) whether the restrictions established by the bill should be amended or repealed; and (2) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation. Finally, the bill allows the Administrator to issue regulations imposing age, altitude, or other restrictions on children flying aircraft as a result of the findings of the study.

Senate amendment

No provision.

Conference substitute

House provision: Title VI.

40. BACKGROUND CHECKS ON SCREENERS

House bill

Section 412: This section permits FAA to require airlines to do background checks before hiring someone to screen passengers, their baggage, or cargo. This could include criminal history record checks only where the background investigation revealed a gap in employment of a year or more that is not satisfactorily explained. This applies only to screeners hired on or after the date of enactment. A screener may be hired while undergoing a background check if properly supervised.

Senate amendment

Section 305: Require background checks for screeners and others associated with baggage or cargo. Lists situations where, at a minimum, ciminal checks required.

Conference substitute

Section 304: Senate provision but delete the phrase ''at a minimum'' and add special rule from House bill allowing a screener needing a background check to continue working if properly supervised.

41. AIRPORTS NEAR CLOSED MILITARY BASES

House bill

Section 414: Permits general aviation airports near closed or realigned military bases to be closed.

Senate amendment

No provision.

Conference substitute

Section 1203: House provision but limited to airports near Army depots. Also, adds a provision that if the sale of the land generates enough money to pay off remaining value of the grant, that remaining value must be repaid. The substitute reduces the distance between the airport and the depot from 3 miles to 2 miles.

42. CONSTRUCTION OF RUNWAYS

House bill

Section 415: Permits AIP grants for constructing a new runway at an international airport not withstanding any other provision of law.

Senate amendment

No provision.

Conference substitute

Senate.

43. GADSDEN AIR DEPOT

House bill

Section 416: Waives deed restrictions at Gadsden Air Depot.

Senate amendment

No provision.

Conference substitute

Section 1204: House provision.

44. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA

House bill

Section 417: Requires FAA to consider Alaska's unique reliance on aviation and to make the appropriate regulatory distinctions when taking actions that could affect Alaska.

Senate amendment

Section 403:

Same provision.

Slight differences in wording.

Conference substitute

House provision: Section 1205.

45. WESTCHESTER COUNTY

House bill

Section 418: Permits fees collected by Westchester County Airport to be paid into the county treasury for the airport at least equal the amount of money it collects from the airport.

Senate amendment

No provision.

Conference substitute

Section 1206: House provision.

The Managers want to clarify that the funds generated by the airport should be spent on capital and operating costs of the airport. The assumption is that the expenditures from the treasury of Westchester County for the Westchester County Airport will be equal to or greater than the fees being deposited into the treasury by the airport, otherwise it should be considered revenue diversion.

46. BEDFORD AIRPORT

House bill

Section 419: States that any instrument landing system in Pennsylvania that is decommissioned should, if feasible, be transferred and installed at the Bedford, Pennsylvania Airport.

Senate amendment

No provision.

Conference substitute

Section 1207: House but change ''shall'' to ''may'' and drop the phrase ''if feasible''.

47. DOPPLER RADAR IN NEW YORK

House bill

Section 420: Prohibits the construction of a Doppler radar at the Coast Guard station in Brooklyn, New York. Also requires a study and report within one year of the feasibility of placing the radar on off-shore platforms. The report must include proposed locations that are as far as possible from populated areas while providing appropriate safety measures. The FAA may not begin construction of a Doppler radar for Kennedy or LaGuardia Airports until this study is completed.

Senate amendment

No provision.

Conference substitute

Section 1217:

House provision but limited to a study and report.

The Managers believe that when the final Environmental Impact Statement (EIS) on the siting of a Terminal Doppler Weather Radar is issued it should include an analysis of all sites mentioned in the final scoping paper for the EIS.

48. WORCESTER AIRPORT

House bill

Section 421: Directs FAA to provide radar coverage for Worcester Airport from a radar in Rhode Island if that would be appropriate.

Senate amendment

No provision.

Conference substitute

House provision: Section 1208.

49. SANFORD AIRPORT

House bill

Section 422: Directs FAA to provide a new ILS for this airport if that would be appropriate.

Senate provision

No provision.

Conference substitute

Section 1209: House provision.

50. AIRCRAFT NOISE OMBUDSMAN

House bill

Section 423: Requires FAA to hire a noise ombudsman to serve as a liaison with the public on issues regarding aircraft noise and to be consulted when the FAA changes aircraft routes.

Senate amendment

No provision.

Conference substitute

Section 1210: House provision, except that the provision is revised to make clear that the FAA need not increase the total number of FTEs.

51. PRIVATE RELIEVERS

House bill

Section 424: Allows private relievers to donate property as their local share for an AIP grant. FAA shall value any such donation at its fair market value, not at its original purchase price.

Senate amendment

No provision.

Conference substitute

Section 1211: House provision.

52. TRUST FUND AUTHORIZATION

House bill

Section 501: Allows grants and expenditures out of the Trust Fund for 3 years.

Senate amendment

Section 301: Similar provision except limited to 1 year.

Conference substitute

Title X: Allows grants and expenditures out of the Trust Fund for 2 years.

53. RESEARCH

House bill

Title VI:

Funds FAA Research, Engineering, and Development Account at $186 million for 1997.

Adds research priorities for the Administration.

Adds to the duties of the Research Advisory Committee by requiring an annual review of the RED funding level.

The National Aviation Research Plan is reduced from a 15-year plan to a 5-year plan. It also requires additional information in the Plan.

Senate amendment

Section 103; FY 97—$206 million.

Conference substitute

Title XI: House provision but adds $21 million for security programs consistent with the President's emergency request for additional funds for security.

54. WASHINGTON METROPOLITAN AIRPORTS

House bill

H.R. 1036, Report 104–596:

Eliminates the Board of Review.

Adds four Presidential appointees to the airport board.

Replaces the Board of Review with a nine member Federal Advisory Commission appointed by the Secretary of Transportation.

Subjects to periodic congressional reauthorization, the eight airport actions, including the issuance of bonds, that were formerly subject to review by the Board of Review.

Freezes current airport regulations governing the Dulles access road which now limit use of that road to vehicles going to or from Dulles Airport.

Liberalizes the slot rules so that FAA could permit additional flights at National but only for new entrants; essential air service; or foreign air transportation as long as those additional flights would not adversely affect safety.

Senate bill

Eliminates Board of Review.

Adds Two Presidential appointees.

Sense of the Senate on parking.

Conference substitute

Title IX:

Increases the Board of Directors from 11 to 13 by increasing Presidentially appointed members from 1 to 3. The members appointed by the President should be registered voters of states other than Maryland, Virginia, or the District of Columbia and not more than 2 from the same political party. These members shall represent the national interest and be appointed by September 30, 1997.

The Board of Review is terminated.

Former staff of the Board of Review may be hired by the Secretary of Transportation and paid by the Airport Authority.

After October 1, 2001, DOT may not approve any airport grants or new PFC applications. This is intended only to provide a mechanism for periodic Congressional review of airport actions.

Assures Dulles Airport Access Highway remains dedicated to airport users.

Sense of the Senate that MWAA not provide reserved, free or preferential parking to Members of Congress, other government officials, or diplomats.

55. SENSE OF THE SENATE REGARDING THE FUNDING OF THE FEDERAL AVIATION ADMINISTRATION

House bill

No provision.

Senate amendment

Section 404: Sense of the Senate provision stating that the aviation excise taxes should be reinstated for 18 months while long-term funding options for the FAA are developed.

Conference substitute

Section 1212: Senate provision.

56. AUTHORIZATION FOR STATE-SPECIFIC SAFETY MEASURES

House bill

No provision.

Senate amendment

Section 405: Authorizes appropriations of up to $10 million to the FAA in FY 1997 to address aviation safety problems identified by the National Transportation Safety Board (NTSB) in specific states.

Conference substitute

Section 405: Senate provision.

57. AIR AMBULANCE TAX EXEMPTION

House bill

No provision.

Senate amendment

Section 406: Sense of the Senate provision stating that if the aviation excise taxes are reinstated, the exemption from these taxes (i.e., from the passenger ticket tax) for helicopter air ambulance transportation should be broadened to include transportation by fixed-wing air ambulances.

Conference substitute

House provision: This was addressed in other legislation.

58. COMMERCIAL SPACE

House bill

No provision.

Senate amendment

Title V: Amends Commercial Space Launch Act.

Conference substitute

House provision.

59. FAA REFORM

House bill

No provision although the House passed a FAA reform measure (H.R. 2276, Report 104–475) in March 1996.

Senate amendment

Title VI:

Section 601 cites the short title of title VI as the ''Air Traffic Management System Performance Improvement Act of 1996''.

Section 602 defines the terms ''Administration'', ''Administrator'', and ''Secretary'' for the purposes of this title of the bill.

Section 603 establishes that the provisions of title VI will take effect 30 days after enactment of the legislation.

Section 621 sets forth a series of findings establishing the general basis for enactment of the provisions contained in title VI. The findings recognize, for example, the unique character of the FAA's activities and the need for funding reform.

Section 622 sets forth four critical purposes underpinning title VI.

Section 623 amends section 106 of title 49, United States Code, to provide the FAA Administrator express autonomy and authority with regard to the internal functioning of the agency. As the current law provides, the FAA Administrator would be appointed by the President, with the advice and consent of the Senate, for a fixed, 5-year term.

Some authority previously transferred to the DOT under the Department of Transportation Act (P.L. 89–670) would be recommitted to the FAA under this section. The Administrator would be the final authority for: the promulgation of all FAA rules and regulations (except as otherwise specifically provided in the bill); and for any obligation, authority, function, or power addressed in the bill.

This section enables the Administrator to delegate his or her functions, power, or duties to other FAA employees. Further, the Administrator would not need to seek the approval or advice of the DOT on any matter within the authority of the Administrator.

Nevertheless, the FAA remains within the DOT, which would continue to provide general oversight of the agency as well as cooperate with the more autonomous FAA.

This section also gives the Administrator some voice in the selection of the eight political appointees who serve under him or her. The President would consult closely with the Administrator when considering FAA appointments to ensure harmony and stability within the FAA's leadership.

This section adds a definition of ''political appointee'' to the statute. This section also preserves all authority vested in the Administrator (by delegation or by statute) prior to enactment of the bill. Nothing in this bill is meant to take anything away from any of the current powers, duties, or authority resting with the FAA or its Administrator.

Section 624 affirms the Administrator's authority to issue, rescind and revise such regulations as necessary to carry out the functions of the FAA. The Administrator would be required to act upon a petition for rulemaking within six months by dismissing the petition, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking (NPRM) or advance notice of proposed rulemaking (ANPRM).

This section also requires the Administrator to issue a final regulation, or take other final actions, on an NPRM within 18 months of the date it is published in the Federal Register (or within 24 months in the case of an ANPRM).

Under this section, the DOT's authority to review FAA rules is limited. In specified, limited circumstances, the FAA could not issue certain regulations without the prior

approval by the DOT. The DOT Secretary would have 45 days to review, for approval or disapproval, any FAA regulation likely to result in an annual, aggregate cost of $50 million or more to state, local, and tribal governments, or to the private sector. The DOT Secretary would also have 45 days to review ''significant'' regulations, which are rules that, in the judgment of the Administrator (in consultation with the Secretary, as appropriate), are likely to: have an annual effect on the economy of $100 million or adversely affect in a material way other parts of the society; be inconsistent or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates.

This section also provides that in an emergency, the Administrator may issue regulations that require DOT approval without obtaining such prior approval. Such regulations, however, are subject to DOT ratification, and would be rescinded within 5 business days without such ratification. Under this section, the Administrator also would issue non-significant regulations or other actions that are routine, frequent or procedural in nature, without review or approval by the DOT. Examples of routine of frequent actions that are non-significant include standard instrument approach procedure regulations, en route altitude regulations, most airspace actions, and airworthiness directives. The DOT also would not be authorized to review ''rules of particular applicability,'' such as exemptions, operations specifications, and special conditions, all of which apply to one individual or entity, unless such exemptions met the definition of significant in this section.

Finally, this section requires the FAA (three years after the bill is enacted) to review ''unusually burdensome'' regulations that are at least three years old. ''Unusually burdensome'' regulations are defined as those that result in the annual, aggregate expenditure of $25 million or more by State, local, and tribal governments, or by the private sector. Such regulations are to be reviewed to determine: the accuracy of the original cost assumptions; the overall benefit of the regulations; and the need to continue such regulations in their present form. This section also provides that the Administrator may review immediately any three-year-old regulation in force prior to enactment of the bill.

Section 625: Provides that the Administrator may appoint and fix the compensation of necessary employees and officers of FAA. This section also provides that, in fixing the compensation and benefits of employees, the Administrator may not engage in any type of bargaining, except as provided for under section 653 of the bill. Further, this section provides that the Administrator shall not be bound by any requirement to establish compensation or benefits at particular levels. This section also provides other personnel authority to the Administrator, including, for example, the authority to hire experts and consultants and to use the services of personnel from any other Federal agency.

This section also provides that officers and employees shall be appointed in accordance with civil service laws and compensated in accordance with title 5, United States Code, except as otherwise provided by law.

Section 626: Provides broad, general authority for the Administrator to enter into contracts, leases, cooperative agreements, and other transactions, as necessary to carry out the functions of the FAA.

Section 627: Provides the Administrator with authority to use or accept, with or without reimbursement, services, equipment, personnel, and facilities of any other Federal agency or public or private entity. Such acceptance would not constitute an agumentation of the Administration's budget. Heads of other Federal agencies would be asked to cooperate with the Administrator.

Section 628: Provides broad authority to the Administrator to acquire, construct, improve, repair, operate, and maintain air traffic control and research facilities and equipment, as well as other real and personal property to others.

Section 629: Permits the Administrator to accept the transfer of unobligated balances and unexpended funds from other agencies to carry out functions assigned to FAA by this or other Acts.

Section 630: Establishes a 15-member Federal Aviation Management Advisory Council (MAC) to provide the Administrator with input from the aviation industry and community. The MAC would be comprised of one designee each of the Secretaries of Transportation and Defense and representatives from various segments of the aviation community who would be appointed by the President with the advice and consent of the Senate. Members of the MAC should be selected from among individuals who are experts in disciplines relevant to the aviation community and who are collectively able to represent a balanced view of the issues before the FAA. The MAC members also should not be selected based on political or partisan considerations.

This section would subject MAC members to criminal penalties for unauthorized disclosure of commercial or other proprietary information.

Conference substitute

Senate provision: The managers recognize that to provide reform of the FAA, additional autonomy in decision-making in a number of areas is needed. For this reason, the managers agreed to give the FAA authority in the regulatory, personnel, and procurement areas. This change should result in a new way of doing business for the FAA, with less oversight by DOT.

60. AIRCRAFT ENGINE STANDARDS

House bill

No provision.

Senate amendment

Section 631: Requires the Environmental Protection Agency (EPA) to consult with FAA on aircraft emission standards. Also, EPA shall not change the emission standards if it would significantly increase noise and adversely affect safety. FAA should allow EPA to participate in advisory committees when appropriate.

Conference substitute

Section 406: Senate provision.

61. RURAL AIR FARE STUDY

House bill

No provision.

Senate amendment

Section 632: Requires DOT to conduct a study of rural air fares, and to provide a report to the Commerce Committee within 60 days after enactment of this bill. The study would encompass an analysis of the types of air service provided to rural communities as well as competitive aspects of such air service.

Conference substitute

Section 1213: Senate, but Transportation & Infrastructure Committee added as a recipient of the report.

62. PROCUREMENT

House bill

No provision.

Senate amendment

Sections 651, 652:

Not later than April 1, 1999 the FAA must employ outside experts to provide an independent evaluation of the effectiveness of its acquisition system. The FY 1996 DOT Appropriations bill (P.L. 104–50) gave the FAA authority to implement new procurement and personnel systems as of April 1, 1996.

Section 652 establishes a safeguard, built into the procurement system, that would require the FAA to terminate facilities and equipment programs that are 50 percent or more: (1) over cost, (2) below performance goals, or (3) behind schedule. the Administrator could waive the termination requirement if a termination would be inconsistent with the safe and efficient operation of the national air transportation system. Also, the FAA would be required to consider terminating any program that is 10 percent or more: (1) over cost, (2) below performance goals, or (3) behind schedule.

Specific exceptions to termination are allowed.

Conference substitute

Senate provision.

63. PERSONNEL

House bill

No provision.

Senate amendment

Section 653:

Directs the Administrator, in developing and making changes to the new personnel system, to consult with FAA employees and negotiate with the exclusive bargaining representatives of employees. If the Administrator fails to reach agreement with such bargaining units, the parties will engage the services of the Federal Mediation and Conciliation Service. If agreement is not reached following such mediation, proposed changes to the personnel system shall not take effect until 60 days have elapsed after the Administrator has submitted the proposed change, any objections of the exclusive bargaining representatives, and the reasons for such objections, to the Congress. In negotiating changes to the personnel system, the administrator and the exclusive bargaining representatives would be required to use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units, as well as within the FAA as a whole. Nothing in this bill, therefore, prohibits the exclusive bargaining representatives from assisting in identifying cost savings in the procurement system as well as the new personnel system.

Three years after the personnel management system is implemented, outside experts should be employed by the Administration to evaluate the program's effectiveness.

Until July 1, 1999, basic wages should not be involuntarily adversely affected by this section, except for unacceptable performance, or by a reduction in force, or by a reorganization.

Except as otherwise provided by Section 653, all labor-management agreements that are in effect at the time of passage shall remain in effect until their normal expiration, unless otherwise agreed to.

Conference substitute

Senate provision.

64. FAA FUNDING

House bill

No provision.

Senate amendment

Sections 671, 672:

Section 671 sets forth fourteen findings establishing the general basis for the provisions related to FAA funding. These findings concern the important services provided by

the FAA in a variety of critical areas that benefit the users of the air transportation system.

Section 672 sets forth seven critical purposes underlying the enactment of Title VI of the bill. Those purposes include providing a financial structure for the FAA that would enable it to support the future growth in the national aviation, ATC, and airport system. The third purpose, which is to ensure that any funding would be dedicated solely for the use of the FAA, is in reference to the user fees authorized under section 673.

Conference substitute

Senate provision.

65. FEES

House bill

Section 413: This section authorizes FAA to impose fees, up to $30 million per year, on aircraft that overfly the U.S. but do not land here. The aggregate annual amount of these fees should not exceed the aggregate annual direct costs incurred by the FAA in providing air traffic services to such flights. Further, the user fee imposed on any flight should be based on the FAA's actual cost of service.

Senate amendment

Section 673: Directs FAA to impose fees, up to $100 million per year, on (1) aircraft that overfly the U.S. but do not land, (2) services provided to foreign governments (other than air traffic control services). The fees shall be based on the direct total cost of providing the service. FAA shall publish an initial fee schedule subject to public comment. Nongovernmental experts may be used to develop fees. Repeals section 70118. S. 1194 permitted the FAA to base its fee system on total costs or value. Value was deleted during debate on the bill.

Conference substitute

Section 273: Senate provision except the repeal of section 70118 is deleted and clarification is provided as to the method of setting user fees. The user fee imposed on any flight must be based on the FAA's actual cost of service and not on any non-cost based determination of the ''value'' of the service provided. Further, assuming similar costs of serving different carrier and aircraft types, the user fee may not vary based on factors such as aircraft seating capacity or revenues derived from passenger fares.

66. STUDY COMMISSION

House bill

Section 205: Establishes National Civil Aviation Review Commission to study safety, airport capital needs and ways to meet those needs, and FAA operational needs and ways to meet those needs. Appointments made by DOT and relevant Congressional Committees. DOT cannot appoint current aviation employees. Independent audit of FAA financial requirements. GAO assessment of airport needs. Final report due in 1 year.

Senate amendment

Section 674:

This section requires the DOT to contract with an outside entity to conduct a comprehensive FAA needs and cost allocation assessment of the financial requirements of the FAA through 2002. The assessment must be completed within 90 days of the contract being awarded. The DOT should establish an 11-member task force within 30 days with people who have expertise in aviation, represent a balanced view of different aviation interests and include one member who knows the Congressional budget process. The task force submits a report to DOT based on the assessment by the outside entity. DOT submits a report to Congress within one year.

This section also requires that, within 120 days, GAO must conduct an assessment of the manner in which costs for ATC services are allocated between the FAA and the DOD.

Conference substitute

Section 274:

Senate provision except that the Senate's 11 member task force is renamed the Commission in the House bill and expanded to 21 members, 13 appointed by the Secretary, 2 appointed by the House Republican leadership, 2 appointed by the House Democrat leadership, and 2 by the Senate majority leader and 2 by the minority leader of the Senate. The Commission is divided into 2 task forces, one dealing with the safety issues in the House bill and the other with the funding issues in the Senate bill. It also includes the GAO assessment of airport needs from the House bill.

The purpose of this assessment is to determine independently what the financial needs of the FAA will be in the short- and long-term. The assessment also must include a cost allocation analysis detailing which segments of the aviation community are driving the various costs imposed on the FAA. Costs attributed to users should reflect the full range of FAA expenditures and activities associated directly or indirectly with a particular aviation segment, including, for example, costs of airport infrastructure financed in whole or in part by the FAA. This assessment is urgently needed by the task force, Congress, and the aviation community so proper evaluation of the FAA's financial picture can be done using a single, objective set of numbers and assumptions.

The recommendations of the task force may include a variety of possibilities, such as alternate funding proposals, taking the trust fund off budget, user fee system proposals, modifications to the aviation excise tax system, a combination of excise taxes and user fees, and means of meeting airport infrastructure needs. The task force also shall consider a limited, innovative program for airport-related funding mechanisms. For each recommendation, the task force must assess the impact on safety, administrative costs, the Congressional budget process, industry economics, the ability of the FAA to use sums collected, and the needs of the FAA. The report should detail various options, with the benefits and impacts of each.

The conferees believe the assessment must contain an analysis of current and future spending of the entire FAA, including airport capital needs. A major premise of this legislation is that old assumptions and old ways of doing business must be re-evaluated and updated. This includes an independent assessment of the FAA's needs and the nation's airport capital needs to ensure that capacity is able to meet demand. As a result, the task force, Congress and the FAA must be in a position to determine which projects expand capacity and enhance the safety and security of the national air transportation system.

The assessment should provide assistance to Congress as to appropriate reforms, which will allow the FAA and airports to more efficiently utilize and maximize Airport Improvement Program (AIP) dollars for necessary capacity, safety, and security.

The Conferees agree that the task force in identifying the needs and associated costs of the FAA task force should use as a baseline not less than the FY 1997 appropriated levels including the supplemental amounts. Following recent accidents and a 90-day review conducted by the FAA that found that additional staffing needs have been identified, the conferees agree that the task force recommendations should fully meet these and any other security and safety requirements or other unmet and underfunded needs.

The conference agreement includes the provisions of the House bill which would establish an aviation safety task force. Under the terms of the conference agreement, this safety task force shall be formed by the membership of the National Civil Aviation Review Commission. The safety task force should submit a report to the FAA which sets forth a comprehensive analysis of aviation safety.

The conferees recognize that at this time, the Vice President is leading a similar study of aviation safety with the White House Commission on Aviation Safety and Security. It should be noted that the safety study required under the bill is not intended to duplicate the Gore Commission. Rather, it is intended and anticipated that the safety study in this bill will build on the experience and recommendations of the Gore Commission.

67. PROCEDURE FOR CONSIDERING FEES

House bill

No provision.

Senate amendment

Section 675 sets forth expedited procedures.

Conference substitute

Section 275: Expedited procedures apply only to the Senate.

68. BUDGETARY TREATMENT OF FEES

House bill

No provision.

Senate amendment

Section 676 creates a separate, dedicated account (established in the Treasury) for all new fees and other receipts (except for those associated with the Aviation Insurance Program) collected by the FAA. The receipts and disbursements of this account would be awardable immediately for expenditures of Congressionally authorized programs and shall remain available until expended.

Annually, the Administrator shall submit a Report on the fees including a list of fees, the activities supported by fees, and any proposed disposition of surplus fees.

This section also requires the FAA to develop a cost accounting system.

This section also provides that when an air carrier is required by the Administrator, pursuant to this legislation, to collect a fee imposed on a third party by the FAA, the Administrator shall ensure that such air carrier may collect from such third party an additional uniform amount reflecting necessary and reasonable expenses (net of interest) incurred in collecting and handling the fee.

Section 676(a)(7) requires that the Administrator provide to the Congress, prior to the submission of any proposed user fee or excise tax schedule, a report justifying the need for the proposed user fees or taxes and including other specified information such as steps the Administrator has taken to reduce costs and improve efficiency within FAA.

Conference substitute

Section 276: Senate except drop section 676(a)(7) of Senate amendment.

69. ESSENTIAL AIR SERVICE

House bill

No provision.

Senate amendment

Section 678: Authority to administer and operate the EAS program would be transferred from the DOT Secretary to the Administrator. The program would be established at a $50 million level, with authority of the program to be funded by user fees collected under this legislation, including those specifically derived from overflights. At the end of each fiscal year, if less than $50 million has been obligated for EAS programs,

the Administrator shall make those remaining amounts available under the Airport Improvement Program for grants to rural airports to improve rural air safety. This section also, in effect, repeals a provision in the current law sunsetting the EAS program.

Conference substitute

Section 278: Senate provision except the transfer of the EAS program from DOT to FAA is eliminated. EAS funding for '97 is equal to the amount appropriated plus any user fee revenue above $75 million that is collected pursuant to Section 45301(a)(1).

70. MULTI-YEAR AUTHORIZATION & APPROPRIATION

House bill

Authorizes AIP, F&E, and Operations for 3 years.

Senate amendment

Section 677: Prescribes a 3-year authorization & appropriation cycle for Trust Fund programs.

Conference substitute

Section 277: Senate provision, but starting in 1999.

71. STUDY OF FUNDING FOR SECURITY

House bill

No provision.

Senate amendment

Section 301: 30-day FAA study of transferring security responsibilities from airlines to airports or to the government. Also includes certification of screening companies.

Conference substitute

Section 301 and 301: Senate provision, but change to a 90-day study done in cooperation with other appropriate officials. Make screening certification a separate section.

72. ASSISTANCE TO FAMILIES INVOLVED IN AIRLINES ACCIDENTS

House bill

H.R. 3923 (Report 104–793) which passed the House on September 18, 1996, directs NTSB to take action to help families including designating a liaison and an independent organization and obtaining passenger lists. Also directs airlines to submit plans, establishes a task force to study further improvements, and prohibits unsolicited lawyer contact.

Senate bill

Requires NTSB to establish a program to provide family advocacy services, work with airlines to procure services of family advocates. Guidelines must be issued in 90 days

Conference substitute

Title VII:

House bill with the following changes:

The list of parties that are prohibited from making unsolicited communications with family members or injured victims is expanded to include potential adverse parties to the litigation.

''within the control of the air carrier'' is added to the requirement that air carriers assure that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger.

The model plan is changed to guidelines to make clear that it is intended to serve as guidance for airlines developing plans and not as a precursor to requiring airlines to revise existing plans that may be perfectly sound.

The Task Force developing the guidelines for air carriers is also asked to study the implications for personal privacy if air carriers were required to notify passengers more quickly. The concern is that such a requirement may entail an airline requesting more information from passengers than many people may consider appropriate.

73. SAFETY DATA CLASSIFICATION

House bill

No provision.

Senate amendment

Section 303: NTSB must develop system for classifying accidents within 90 days. Provision for public comment, report to Congress, and presentation to ICAO.

Also requires FAA to give high priority to deploying safety performance analysis system.

Conference substitute

Section 407: Senate amendment with revised language.

The Managers are interested in having accurate statistical information available to the public with regard to aviation accidents. Currently, accident information can be misleading in that certain occurrences are categorized as accidents that do not fit the public perception of an aviation accident. It is important that the public understand the aviation accident data it receives so that informed decisions can be made on the basis of that data. This legislation requires the National Transportation Safety Board to amend its categorization of aviation accidents to make the information more user friendly. After public comment, the NTSB is required to publish, on a periodic basis, aviation accident data, as recategorized. The Managers believe the accident data should be published on a timely basis and made widely available to the general public so that informed decisions can be made by the traveling public. Dissemination through the NTSB's web page would be one means of widely distributing the information.

74. WEAPONS AND EXPLOSIVE DETECTION STUDY

House bill

No provision.

Senate amendment

National Academy of Science study of systems to detect weapons and explosives.

Conference substitute

Section 303: Senate provision with the addition of hardened containers as an additional factor to be studied.

75. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT

House bill

Section 101 of H.R. 3953 which passed the House on August 2, 1996, directs FAA to facilitate the deployment of commercially available explosive detection system while waiting for the certified system.

Senate bill

Section 306: Similar provision but also gives FAA waiver authority.

Conference substitute

Section 305: Senate provision.

76. AUDIT OF BACKGROUND CHECKS

House bill

Section 103 of H.R. 3953 directs FAA to audit the criminal history records checks.

Senate bill

Section 307 directs FAA to audit effectiveness of criminal history record checks.

Conference substitute

Section 306: Senate provision.

77. PASSENGER PROFILING

House bill

Section 105 of H.R. 3953 directs FAA, DOT, intelligence community, and law enforcement community to continue to assist airlines in developing computer-assisted passenger profiling.

Senate bill

Section 308: Sense of Senate directing FAA to assist airlines in developing computer-assisted profiling and other appropriate passenger profiling programs to be used in conjunction with other security measures.

Conference substitute

Section 307: House provision with ''other appropriate measures'' language from Senate.

78. USE OF AIP AND PFC FOR SECURITY

House bill

Section 106 of H.R. 3953 permits AIP and PFC funds to be used for safety and security programs at airports.

Senate bill

Section 309 is the same.

Conference substitute

Section 308: House and Senate provisions.

79. SECURITY LIAISON AGREEMENT

House bill

No provision.

Senate amendment

Section 310: Directs FAA and FBI to establish liaison near high risk airports.

Conference substitute

Section 309: Senate provision.

80 THREAT ASSESSMENT

House bill

No provision.

Senate amendment

Section 311 directs FAA and FBI to carry out threat assessments at high risk airports.

Conference substitute

Section 310: Senate but insert ''each'' before ''airports''.

81. BAGGAGE MATCH

House bill

No provision.

Senate amendment

Section 312: Requires the FAA to report within 30 days on the domestic baggage match program recommended by the Gore Commission. Sense of Senate that FAA should work with airlines & airports on feasible, effective bag match.

Conference substitute

Section 311: Senate provision but require only if baggage match program is actually carried out. This is intended to remove any implication that this provision is designed to mandate such a baggage match program. Includes sense of Senate.

82. ENHANCED SECURITY PROGRAMS

House bill

No provision.

Senate amendment

Section 313: Requires airlines and airports to periodically assess their security. The FAA must periodically audit these assessments and make unannounced and anonymous inspections and tests of security systems.

Conference substitute

Section 312: Senate provision.

83 AIR CARGO

House bill

Section 107 of H.R. 3953 lists 3 items relating to air cargo for FAA to study.

Senate bill

Section 314: Requires DOT to report on changes recommended by the Gore Commission with respect to air cargo.

Sense of the Senate that inspection of cargo, mail, and company shipped material can be enhanced.

Conference substitute

Section 314:

Senate bill except FAA is directed to do study and the 3 items from the House bill are incorporated.

Includes Sense of the Senate.

84. SUPPLEMENTAL SCREENING

House bill

Section 109 of H.R. 3953 directs FAA to consider using bomb sniffing dogs to supplement

existing bomb detection systems. Section 110 authorizes Trust Fund spending for training and evaluation of K–9 teams at 50 largest airports.

Senate amendment

No provision.

Conference substitute

Added to section 305 (item 75) above by permitting the requirement to deploy commercially available explosive detection equipment to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.

85. CARRIAGE OF CANDIDATES

House bill

No provision.

Senate amendment

Section 408 states that the same rules must apply to carriage of candidates in Federal and State elections.

Conference substitute

Section 1214: Senate provision.

86. TRAIN WHISTLE REQUIREMENTS

House bill

No provision.

Senate amendment

Section 409: Prohibits implementation of DOT rule requiring train whistles at grade crossings.

Conference substitute

Section 1218: Senate provision with changes.

The conferees, in adopting these changes to Section 20153 of Title 49, United States Code, do not intend to require the Secretary to begin anew the current rulemaking already underway to implement this provision. Instead, the Secretary should incorporate the new additional criteria into his completion of the existing proceeding. Similarly, because the conference language retains the original focus of rules under Section 20153 on categories of crossings, not individual crossings, the implementation of this provision should not be affected by references to individual crossings in the conference report accompanying the recently approved Department of Transportation appropriations legislation. Finally, the conferees urge the Secretary to consider in implementing the regulations, the impact of those regulations on the quality of life in affected communities.

87. GAMBLING ON VESSELS

House bill

No provision.

Senate amendment

Section 410 limits authority of states to regulate gambling on ships.

Conference substitute

Section 1222: Senate provision.

88. GRAND CANYON RULEMAKING

House bill

No provision.

Senate amendment

Section 411 requires FAA to provide 30 additional days for comments.

Conference substitute

Senate provision, but change to 45 days and include environmental assessment comment period.

89. FEES FOR SERVICES IN CONNECTION WITH RAIL MAXIMUM RATE COMPLAINTS

House bill

No provision.

Senate amendment

Section 412 prohibits the Surface Transportation Board from increasing these fees.

Conference substitute

The conferees share the concern, reflected in the Senate provision, that the cost-based fees collected by the Surface Transportation Board pursuant to its existing Title 31 authority should not impose an unfair burden on small shippers seeking redress before the Board through maximum-rate complaints. The protection reflected in the conference provision will prevent any such increases until the Congress has reauthorized the STB, which is required by the end of Fiscal Year 1998.

90. HICKORY, NC

House bill

No provision.

Senate amendment

Section 413: Permits transfer of a control tower to Hickory, directs study of whether tower meets criteria of contract tower program, and prohibits closure of New Bern Flight Service Station unless FAA makes required certification.

Conference substitute

Senate provision.

91. INTERNATIONAL TERRORISM

House bill

No provision.

Senate amendment

Section 414: Sense of Senate that state sponsored terrorism is an act of war.

Conference substitute

Senate provision.

92. PROCUREMENT CONTRACTS

House bill

No provision

Senate amendment

Section 415: Requires each grant recipient that awards a contract using more than $5 million in Federal funds to report to DOT on the number of bids and the amount by which the winning bid exceeded the lowest bid.

Conference substitute

House.

93. EMPLOYEE RETIREMENT INCOME SECURITY ACT

House bill

No provision.

Senate amendment

Section 416: Relates to limited scope audit.

Conference substitute

House.

94. ADVANCE ELECTRONIC TRANSMISSION OF CARGO AND PASSENGER INFORMATION

House bill

No provision.

Senate amendment

Section 417: Requires airlines to provide the manifest in advance.

Conference substitute

The Managers have receded to the House position. Senator Graham offered the provision in a desire to improve safety and security. The Managers are aware of the importance of the need for the Customs Service to work with the airlines to provide the highest levels of protection to the traveling public. The decision not to include the specific language should not be read to suggest a lack of agreement with the spirit and intent of the provision.

95. TECHNICAL CORRECTIONS TO THE ICC TERMINATION ACT OF 1995

Conference substitute

This provision corrects a technical error in the ICC Termination Act of 1995 (Public Law 104–88) (''ICCTA''). As part of the abolition of the former Interstate Commerce Commission and the reduction of economic regulation of railroads and trucking, the ICCTA included a number of conforming amendments to other statutes which had referred to the ICC. Among these conforming amendments were changes to the Railway Labor Act. The Railway Labor Act governs labor relations and collective bargaining in the airline and railroad industries; it does not apply to motor carriers.

The ICCTA stated unequivocally that its enactment ''did not expand or contract coverage of employers or employees under the Railway Labor Act.'' 49 U.S.C. 10501(c)(3)(B). However, because of a drafting error, the ICCTA conforming provision (Section 322) removed the term ''express company'' from the railroad part of the Railway Labor Act. This could be interpreted as inconsistent with the clear bipartisan intent not to alter the boundaries of the Railway Labor Act in any way. Therefore, the technical amendment made by this section merely restores the exact legal standards for coverage under the Railway Labor Act that existed prior to enactment of the ICCTA. Otherwise, the current text of the law could cause needless confusion and punish both employers and employees who have relied upon the prior text and settled interpretation of the Railway Labor Act.

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 501) and the Senate amendment (except section 1001), and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,
JOHN J. DUNCAN, Jr.,

From the Committee on Transportation and Infrastructure, for consideration of section 501 of the House bill and section 1001 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 675 of the Senate bill, and modifications committed to conference:

DAVID DREIER,
JOHN LINDER,

As additional conferees from the Committee on Science, for consideration of sections 601–05 of the House bill, and section 103 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
CONNIE MORELLA,

As additional conferees from the Committee on Science, for consideration of section 501 of the Senate amendment and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Ways and Means, for consideration of section 501 of the House bill, and sections 417, 906, and 1001 of the Senate amendment and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
SAM M. GIBBONS,

Managers on the Part of the House.

LARRY PRESSLER,
TED STEVENS,
JOHN MCCAIN,
FRITZ HOLLINGS,
WENDELL H. FORD,

Managers on the Part of the Senate.

NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT AMENDMENTS OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1970) to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

The Clerk read as follows:

S. 1970

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Museum of the American Indian Act Amendments of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the National Museum of the American Indian Act (20 U.S.C. 80q et seq.).

SEC. 2. BOARD OF TRUSTEES.

Section 5(f)(1)(B) (20 U.S.C. 80q–3(f)(1)(B)) is amended by striking ''an Assistant Secretary'' and inserting ''a senior official''.

SEC. 3. INVENTORY.

(a) IN GENERAL.—Section 11(a) (20 U.S.C. 80q–9(a)) is amended—

(1) by striking ''(1)'' and inserting ''(A)'';

(2) by striking ''(2)'' and inserting ''(B)'';

(3) by inserting ''(1)'' before ''The Secretary''; and

(4) by adding at the end the following new paragraphs:

''(2) The inventory made by the Secretary of the Smithsonian Institution under paragraph (1) shall be completed not later than June 1, 1998.

''(3) For purposes of this subsection, the term 'inventory' means a simple, itemized list that, to the extent practicable, identifies, based upon available information held by the Smithsonian Institution, the geographic and cultural affiliation of the remains and objects referred to in paragraph (1).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 11(f) (20 U.S.C. 80q–9(f)) is amended by striking ''to carry out this section'' and inserting ''to carry out this section and section 11A''.

SEC. 4. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

The National Museum of the American Indian Act (20 U.S.C. 80q et seq.) is amended by inserting after section 11 the following new section:

''SEC. 11A. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

''(a) SUMMARY.—Not later than December 31, 1996, the Secretary of the Smithsonian Institution shall provide a written summary that contains a summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony (as those terms are defined in subparagraphs (B), (C), and (D), respectively, of section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)), based upon available information held by the Smithsonian Institution. The summary required under this section shall include, at a minimum, the information required under section 6 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3004).

''(b) REPATRIATION.—Where cultural affiliation of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony has been established in the summary prepared pursuant to subsection (a), or where a requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion, then the Smithsonian Institution shall expeditiously return such unassociated funerary object, sacred object, or object of cultural patrimony where—

''(1) the requesting party is the direct lineal descendant of an individual who owned the unassociated funerary object or sacred object;

''(2) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the Indian tribe or Native Hawaiian organization; or

''(3) the requesting Indian tribe or Native Hawaiian organization can show that the unassociated funerary object or sacred object was owned or controlled by a member thereof, provided that in the case where an unassociated funerary object or sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object.

''(c) STANDARD OF REPATRIATION.—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Smithsonian Institution did not have the right of possession, then the Smithsonian Institution shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

''(d) MUSEUM OBLIGATION.—Any museum of the Smithsonian Institution which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of fiduciary duty, public trust, or violations of applicable law that are inconsistent with the provisions of this Act.

''(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent the Secretary of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, from making an inventory or preparing a written summary or carrying out the repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in a manner that exceeds the requirements of this Act.

''(f) NATIVE HAWAIIAN ORGANIZATION DEFINED.—For purposes of this section, the term 'Native Hawaiian organization' has the meaning provided that term in section 2(11) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(11)).''.

SEC. 5. SPECIAL COMMITTEE.

Section 12 (20 U.S.C. 80q–10) is amended—

(1) in the first sentence of subsection (a), by inserting ''and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 11A'' before the period; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''five'' and inserting ''7'';

(B) in paragraph (1)—

(i) by striking ''three'' and inserting ''4''; and

(ii) by striking ''and'' at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

''(2) at least 2 members shall be traditional Indian religious leaders; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

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

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

Mr. Speaker, S. 1970, legislation by the Senator from Arizona [Mr. MCCAIN] takes the law that was passed in 1989 that established the Museum of the American Indian, which incidentally we have seen the conclusion of the architectural contest which will produce a marvelous museum on the mall between the Capitol and the Air and Space Museum, universally applauded for the architectural rendering, but all of us understand that any edifice is there for what it contains, and this is the American Indian Museum.

But that act, passed in 1989, is in part in conflict with the act passed in 1990, the Native American Graves and Repatriation Act. What this legislation does is conform the National Museum of the American Indian Act passed in 1989 with the Native American Graves and Repatriation Act passed in 1990. To a certain extent it codifies what the Smithsonian was already doing with Native American remains.

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

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman from California [Mr. THOMAS] for his explanation of the bill. I support this initiative and believe it to be in the best interests of all parties involved.

Mr. Speaker, I do not have anyone on my side requesting any time, so assuming the majority has no further speakers, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, yielding myself such time as I may consume, I do want to thank the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, which has jurisdiction over the repatriation issue, for his willingness to assist us in bringing this to the floor in the expeditious manner in which we have been able to do so.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the Senate bill, S. 1970.

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

A motion to reconsider was laid on the table.

INTERNET ELECTION INFORMATION ACT OF 1996

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3700) to amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purpose of disseminating campaign information and enhancing public debate, as amended.

The Clerk read as follows:

H.R. 3700

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 ''Internet Election Information Act of 1996''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) For the purposes of enhancing public debate and awareness, candidates for Federal office should be encouraged to provide voters with meaningful and substantive information about their candidacy and important public policy issues.

(2) The Internet and other interactive computer services did not exist when the laws that currently govern Federal elections were enacted, and these services represent a new medium where voters can obtain meaningful and substantive information about issues and candidates.

SEC. 3. EXEMPTION OF DONATED INTERACTIVE COMPUTER SERVICES FROM COVERAGE UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) EXEMPTION FROM TREATMENT AS CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking ''and'' at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(xv) the value of services provided without charge to a candidate by an interactive computer service (defined as any information service that is generally available to the public or access software provider that provides or enables computer access by multiple users to computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions) in permitting the candidate to use its facilities for distributing election or candidate information, posting position papers, responding to campaign related inquiries, soliciting lawful contributions, convening electronic campaign forums, or otherwise lawfully utilizing the resources of the interactive computer service, if the service permits its facilities to be used for such purposes under the same terms and conditions by all other candidates in the election for the same office.''.

(b) EXEMPTION FROM TREATMENT AS EXPENDITURE.—Section 301(9)(B) of such Act (2 U.S.C. 431(9)(B)) is amended—

(1) by striking ''and'' at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(xi) any direct costs incurred by an interactive computer service (defined as any information service that is generally available to the public or access software provider that provides or enables computer access by multiple users to computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions) in permitting the candidate to use its facilities for distributing election or candidate information, posting position papers, responding to campaign related inquiries, soliciting lawful contributions, convening electronic campaign forums, or otherwise lawfully utilizing the resources of the interactive computer service, if the service permits its facilities to be used for such purposes under the same terms and conditions by all other candidates in the election for the same office.''.

SEC. 4. EFFECTIVE DATE.

The amendments shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. FAZIO] each will control 20 minutes.

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

Mr. THOMAS. Mr. Speaker, this piece of legislation passed the Committee on House Oversight on September 19, 1996, by unanimous vote, and we will probably see additional legislation in the near future dealing with what all of us now are becoming more and more aware is a fundamental change in the way in which Americans, indeed many people around the world, communicate.

The Federal Elections Campaign Act, as it was written, would not allow folks to provide equal access to the Internet, even though it would have been done on a universal availability basis for any candidates in a particular election. The gentleman from Washington [Mr. WHITE], who is chair of the Internet Caucus, quite wisely introduced legislation which would allow this to occur, notwithstanding the fact that under other circumstances it might appear to be a corporate contribution which is banned under the Federal Election Act.

I think all of us would agree that the ability to enhance communication and provide information that would otherwise not be available to voters through access to the Internet is indeed something that should be allowed, and H.R. 3700 does just that.

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

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened carefully to Chairman THOMAS' explanation of the bill. I think we can all agree that the goals of this bill are laudable. We must encourage the development and use of new technologies like the Internet. Therefore, I intend to support H.R. 3700.

I do have some concerns about the bill, and because of the fact that it may not become law in this Congress, I will simply include those in my remarks for the RECORD at this time.

Mr. Speaker, we all agree that the goals of this bill are laudable. We must encourage the development and use of new technologies like the Internet. Therefore, I will support H.R. 3700.

The Internet has changed forever the way that Americans communicate. As such, there is no doubt that the Internet will play an important part in future congressional campaigns.

On the Internet, we can speak directly to our constituents—without the filter of the news media or the high cost of television. Moreover, our constituents can respond directly to us—without going through pollsters or reporters or other intermediaries. These changes are profound, and they are profoundly good for our democracy.

While I support H.R. 3700, and expect that it will pass the House, there is little chance that the Senate will consider this bill or that it will become law. It is far more likely that we will revisit this issue in the early days of the 105th Congress. With that in mind, I believe there are several areas in which this bill can be improved.

The bill, for example, does not really limit who may provide free services to candidates. This creates a loophole for the expanded use of soft money. In particular, the bill would permit a political party committee or an interest group to use soft money to set up an interactive computer service to communicate with Members about Federal elections. This stands in stark contrast to the rules governing broadcast and print media, which cannot be owned by political parties or political committees.

Similarly, H.R. 3700 has no real limit on the services that can be provided for free. This is particularly risky as Internet technology advances in ways we cannot anticipate. For example, companies soon will offer long distance telephone service over the Internet. This bill presumably would allow them to provide free long distance service to candidates. Even now, the lack of limits could cause problems, for example, a service provider could send employees out to set up and administer home pages for candidates.

Now does H.R. 3700 truly guarantee equal access for all candidates. Although the bill requires a service provider to make the same services available to all candidates, it does not require a service provider to inform all candidates that free services are available. In addition, the bill permits service providers to pick and choose which elections they will participate in. That choice can be manipulated to benefit favored candidates. for example, a service provider could choose only to provide free access for Republican primaries—or races involving candidates that the company wants to influence.

Finally, H.R. 3700 lacks any meaningful enforcement mechanism to deal with violations. Presumably, a candidate who is denied access would be required to file a complaint with the FEC, and then to wait months or even years for remedial action. Under this scenario, remedial action likely cannot be taken until an election is over and the dispute is moot. This same problem permeates the election law.

In conclusion, Mr. Speaker, I support H.R. 3700 because it will increase communication between candidates and voters—and that communication lies at the heart of our democratic process. However, H.R. 3700 has serious potential problems, and I hope that we can correct those problems before the bill becomes law.

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

Mr. THOMAS. Mr. Speaker, yielding myself such time as I may consume, I do understand the concerns of the gentleman from California [Mr. FAZIO]. This is an area in which we are beginning to learn our way as to what is, or is not appropriate.

For example, during its meeting on September 19 the Committee on House Oversight unanimously approved an amendment which is included in the bill, and the amendment clarifies the definition of ''interactive computer services,'' to ensure it applies only to providers of Internet software and information services that are available to the public.

The line between private and public continues to be explored as we move legislation, and we will be very careful as we examine legislation, as the gentleman from California [Mr. FAZIO] indicated, to make sure that what we intend to do, we do, and no more.

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

Mr. WHITE. Mr. Speaker, until about 20 months ago I had never held public office before. I ran for Congress because I felt that it was time to make some changes to the way our Government works and to make our Government smaller, more open, and more efficient.

On my first day in public office, I voted for a package of reforms that made some much needed changes to the way Congress did business. We voted to apply all laws to Congress, we voted to cut committee staff by one-third, we set term limits for committee chairs, and we got rid of three House committees.

That was only on the first day.

Over the past 20 months this Congress has worked hard to make some much needed changes to our Federal laws. We worked to change our Superfund law so that we do a better job of cleaning up hazardous waste sites, we worked to change our welfare system to encourage work and discourage dependency, and we worked to reform our telecommunications laws in order to eliminate Government regulated monopolies. We did not accomplish everything we set out to do but we did make considerable progress in changing the way our Government works.

Today, I am pleased that my colleagues are continuing their commitment to reform by supporting the Internet Election Information Act, a bill I introduced earlier this year to amend the current Federal Election Campaign Act [FECA] of 1971.

This bill is not as significant as the passage of our first day reforms or our welfare reform bill, but this reform is needed in order to give voters more information and more access to the positions held by candidates for Federal office.

This bill is necessary in order to update our current Federal campaign laws. The current laws were passed in the early 1970's before the Internet was a widely used medium. Today, people use the Internet to send and receive information. In my office, the Internet is a valuable tool for providing my constituents with more information and for allowing the people in my district to communicate with my office. As technology continues to change, we need to make sure that the Federal Government is doing what it can to keep up with those changes.

That is why I introduced the Internet Election Information Act. It's time to debug our Federal election laws in order to bring the Federal Government into the 21st century. With a simple technical change to the law we can help promote more open debate in cyberspace. This change will give Federal candidates—challengers and incumbents alike—the chance to use the Internet to bring their message and ideas directly to the American people.

Under this bill, the Federal Election Campaign Act of 1971 will be amended to allow interactive computer services to provide free access to their online resources for campaign purposes. The bill allows online services to include: First, election or candidate information; second, candidate position papers; third, responses to campaign questions; fourth, solicitations of lawful contributions; and fifth, conveyance of electronic campaign forums.

But this is not an incumbent protection plan as so many of the campaign finance reform bills that have been introduced in Congress. Instead, the bill requires that all services must be offered to all candidates for the same office under the same terms and conditions. It's a very simple change that will produce very significant results.

In closing I want to state that this bill in no way replaces the need for a major overhaul of our campaign finance laws. As I have said time and time again in this Chamber and to my constituents—we need to dramatically reform our campaign finance laws in a way that does not favor incumbent members. That is still a goal I will continue to pursue.

But today we will take a small step forward in changing our existing campaign finance laws in a way that will give voters more information, more access to Federal candidates and a better understanding of the issues being debated.

Ms. DUNN of Washington. Mr. Speaker, let me first commend my colleague, Representative RICK WHITE, for his leadership on high technology issues. His service and technological literacy is vitally important to an institution which, prior to the Republican-led 104th Congress, had still been using pencil and paper to balance its financial books. Mr. WHITE has been an integral part of our efforts to bring the U.S. Congress into the 21st century.

We have entered an era when the average American may sit down at a computer and gain access to information on anything from current research on the lifespan of the honeybee to what's playing at their neighborhood theater. Congress is changing with the times, and in that spirit, I rise in support of H.R. 3700, The Internet Election Information Act of 1996.

This legislation enables online service providers to voluntarily offer web sites to candidate—without giving an advantage to any one candidate, and without the site being considered an in-king contribution to the campaign. This will enhance the ability of all Americans to make informed choices and to more fully participate in the democratic process.

The laws governing campaign finance—written in the mid-1970's—were passed before the advent of the personal computer and the phenomenon known as the Internet. H.R. 3700 updates our campaign finance laws to account for the reality of this information-gathering mechanism. I support this legislation and praise Representative WHITE for his foresight on the issue. The Internet Election Information Act of 1996 achieves a commonsense change in Federal elections, while providing a solid benefit to all Americans interested in learning more about the candidates asking for the honor of their vote. The power of knowledge and access to information—without preference to any party or any candidate—is what this bill secures, and is another step forward toward governing in the 21st century.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before us today is H.R. 3700, the Internet Election Information Act. This legislation will amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices.

This legislation was introduced after Internet providers were barred from offering free websites to candidates during the last congressional election. The bill proposes changes to the Federal Election Campaign Act of 1971 to allow donated interactive computer services from coverage; and direct costs incurred by a donated interactive computer services from treatment as an expenditure if the service permits its facilities to be used for such purposes for all other candidates in the election for the same office.

This bill is in the spirit of full Internet access and participation of our citizens in our Nation's political process.

However, there are a few problems with the way this bill is drafted. There are no requirements that an interactive computer service provider inform the other candidates in a Federal election that they are supplying a website to their opponent. Further there are no provisions to ensure equal or nontechnical assistance for the development of a candidate's website in a Federal election.

Campaign finance reform is an important issue to my Houston district constituents and their best interest are not served if we do not ensure fairness in the political process.

I am a strong supporter of full Internet access and participation, but I would caution us to be careful with how we go about legislating this access.

Mr. FAZIO of California. Mr. Speaker, I have no further requests for time, so I suppose if it were appropriate I would yield back the balance of my time and we could move on to the next item.

Mr. THOMAS. Mr. Speaker, yielding myself such time as I may consume, I would tell the gentleman from California it is probably appropriate, but this gentleman from California is looking for the author of the bill. But knowing our schedules and how difficult it is oftentimes, I will tell the gentleman if he yields back, I will yield back.

Mr. FAZIO of California. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 3700, 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.

DISMISSAL OF CONTESTED ELECTIONS BY UNANIMOUS CONSENT

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

Mr. THOMAS. Mr. Speaker, having indicated that he was going to offer a number of unanimous consents including the dismissal of some contested elections, it is my understanding that there is some problem on the minority side in approving UC's, and so I am hopeful that we will be able to dismiss these contested elections in the near future by unanimous consent.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I simply want to comment on the issue that the gentleman from California [Mr. THOMAS] just referred to.

Mr. Speaker, I am hopeful that the prohibition on unanimous-consent requests will be lifted sometime today. I certainly join the chairman in our mutual desire to clean up the file and remove these two contested election issues, and hopefully we will be able to get back to it by the end of the day.

CONFERENCE REPORT ON S. 640 WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement see proceedings of the House of September 25, 1996, at page H11158.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER]

Mr. SHUSTER. Mr. Speaker, the conference report on S. 640, the Water Resources Development Act of 1996, is a comprehensive authorization of the water resources programs of the Army Corps of Engineers. It represents 4 years of bipartisan effort to preserve and develop the water infrastructure that is vital to the Nation's safety and economic well-being.

First, let me thank and congratulate my colleagues on the Committee on Transportation and Infrastructure for their vision and tireless efforts in helping move this legislation. I want to give special thanks to Committee Ranking Member JIM OBERSTAR, Subcommittee Chairman, SHERWOOD BOEHLERT, and the Subcommittee Ranking Member BOB BORSKI. Their leadership and contributions have been outstanding.

These Members, and ranking Republican on the committee DON YOUNG, also served with me as House conferees.

Mr. Speaker, in the 103d Congress, the House overwhelmingly passed H.R. 4460, a bill that should have become the Water Resources Development Act of 1994. Unfortunately, that bill did not become law, and for the first time since 1986, Congress was unable to enact WRDA legislation.

During the 104th Congress, we committed to restoring certainty to the process and fulfilling or commitment to non-Federal project sponsors, most of whom had already committed substantial funds to projects.

We conducted 4 days of hearings, receiving testimony from over 90 witnesses, including numerous Members of Congress, the administration, project sponsors, national water resources and environmental organizations, and State and local officials.

The bill we bring to the floor today truly represents a fair and balanced proposal.

Mr. Speaker, S. 640 accomplishes three important objectives:

First, it reflects the committee's continued commitment to improving the Nation's water infrastructure.

Second, it responds to policy initiatives to modernize Corps of Engineers activities and to achieve programmatic reforms.

Third, and this is very important, it takes advantage of Corps capabilities and recognizes evolving national priorities by expanding and creating new authorities for protecting and enhancing the environment.

In developing this bill, we and the Senate conferees have tried hard to be responsive to Member's requests; however, in today's tight fiscal climate, we simple had to establish and adhere to reasonable review criteria, such as the cost-sharing rules established in 1986.

In fact, in the area of flood control, we have actually increased the non-Federal share for future projects. In another area—dredging for navigation projects—we have revised the rules to assure consistency and fairness in selecting methods for the disposal of dredged material.

Mr. Speaker, a few remarks on section 586 of the conference report are warranted. This section is intended to remove impediments to the ''privatizaation'' of wastewater infrastructure assets through leases and concessions. The conferees included certain conditions and limitations to address potential concerns about the exercise of this new authority. This pilot program does not impose, nor is it intended to impose, any conditions or limitations on leases, concessions, or other approaches to privatizing infrastructure assets under other authorities. The conferees encourage EPA to make use of this section and other authorities to promote privatization of infrastructure assets funded under the Clean Water Act, as well as the Safe Drinking Water Act and other water infrastructure programs.

S. 640 is a strong bipartisan bill. It reflects a balanced, responsible approach to developing water infrastructure, preserving and enhancing the environment, and strengthening Federal-State-and-local partnerships.

I want to commend my colleague, Senator JOHN CHAFEE and the other Senate conferees, as well as the Senate staff, on their diligence in helping make S. 640 a reality.

I strongly urge my colleagues to support the conference report.

Mr. Speaker, a monumental amount of effort has gone into the final development of this bill. The staff of the Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee the staff have devoted over 80 hours of effort to this bill. While it will be impossible to mention everyone who has made this bill a success, I would like to mention several key members of our staff that contributed to this fine legislation: Lee Forsgren, Ben Grumbles, Donna Campbell, Ken Kopocis, Art Chan, Pam Keller and Mike Strachn from the Transportation and Infrastructure Committee; and Dan Delich, Jo-Ellen Darcy, Linda Jordan, and Ann Loomis of the Senate Environment and Public Works Committee. In addition, the role of the House and Senate legislative counsel offices was instrumental in writing the legislation. I especially want to recognize David Mendelsohn of House legislative counsel and Janine Johnson of Senate legislative counsel for their efforts. Finally, I want to acknowledge the technical support provided by the Corps of Engineers. Mr. Jim Rausch provided timely, expert advice on technical matters relating to Corps of Engineers projects and policies and played a key role in conference discussions. In addition, Milton Rider, Gary Campbell, John Anderson, Bill Schmitz, Jeff Groska, Juanita Guin, Philomena Herasingh provided valuable assistance. We owe these professionals our gratitude.

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

Mr. BORSKI. Mr. Speaker, I yield myself such time as I might consume.

(Mr. BORSKI asked and was given permission to revise and extend his remark.)

Mr. Speaker, I wish to express my strong support for the conference report on S. 640, the Water Resources Development Act of 1996, which authorizes important infrastructure related projects throughout the Nation.

First, I want to pay my compliments to Chairman SHUSTER and Chairman BOEHLERT for the absolutely fair and bipartisan way in which this bill was handled. WRDA 1996 has been a bipartisan process from start to finish.

I also want to thank the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the full committee, for his help on the bill.

I also want to thank the staff of the Subcommittee on Water Resources and Environment, especially Ken Kopocis of the Democratic staff, Mike Strachn of the Republican staff and David

Smallen of my personal staff, for all their hard work in putting this bill together.

S. 640 demonstrates the Transportation and Infrastructure Committee's continuing strong commitment to investment in the Nation's infrastructure. S. 640 is infrastructure legislation that is badly needed.

That need has been clearly shown by the dozens of requests we have received from Members seeking authorization for port development, inland waterway, flood control, beach erosion, and other types of projects.

The committee has done its absolute best to meet all of those needs within the limits imposed by budget constraints and the restrictions on the role of the Army Corps of Engineers.

We have also recognized that the failure of the last Congress to pass a Water Resources Development Act in 1994 left us with a lot to do this year. Harbor deepening, inland waterway improvements, and flood control are vital cornerstones of our Nation's economic vitality.

The ports of America are the doors that link our Nation to billions of dollars of international trade. In Philadelphia, our port supports 50,000 jobs—making a vital contribution to our regional economy. The 11,000 mile inland waterway system provides crucial transportation for bulk farm products, coal, and other materials. It is absolutely essential that we continue to provide funding for these important port and inland waterway projects. Ports and inland waterways must be maintained and improved as significant parts of our Nation's intermodal transportation system.

S. 640 also continues the expansion of the mission of the Corps of Engineers to include improvement of the environment. While the expansion in this bill is not as great as I would have liked, it is a step in the right direction.

We should be aggressive in using the talents and abilities of the Corps of Engineers to meet our huge environmental infrastructure needs.

In flood control, this bill makes important changes that I support.

We have proposed to increase the requirements for mitigation planning before structural flood control projects are built.

An upgraded mitigation program will save us money from start to finish. We will be able to reduce the cost of project construction and it is likely that we will reduce disaster relief costs.

We are also increasing the non-Federal cost sharing for flood control projects from the current minimum of 25 to 35 percent.

This small increase is a simple recognition of our Federal budget situation. We have dwindling resources available for these essential programs.

An increase in the local share will help spread Federal dollars to more projects and will help focus resources on more worthy projects.

The administration proposed a 50-percent non-Federal share which would have done even more to spread scarce Federal dollars.

With restrictions on discretionary spending becoming tighter each year, the 50-percent cost sharing is something we should consider in the future.

I cannot emphasize too strongly that the Corps of Engineers program of infrastructure improvement for ports, inland waterways, and flood control will be subject to more and more budget cuts every year.

We are on a path to reduce funds for these important infrastructure improvements and I question whether that is the right direction for our country.

We are using a shortsighted approach that will ultimately mean reduced economic growth and less job creation.

I hope that at sometime in the future—sooner rather than later—we will reverse our current path and seek ways to increase our infrastructure investment.

We must work together on a bipartisan basis to ensure that, while we are getting our Federal fiscal house in order, programs to invest in critical infrastructure needs are protected.

I hope to work with Chairman SHUSTER, Chairman BOEHLERT, and ranking member OBERSTAR in that effort in the same bipartisan manner in which we drafted the Water Resources Development Act of 1996.

I urge support for this conference report.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], chairman of the subcommittee.

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

Mr. BOEHLERT. Mr. Speaker, before anything, I would like to compliment the chairman and the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], and the ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. BORSKI], for the outstanding cooperation that was evident.

It was music to my ears to hear the gentleman from Pennsylvania [Mr. BORSKI] talk about the fairness and bipartisan nature of the process. We pride ourselves on that in the Committee on Transportation and Infrastructure, and we intend to continue in that vein.

Mr. Speaker, this conference report is a major step forward in developing and preserving the Nation's water resources. Almost one-quarter of the bill's costs are for projects and activities that are solely or primarily for protection and restoration of the environment. This is a conservative estimate.

Let me give the Members some examples of major environmental provisions in this measure. There is a requirement for flood plain management plans for flood control projects. There is broadening of existing authority to modify Corps projects to benefit the environment.

We broaden the scope of existing environmental dredging. We create new aquatic ecosystem restoration programs. There are several provisions to address contaminated river and harbor sediments, including the Great Lakes and the New York-New Jersey Harbor.

We do great work in terms of the Chesapeake Bay habitat Restoration Program and the salmon recovery in the Pacific Northwest. There is a major program to restore the Florida Everglades, and we also do some significant restoration work in the New York City Watershed.

I think the Members get the point. This is the greenest Water Resources Development Act in the history of this body. I proudly identify with it. It is not just me and those of us on the committee that are saying good things about this bill. Let me share with the Members a few excerpts from a letter authored by representatives of American Rivers, the Environmental Defense Fund, the National Wildlife Federation, the Sierra Club, and the Sierra Club Legal Defense Fund.

They say,

> We believe that the conference report . . . makes significant improvements over earlier versions and includes important provisions which reform national flood control policies and expand the U.S. Corps of Engineers environmental restoration programs.
>
> Conference members have required that cost-benefit and environmental studies be completed for authorized projects . . . What good work that is. . . . deleted a provision that would support Missouri River navigation at the expense of recreation, and reduced the federal cost of the bill to $3.8 billion.

It goes on to say more very complimentary things about this bill, and concludes,

> H.R. 3592/S. 640 includes reform of our nation's flood control policies, restores Florida's Everglades and expands the Corps' growing environmental restoration program. We are glad to see positive improvements in the Water Resources Development Act of 1996 and look forward to working with you to continue these reforms.

This is a letter that was addressed to me, to the chairmen, to the gentleman from Minnesota, Mr. OBERSTAR, the gentleman from Pennsylvania, Mr. SHUSTER, everybody, the gentleman from Pennsylvania, Chairman BORSKI. We are all chairmen in this instance, because we have worked so hard to make this a reality.

Let me close by saying no bill of this magnitude gets to the floor of this House with such unanimous endorsement without the hard work of people like Mike Strachn, Ken Kopocis, and Jeff More, and all the people on the staff who did such good work. I urge strong support for the measure.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. I rise in strong support of H.R. 3592, the Water Resources Development Act of 1996. I would like to thank the chairman of the Transportation and Infrastructure Committee, Mr. SHUSTER, and the ranking member, Mr. OBERSTAR, for the opportunity to speak on behalf of this important legislation. I would also like to thank the subcommittee chairman, Mr. BOEHLERT, and ranking member, Mr. BORSKI, for their assistance on two vital initiatives in this conference report that will promote economic development and provide better flood control in southeast Texas.

The Houston Ship Channel widening and dredging project will provide the first major expansion of the Port of Houston in 30 years. It will expand the capabilities of the Port to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs. The Ship Channel expansion project will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world. The project also is unique in that it is supported by a coalition of community and environmental groups, to help reverse decades of environmental degradation of Galveston Bay.

This legislation also constructively addresses the issue of Federal flood control reform. As Congress seeks to balance the budget, the scarcity of Federal dollars for flood control threatens hundreds of projects in southeast Texas and around the country. That is why I have been working with this committee and my fellow Texan, Majority Whip TOM DELAY, to allow local entities to plan and construct Federal flood control projects. Giving local agencies, such as the Harris County Flood Control District, the ability to construct and manage these projects will save lives and property, cut Federal administrative costs and better protect the environment. It will also reduce Federal disaster assistance needed to bail out communities in our area each time it floods.

This legislation includes language designating Harris County Texas, as a test site for allowing local control over flood control. Under this plan, the Federal Government would remain a partner in flood control, but local governments would gain the authority to respond more quickly and innovatively to their communities' flood control needs. Federal flood control policy must adapt to meet increasing budgetary constraints without sacrificing public safety and envrionmental protection. The bottomline will be safer communities and savings for the taxpayers.

This legislation meets the challenges of protecting the environment, promoting economic development, and providing safe and efficient flood control throughout the Houston area. I strongly support the Water Resources Development Act, and I urge my colleagues to join me in voting in favor of this conference report.

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

Mr. Speaker, I am pleased to inform the House that this legislation includes a provision which renames the important Uniontown Lock and Dam on the Ohio river in Indiana and Kentucky, and it shall be known as and designated as the John T. Myers Lock and Dam, named in recognition of the extraordinary contributions to our country by the gentleman from Indiana, the honorable JOHN T. MYERS, who is retiring, and who will be sorely missed in this body. We are just very, very pleased to include this provision.

Mr. Speaker, I am pleased to yield 1 minute to my good friend, the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the full committee, for yielding time to me.

Mr. Speaker, I do want to thank the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from New York [Mr. BOEHLERT], the gentleman from Pennsylvania [Mr. BORSKI], and the gentleman from Minnesota [Mr. OBERSTAR], for working on this bill for many, many months, and creating an excellent piece of legislation in truly a bipartisan fashion. When I say an excellent piece of legislation, this is an economic stimulator for the country, and it is an environmentally sound piece of legislation.

Five quick comments I want to make. It truly does stimulate the economy, imports and exports, as far as this Nation is concerned and its waterways. In Maryland alone, it is directly connected to 18,000 jobs, and many more that are spinoffs, and directly related to $2 billion annual sales as a result of the Baltimore Harbor.

It goes a long way in understanding the nature of sediment control as far as the marine ecosystem is concerned. It has environmental alternatives to disposing of dredged material. It enhances wildlife habitat, which is another $1 billion to the Maryland economy. It goes a long way to understanding the important of eliminating persistent toxic chemicals. This is a great piece of legislation.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I am happy to rise today in support of the Water Resource Development Act of 1996 conference report. I would like to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from New York [Mr. BOEHLERT], and our ranking Democrats, the gentleman from Pennsylvania [Mr. BORSKI] and the gentleman from Minnesota [Mr. OBERSTAR], for their dedication to getting this bill passed in the 104th Congress.

I would also like to thank my colleagues the gentlemen from New Jersey, BOB FRANKS and BOB MENENDEZ, for their efforts on behalf of the Jersey shore and the Port of New York and New Jersey.

This long-awaited bill contains several provisions that are vital to stopping ocean dumping of contaminated dredged materials in New Jersey while protecting jobs in the Port of New York and New Jersey. With this bill, we finally have Federal-local cost sharing of confined disposal facilities, so ports can be dredged and the sediments disposed of in a safe environmental manner.

In addition, this bill reauthorizes a cutting edge sediment decontamination project for the New York-New Jersey Harbor area.

Finally, and very important, thanks to the efforts of the House Coastal Caucus as well as the Senate Coastal Coalition, and the support of the Committee on Transportation and Infrastructure, this bill also maintains the role of the Army Corps of Engineers in much needed shore protection. These are projects that are important to the millions of Americans who live on the coast and whose livelihoods are dependent on the coastal tourism industry.

Mr. BORSKI. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the committee, who has done such an outstanding job not just on this bill, but on leading the Democrats in the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. I thank the gentleman especially for those kind words, Mr. Speaker, and I want to return the compliment to the gentleman from Pennsylvania [Mr. BORSKI] for the steadfast dedication he has devoted on our side to the complex issues of clean water, the Clean Water Act, the Water Resources Development Act, and the many other issues that have come before that subcommittee.

I would also express my very great appreciation to our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], who has led us through many complex issues in the course of this Congress. There will be other bills on which I will also be saying the same thing as we go through these last hours of this Congress, but we have worked together in the time-honored tradition of this committee, the buildings committee of the Congress.

I would say to the gentleman, I appreciate the leadership that he has provided for us, particularly on this legislation and that of the gentleman from New York [Mr. BOEHLERT], who has worked very diligently and exercised visionary leadership on these important issues.

Mr. Speaker, I especially want to express my appreciation to the chairman of the committee for the consideration he gave to me on a matter of importance in my district. Although we could not resolve it satisfactorily, there was a partnership and an understanding that I shall long cherish.

Mr. Speaker, we should support this legislation, the Water Resources Development Act of 1996. We deal here with the oldest infrastructure programs of the whole country. In fact, after the Committee on Ways and Means, the first committee established by the Congress in 1789, the Rivers and Harbors Subcommittee, or committee was created, which later became a subcommittee of this full committee; recognizing, as the Congress did, that to grow as a nation, we needed to develop means of transportation.

Ports were our first cities. America grew up along the water, as 75 percent of our people still live along the water. The first project authorized by the parent and predecessor committee of our Committee on Transportation and Infrastructure was the Fort Henry Lighthouse, guiding navigation.

Mr. Speaker, over the years of development and expansion of the Nation, water resources have been fundamental to our development and growth as an economy and as a people, and as a means of safety and navigation. Today, we continue that grand tradition, that more than 200-year-old tradition of taking the next steps. We continue the development of water-related infrastructure.

Mr. Speaker, virtually every 2 years this committee comes to the House with legislation based on the work of the Corps of Engineers to respond to the needs of carrying goods to market in the most cost-efficient and energy-efficient means, by water; to protect people from floods, from disasters; to restore our shorelines; to deepen the harbors of our great ports and improve the navigation channels.

In 1986, we first called this legislation the Water Resources Development Act. Since then we have come every 2 years, with one exception, in the last Congress, when we passed legislation in the House, having again done our work, and sent the bill to the other body, where, unfortunately, it languished and did not pass.

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So this is 4 years, not just 2 years, of accumulated legislative needs, and we have done our work, again I think in a responsible manner, responding to the usual assortment of flood damage reduction, navigation, storm damage reduction and to continue the work of this committee in emphasizing environmental improvement within the Corps program, environmental restoration and environmental enhancement.

One of the great initiative that we undertook was the great river improvement program, an initiative undertaken by the predecessor of the gentleman in the chair today. Mr. Quie and I together worked on the great river improvement program so that the Corps would be required to contemporaneously undertake the environmental improvements at the same time it was doing the navigation improvements, so that we would not have the navigation first and the environmental damage later. The two, environmental protection and enhancement, worked hand in hand and that is a great legacy to the gentleman from Minnesota, Mr. Quie, years ago, but again within the ambit of the Corps of Engineers programs. The Corps often takes a rap for effects on the environment, and I just want to take that moment to point out how the Corps has done such wonderful work to protect the environment.

This legislation does raise the minimum non-Federal share of protect costs from 25 to 35 percent. It does not go as far as the administration bill requested, but it is a responsible step and I think the chairman has sensitively understood the needs of communities that have already made commitments and made plans, that to go beyond 35 percent would put unreasonable financial burdens.

The legislation also addresses the concerns of our committee and our colleagues to provide meaningful ability to pay relief for lower-income communities, and this legislation will provide that kind of help that was envisioned when the 1986 WRDA act was first enacted for helping lower-income communities.

For the Great Lakes I am particularly pleased that we continue the important sharing of costs on confined disposal facilities for dredge materials to protect those extremely sensitive waters of the Great Lakes which represent one-fifth of all fresh water on the face of the earth.

The conference report, however, is not perfect. The bill, I feel, does not go far enough in adequately balancing structural and nonstructural options in the Federal flood control program. I am troubled by provisions that have the effect of legislatively interfering in the 404 wetlands permitting program under the Clean Water Act and the implementation of the national flood insurance program. Both of those provisions, I think, are an unnecessary intrusion and should not be considered precedent for future legislation.

The conference report also has language included at the insistence of the other body that abrogates, in the case of one project, cost-sharing rules, cost-sharing rules that were insisted upon by the other body many years ago. For one project, they were required to provide land easements and right of way but no cash in a matching basis for its project. We have steadfastly opposed repeal of cost-sharing rules for any project, and we should not do that in this case.

Those shortcomings mentioned and noted, I think, for the record, this is a good bill. This is good, solid legislation. Ninety-eight percent of this bill is good policy, good initiative, good for the country, good for the community is serves and will stand as a legacy to the gentleman from Pennsylvania [Mr. SHUSTER], our chairman of the full committee, the gentleman from New York [Mr. BOEHLERT], and to the gentleman from Pennsylvania [Mr. BORSKI] who has labored so hard. I urge passage of this bill.

Mr. SHUSTER. Mr. Speaker, first I would like to thank my good friend for his comments and emphasize that indeed on the very important project in Minnesota, there will be another day and we shall be back together working hard to make it come true.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I commend my friends, Mr. BOEHLERT and Chairman SHUSTER, for their dedicated work. The citizens of Florida's southwest coast recognize the importance of maintaining proper stewardship of our water resources. I am very pleased that this bill contains vital Everglades restoration provisions to promote the innovative partnership that has formed between the State of Florida and the Army Corps of Engineers; speeding up the restoration process by many years through proactively reducing bureaucratic red tape and formalizing the joint Federal-State working group. I am also pleased this bill includes legislation introduced by my Florida colleague CLAY SHAW that will overturn an unfortunate Presidential policy and ensure the continued involvement of the corps in worthwhile beach restoration projects. Overall, this is a good bill for Florida's citizens and Florida's environment as it is for all America and I urge my colleagues to support it.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE], a valuable member of the committee.

Mr. WISE. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, the gentleman from Minnesota [Mr. OBERSTAR], our ranking member, the gentleman from New York [Mr. BOEHLERT], and the gentleman from Pennsylvania [Mr. BORSKI]. They are true examples of what, working together, Republicans and Democrats can do to move this country forward.

Infrastructure is vital to this country. The infrastructure in this bill will move a lot of our areas forward. I want to point out particularly how important it was to get the $229 million authorization that is in this bill for the

Marmet locks and dam upgrade project. This is a project, a lock and dam that moves the second largest amount of traffic in our country right behind the Winfield lock and dams which is presently being upgraded. And most significantly why this is so important to those people in the Belle region, because for years they have known that this was coming but without this authorization, a couple of hundred families could not make the necessary decisions about what to do with their lives and their property. Happily this now provides the authorization for the Corps of Engineers to move forward. We still need to get the appropriation, the budget money for it, but now we know that this project is going to be built. And so we will be able to move large jumbo barges through whereas before we could only move the smaller barges and suffer the delays as a result. Likewise, for central West Virginia which has been hard hit in flooding, the language in here could greatly help the Moorefield residents which were hard hit in January and even devastated further in the floods of September. This gives us the vehicle to move forward with the Corps of Engineers and move those flood control projects forward, too, in a way that is beneficial to the community.

I just want to thank those who have made this bill possible. This bill is moving now, it is going to pass, it is going to go to the President, and we can get about the business of building America even more.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the Subcommittee on Public Buildings and Economic Development.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. BORSKI] and commend him for the fine job he has done in representing the interests of many of the Democrats in some of the important projects they had on this bill as well as the gentleman from Minnesota [Mr. OBERSTAR]. I want to thank the gentleman from New York [Mr. BOEHLERT] and the gentleman from Pennsylvania [Mr. SHUSTER] for being fair to all concerns. But I would like to say this: that there are many of us who did not join this committee for cerebral stimulation.

Mr. Speaker, this Nation must improve its infrastructure and I believe that there is much more that we can and should be doing, and I think that public works is most important. It will help to put people to work in our country, and improve the quality of life.

Specifically I want to thank the committee for three projects that will be happening in my district. First, the Army Corps to plan and assist with a regional water system for our valley, absolutely necessary; to make improvements to the Gerard Lake and in fact make repairs at that spillway; and finally, the environmental dredging program for the Mahoning River that cuts right through the city of Youngstown from the Beaver River on up through all that old steel mill property that has been polluted for years. This will help to clean up the city of Youngstown.

So I am hoping that in the future all this business of being afraid of earmarks, being afraid of pork barrels, keep this in mind. These are taxpayer dollars that come from our communities, put back into our communities, and I would hope that our venerable leader, the gentleman from Minnesota [Mr. OBERSTAR], will continue to push hard for the inclusion of these projects for both Democrats and Republicans. I also want to say that the gentleman from Pennsylvania [Mr. SHUSTER] has been a war horse as well, and without these two fellows specifically, I think a lot of improvements to our Nation's infrastructure would never have been made with some of the so-called new philosophy we have around here.

I like the old-fashioned take care of our own, take care of America, and I want to thank the gentleman from Pennsylvania [Mr. SHUSTER], a Pitt man, for his help and the gentleman from Minnesota [Mr. OBERSTAR].

Mr. SHUSTER. Mr. Speaker, I want to thank the great former quarterback from the University of Pittsburgh for his kind comments.

Mr. BORSKI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise to support S. 640 to emphasize a provision that strengthens our commitment to one of America's greatest natural treasures—the Florida Everglades.

This legislation contains measures that will expedite restoration of this endangered ecosystem, authorize critical new resources, and cut through bureaucratic redtape. Mr. Speaker, this bill directs the Army Corps of Engineers to complete its comprehensive Everglades restoration plan and report this plan to Congress by July 1, 1999. The bill also codifies the partnership between the Federal, State, and local agencies which are involved with this effort. This will facilitate better cooperation and information sharing so we can finish the job as soon as possible. Finally, Mr. Speaker, there are many critical projects which must be completed now. Accordingly, this bill authorizes $75 million in new resources to construct projects which are critical to restoration.

I thank my colleagues for supporting this bipartisan accomplishment, and I urge passage of the bill.

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

I want to particularly recognize Mike Strachn and Ken Kopocis who have really been the lead staffers on both sides of the aisle for the tremendous job they have done on this legislation.

Finally and very importantly, Mr. Speaker, I would like to take a moment to recognize the extraordinary service to the House and most particularly to our committee of Erla Youmans. Erla, the committee administrator, is retiring at the end of this Congress.

She began her career in the House when she went to work for Congressman Gordon Scherer in 1958. She went to work for the Public Works Committee in 1962 and since then has worked for 7 senior Republican Members.

After a number of years serving as the committee minority administrator, Erla finally had the opportunity in 1995 to become the majority administrator. Erla has provided invaluable service to the Members on both sides of the aisle throughout her career, but most particularly in the last 2 years in ensuring that the committee has run smoothly and efficiently.

I am sure all of the members of the committee join me in thanking Erla Youmans for her outstanding contribution and in wishing her well in her retirement for many, many years in the future.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I want to join with him in recognizing Erla Youmans and paying tribute to her.

She started with the committee a year before I did, in 1963, is when I came then to work for my predecessor, John Blatnik. But I started on the Rivers and Harbors Subcommittee as what was quaintly known as a clerk in those days, and Erla was there. She has been there all through the years since then, and worked in such a bipartisan manner, years later that I realized she worked for the Republican side of the committee. We did not know the distinction.

She gave 38 years to government service, 36 of them with the committee on Public Works and then Committee on Public Works and Transportation, now Transportation and Infrastructure. We served 6 years together, those first 2 years as I worked on the subcommittee and then 4 years when I was administrator of the Public Works Committee staff. In every respect, Erla was a thorough-going professional.

I just kind of looked it up the other day. If she had been a Member all these years, she would rank third in seniority, having begun her service in the 85th Congress. That is a long and dedicated career. She has made such a lasting contribution. Many Members come through here, they might get a bill passed, they might even get an amendment passed, they might even have something become law. Erla has presided over many bills, many laws, too numerous to mention, provided enormous service. A person of great patience, devotion, deep professionalism, and now she, as the chairman said, had the opportunity, which I am very happy for her, to have served as the majority staff person and run a very smooth and efficient operation.

I am going to miss Erla. Always a ready smile, always a warm word, always a kind person, and always a professional.

Mr. SHUSTER. I thank my good friend for his comments.

Mr. PORTMAN. Mr. Speaker, I rise today in strong support of a particular provision contained in the Water Resources Development Act conference report. This provision directs the Secretary of the Army to convey a parcel of land under the jurisdiction of the Corps of Engineers to the Village of Mariemont, OH.

Mr. Speaker, this legislation is very important to Mariemont because it will enable the village to relocate its maintenance facility to the former Army Corps land, and move MariElders, a center for older adults that has been displaced from its site, to the refurbished maintenance facility.

This legislation also makes good fiscal sense. The Army Corps land has an appraised value of $85,000. Mr. Speaker, the conference report transfers the land to Mariemont for the appraised amount and will put the property to productive use. In addition, the property has been screened by the General Services Administration [GSA] and no other Federal agency has expressed interest in the site.

I commend chairman SHUSTER, chairman BOEHLERT, and the conferees for incorporating this provision in the conference report, and urge all my colleagues to support this legislation.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this legislation which will put to an end a long and very contentious chapter in the history of North Bonneville.

This legislation would resolve a long-standing dispute between the city of North Bonneville and the Federal Government that occurred when the city was relocated in the 1970's. It would be a vital step forward in the recovery of a community that has been severely impacted by this relocation.

This community has been economically devastated through a combination of factors outside their control, particularly the downturn of the timber industry. This legislation will convey key parcels of land to the city that will create jobs by giving the county a land base to attract businesses to the area. In fact, this might be the most important jobs bill this county has seen in a long time because for many years, the city has not had industrial land that could bring in family-wage jobs.

I want to thank public officials in the community of North Bonneville for their support of this legislation. I particularly want to commend Mayor Keith Chamberlain for being a strong advocate of this legislation.

I urge my colleagues to support this important legislation.

Mr. CRANE. I rise today in support of the conference report on S. 640, the Water Resources Development Act [WRDA] of 1996. Once again, the 104th Congress is on the verge of an accomplishment that eluded its predecessor, passage of a measure that authorizes and reauthorizes a number of important water-related projects in a fiscally responsible manner.

One such project deserves particular mention by this Member, not just because it is in his congressional district, but due to the environmental and economic benefits it can provide to many places around the country in the future. I refer specifically to the Des Plaines River Wetlands Demonstration Project [DPRWDP] adjacent to Wadsworth in northern Illinois. Since its inception over a decade ago, this internationally recognized research effort has produced, and continues to produce, invaluable data that will facilitate the rehabilitation, restoration, maintenance and/or expansion of our nation's wetlands. In the process, information has been, and is being, developed that has significant and positive implications for habitat conservation, species enhancement and flood control efforts as well. In addition, the success of two wetlands mitigation banks at the DPRWDP is providing further evidence that environmental protection imperatives can, indeed, be reconciled with the manifestations of economic growth. But, for all these potential benefits to be fully realized, additional funds are needed to complete the research and to prepare a how to manual that will enable interested parties to put the findings to good use.

To date, almost $9 million has been contributed to the research work at the DPRWDP, only $1.9 million of which has come from the Federal Government. However, another $2.2 million in Federal funds was authorized by the 1988 WRDA, only $125,000 of which has actually been expended. Enactment of this conference report would once again give the DPRWDP an equal chance to compete for the rest of those monies, which is all one can ask in this era of tight budget constraints. That being the case, I urge my colleagues to give this project, and the conference report in which it is reauthorized, their support. Both will redound to the future benefit of America.

Mrs. LINCOLN. Mr. Speaker, I rise today to support this conference report and salute the hard work of chairman SHUSTER and ranking member OBERSTAR.

I believe this bill to be one of the most important that we undertake in this Congress. The wise use of America's water resources is critical to the environmental and economic well-being of this Nation. This fact is evident in the First Congressional District of Arkansas, which I represent. The first district is one of the most productive agricultural district in the Nation, ranking No. 1 in the production of rice, No. 3 in soybeans, and No. 6 in cotton. Our water supply is vital to the production of agricultural commodities as well as their transportation to market.

Messrs. SHUSTER and OBERSTAR were kind enough to work with me on three projects that are vital to the first district. The first is the Grand Prairie-Bayou Meto project that lies in the heart of Arkansas' rice production. The alluvial aquifer that supports this area is rapidly being depleted and unless something is done by 2015 the area stands to suffer irreparable economic damage and the Nation would lose a large percentage of its domestic rice supply. The project reauthorized in this bill will allow work on this vital project to begin so that the aquifer can be restored without economic or environmental damage to our State.

The second project is the White River Navigation Project. The White River is a 255-mile river that flows from the Ozark Mountain to the Mississippi River through the heart of the Arkansas Delta. It flows through the Grand Prairie of which I just spoke, and is a great resource for agricultural and industrial commerce, but only part of the year. The commercial channel of the river has only a 5-foot depth which is inadequate to accommodate the standard 9-foot draft barges employed around the country today. The reauthorization project that is included in this bill will allow development of a commercially viable 9-foot channel that can be utilized during the entire year.

I was also very pleased that members of the conference saw fit to include language which would ensure that new cost sharing requirements on Corps projects would not apply to works which have already been authorized, but on which construction has yet to begin. The Helena and Vicinity flood control project in the town of Helena, Arkansas on the Mississippi was first authorized by this Congress in 1986. However, the local community contribution was not worked out until a year ago, delaying the beginning of construction. It would have been patently unfair to raise the bar on this type of project after years of hard work by local citizens and the Corps of Engineers. I am very pleased that the drafters of this bill had the foresight to impose the new cost-sharing requirements only on projects authorized in this bill and beyond.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in support of the conference report for H.R. 3592, the Water Resources Development Act of 1996. I commend Chairman BUD SHUSTER and Chairman SHERWOOD BOEHLERT for their diligent work in writing this important legislation.

This bill contains several provisions that I introduced in legislation earlier this year to help our Nation's ports. First, this bill provides for a Federal cost-sharing mechanism for the upland disposal of dredged material. This updates the current cost-sharing mechanism that provides for only ocean disposal of dredged material. Second, this bill allows ports to take advantage of the $600 million surplus in the Harbor Maintenance Trust Fund by allowing the fund to be used for the Federal share of upland disposal, and for the construction of containment facilities that are needed to hold contaminated material. Third, this bill doubles the funding authorization for the EPA's sediment decontamination pilot study, which will allow for the environmental restoration of harbor floors.

In addition, this legislation contains a provision I have worked on for several years regarding flood control projects. Currently, the prevention of the loss of life is not one of the principal criteria used in deciding whether to proceed with a particular water resources project. H.R. 3592 will elevate the criteria of saving human life, rather than economic benefit, in the prioritization of these projects.

I would also like to commend the chairman for including language that calls for a greater utilization of private industry to perform the Corps' hopper dredge work. I would have preferred a much broader provision than what is contained in the bill, but I am pleased that the Committee is taking an important first step toward reaping the economic benefits that greater reliance on the private sector will yield. I intend to work closely with the committee leadership to evaluate the results of this study and to push forward for greater privatization if, as I suspect, the results are promising.

I have enjoyed working with the committee on this legislation, and I urge my colleagues to support this bill.

Mr. MARTINI. Mr. Speaker, I want to take this opportunity to thank the Water Resources Subcommittee Chairman BOEHLERT, and all other committee members and staff who

worked tirelessly to put together a fair and economically responsible WRDA bill.

This bill has carefully balanced the interests of environmentalists with those in the business community and provided the language that will enable our ports to once again flourish, our citizens to be protected from flooding, our environment to be protected, and our taxpayers' dollars to be wisely and not frivolously spent.

I would like to specifically mention a couple of provisions in the bill that are of great importance to the citizens in my district. The Water Resources Development Act includes authorized funds for a buyout alternative to the Passaic River Flood Tunnel.

Back in 1994 when I was first running for Congress, I recognized the importance of flood protection to the citizens of the Eighth Congressional District in New Jersey. In addition, I recognized that there must be a more economically and environmentally sound flood control alternative to an authorized flood tunnel with a price tag of $1.9 billion that would have extensive negative affects on area wetlands and the existing ecosystems.

By authorizing $194 million for the buyout alternative, we are taking great strides towards both flood protection for our citizens and environmental protection for the Passaic River, while saving the taxpayer money.

Also included in the bill is continued authorization for the Molly Ann's Brook flood protection project. I am pleased that the committee treated this project with the urgency and priority that it deserves. This project will provide critical flood protection to many residents of Haledon, Prospect Park and the city of Paterson.

Once again, I extend my thanks to the committee. The Water Resources Development Act of 1996 is a clear example of the 104th making things happen and protecting the interests of not only the citizens of New Jersey, but the interests of all Americans.

Mr. DELAY. Mr. Speaker, I would like to commend Chairmen SHUSTER and BOEHLERT, as well as Mr. OBERSTAR and Mr. BORSKI, for all their hand work on this bill, and rise in strong support of this legislation. I came to the floor earlier this summer when the bill first came through the House to discuss two provisions critical to the Houston area, and am very pleased that these provisions remain in this final conference report.

One of these is the authorization of funding to deepen and widen the Houston Ship Channel. These improvements are essential to the economic development not only of the region, but of the country generally, as the Houston Ship Channel is a critical economic lifeline between our Nation and the rest of the world.

The improvements authorized are also consistent with the Port's and my enduring commitment to the environment. The dredged material from the Ship Channel project will be used to create over 4,000 acres of additional marsh land to be used in developing bird islands, boater destinations, and shoreline erosion projects.

The second provision in this bill allows certain flood control districts to carry out flood control projects with far greater flexibility than ever before.

Although still subject to the high standards set by the Corps of Engineers, my Harris County Flood Control District officials will now be able to plan, study, design and construct these projects with greater independence and more input from the local community.

I am convinced that Harris County will demonstrate that it can design and construct flood projects faster and cheaper when it is not burdened by Federal redtape.

In fact, I am told that the Harris County projects will not only be completed much sooner than projected by the Corps, they will be completed at a total cost that is as much as 35 percent less than that projected by the Corps.

Again, I strongly support this legislation and urge my colleagues to support it, as well.

Mr. FAZIO of California. Mr. Speaker, I rise in support of the bill. I would just like to point out one clarification to Section 101(a)(1)(D) of the conference report, which relates to the cost-sharing associated with the variable flood control operation of Folsom Dam and Reservoir.

Specifically, it is the intent of this provision that the local, non-Federal share of the costs of the variable flood control operation of Folsom Dam not exceed 25 percent. It is also the intent of the conference agreement that the remaining 75 percent of the costs associated with the variable flood control operation of Folsom Dam and Reservoir be the responsibility of the United States and that such costs shall be considered a nonreimbursable expense. In other words, these costs should not be passed onto the water and power ratepayers of California.

It is the intent of this provision that the costs associated with the variable flood control operation of Folsom Dam and Reservoir be shared between the non-Federal project and sponsor and the Federal Government. It was not the intent of the conferees that Californians' be required to assume the full burden of the provision of interim flood protection to the citizens of Sacramento.

Mr. MATSUI. Mr. Speaker, the conference report for S. 640, the Water Resources Development Act, contains several important provisions for the area that I represent. There is no doubt that these steps will improve the flood control system for the city of Sacramento and afford a level of additional safety to the citizens of my district.

Despite the inclusion of these provisions, I would note with grave disappointment that with the final approval of this conference report, another Corps of Engineers authorization will have passed the Congress without inclusion of a comprehensive plan to address the severe flood threat facing the Sacramento area. As a result, 400,000 people in Sacramento will continue to face an unacceptable threat of flooding. Our flood control system will be able to achieve the 100-year protection level established as an actuarial baseline by the Federal Emergency Management Agency. Nonetheless, it will be far short of what is tolerable for a highly urbanized area like Sacramento.

Given the very short warning period that Sacramento would have before a flood event occurred, this threat is more than just a matter of tremendous economic risk for our region. Lives will continue to be unnecessarily at risk until a comprehensive plan for protecting Sacramento from the American River is authorized and constructed. I am deeply committed to working for a comprehensive solution to this problem, and I am anxious to continue to build upon the progress toward such a result embodied in this bill.

I would also like to take an opportunity to address one specific aspect of the conference report. Section 101(a)(1)(D) of the conference report directs that the non-Federal participant in the project for the American River Watershed shall bear only a 25-percent share of the costs associated with the variable flood control operation (reoperation) of Folsom Dam and Reservoir for a 4-year period. This provision modifies similar language in H.R. 3592 as passed by the House.

I would like to underscore that it was the clear intent of the Sacramento delegation, in working with the Transportation and Infrastructure Committee on this provision, that the Federal share of reoperation costs would be nonreimbursable—in other words, that these costs could not be passed along to California water and power ratepayers. Only in this way will we actually limit the non-Federal share of costs associated with the variable flood control operation of Folsom Dam and Reservoir to 25 percent, as called for by the conference report.

Finally, I would like to thank the members of the Transportation and Infrastructure Committee, particularly Chairman BUD SHUSTER and the ranking member, JAMES OBERSTAR, as well as SHERWOOD BOEHLERT and ROBERT BORSKI, respectively the chairman and ranking member of the Water Resources and Environment Subcommittee. Without their assistance, we certainly would not have been able to take the important steps forward for Sacramento that were included in this bill.

Ms. DELAURO. Mr. Speaker, I want to commend Chairman BOEHLERT and Ranking Democrat BORSKI on a job well done. The Water Resources Development Act was perhaps the most bipartisan effort of the 104th Congress.

I am particularly pleased because this bill will enable major projects in my congressional district in Connecticut to move forward.

The bill eliminates federal jurisdiction over three local channel projects that are currently on hold in my district. In one case, a deauthorization will enable a state financed bridge project to be constructed—at no additional cost to taxpayers.

I also want to commend my colleagues for authorizing the construction of an erosion barrier for Faulkner's Island, a federally owned wildlife refuge in the Long Island Sound. This refuge is a migratory resting site for over 300 species of birds, including threatened and endangered species. It also encompasses a working light house commissioned by Thomas Jefferson that would fall into the Sound in 15 years if the erosion is not stopped.

Thank you again for your work on this bill. I urge my colleagues to pass this measure.

Mr. RAHALL. Mr. Speaker, I rise in support of S. 640, the conference agreement on the Water Resources Development Act of 1996. The House version of this bill, H.R. 3592, passed this body on July 29 of this year.

The enactment of this legislation is overdue. Many places of the country, such as West Virginia, continue to be subjected to severe flooding. In fact, many places of my Congressional District have spent a good part of this last year under federal disaster declarations.

With this said, while I am pleased that we are finally gaining the enactment of this legislation, I would have preferred to see many of the provisions of the version as passed by the House have remained unmodified by the Senate. In this respect, this conference agreement at the insistence of the Senate Conferees scaled back certain House provisions such as the one relating to flood control in the

Greenbrier Basin of West Virginia that I sponsored. The fight we have had in gaining approval of this provision, which does not include the construction of a main-stem dam, illustrates that it would be virtually impossible for supporters of a dam on this river to be successful. In effect, in this bill we have been reduced to a $12 million authorization for non-dam alternatives. It is, as such, highly improbable that anyone could have succeeded in obtaining over $100 million for a dam in an era when the Congress is simply not approving new main-stem flood control dams.

Following is an explanation of those provisions I sponsored in this legislation.

SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD CONTROL

The subject of providing flood control along the Greenbrier River Basin in West Virginia has been considered for many years. At some point in the 1930s, a main-stem dam was authorized, known as the Big Bend project. However, in 1974, at the recommendation of the Corps of Engineers, this project was deauthorized. This lack of interest in providing flood control protections for the Greenbrier was short-lived. In 1978, the Huntington District of the Corps of Engineers undertook a flood control study for the basin. The study was ready for release in 1985. However, in that year, a flood of record occurred which the caused the Corps to look into other methods of flood control. Prior to 1985, the Corps was ready to recommend channel improvements in the area of Marlinton (Pocahontas County) as a means of flood control.

In 1994, preliminary findings of the study indicated that a single-purpose flood control dam on the Greenbrier River upstream from Marlinton may offer the greatest potential for providing flood protections against a reoccurrence of the 1985 flood. This type of project, however, had a low cost-benefit ratio and the Huntington District decided to evaluate a non-structural flood plain management approach. Meanwhile, earlier this year, in January, the area experienced a flood which exceed the one in 1985. The Corps decided not to release its study, but rather, to update it with the data from the January 1996 event. In May, the Greenbrier River once again left its banks and in certain areas, exceeded the flood level experienced in January.

The communities along the river have been divided on the question of the proposed main-stem dam. With the defeat of the proposed Auburn Dam during the Committee on Transportation and Infrastructure's consideration of H.R. 3592, and the fact that the cost-benefit ratio associated with any type of Greenbrier River dam even with an updated study would not pass Corps let alone Congressional muster, it became apparent that some type of alternative flood control protections should be pursued for the Greenbrier Basin.

The provision which passed the House of Representatives as section 580 of H.R. 3592 would have authorized $20 million for the Corps of Engineers to design and implement a flood damage reduction program for the Greenbrier River Basin in the vicinity of Durbin, Cass, Marlinton, Renick, Ronceverte and Alderson. In consultation with these communities, flood control activities that could be undertaken includes levees, floodwalls, channelization, small tributary stream impoundments and nonstructural measures such as individual flood proofing. In addition, also authorized are floodplain relocations, floodplain evacuations, and a comprehensive river corridor management plan.

In Conference with the Senate, the House provision was modified by reducing the $20 million authorization to $12 million. Further, the innovative cost-benefit considerations included in the House-passed bill were objected to by the Senate, and this provision was dropped.

SEC. 359. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION

Section 340 of the Water Resources Development Act of 1992 authorized an environmental restoration infrastructure and resource protection development pilot program in southern West Virginia. Under this provision, the U.S. Army Corps of Engineers is to provide design and construction assistance for publicly owned projects such as wastewater treatment and water supply facilities through local cooperation agreements with non-Federal entities such as, for example, a county commission or public service district. In addition, appropriated amounts for the pilot program must be matched on a 75% federal/25% local basis.

To date, the full $5 million authorized for the program in 1992 has been appropriated and the Huntington District of the Corps of Engineers is engaged in two projects: a wastewater system in Gilbert and a water supply system in Summers/Mercer Counties. However, the authorized level of $5 million is unduly restrictive and will serve to limit the potential benefits this demonstration project has for the Nation.

H.R. 3592 as passed by the House would increase the authorization to $25 million and make sundry technical amendments which the Corps' has identified as facilitating the implementation of the program. In Conference with the Senate, the $25 million authorization increase was modified to $20 million.

SEC. 357. BLUESTONE LAKE, WEST VIRGINIA

Section 102(ff) of the Water Resources Development Act of 1992 authorized and directed the Army Corps of Engineers to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of Bluestone Lake project. As part of the implementation of this directive, some concern has been raised that the removal of all woody debris may adversely affect the biological integrity of the New River. For this reason, H.R. 3592 as passed by the House, and maintained in the Conference Report, would provide for the release of that organic matter necessary to maintain and enhance the biological resources of such waters and such non-obtrusive items of debris as may not be economically feasible to prevent being release through the project.

In implementing this provision, the Secretary should not construe the amendment being made as allowing the release of substantial amounts of accumulated drift and debris. In this regard, the amendment conforms this provision of law with the Secretary's responsibility under section 1110 of the National Parks and Recreation Act of 1978 to provide for the release of water from the Bluestone Lake project in a manner to facilitate protection of the biological resources of the New River. I would further note that this amendment is being adopted in anticipation of a Memorandum of Understanding being entered into between the Corps of Engineers, the National Park Service and the State of West Virginia relating to river cleanup responsibilities downstream of Bluestone Dam.

SEC. 580. LOWER MUD RIVER, WEST VIRGINIA

Originally envisioned as a P.L. 83–566 watershed protection and flood prevention project, the Watershed Plan and Environmental Impact Statement has been completed for the Lower Mud River, West Virginia, and section 401 and 404 permits secured. The proposed project is aimed at preventing flooding in the City of Milton (Cabell County) through channel work (widening and straightening the flood channel) of the Lower Mud River and includes both on- and off-site wetlands mitigation. In light of the fact that the Natural Resources Conservation Service is no longer being authorized or funded to undertake projects of this nature, H.R. 3592 as passed by the House and agreed to in the Conference Report provides for this project to be completed by the U.S. Army Corps of Engineers. The total project cost is $20,159,000, with an estimated Federal cost of $15,426,000 and an estimated non-Federal cost of $4,733,100.

SEC. 360. WEST VIRGINIA TRAIL HEAD FACILITIES

Section 306 of the Water Resources Development Act of 1992 directed the Corps of Engineers to conduct a study and develop a plan for trailhead facilities connected several Corps facilities in southern West Virginia. In devising the report, the Corps entered into an interagency agreement with the Bureau of Land Management and the National Park Service. Earlier this year, the Corps published a ''West Virginia Trailhead Facility Study, Final Report.'' This report constitutes a Master Plan to guide in the development, management and operation of a regional system of recreational trails.

The development of the trail system will be undertaken by a non-federal entity: the Hatfield-McCoy Regional Recreation Authority established by the State of West Virginia. However, as part of the development and management of the trail system, the Authority is seeking continued technical assistance from the Corps and BLM. H.R. 3592 as passed by the House, and as agreed to in the Conference Report, provides for the Corps to enter into an interagency agreement with the BLM for the purpose of providing ongoing technical assistance and oversight for the trail facilities envisioned in the master plan. Under this provision, the BLM must provide this assistance and oversight. It intended for this assistance and oversight to be undertaken with the trail Authority.

SEC. 229. MARSHALL UNIVERSITY, WEST VIRGINIA

H.R. 3592 as passed by the House contained a provision authorizing the Corps of Engineers to enter into a cooperative agreement with Marshall University to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences. The House bill also contained a generic provision of this nature, entitled ''Support of Army Civil Works Program,'' relating to relationships through which the Corps could enter into with colleges and universities, among other entities. In Conference with the Senate, the House provision relating solely to Marshall University was dropped with the intention that it be covered by the generic House provision which was retained by the Conference Committee and a specific reference to Marshall University was included in the Statement of Managers discussion of this provision.

Under this provision, it is intended for the Corps of Engineers and Marshall's Environmental Center to work together in dealing with environmental contamination in the Central Appalachian Region and to provide national leadership in this area.

Envisioned activities under the cooperative agreement would include, among other items: (1) the development of innovative technologies for all aspects of handling hazardous waste, including management, treatment, remediation, restoration, mitigation and disposal projects; (2) research to improve the understanding of the processes of groundwater contamination and subsequent

migration/diffusion; (3) the development and application of modern computer technologies for the collection and management of large volumes of scientific and other data characterizing the various environmental problems located in or affecting activities within the region; (4) environmental technology transfer; and (5) public education about the many regional environmental issues, problems and hazards.

SEC. 539. ACID MINE DRAINAGE MITIGATION, NEW RIVER, WEST VIRGINIA

Acid mine drainage from abandoned coal mines is perhaps the single most serious water quality problem in many parts of the Appalachian Region. In fact, nationwide, over 12,000 miles of rivers and streams and over 180,000 acres of lakes and reservoirs are contaminated due to acidic and toxic drainage from abandoned mines. Because of the magnitude of the problems associated with acid mine drainage from abandoned coal mines, and the lack of progress made to date in addressing this issue, H.R. 3592 as passed by the House authorized the Corps of Engineers to undertake certain demonstration projects aimed at abatement and mitigation of acid mine drainage caused by abandoned mines, as well as degradation caused by the lack of sanitary wastewater treatment facilities. As modified by the Conference Committee, the provision is limited to the Corps providing technical assistance for these projects. Under the Conference Agreement, $1.5 million is authorized for the Corps to provide technical assistance for projects in the New River, West Virginia.

In conducting these activities, it is intended for the Corps to focus on Dunloup Creek, Manns Creek, Wolf Creek and Piney Creeks of the New River watershed. In this regard, the Corps is to cooperate with the Federal entity with administrative jurisdiction over the lands within such watersheds, the National Park Service, and if appropriate, with the West Virginia Division of Environmental Protection.

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

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and agree to the conference report on the Senate bill, S. 640.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1645

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

TITLE I—NTSB AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Transportation Safety Board Amendments of 1996''.

SEC. 102. FOREIGN INVESTIGATIONS.

Section 1114 of title 49, United States Code, is amended—

(1) by striking ''(b) and (c)'' in subsection (a) and inserting ''(b), (c), and (e)''; and

(2) by adding at the end the following:

''(e) FOREIGN INVESTIGATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

''(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

''(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

''(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations.''.

SEC. 103. PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.

Section 1114(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information.''.

SEC. 104. TRAINING.

Section 1115 of title 49, United States Code, is amended by adding at the end the following:

''(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigation. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the 'National Transportation Safety Board, Salaries and Expenses' as offsetting collections.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended—

(1) by striking ''and''; and

(2) by inserting before the period at the end of the first sentence the following: '', $42,400,00 for fiscal year 1997, $44,400,000 for fiscal year 1998, and $46,600,000 for fiscal year 1999.''.

TITLE II—INTERMODAL TRANSPORTATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Intermodal Safe Container Transportation Amendments Act of 1996''.

SEC. 202. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49 of the United States Code.

SEC. 203. DEFINITIONS.

Section 5901 (relating to definitions) is amended—

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

''(1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

''(6) 'gross cargo weight' means the weight of the cargo, packaging materials (including ice), pallets, and dunnage.''.

SEC. 204. NOTIFICATION AND CERTIFICATION.

(a) PRIOR NOTIFICATION.—Subsection (a) of section 5902 (relating to prior notification) is amended—

(1) by striking ''Before a person tenders to a first carrier for intermodal transportation a'' and inserting ''If the first carrier to which any'';

(2) by striking ''10,000 pounds (including packing material and pallets), the person shall give the carrier a written'' and inserting ''29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a'';

(3) by striking ''trailer.'' and inserting ''trailer before the tendering of the container or trailer.'';

(4) by striking ''electronically.'' and inserting ''electronically or by telephone.''; and

(5) by adding at the end thereof the following: ''This subsection applies to any person within the United States who tenders a container or trailer subject to this chapter for intermodal transportation if the first carrier is a motor carrier.''.

(b) CERTIFICATION.—Subsection (b) of section 5902 (relating to certification) is amended to read as follows:

''(b) CERTIFICATION.—

''(1) IN GENERAL.—A person who tenders a loaded container or trailer with an actual gross cargo weight of more than 29,000 pounds to a first carrier for intermodal transportation shall provide a certification of the contents of the container or trailer in writing, or electronically, before or when the container or trailer is so tendered.

''(2) CONTENTS OF CERTIFICATION.—The certification required by paragraph (1) shall include—

''(A) the actual gross cargo weight;

''(B) a reasonable description of the contents of the container or trailer;

''(C) the identity of the certifying party;

''(D) the container or trailer number; and

''(E) the date of certification or transfer of data to another document, as provided for in paragraph (3).

''(3) TRANSFER OF CERTIFICATION DATA.—A carrier who receives a certification may transfer the information contained in the certification to another document or to electric format for forwarding to a subsequent carrier. The person transferring the information shall state on the forwarded document the date on which the data was transferred and the identity of the party who performed the transfer.

''(4) SHIPPING DOCUMENTS.—For purposes of this chapter, a shipping document, prepared by the person who tenders a container or trailer to a first carrier, that contains the information required by paragraph (2) meets the requirements of paragraph (1).

''(5) USE OF 'FREIGHT ALL KINDS' TERM.—The term 'Freight All Kinds' or 'FAK' may not be used for the purpose of certification under section 5902(b) after December 31, 2000, as a commodity description for a trailer or container if the weight of any commodity in the trailer or container equals or exceeds 20 percent of the total weight of the contents of the trailer or container. This subsection does not prohibit the use of the term after that date for rating purposes.

''(6) SEPARATE DOCUMENT MARKING.—If a separate document is used to meet the requirements of paragraph (1), it shall be conspicuously marked 'INTERMODAL CERTIFICATION'.

''(7) APPLICABILITY.—This subsection applies to any person, domestic or foreign, who first tenders a container or trailer subject to this chapter for intermodal transportation within the United States.''.

(c) FORWARDING CERTIFICATIONS.—Subsection (c) of section 5902 (relating to forwarding certifications to subsequent carriers) is amended—

(1) by striking ''transportation.'' and inserting ''transportation before or when the loaded intermodal container or trailer is tendered to the subsequent carrier. If no certification is received by the subsequent carrier before or when the container or trailer is tendered to it, the subsequent carrier may presume that no certification is required.''; and

(2) by adding at the end thereof the following: ''If a person inaccurately transfers the information on the certification, or fails to forward the certification to a subsequent carrier, then that person is liable to any person who incurs any bond, fine, penalty, cost (including storage), or interest for any such fine, penalty, cost (including storage), or interest incurred as a result of the inaccurate transfer of information or failure to forward the certification. A subsequent carrier who incurs a bond, fine, penalty, or cost (including storage), or interest as a result of the inaccurate transfer of the information, or the failure to forward the certification, shall have a lien against the contents of the container or trailer under section 5905 in the amount of the bond, fine, penalty, or cost (including storage), or interest and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure.''.

(d) LIABILITY.—Section 5902 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

''(d) LIABILITY TO OWNER OR BENEFICIAL OWNER.—If—

''(1) a person inaccurately transfers information on a certification required by subsection (b)(1), or fails to forward a certification to the subsequent carrier;

''(2) as a result of the inaccurate transfer of such information or a failure to forward a certification, the subsequent carrier incurs a bond, fine, penalty, or cost (including storage), or interest; and

''(3) that subsequent carrier exercises its rights to a lien under section 5905,

then that person is liable to the owner or beneficial owner, or to any other person paying the amount of the lien to the subsequent carrier, for the amount of the lien and all costs related to the imposition of the lien, including court costs and legal fees incurred in connection with it.''.

(e) NONAPPLICATION.—Subsection (e) of section 5902, as redesignated, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) The notification and certification requirements of subsections (a) and (b) of this section do not apply to any intermodal container or trailer containing consolidated shipments loaded by a motor carrier if that motor carrier—

''(A) performs the highway portion of the intermodal movement; or

''(B) assumes the responsibility for any weight-related fine or penalty incurred by any other motor carrier that performs a part of the highway transportation.''.

SEC. 205. PROHIBITIONS.

Section 5903 (relating to prohibitions) is amended—

(1) by inserting after ''person'' a comma and the following: ''To whom section 5902(b) applies,'';

(2) by striking subsection (b) and inserting the following:

''(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

''(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds.

''(2) COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Notwithstanding any other provision of this chapter to the contrary, a copy of the certification required by section 5902(b) is not required to accompany the intermodal container or trailer.'';

(3) by striking ''10,000 pounds (including packing materials and pallets)'' in subsection (c)(1) and inserting ''29,000 pounds''; and

(4) by adding at the end the following:

''(d) NOTICE TO LEASED OPERATORS.—

''(1) IN GENERAL.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of section 5902(b) would result in a violation of applicable State gross vehicle weight laws, then—

''(A) the motor carrier shall give notice to the operator of a vehicle which is leased by the vehicle operator to a motor carrier that transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier under section 5902(b);

''(B) the notice shall be provided to the operator prior to the operator being tendered the container or trailer;

''(C) the notice required by this subsection shall be in writing, but may be transmitted electronically; and

''(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator.

''(2) REIMBURSEMENT.—If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.''.

SEC. 206. LIENS.

Section 5905 (relating to liens) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

''(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;

''(2) the failure of the party required to provide the certification to the first carrier to provide it;

''(3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

''(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c), then the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document.'';

(2) by inserting a comma and ''or the owner or beneficial owner of the contents,'' after ''first carrier'' in subsection 9(b)(1); and

(3) by striking ''cost, or interest.'' in subsection (b)(1) and inserting ''cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.''.

SEC. 207. PERISHABLE AGRICULTURAL COMMODITIES.

Section 5906 (relating to perishable agricultural commodities) is amended by striking ''Sections 5904(a)(2) an 5905 of this title do'' and inserting ''Section 5905 of this title does''.

SEC. 208. EFFECTIVE DATE.

(a) IN GENERAL.—Section 5907 (relating to regulations and effective date) is amended to read as follows:

''§ 5907. Effective date

''This chapter shall take effect 180 days after the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 59 is amended by striking the item relating to section 5907 and inserting the following:

''5907. Effective date''.

SEC. 209. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Chapter 59 is amended by adding at the end thereof the following:

''§ 5908. Relationship to other laws

''Nothing in this chapter affects—

''(1) chapter 51 (relating to transportation of hazardous material) or the regulations promulgated under that chapter; or

''(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.''.

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

''5908. Relationship to other laws''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Speaker, the House passed legisaltion (H.R. 3159) to reauthorize the National Transprotation Safety Board last July 22, by a vote of 400–0.

The Senate passed similar legislation last week. The only difference in the Senate bill, as it relates to NTSB, is that the Senate deleted a House provision extending the term of the NTSB chairman. This change is acceptable to us.

In addition, the Senate added the text of H.R. 4040, the intermodel containers bill, which passed the House by voice vote.

This bill has no controversy and I urge its adoption.

ADDITIONAL POINTS ON NTSB

The NTSB is a relatively small agency but the work it does, the accident reports it issues, and the recommendations it makes have contributed to the improvements in safety that we have seen.

However, the recent tragedies involving Valuejet and TWA demonstrate

once again what an important role the NTSB plays.

The bill would allow NTSB to offer its training classes to non-NTSB employees and collect a reasonable reimbursement fee.

In addition, the bill authorizes NTSB to keep confidential some safety-related information that it would like the airlines to voluntarily provide.

It is important to note that the information that would be kept confidential is information that is not revealed by the airlines now so withholding it is not denying the public anything they now hear about. If the Board did not ensure its confidentiality, the airlines would not give it to the NTSB so the public would lose the benefit of the safety knowledge this information would provide to the Board.

ADDITIONAL POINTS ON INTERMODAL CONTAINERS

The bill makes several critical changes to the 1992 Intermodal Safe Container Act to permit that act to be effectively implemented by ocean shipping lines, railroads, and trucking companies.

This legislation will ensure that intermodal container transportation does not cause violations of our highways' weight laws and also that commerce is not unduly burdened.

It is critical that this bill pass swiftly because the regulations implementing the 1992 bill will go into effect January 1.

This legislation is completely bipartisan and is strongly supported by a comprehensive intermodal coalition of ocean shipping lines, railroads, trucking companies, and shippers, as well as DOT.

I want to thank TOM PETRI, SUSAN MOLINARI, and HOWARD COBLE for their cooperation in swiftly drafting this intermodal bill.

I also want to thank my Democratic colleagues JIM OBERSTAR and NICK RAHALL as well as BOB WISE and BOB CLEMENT for their cooperation and support in putting together and agreeing to quickly move this bill.

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

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

Mr. Speaker, I join the chairman in expressing my strong support for H.R. 3159, the National Transportation Safety Board Amendments of 1996. This legislation reauthorizes the NTSB for 3 years, and makes a number of changes requested by the NTSB to allow the Board to continue its excellent work.

The NTSB is probably the most respected Government entity in the United States. In recent months, we have witnessed two devastating aircraft crashes that have focused the Nation's attention on the NTSB's work. In the most difficult of circumstances, the NTSB works with local, State and Federal entities as well as with the families of accident victims. And the Board is not just involved in aviation—the NTSB leads investigations of accidents in every mode of transportation. As we discuss this reauthorization on the floor today, it is important for us to recognize the public service performed by the Board. They are a critical element of our national transportation system.

Mr. Speaker, as requested by the NTSB, H.R. 3159 enables the Board to fully participate in foreign investigations by providing protection from Freedom of Information Act requests for a 2-year period. Our intention is not to keep information from the public. Rather, the measure simply enhances the NTSB's access to information that will lead to improvements in aviation safety.

The bill also encourages data sharing programs among the FAA, NTSB, and the aviation community by prohibiting the Board from disclosing voluntarily provided safety information. By sharing information before an accident occurs, we can save lives. The legislation establishes a framework which will enable this to occur.

Mr. Speaker, the legislation we are considering today contains higher funding levels than those contained in the introduced bill. This slightly higher authorization in the outyears, along the lines of an amendment offered by Mr. OBERSTAR during committee markup, will enable the NTSB to increase its work force by some 20 employees. In recent months, with the ValuJet crash in the Florida Everglades and the TWA crash last week off Long Island, it has become even clearer to me that the NTSB needs every resource it can get. I want to thank the ranking member of the committee, Mr. OBERSTAR, for his leadership on this issue, and both Chairman SHUSTER and Chairman DUNCAN for their willingness to work with us. The higher funding level makes this a better bill for the American people.

Mr. Speaker, I urge adoption of the legislation, and reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the subcommittee.

Mr. DUNCAN. Mr. Speaker, let me first thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full Committee on Transportation and Infrastructure, for yielding, and for his strong leadership in the area of transportation safety, and on this specific legislation as well.

Likewise, I want to also thank the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee, and the ranking member of the subcommittee, the gentleman from Illinois [Mr. LIPINSKI], all of whom we have worked with so closely and so well together this year on this legislation and on so many, many other things.

Mr. Speaker, I rise in strong support of H.R. 3159, as amended by the Senate. This legislation would authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, $42.4 million for the first year, $44.4 million for the second year, and $46.6 million for the third year.

The work of this agency is so very important, and the importance of that work has been emphasized most recently in the very tragic accidents that we have had, unfortunately, in this country. This legislation is virtually identical to the House bill reported favorably by the full Committee on Transportation and Infrastructure and passed unanimously by this House.

The Aviation Subcommittee, which I have the privilege of chairing, held a joint hearing earlier this year regarding the requests and needs of the NTSB. I think we produced a very conservative bill, a good bill, that also allows some expansion of the NTSB activities in regard to working with the families of victims of some of these aviation accidents.

Mr. Speaker, I also would like to say that I want to commend Chairman Jim Hall of the NTSB for the outstanding work that he has done. I believe the work of the NTSB, its accident reports, its recommendations, have been one of the main reasons why the transportation safety trend in this Nation is improving so favorably.

H.R. 3159 includes many of the statutory changes requested by the NTSB which will help them in their efforts to conduct transportation-related investigations and promoting transportation safety. I think it is a good bill and one that deserves the support of all Members.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

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

I want to express my great appreciation for the leadership Mr. Lipinski has demonstrated on our side on the Aviation Subcommittee on this and other aviation issues, and express again my appreciation for the cooperation that we have had in the bipartisan fashion from Chairman SHUSTER and Chairman DUNCAN on particularly this issue.

For the National Transportation Safety Board, safety is not a partisan issue. It never has been within our committee, it never has been treated that way, and this legislation moves forward in that spirit.

There is probably no entity in the Federal Government that has contributed so importantly to safety in all modes of transportation as the NTSB. Year after year, their recommendations, following upon investigation of accidents, of tragedies, and on many other occasions their studies, based upon reviewing the history of transportation incidents, have resulted in improvements in highway truck travel, marine safety, rail safety, and aviation safety, pipeline safety. We owe this very small Federal Government agency

a huge debt of gratitude. Its work is best appreciated every day when millions of takeoffs and landings occur across this country without incident.

The bill before us is almost identical to the House-passed bill reauthorizing the National Transportation Safety Board. It also includes the Intermodel Safe Container Transportation Amendments Act of 1996, which we passed last week.

The bill includes a number of provisions requested by the NTSB and included in the House-passed bill to help NTSB in its accident investigation work or to encourage transportation entities to share important safety information with the NTSB without suffering a competitive disadvantage. These are important initiatives. They will help the safety board address potential safety problems before lives are lost.

I have consistently maintained that the accident investigations conducted and the safety recommendations offered by the NTSB have made the lives of all Americans safer in every mode of travel.

In addition, it is not well understood that the NTSB is often asked to participate, and often times to take the lead, in investigation of accidents overseas, particularly in aviation. The NTSB, for example, right now is participating in the investigation of the aircraft accident that occurred off the coast of the Dominican Republic.

The NTSB does all of this work with an extraordinarily small staff, for the workload they undertake, of only 350 people. This particular year, the demands have been very heavy upon the NTSB as their investigators were literally required to be in two places at once.

I recently talked to one of the NTSB investigators who had not been home to his family in over 2 months, going from the ValueJet crash to the TWA crash and literally spending his entire time on travel.

The investments that we make in the NTSB are an investment in the future safety of every mode of travel. We cannot quantify the value of this agency's work with any degree of accuracy. Many people would say, well, if they had done this work, maybe the accidents would have been avoided anyway. I don't think so. I know better. I believe that, because I have seen the recommendations, and I know our committee has acted on the recommendations of the NTSB, and the FAA has accepted over 85 percent of the recommendations made by the NTSB in aviation safety, and that the result has been to improve safety for the air-traveling public.

We have worked together in the committee to improve the funding level for NTSB, not to increase the size of bureaucracy, but to modestly increase the size of the work force from 350 to 370 employees and to maintain that level of employment throughout the duration of this authorization. This increase will allow the board to add specialists in rail, highway, avionics, and human factors.

The people employed by the NTSB, I must emphasize, are highly trained, skilled specialists in metallurgy, for example, in avionics, in electronics, in all these technical fields that require very meticulous investigative skills to detect the smallest deviation from normal, to get to the cause of a complex accident such as the ValuJet that went down in the Florida Everglades or the TWA 747 that went down in the waters off Long Island.

We have come to expect also that the NTSB will treat the families of victims of crashes in a very sympathetic and sensitive and informative manner. This is another dimension of the work of the NTSB, not envisioned when it was created in 1967 when the Congress separated the NTSB out of the Department of Transportation and created it as an independent safety board, but this has come to be an important role of the NTSB.

We know, and families have come to expect, that they will be treated with the dignity and the understanding and the sympathy and sensitivity that they deserve in those very tragic and heartfelt moments after the loss of a loved one.

The bill also deals with legislation that we passed last week to correct the widely recognized shortcomings of the 1992 Intermodal Safe Container Transportation Act. With broad support from a consensus of transportation interests, the 1992 law was intended to encourage compliance with U.S. highway weight limits by ensuring that the party who first tenders cargo for intermodal shipment would be responsible for verifying the weight of that container and providing appropriate documentation.

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However, as so often happens, the 1992 law did not go into effect. DOT could not write regulations to make it work. So the parties went back to the drawing board and, through negotiations and give and take on all sides, reached an agreement on how to achieve the goals of the 1992 act without disrupting the flow of cargo.

The bill raises the weight threshold from 10,000 to 29,000 pounds, and that dramatically reduces the number of affected containers but still ensure that shippers will identify containers likely to cause highway weight violations.

These amendments also clarify that description of a container's contents must be more specific than ''freight all kinds'', a term of art in the trade, when 20 percent or more of the weight is from one commodity.

This is a very important initiative. It is legislation that we have passed that now deserves to be enacted and signed into law by the President, and I urge passage of this legislation.

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

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, as my chairman noted the retirement of a very dear friend and colleague of our committee staff, we have a retirement on our side of Dara Gideos, who is retiring from the committee but not retiring from work. She is going on to a new assignment with a very important association where she will have a new responsibility as an executive assistant.

She has been a role model on our committee staff for dedication to duty, unrelenting hard work, long hours, weekends during crunch time. She has demonstrated exceptional organizational skills, actually organizing the materials in the Subcommittee on Aviation staff room so that we can find what we need when we need it.

She is a willing volunteer who has gone beyond her assigned duties to see the jobs that need to be done and plunged in to do them no matter what the issue or the hour. She has brought zest and sparkle to her job, to our committee staff, and she has a special talent of giving a lift to everyone who works with her.

We will miss Dara very, very much but we wish her well in her new career.

Mr. Speaker, I submit for the RECORD a congratulatory letter from myself to Dara.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, September 26, 1996.

Ms. DARA GIDEOS,
Falls Church, VA.

DEAR DARA: Congratulations on a truly exciting, as well as earned and richly deserved, opportunity to serve as Executive Assistant to the President of the General Aviation Manufacturers Association. They are fortunate to have you and you will reflect great credit on GAMA, as you have done on our Committee on Transportation and Infrastructure, and specifically the Aviation Subcommittee. You have been superb: a role model for dedication to duty, unrelenting hard work, particularly those long hours, evenings and weekends during ''crunch'' time and for your exceptional organizational skills.

What has especially impressed me and your colleagues is the initiative you have taken to reach beyond your assigned responsibilities, to learn Surface, as well as Aviation, issues in depth so that you could handle a wide range of inquiries directed to the Committee each day. On your own inspiration, you became the Committee's self-taught graphics specialist and produced exceptional materials for the various needs of the professional staff.

You have always been so willing to volunteer beyond your assigned duties, and to see what jobs needed to be done and plunge in to help to do them no matter what the issue or hour of the day.

Aboave all, we will miss your sparkle, the zest you brought to the Committee and that special talent of giving a lift to everyone who came to know you.

On many occasions I have quoted: ''Success is getting what you want, happiness is wanting what you get''—you have earned both. I join all your many friends on the Committee in wishing you every success and happiness in your future endeavors.

Warmest personal regards.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Ranking Democratic Member.

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I certainly want to join in wishing Dara well. She not only has performed in a superb way, but I also understand that she was one of the best players on our committee's softball team, so we are certainly going to miss that as well.

Mr. Speaker, with that, I urge our colleagues to support this bipartisan legislation.

Mr. RAHALL. Mr. Speaker, the Senate amendments to H.R. 3159, legislation which would reauthorize the National Transportation Safety Board, contain provisions that are similar to a bill, H.R. 4040, passed by this body last week aimed at promoting greater compliance with our highway truck weight laws.

As we prepare to send this legislation to the President, I want to take this opportunity to note that the amendments to the Intermodal Safe Container Act of 1992 is the product of a consensus reached between the shipping, motor carrier and railroad industries. In this regard, I want to commend these entities for their good faith negotiations and willingness to compromise on what is today a product that is truly in the public interest.

Mr. Speaker, in 1992 we passed legislation to encourage compliance with U.S. highway weight limits by requiring that an entity which ships containerized cargo verify the weight of the containers. These containers often are transported in an intermodal fashion, from ship to truck, or ship to railroad to truck, with final delivery made by trucks subject to our highway weight laws. The truckers must depend on the accuracy of the weight certification in determining their compliance with highway weight limits. Yet, if those certifications are inaccurate, and the trucker is found to be overweight, it is the trucker who must pay the fine even though he or she had no involvement in the packing of the container.

Since 1992, DOT has attempted to issue regulations implementing the 1992 act. While a final rule has been devised, DOT has delayed its implementation due to shortcomings it cannot administratively address due to the language of the 1992 law.

The pending bill seeks to address these deficiencies by first, while continuing to require the shipper to certify the weight of the containers, the certification could be incorporated into shipping papers and may be in electronic form. If the certification is not made, or is incorrect, the shipper is liable for any violations which may occur of our highway weight laws.

And second, the weight threshold for container certification under this bill is set at 29,001 pounds. This limit, it is my understanding from both DOT and industry, is a more appropriate threshold than what is in current law.

These are the major aspects of the legislation. I believe they will enhance compliance with our highway weight laws, and urge the adoption of this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3159, the National Transportation Safety Board [NTSB] Authorization Act, and in support of the Senate amendments.

This bill provides a total of $133.5 million over 3 years for the activities of the NTSB. This funding level will allow the NTSB to hire an additional 20 employees to investigate transportation accidents.

Given the recent crashes of a ValueJet flight in Florida and a TWA flight off the coast of Long Island, reauthorization of the National Transportation Safety Board and specifically, the hiring of 20 additional inspectors, are both timely and necessary.

This measure also prohibits the NTSB from releasing certain information on transportation accidents that occur overseas; exempts the NTSB from Freedom of Information Act requests for certain voluntarily provided safety information; allows the NTSB to charge fees for employees of other agencies to attend NTSB accident investigation classes; and clarifies implementation of the Intermodal Safe Container Transportation Act.

I urge my colleagues to adopt the Senate amendments and pass the NTSB authorization and make our highway and skyways safer and more secure.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3159.

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

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 3159, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 221) correcting the enrollment of H.R. 3159, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 221

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3159, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 5902(b) proposed to be inserted in title 49, United States Code, by section 204(b), strike ''electric'' and insert ''electronic''.

(2) In section 204(e)(1), by inserting after ''respectively'' the following: '', and by moving the text of paragraph (2), as so redesignated down 1 line and to the left, flush full measure and indenting such paragraph''.

(3) In section 205(1), by inserting ''in subsection (a)'' before ''a comma''.

(4) In paragraph (4) of section 5905(a) proposed to be inserted in title 49, United States Code, by section 206, after ''(c),'', move the remainder of the text of the paragraph down 1 line and to the left flush full measure.

(5) In section 206(2), by striking ''9(b)(1)'' and inserting ''(b)(1)''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

W. EDWARDS DEMING FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3535) to redesignate a Federal building in Suitland, MD, as the ''W. Edwards Deming Federal Building.''

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I will not object, and I would ask the gentleman from Maryland for an explanation of the bill.

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

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

Mr. GILCHREST. Mr. Speaker, I rise in support of H.R. 3535, a bill designating the Federal building in Suitland, MD, as the W. Edwards Deming Federal Building.

Dr. William Edwards Deming was a renowned expert on business management. He began his public service career with the Department of Agriculture as a physicist, in 1927. He then moved to the Bureau of Census to become the mathematical advisor to the chief of the population division, where he developed and designed statistical sampling techniques for use in the national census. His interest in quality and management led him to introduce sampling as a quality measurement technique for punch card verification and other processing in the 1940 census.

It is a fitting tribute to name this Census Bureau facility in his honor.

This bill has bipartisan support and I would like to thank my colleagues on both sides of the aisle for their assistance in bringing this measure forward.

I urge my colleagues to support this bill.

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the ranking member of our committee, the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Speaker, I support H.R. 3535, a bill to designate the Federal building in the Suitland Federal Center, 4700 Silver Hill Rd., Suitland, MD as the W. Edwards Deming Federal Building.

Mr. Deming, who died in 1993, was honored throughout the world as the quality management guru. Dr. Deming began his career as a

physics teacher at the University of Colorado, and from 1928 to 1939 held a Federal position as a mathematical physicist at the U.S. Department of Agriculture. He also presented special lectures on mathematics and statistics at the Graduate School of the National Bureau of Standards.

In 1931 Dr. Deming was inspired by the book ''Economic Control of Quality of Manufactured Products'' and he subsequently undertook the task of improving quality in manufacturing. His work in this area, as we are aware, strongly contributed to the economic renaissance of Japan.

Dr. Deming was a prolific writer, teacher, and lecturer. He has received numerous awards, honorary doctorates, and honors including the Second Order Medal of the Sacred Treasure, awarded by the Emperor of Japan.

It is fitting and proper to honor the distinguished career of this truly outstanding American by designating the Federal building in Suitland, MD as the W. Edwards Deming Federal Building. I thank Mr. WYNN of Maryland for introducing H.R. 3535 and urge support for its passage.

Mr. TRAFICANT. Mr. Speaker, this designation would honor the contributions and career of an outstanding American. It is fitting and proper to designate the Census Bureau facility in Suitland in Dr. Deming's honor. I want to commend the gentleman from Maryland, Congressman WYNN, for his work on this bill and urge support of this bill.

Mr. Speaker, I offer my statement in its entirety for the RECORD:

Mr. Speaker, reserving the right to object. However, I will not object and yield to the gentleman for an explanation of the bill.

Thank you, Mr. GILCHREST. H.R. 3535 is a bill to designate the Federal building at the Suitland Federal Center, Suitland, MD, as the W. Edwards Deming Federal Building. This designation would honor the contributions and career of an outstanding American.

Dr. Deming's career included work at the Department of Agriculture, and the Bureau of Census, as well as statistical consulting work for many foreign countries such as Austria, France, India, and most notably Japan, where he is often cited as a leader in the Japanese renaissance. Dr. Deming's work supported the thesis that most product defects were the result of poor management practices not careless workers. He argued that motivated workers working with proper tools produced quality products.

Mr. WYNN. Mr. Speaker, I rise today to express my support for H.R. 3535, legislation to redesignate Federal office building No. 3, located in Suitland Federal Center, 4700 Silver Hill Road, Suitland, MD as the William Edwards Deming Federal Building.

By way of background, Dr. Deming received his B.S. degree from the University of Wyoming, his M.S. degree from the University of Colorado and his Ph.D. from Yale University. In 1927, he became a faithful civil servant joining the Department of Agriculture as a physicist and then moved on to the Bureau of the Census to become the mathematical adviser to the chief of the population division. In that position he developed and designed statistical sampling techniques for use in the census. His interest in quality management led him to introduce sampling as a quality measurement technique for punch card verification and other processing activities in the 1940 census.

After leaving the Census Bureau in 1945 he began a second distinguished career as a consultant on statistics and management to several foreign governments, including those of Austria, France, Germany, India, Turkey, and most famously Japan.

Dr. Deming's theories were based on the premise that most product defects resulted from management shortcomings rather than careless workers, and that inspection after the fact was inferior to designing processes that would produce better quality. He argued that enlisting the efforts of willing workers to do things properly the first time and giving them the right tools were the real secrets of improving quality—not teams of inspectors.

His successes with industrial leaders in Japan, with Ford Motor Co. and Xerox Corp. are unmatched. As a civil servant he dedicated his life to designing innovative methods of statistical gathering.

I urge the Members of the House to support this legislation to rename the Federal office building in Suitland, MD after this renowned expert on business management, Dr. W. Edwards Deming.

I would also like to ask unanimous consent to include in the RECORD additional material detailing the life of Dr. Deming.

W. EDWARDS DEMING—1900–1993

William Edwards Deming, who was born in Sioux City, Iowa, on the 14th of October 1900, has been honored throughout the world as a ''quality-management guru.'' Yet, until the end of his life he insisted upon being known as a ''Consultant in Statistical Studies,'' the title that appeared on his letterhead. His path to the eminence that he attained as a statistician was circuitous and full of serendipity.

After Ed Deming's graduation from the University of Wyoming in 1921 as an engineer, he remained there another year to study mathematics. If was during that time that, as he once told me, he received a letter from the Colorado School of Mines informing him that he was known to be a good flute player and that the professor of physics wanted to have a band and therefore would like him to come to teach. He accepted the invitation and, after a year, decided to get a master's degree in mathematics and physics from the University of Colorado. Just before he completed his degree, one of his professors who had studied at Yale with Willard Gibbs, a famous mathematician and physicist recommended him to his alma mater. Yale subsequently offered him free tuition and a job as a part-time instructor, both of which were eagerly accepted.

Upon finishing the requirements for his Ph.D. at Yale in 1928, Ed Deming began his career in government as a mathematical physicist in the Fixed Nitrogen Research Laboratory of the U.S. Department of Agriculture (USDA), and he remained in that position until 1939. His 38 publications during the period had to do principally with the physical properties of matter, but there were several that reflected his interest in statistical methodology. I once asked him why he, a mathematical physicist, became a statistician. His answer was quite involved.

''Courses in engineering and surveying led me to the theory of errors, and in studying physics and mathematics, I learned a lot of probability. Kinetic theory of gases is a theory of probability. So are thermodynamics and astronomy. And so is geodesy, involving measurement of the earth's surface for the purpose of figuring the curvature or other characteristics of the earth. It makes use of 'least squares,' And I had very good teachers in least squares.

''When people had problems with experimental data. I just worked on them and found myself able to make a contribution, of thought anyway. And I suppose that's the way I got eased into it.''

Analysis of results of experimental work in bacteriology and chemistry gave him a chance to learn more about the statistical adjustment of data. There were three papers on ''The Application of Least Squares,'' published in the ''Philosophical Magazine.'' In his book ''Statistical Adjustment of Data,'' published in 1943, he brought together, in readily usable form, the substance of these papers and of the earlier literature and his own studies on the subject. This text is still frequently consulted for guidance on the application of the method of least squares in various different situations.

From 1930 through 1946, Ed Deming was a special lecturer on mathematics and statistics in the Graduate School of the National Bureau of Standards. His courses, given from 8 to 9 a.m. at the Bureau, later inspired many lectures and articles by his students. These paved the way for the establishment in 1947 of the Statistical Engineering Laboratory within the Bureau of Standards. During an overlapping period that extended from 1933 through 1953, he was head of the Department of Mathematics and Statistics of the Graduate School of the USDA and made major contributions to the mathematical and statistical education of a whole generation. In 1936, he went to London to study the theory of statistics with Ronald Fisher at University College, the University of London.

While at University College, Ed Deming met and attended lectures by Jerzy Neyman, who had been Head of the Biometrics Laboratory of the Necki Institute in Warsaw, Poland. Neyman read, at a meeting of the Royal Statistical Society, a revolutionary paper: ''On the Two Different Aspects of the Representative Method: The Method of Stratified Sampling and the Method of Purposive Selection.'' As a result of the lectures and particularly this paper, which marked the beginning of a new era in sampling, arrangements were made for Neyman to visit the USDA Graduate School in 1937 and lecture there.

Ed Deming took pains to ensure that Neyman's lectures in Washington were well attended by U.S. Government statisticians, and he worked an entire year to produce the book, Lectures and Conferences on Mathematical Statistics. The lectures and the book together had a tremendous impact on sampling theory.

The staff of the Bureau of the Census was already planning in the late 1930s for the 1940 Population Census. Users of census data have always wanted more information than can possibly be provided with a normal budget. Many of them were willing to accept sample results, but some of the old timers at the Bureau were opposed to the idea of sampling. ''Sampling was abhorred,'' Ed Deming told me, ''because the census had always been complete. It couldn't be anything other than complete. But sampling was in the air.''

The final decision rested with Secretary of Commerce Harry Hopkins. After listening to the arguments pro and con, Hopkins decided in favor of sampling procedure that would be used in the 1940 population census. ''Well,'' Ed told me, ''one day in 1939 the telephone rang, and it was Dr. Philip Hauser, the Assistant Director of the Census Bureau, wanting to talk with me about a job. I said 'Right Away!' and joined the Bureau of the Census as Head Mathematician and Advisor in Sampling.''

After leaving the Census Bureau in 1946, Ed Deming began his practice as a Consultant in Statistical Studies from an office in the basement of his home in Washington, DC. For the remainder of his life, he conducted his consulting from this office, aided for many years before her death in 1986 by his wife Lola, a distinguished mathematician in her own right. During the final nearly four decades of his life he was assisted by his extraordinary secretary, consultant and confidant, Cecelia Kilian, known to hundreds of people throughout the world as ''Ceil.''

At the same time that he began his consulting practice Ed Deming joined the Graduate School of Business Administration at New York University as a full professor. Before he ''retired'' from NYU in 1975 to become Professor Emeritus, he regularly taught two courses in survey sampling and one in quality control; and, moreover, he served as advisor to about 100 students who earned their master's and doctoral degrees. I asked him on one occasion if NYU didn't have some sort of policy concerning retirement of academic and other personnel at age 65 or 70. His response was, ''Well, if they did have, they didn't tell me about it.''

The fact is that until a few months before his death, Ed Deming continued to teach at NYU every Monday afternoon during the academic year and to direct studies of graduate students. He also taught Monday mornings during the last few years of his life as a ''Distinguished Lecturer' at Columbia University, where a Deming Center has recently been established.

Ed Deming's entrance into the world of quality improvement was inspired by the 1931 book *Economic Control on Quality of Manufactured Product,* written by his friend and mentor Walter Shewhart, the father of statistical process control. In 1938, he arranged for Shewhart to deliver a series of four lectures entitled ''Statistical Method from the View point of Quality Control'' at the USDA Graduate School. These lecturers were published by the Graduate School in 1939 ''with the editorial assistance of W. Edwards Deming.''

The crusade that Ed Deming subsequently undertook for the improvement of quality resulted, as we know, in the economic Renaissance of Japan and eventually in his own world-wide prominence as a ''prophet of quality'' and philosopher of management. This aspect of Ed Demings' life was highlighted by the media in the hundreds of commentaries upon his death. The present tribute to his memory therefore, has emphasized only what is pertinent to statisticians and was not mentioned in those commentaries.

Ed Deming's extensive contributions to statistical thinking are too voluminous to suit the present purpose. It suffices to say, that throughout his life, he championed the belief that statistical theory shows how mathematics, judgment, and substantive knowledge work together to the best advantage. Thus he, himself, was a master as logician and architect of statistical studies. This was more than evident at the Deming Seminar for Statisticians held annually at NYU beginning in 1987.

Ed Deming died quickly in his sleep on December 20, 1993 at is home. His daughters, Diana and Linda, their husbands, and Diana's five children, along with their own spouses and children (16 in total), were to assemble at his home for what they feared might be his last Christmas. Most of them had arrived in Washington by the time of his passing

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3535

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

SECTION 1. DESIGNATION.

Federal Office Building No. 3, located in the Suitland Federal Center at 4700 Silver Hill Road in Suitland, Maryland, shall be redesignated and known as the ''W. Edwards Deming Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''W. Edwards Deming Federal Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3535.

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

There was no objection.

ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3576) to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the ''Robert Kurtz Rodibaugh United States Courthouse'', as amended.

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, however, I will not object, I would like the gentleman from Maryland to explain the bill.

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

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

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding to me.

Mr. Speaker, I rise in support of H.R. 3576, as amended, a bill designating the United States courthouse located in South Bend, IN, as the Robert K. Rodibaugh United States Bankruptcy Courthouse.

Judge Rodibaugh has served the northern district of Indiana in the area of bankruptcy law since his appointment as a bankruptcy judge in 1960. During his tenure he oversaw the growth of the bankruptcy court from one small courtroom with a part-time referee and a clerk's office of 4 employees in South Bend, to 4 separate courtrooms located throughout northern Indiana. In 1985, Judge Rodibaugh was appointed chief bankruptcy judge, and assumed senior status in 1986.

Judge Rodibaugh has fulfilled his duties as a referee and a judge in bankruptcy proceedings with patience, fairness, dedication, and legal scholarship which is most worthy of recognition. It is a fitting tribute to honor him and his accomplishments in this manner.

This bill has bipartisan support and I would like to thank my colleagues on the both sides of the aisle for their assistance in bringing this measure to the floor.

I urge my colleagues to support this bill.

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Speaker, I support this bill to name the U.S. Courthouse in South Bend, IN for Judge Robert Rodibaugh.

Judge Rodibaugh is a native of Goshen, IN and attended grade school and high school in South Bend, IN. He is an alumnus of Notre Dame University and received his law degree also from Notre Dame. From 1941 to 1946 during World War II he served in the military.

Judge Rodibaugh has served the citizens of Indiana for almost 40 years as a prosecuting attorney, and then as a Federal bankruptcy judge. During his service as Chief Bankruptcy Judge the bankruptcy court has grown from one courtroom in South Bend to four courtrooms in South Bend, Fort Wayne, Gary, and Lafayette, IN.

Known for his fairness and legal scholarship Judge Rodibaugh has set high standards for his law clerks and other judicial personnel.

It is fitting and proper to honor the judge by designating the U.S. courthouse in South Bend, IN as the ''Judge Robert Kurtz Rodibaugh U.S. Courthouse.''

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Indiana [Mr. ROEMER], the sponsor of the bill.

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

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Ohio for his help in getting this bill put before the House today.

I would also like to thank the gentleman from Maryland [Mr. GILCHREST] our ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and certainly the gentleman from Pennsylvania [Mr. SHUSTER], for their help in putting together bipartisan legislation.

Mr. Speaker, I rise as the proud sponsor of H.R. 3576, to designate the new Federal bankruptcy court located at 401 South Michigan Street in South Bend, IN, as the Robert Kurtz Rodibaugh United States Bankruptcy Courthouse.

This bipartisan legislation recognizes the significant legal and personal contributions made by Judge Rodibaugh to both the legal profession and the American system of justice.

I will not go into all my remarks, Mr. Speaker. I would say that, again, this is supported by Republicans in our delegation and by the Democrats in our delegation. We hope to expedite this through today and get it passed by the Senate so that we can have this dedication ceremony in January 1997.

Mr. Speaker, I rise as the proud sponsor of H.R. 3576—to designate the new Federal bankruptcy court located at 401 South Michigan Street in South Bend, IN—as the ''Robert Kurtz Rodibaugh United States Bankruptcy Courthouse.''

This bipartisan legislation recognizes the significant contributions made by Judge Rodibaugh to both the legal profession and the American system of justice. I am particularly grateful to the Transportation Committee for its timely consideration of this legislation in preparation for the official dedication of the new courthouse currently scheduled for January 1997.

Mr. Speaker, Judge Rodibaugh is recognized by the community and by his peers as an honorable man worthy of such a tribute. He has served the citizens and legal community of the northern district of Indiana wisely, efficiently, and honorably since his initial appointment as a referee in bankruptcy in November 1960 and throughout his legal career as a bankruptcy judge.

Throughout his tenure, Judge Rodibaugh has presided over the growth of the U.S. Bankruptcy Court for the Northern District of Indiana. Under Judge Rodibaugh's direction, the bankruptcy court expanded from one small courtroom with a part-time referee and a clerk's office of four employees in South Bend, IN, to four different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, IN, with four full-time judges and a clerk's office of over 40 employees.

Mr. Speaker, Judge Rodibaugh has fulfilled his duties as a referee in bankruptcy and bankruptcy judge with patience, fairness, dedication, and legal scholarship which is most worthy of recognition. His high standards have benefited the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the northern district of Indiana.

Mr. Speaker, it is important for me to indicate that the firm of Panzica Development Co. with Western Avenue Properties of South Bend, IN, has graciously agreed to support this designation honoring Judge Rodibaugh, owing to his unblemished character and numerous professional achievements in the bankruptcy field. In addition, the General Services Administration supports the designation of the building and has also endorsed this legislation.

I am confident that the ''Robert Kurtz Rodibaugh United States Bankruptcy Courthouse'' is an appropriate title for the new bankruptcy court facility in South Bend.

In conclusion, I urge my colleagues to support this legislation to honor Judge Rodibaugh—a truly remarkable public servant and outstanding Hoosier most worthy of this recognition.

Mr. TRAFICANT. Mr. Speaker, Judge Rodibaugh has served the citizens of South Bend, IN, for almost 50 years. He is a native son, a World War II veteran, and a skilled jurist. Under his stewardship the bankruptcy courts for the northern district of Indiana have grown from one small facility into four courts in South Bend, Fort Wayne, Gary, and Lafayette.

So I want to commend the gentleman from Indiana [Mr. ROEMER] for his support of the legislation. I would also like to commend our chairman of this subcommittee, the gentleman from Maryland [Mr. GILCHREST], for the fine job he has done and for the fairness he and his staff displayed throughout this term.

I do not know if we will have any more business pending before it, but there are a couple more naming bills I wish we would do.

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

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

Mr. GILCHREST. Mr. Speaker, I would like to say that my term of service as chairman of the subcommittee with the gentleman from Ohio [Mr. TRAFICANT] has been an exceedingly fine experience for ourselves and this institution.

Mr. TRAFICANT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3576

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Honorable Judge Robert Kurtz Rodibaugh has served the citizens and legal community of the northern district of Indiana wisely, efficiently, and honorably since his initial appointment as a referee in bankruptcy in November 1960 and throughout his lengthy career as a bankruptcy judge;

(2) during his tenure Judge Rodibaugh has overseen the growth of the bankruptcy court from one small courtroom with a part-time referee and a clerk's office of 4 employees in South Bend, Indiana, to 4 different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, Indiana, with 4 full-time judges and a clerk's office of over 40 employees;

(3) Judge Rodibaugh has fulfilled his duties as a referee in bankruptcy and bankruptcy judge with patience, fairness, dedication, and legal scholarship which is most worthy of recognition; and

(4) Judge Rodibaugh's high standards have benefited the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the northern district of Indiana.

SEC. 2. ROBERT KURTZ RODIBAUGH UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''Robert Kurtz Rodibaugh United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Robert Kurtz Rodibaugh United States Courthouse''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3576.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3539, FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–851) on the resolution (H. Res. 540) waiving points of order against the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration and for other purposes, which was referred to the House Calendar and ordered to be printed.

HYDROGEN FUTURE ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4138) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

The Clerk read as follows:

H.R. 4138

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 ''Hydrogen Future Act of 1996''.

SEC. 2. DEFINITIONS.

For purposes of title II and III—

(1) the term ''Department'' means the Department of Energy; and

(2) the term ''Secretary'' means the Secretary of Energy.

TITLE I—HYDROGEN

SEC. 101. PURPOSES AND DEFINITIONS.

(a) Section 102(b)(1) of Public Law 101–566 (42 U.S.C. 12401(b)(1)) is amended to read as follows:

''(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications;''.

(b) Section 102(c) of Public Law 101–566 (42 U.S.C. 12401(c)) is amended—

(1) in subsection (b) by striking ''; and'' and inserting '';'';

(2) by redesignating subsection (2) as subsection (3); and

(3) by inserting before subsection (3) (as redesignated) the following new subsection:

''(2) 'Department' means the Department of Energy; and''.

SEC. 102. REPORTS TO CONGRESS.

(a) Section 103 of Public Law 101–566 (42 U.S.C. 12402) is amended to read as follows:

''§ 103. Report to Congress.

''(a) Not later than January 1, 1999, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs authorized under this Act.

''(b) A report under subsection (a) shall include, in addition to any views and recommendations of the Secretary,—

''(1) an analysis of the effectiveness of the programs authorized under this chapter, to be prepared and submitted to the Secretary by the Hydrogen Technical Advisory Panel established under section 108 of this Act; and

''(2) recommendations of the Hydrogen Technical Advisory Panel for any improvements in the program that are needed, including recommendations for additional legislation.''.

(b) Section 108(d) of Public Law 108–566 (42 U.S.C. 12407(d)) is amended—

(1) by adding ''and'' at the end of paragraph (1);

(2) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(3) by striking paragraph (3).

SEC. 103. HYDOGEN RESEARCH AND DEVELOPMENT.

(a) Secretary 104 of Public Law 101–566 (42 U.S.A. 12493) is amended to read as follows:

''§ 104. Hydrogen research and development.

''(a) The Secretary shall conduct a hydrogen research and development program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

''(b) In conducting the program authorized by this section, the Secretary shall—

''(1) give particular attention to developing an understanding and resolution of critical technical issues preventing the introduction of hydrogen into the marketplace;

''(2) initiate or accelerate existing research in critical technical issues that will contribute to the development of more economic hydrogen production and use, including, but not limited to, critical technical issues with respect to production (giving priority to these production techniques that use renewable energy resources as their primary source of energy for hydrogen production), liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation); and

''(3) survey private sector hydrogen activities and take steps to ensure that research and development activities under this section do not displace or compete with the privately funded hydrogen research and development activities of United States industry.

''(c) The Secretary is authorized to evaluate any reasonable new or improved technology, including basic research on highly innovative energy technologies, that could lead or contribute to the development of economic hydrogen production, storage, and utilization.

''(d) The Secretary is authorized to evaluate any reasonable new or improved technology that could lead or contribute to, or demonstrate the use of, advanced renewable energy systems or hybrid systems for use in isolated communities that currently import diesel fuel as the primary fuel for electric power production.

''(e) The Secretary is authorized to arrange for tests and demonstrations and to disseminate to researchers and developers information, data, and other materials necessary to support the research and development activities authorized under this section and other efforts authorized under this chapter, consistent with section 106 of this Act.

''(f) The Secretary shall carry out the research and development activities authorized under this section only through the funding of research and development proposals submitted by interested persons according to such procedures as the Secretary may require and evaluated on a competitive basis using peer review. Such funding shall be in the form of a grant agreement, procurement contract, or cooperative agreement (as those terms are used in chapter 63 of title 31, United States Code).

''(g) The Secretary shall not consider a proposal submitted by a person from industry unless the proposal contains a certification that reasonable efforts to obtain non-Federal funding for the entire cost of the project have been made, and that such non-Federal funding could not be reasonably obtained. As appropriate, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of the development portion of such a proposal.

''(h) The Secretary shall not carry out any activities under this section that unnecessarily duplicate activities carried out elsewhere by the Federal Government or industry.

''(i) The Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this chapter that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).''.

''(b)(1) Section 2026(a) of the Energy Policy Act of 1992 (42 U.S.C. 13436(a)) is amended by striking '', in accordance with sections 3001 and 3002 of this Act,''.

''(2) Effective October 1, 1998, section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436) is repealed.

SEC. 104 DEMONSTRATIONS.

Section 105 of Public Law 101–566 (42 U.S.C. 12404) is amended by adding at the end the following new subsection:

''(c) The Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of any demonstration conducted under this section.''.

SEC. 105. TECHNOLOGY TRANSFER.

Section 106(b) of Public Law 101–566 (42 U.S.C. 12405(b)) is amended by adding to the end of the subsection the following:

''The Secretary shall also foster the exchange of generic, nonproprietary information and technology, developed pursuant to this chapter, among industry, academia, and the Federal Government, to help the United States economy attain the economic benefits of this information and technology.''.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of Public Law 101–566 (42 U.S.C. 12408) is amended—

(1) by striking ''to other Acts'' and inserting ''under other Acts'';

(2) by striking ''and'' from the end of paragraph (2);

(3) by striking the period from the end of paragraph (3) and inserting '';''; and

(4) by adding at the end of the section the following:

''(4) $14,500,000 for fiscal year 1996;

''(5) $20,000,000 for fiscal year 1997;

''(6) $25,000,000 for fiscal year 1998;

''(7) $30,000,000 for fiscal year 1999;

''(8) $35,000,000 for fiscal year 2000; and

''(9) $40,000,000 for fiscal year 2001.''.

TITLE II—FUEL CELLS

SEC. 201. INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.

(a) Not later than 180 days after the date of enactment of this section, and subject to the availability of appropriations made specifically for this section, the Secretary of Energy shall solicit proposals for projects to prove the feasibility of integrating fuel cells with—

(1) photovoltaic systems for hydrogen production; or

(2) systems for hydrogen production from solid waste via gasification or steam reforming.

(b) Each proposal submitted in response to the solicitation under this section shall be evaluated on a competitive basis using peer review. The Secretary is not required to make an award under this section in the absence of a meritorious proposal.

(c) The Secretary shall give preference, in making an award under this section. to proposals that—

(1) are submitted jointly from consortia including academic institutions, industry, State or local governments, and Federal laboratories; and

(2) reflect proven experience and capability with technologies relevant to the systems described in subsections (a)(1) and (a)(2).

(d) In the case of a proposal involving development or demonstration, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of the development or demonstration portion of the proposal.

(e) The Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this title that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, for activities under this section, a total of $50,000,000 for fiscal years 1997 and 1998, to remain available until September 30, 1999.

TITLE III—DOE SCIENTIFIC AND TECHNICAL PROGRAM QUALITY

SEC. 301. TEMPORARY APPOINTMENTS FOR SCIENTIFIC AND TECHNICAL EXPERTS IN DEPARTMENT OF ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, may appoint for a limited terms, or on a temporary basis, scientists, engineers, and other technical and profession personnel on leave of absence from academic, industrial, or research institutions to work for the Department.

(b) The Department may pay, to the extent authorized for certain other Federal employees by section 5723 of title 5, United States Code, travel expenses for any individual appointed for a limited term or on a temporary basis and transportation expenses of his or her immediate family and his or her household goods and personal effects from that individual's residence at the time of selection

or assignment to his or her duty station. The Department may pay such travel expenses to the same extent for such an individual's return to the former place of residence from his or her duty station, upon separation from the Federal service following an agreed period of service. The Department may also pay a per diem allowance at a rate not to exceed the daily amounts prescribed under section 5702 of title 5 to such an individual, in lieu of transportation expenses of the immediate family and household goods and personal effects, for the period of his or her employment with the Department. Notwithstanding any other provision of law, the employer's contribution to any retirement, life insurance, or health benefit plan for an individual appointed for a term of one year or less, which could be extended for no more than one additional year, may be made or reimbursed from appropriations available to the Department.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, the gentleman from California [Mr. BROWN] and I bring before the House H.R. 4138, the Hydrogen Future Act of 1996, to focus the U.S. Department of Energy's research and development programs of hydrogen as a fuel. Last year, with support on both sides of the aisle, a bill similar to this one, H.R. 655, passed the House with an overwhelming majority on May 2, 1995.

H.R. 4138 incorporates some changes made to the earlier bill to accommodate interests of Members of the Senate and the House. These changes have been approved by the chairman and ranking members of the committees of jurisdiction.

There are many people to thank who helped make passage of this bill possible. I would like to particularly acknowledge the ranking member of the House Science Committee, Mr. BROWN, for his support in cosponsoring this bill with me. Mr. BROWN has long been a supporter of hydrogen research and development, and I have appreciated his efforts in this area.

I would also like to thank the Committee on Government Reform and Oversight for its cooperation on a provision in this bill over which it has jurisdiction.

Mr. Speaker, H.R. 4138 provides the legislative authority necessary to continue the research and development of hydrogen as fuel into the 21st century.

Hydrogen is essentially a non-polluting, environmentally friendly, renewable resource that is one of the answers to our future energy needs.

H.R. 4138, contains three titles. Under Title I, which is basically a slightly revised version of the earlier bill, H.R. 655, which passed this House overwhelmingly last year, the U.S. Department of Energy is directed to continue and expand its research and development of hydrogen as a fuel cooperatively with the private sector under a peer reviewed competitive process. Title I, increases funding for R&D over a period of 5 years to a level recommended by the Department of Energy's Hydrogen Technical Advisory Panel. This increase will help assure the best utilization of the funds while allowing budget priorities to be decided under a balanced plan.

Title II specifically addresses research and development of hydrogen as a fuel in conjunction with fuel cell technology. This is a limited provision which calls for a research and development project to be funded and completed within 3 years. Title II assures that the Secretary of Energy is not required to make an award in the absence of a meritorious proposal.

Title III allows the Secretary of Energy to make temporary appointments of scientists, engineers, and other professionals, who are on leave of absence from their own institutions, to work for the Department of Energy and to pay their travel expenses. These temporary personnel appointments are similar to those which other science agencies, such as the National Science Foundation, have used successfully for years to assure they have access to the best scientific and engineering professionals and administrators to assist in the operations of the agency.

The Hydrogen Future Act, gives the House the opportunity to send to the Senate, and then the President's desk, a bill which is good for the environment, good for the economy, good for our health, and good for our future.

I hope my colleagues will join me in voting for passage of H.R. 4138, the Hydrogen Future Act of 1996.

□ 1715

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

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BROWN of California. Mr. Speaker, I rise today in support of the Hydrogen Future Act. After much work by several Committees of Congress, I believe that we now have an excellent legislative product. This bill directs the Department of Energy to study important research problems associated with hydrogen fuels, and it authorizes minimal, but sufficient, funds to carry out these directives.

As with many scientific endeavors, explaining the importance of these activities presents a unique challenge. However, today I am assisted by an editorial in the Washington Post, dated September 15, 1996, and titled, ''If We Kicked the Oil Habit, Saddam Wouldn't Menace Us.'' The authors of that editorial make the case that: ''Government-funded energy research and development is a far more prudent investment in economic security than military bases in the Arabian desert. * * * The only viable long-term U.S. strategy is to leave the Gulf by dramatically cutting the nation's oil use. No one should underestimate the difficulties and costs of doing so. That is precisely why there is no more time to lose.

The authors of this editorial—who represent the U.S. Business and Industrial Council Education Foundation—realize that the global energy market forges bonds, for good or for bad, between every major economy in the world; and, in the last decade, it has been tensions in these relationships that have provided more impetus for the United States to go to war than any other factor. In fact, I would argue that energy security has, in part, replaced ''communism'' as the major international threat in the post-Cold War era. How we deal with this new threat define us as a nation, in much the same way that our approach to communism defined the post-World War II era.

To meet this challenge, the authors of this editorial and I envision a future where energy demands are met by a wide array of energy sources, and the United States has broken its ties of dependence on the Middle East. Many of these energy sources are already part of global commerce, although most are in a fledgling state. These techniques include solar cells, wind turbines, fuel cells, and other renewable energy sources.

I hope those who are listening understand that these technologies, and conservation methods, owe their success to a decade of Federal support for energy R&D. This R&D has produced: improved solar cell modules that allow the United States to lead the world in sales of this technology with over one-third of the $300 million per year photovoltaics market; novel wind turbines that save the energy equivalent of 4.4 million barrels of oil each year in California alone; and new window pane that keeps more heat inside a house than a wall.

In addition to an opportunity to change the international balance of energy interests, energy R&D can also provide other benefits, such as: reduced environmental pollution, through increasingly clean fuels; improved international stability in developing countries, through the provision of cheap and plentiful energy, supplies; and enhanced U.S. economic growth, through reduced energy costs.

Hydrogen fuel, the subject of today's legislation, may one day play an important role as a source of fuel. Hydrogen fuel may one day become an energy technology that Americans use every day to satisfy their everyday energy needs. In particular, hydrogen shows particular promise as an automotive fuel, and recently several auto-makers have developed prototype hydrogen fuel cell cars and buses.

H.R. 4138, the measure before us today, will spur the demonstration of the technical feasibility of using hydrogen to fuel automotives and for

other applications; And, if will help to advance the state of the art in the general problem areas of hydrogen production, storage, and utilization. Specifically, this legislation sets the course for the next five years for U.S. hydrogen R&D efforts and enhances the leadership role of the Department of Energy in this important area. For these reasons alone, I would urge a vote for H.R. 4138.

However, the bill also has a new title that was added by the Senate since the House passed this measure last year. This title provides broad authority to the Department to use scientists from the field as rotating staff, thereby strengthening the technical and scientific capabilities of the Department. I wholeheartedly support this initiative and applaud the Senate efforts to include this authority in H.R. 4138. I would also like to thank the House Government Reform Committee for discharging this part of the measure quickly so that we could pass this bill this year.

In closing, I would like to commend Chairman WALKER for conceiving of this bill and shepherding it through the legislative process. While we have had our differences in other areas of legislative interest this year, we both share a strong commitment to the hydrogen R&D efforts of the Federal Government and Mr. WALKER has shown an unwavering belief in this technology.

I urge the passage of H.R. 4138.

Mr. Speaker, I might mention that not only are we comanaging this bill, but we are coauthors of this bill, which may be a unique situation in most of the legislation.

I urge the passage of H.R. 4138.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 4138.

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. WALKER. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3841) to amend the civil service laws of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3841

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Civil Service Reform Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEMONSTRATION PROJECTS

Sec. 101. Demonstration projects.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

Sec. 201. Increased weight given to performance for order-of-retention purposes in a reduction in force.
Sec. 202. No appeal of denial of periodic step-increases.
Sec. 203. Performance appraisals.
Sec. 204. Amendments to incentive awards authority.
Sec. 205. Due process rights of managers under negotiated grievance procedures.
Sec. 206. Collection and reporting of training information.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

Sec. 301. Loans under the Thrift Savings Plan for furloughed employees.
Sec. 302. Domestic relations orders.
Sec. 303. Unreduced additional optional life insurance.

TITLE IV—REORGANIZATION FLEXIBILITY

Sec. 401. Voluntary reductions in force.
Sec. 402. Nonreimbursable details to Federal agencies before a reduction in force.

TITLE V—SOFT-LANDING PROVISIONS

Sec. 501. Temporary continuation of Federal employees' life insurance.
Sec. 502. Continued eligibility for health insurance.
Sec. 503. Job placement and counseling services.
Sec. 504. Education and retraining incentives.

TITLE VI—MISCELLANEOUS

Sec. 601. Reimbursements relating to professional liability insurance.
Sec. 602. Employment rights following conversion to contract.
Sec. 603. Debarment of health care providers found to have engaged in fraudulent practices.
Sec. 604. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.
Sec. 605. Amendment to Public Law 104–134.
Sec. 606. Miscellaneous amendments relating to the health benefits program for Federal employees.
Sec. 607. Pay for certain positions formerly classified at GS–18.
Sec. 608. Repeal of section 1307 of title 5 of the United States Code.
Sec. 609. Extension of certain procedural and appeal rights to certain personnel of the Federal Bureau of Investigation.

TITLE I—DEMONSTRATION PROJECTS

SEC. 101. DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—Paragraph (1) of section 4701(a) of title 5, United States Code, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) PRE-IMPLEMENTATION PROCEDURES.—Subsection (b) of section 4703 of title 5, United States Code, is amended to read as follows:

''(b) Before an agency or the Office may conduct or enter into any agreement or contract to conduct a demonstration project, the Office—

''(1) shall develop or approve a plan for such project which identifies—

''(A) the purposes of the project;

''(B) the methodology;

''(C) the duration; and

''(D) the methodology and criteria for evaluation;

''(2) shall publish the plan in the Federal Register;

''(3) may solicit comments from the public and interested parties in such manner as the Office considers appropriate;

''(4) shall obtain approval from each agency involved of the final version of the plan; and

''(5) shall provide notification of the proposed project, at least 30 days in advance of the date any project proposed under this section is to take effect—

''(A) to employees who are likely to be affected by the project; and

''(B) to each House of the Congress.''.

(c) NONWAIVABLE PROVISIONS.—Section 4703(c) of title 5, United States Code, is amended—

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

''(1) any provision of subchapter V of chapter 63 or subpart G of part III of this title;''; and

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

''(3) any provision of chapter 15 or subchapter II or III of chapter 73 of this title;''.

(d) LIMITATIONS.—Subsection (d) of section 4703 of title 5, United States Code, is amended to read as follows:

''(d)(1) Each demonstration project shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that the project may continue for a maximum of 2 years beyond the date to the extent necessary to validate the results of the project.

''(2)(A) Not more than 15 active demonstration projects may be in effect at any time, and of the projects in effect at any time, not more than 5 may involve 5,000 or more individuals each.

''(B) Individuals in a control group necessary to validate the results of a project shall not, for purposes of any determination under subparagraph (A), be considered to be involved in such project.''.

(e) EVALUATIONS.—Subsection (h) of section 4703 of title 5, United States Code, is amended by adding at the end the following: ''The Office may, with respect to a demonstration project conducted by another agency, require that the preceding sentence be carried out by such other agency.''.

(f) PROVISIONS FOR TERMINATION OF PROJECT OR MAKING IT PERMANENT.—Section 4703 of title 5, United States Code, is amended—

(1) in subsection (i) by inserting ''by the Office'' after ''undertaken''; and

(2) by adding at the end the following:

''(j)(1) If the Office determines that termination of a demonstration project (whether under subsection (e) or otherwise) would result in the inequitable treatment of employees who participated in the project, the Office shall take such corrective action as is within its authority. If the Office determines that legislation is necessary to correct an inequity, it shall submit an appropriate legislative proposal to both Houses of Congress.

''(2) If the Office determines that a demonstration project should be made permanent, it shall submit an appropriate legislative proposal to both Houses of Congress.''.

TITLE II—PERFORMANCE MANAGEMENT ENHANCEMENT

SEC. 201. INCREASED WEIGHT GIVEN TO PERFORMANCE FOR ORDER-OF-RETENTION PURPOSES IN A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, is amended—

(1) in subsection (a)(4) by striking ''ratings.'' and inserting ''ratings, in conformance with the requirements of subsection (g).''; and

(2) by adding at the end the following:

''(g)(1) The regulations prescribed to carry out subsection (a)(4) shall be the regulations in effect, as of January 1, 1996, under section 351.504 of title 5 of the Code of Federal Regulations, except as otherwise provided in this subsection.

''(2) For purposes of this subsection—

''(A) subsections (b)(4) and (e) of such section 351.504 shall be disregarded;

''(B) subsection (d) of such section 351.504 shall be considered to read as follows:

'''(d)(1) The additional service credit an employee receives for performance under this subpart shall be expressed in additional years of service and shall consist of the sum of the employee's 3 most recent (actual and/or assumed) annual performance ratings received during the 4-year period prior to the date of issuance of reduction-in-force notices or the 4-year period prior to the agency-established cutoff date (as appropriate), computed in accordance with paragraph (2) or (3) (as appropriate).

'''(2) Except as provided in paragraph (3), an employee shall receive—

'''(A) 5 additional years of service for each performance rating of fully successful (Level 3) or equivalent;

'''(B) 7 additional years of service for each performance rating of exceeds fully successful (Level 4) or equivalent; and

'''(C) 10 additional years of service for each performance rating of outstanding (Level 5) or equivalent.

'''(3)(A) If the employing agency uses a rating system having only 1 rating to denote performance which is fully successful or better, then an employee under such system shall receive 5 additional years of service for each such rating.

'''(B) If the employing agency uses a rating system having only 2 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

'''(i) 5 additional years of service for each performance rating at the lower of those 2 ratings; and

'''(ii) 7 additional years of service for each performance rating at the higher of those 2 ratings.

'''(C) If the employing agency uses a rating system having more than 3 ratings to denote performance which is fully successful or better, then an employee under such system shall receive—

'''(i) 5 additional years of service for each performance rating at the lowest of those ratings;

'''(ii) 7 additional years of service for each performance rating at the next rating above the rating referred to in clause (i); and

'''(iii) 10 additional years of service for each performance rating above the rating referred to in clause (ii).

'''(D) For purposes of this paragraph, a rating shall not be considered to denote performance which is fully successful or better unless, in order to receive such rating, such performance must satisfy all requirements for a fully successful rating (Level 3) or equivalent, as established under part 430 of this chapter (as in effect as of January 1, 1996).'; and

''(C) subsection (c) of such section shall be considered to read as follows:

'''(c)(1) Service credit for employees who do not have 3 actual annual performance ratings of record received during the 4-year period prior to the date of issuance of reduction-in-force notices, or the 4-year period prior to the agency-established cutoff date for ratings permitted in subsection (b)(2) of this section, shall be determined in accordance with paragraph (2).

'''(2) An employee who has not received 1 or more of the 3 annual performance ratings of record required under this section shall—

'''(A) receive credit for performance on the basis of the rating or ratings actually received (if any); and

'''(B) for each performance rating not actually received, be given credit for 5 additional years of service.'.''.

(b)(1) Under regulations which shall be prescribed by the Office of Personnel Management, for purposes of determining the order of retention of employees in a reduction in force, if an agency has more than 1 performance evaluation system—

(A) employees of such agency who are covered by different evaluation systems shall be placed in separate competitive areas; and

(B) such agency shall establish more than 1 competitive level for such employees if—

(i) employees in a competitive area have received ratings under 1 or more evaluation systems different from a significant number of other competing employees within the same competitive area during any part of the applicable 4-year period described in the provisions of section 351.504(d)(1) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B) of title 5, United States Code, as amended by this section); and

(ii) the employees referred to in clause (i) would otherwise be placed in the same competitive level.

(2) The regulations shall require agencies to establish the competitive levels under paragraph (1)(B) in accordance with the following criteria:

(A) To the extent feasible, the agency shall avoid the use of single-position competitive levels.

(B) All employees who have received ratings of record under the same performance evaluation system for at least 3 of the 4 years described in the provisions referred to in paragraph (1)(B)(i) shall be placed in the same competitive level.

(C) Separate competitive levels shall be established for those employees who—

(i) have received ratings of record under the same performance evaluation system for 2 of the 4 years described in the provisions referred to in paragraph (1)(B)(i); or

(ii) have received ratings of record under the same performance evaluation system for 1 of the 4 years described in the provisions referred to in paragraph (1)(B)(i).

(3) No employee shall be placed or continued under a performance evaluation system having only 1 rating to denote performance which is fully successful (Level 3) or better without such employee's written consent.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the General Accounting Office shall submit to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate a report analyzing and assessing the following:

(1) Based on performance-ratings statistics in the executive branch of the Government over the past 15 years, the correlation (if any) between employees' ratings of record and the following:

(A) Promotions.

(B) Awards.

(C) Bonuses.

(D) Quit rates.

(E) Removals.

(F) Disciplinary actions (other than removals).

(G) The filing of grievances, complaints, and charges of unfair labor practices.

(H) Appeals of adverse actions.

(2) The impact of performance ratings on retention during reductions in force over the past 5 years.

(3) Whether ''pass/fail'' performance systems are compatible with the statutory requirement that efficiency or performance ratings be given due effect during reductions in force.

(4) The respective numbers of Federal agencies, organizational units, and Federal employees that are covered by the different performance evaluation systems.

(5) The potential impact of this section on employees in different performance evaluation systems.

(6) Whether there are significant differences in the distribution of ratings among or within agencies and, if so, the reasons therefor.

Based on the findings of the General Accounting Office, the report shall include recommendations to improve the effectiveness of Federal performance evaluation systems.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reductions in force taking effect on or after October 1, 1999.

SEC. 202. NO APPEAL OF DENIAL OF PERIODIC STEP-INCREASES.

(a) IN GENERAL.—Section 5335(c) of title 5, United States Code, is amended—

(1) by striking the second sentence;

(2) in the third sentence by striking ''or appeal''; and

(3) in the last sentence by striking ''and the entitlement of the employee to appeal to the Board do not apply'' and inserting ''does not apply''.

(b) PERFORMANCE RATINGS.—Section 5335 of title 5, United States Code, as amended by subsection (a), is further amended—

(1) in subsection (a)(B) by striking ''work of the employee is of an acceptable level of competence'' and inserting ''performance of the employee is at least fully successful'';

(2) in subsection (c)—

(A) in the first sentence by striking ''work of an employee is not of an acceptable level of competence,'' and inserting ''performance of an employee is not at least fully successful,''; and

(B) in the last sentence by striking ''acceptable level of competence'' and inserting ''fully successful work performance''; and

(3) by adding at the end the following:

''(g) For purposes of this section, the term 'fully successful' denotes work performance that satisfies the requirements of section 351.504(d)(3)(D) of title 5 of the Code of Federal Regulations (as deemed to be amended by section 3502(g)(2)(B)).''.

SEC. 203. PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Section 4302 of title 5, United States Code, is amended—

(1) in subsection (b) by striking paragraphs (5) and (6) and inserting the following:

''(5) assisting employees in improving unacceptable performance, except in circumstances described in subsection (c); and

''(6) reassigning, reducing in grade, removing, or taking other appropriate action against employees whose performance is unacceptable.''; and

(2) by adding at the end the following:

''(c) Upon notification of unacceptable performance, an employee shall be afforded an

opportunity to demonstrate acceptable performance before a reduction in grade or removal may be proposed under section 4303 based on such performance, except that an employee so afforded such an opportunity shall not be afforded any further opportunity to demonstrate acceptable performance if the employee's performance again is determined to be at an unacceptable level.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply in the case of any proposed action as to which the employee receives advance written notice, in accordance with section 4303(b)(1)(A) of title 5, United States Code, before the effective date of this section.

SEC. 204. AMENDMENTS TO INCENTIVE AWARDS AUTHORITY.

Chapter 45 of title 5, United States Code, is amended—

(1) by amending section 4501 to read as follows:

''§ 4501. Definitions

''For the purpose of this subchapter—

''(1) the term 'agency' means—

''(A) an Executive agency;

''(B) the Library of Congress;

''(C) the Office of the Architect of the Capitol;

''(D) the Botanic Garden;

''(E) the Government Printing Office; and

''(F) the United States Sentencing Commission;

but does not include—

''(i) the Tennessee Valley Authority; or

''(ii) the Central Bank for Cooperatives;

''(2) the term 'employee' means an employee as defined by section 2105; and

''(3) the term 'Government' means the Government of the United States.'';

(2) by amending section 4503 to read as follows:

''§ 4503. Agency awards

''(a) The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

''(1) by his suggestion, invention, superior accomplishment, or other personal effort, contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or

''(2) performs a special act or service in the public interest in connection with or related to his official employment.

''(b)(1) If the criteria under paragraph (1) or (2) of subsection (a) are met on the basis of the suggestion, invention, superior accomplishment, act, service, or other meritorious effort of a group of employees collectively, and if the circumstances so warrant (such as by reason of the infeasibility of determining the relative role or contribution assignable to each employee separately), authority under subsection (a) may be exercised—

''(A) based on the collective efforts of the group; and

''(B) with respect to each member of such group.

''(2) The amount awarded to each member of a group under this subsection—

''(A) shall be the same for all members of such group, except that such amount may be prorated to reflect differences in the period of time during which an individual was a member of the group; and

''(B) may not exceed the maximum cash award allowable under subsection (a) or (b) of section 4502, as applicable.''; and

(3) in subsection (a)(1) of section 4505a by striking ''at the fully successful level or higher'' and inserting ''higher than the fully successful level''.

SEC. 205. DUE PROCESS RIGHTS OF MANAGERS UNDER NEGOTIATED GRIEVANCE PROCEDURES.

(a) IN GENERAL.—Paragraph (2) of section 7121(b) of title 5, United States Code, is amended to read as follows:

''(2) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply with respect to orders issued on or after the date of the enactment of this Act, notwithstanding the provisions of any collective bargaining agreement.

SEC. 206. COLLECTION AND REPORTING OF TRAINING INFORMATION.

(a) TRAINING WITHIN GOVERNMENT.—The Office of Personnel Management shall collect information concerning training programs, plans, and methods utilized by agencies of the Government and submit a report to the Congress on this activity on an annual basis.

(b) TRAINING OUTSIDE OF GOVERNMENT.—The Office of Personnel Management, to the extent it considers appropriate in the public interest, may collect information concerning training programs, plans, and methods utilized outside the Government. The Office, on request, may make such information available to an agency and to Congress.

TITLE III—ENHANCEMENT OF THRIFT SAVINGS PLAN AND CERTAIN OTHER BENEFITS

SEC. 301. LOANS UNDER THE THRIFT SAVINGS PLAN FOR FURLOUGHED EMPLOYEES.

Section 8433(g) of title 5, United States Code, is amended by adding at the end the following:

''(6) An employee who has been furloughed due to a lapse in appropriations may not be denied a loan under this subsection solely because such employee is not in a pay status.''.

SEC. 302. DOMESTIC RELATIONS ORDERS.

(a) IN GENERAL.—Section 8705 of title 5, United States Code, is amended—

(1) in subsection (a) by striking ''(a) The'' and inserting ''(a) Except as provided in subsection (e), the''; and

(2) by adding at the end the following:

''(e)(1) Any amount which would otherwise be paid to a person determined under the order of precedence named by subsection (a) shall be paid (in whole or in part) by the Office to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

''(2) For purposes of this subsection, a decree, order, or agreement referred to in paragraph (1) shall not be effective unless it is received, before the date of the covered employee's death, by the employing agency or, if the employee has separated from service, by the Office.

''(3) A designation under this subsection with respect to any person may not be changed except—

''(A) with the written consent of such person, if received as described in paragraph (2); or

''(B) by modification of the decree, order, or agreement, as the case may be, if received as described in paragraph (2).

''(4) The Office shall prescribe any regulations necessary to carry out this subsection, including regulations for the application of this subsection in the event that 2 or more decrees, orders, or agreements, are received with respect to the same amount.''.

(b) DIRECTED ASSIGNMENT.—Section 8706(e) of title 5, United States Code, is amended—

(1) by striking ''(e)'' and inserting ''(e)(1)''; and

(2) by adding at the end the following:

''(2) A court decree of divorce, annulment, or legal separation, or the terms of a court-approved property settlement agreement incidental to any court decree of divorce, annulment, or legal separation, may direct that an insured employee or former employee make an irrevocable assignment of the employee's or former employee's incidents of ownership in insurance under this chapter (if there is no previous assignment) to the person specified in the court order or court-approved property settlement agreement.''.

SEC. 303. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

''(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

''(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

''(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

''(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

''(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

''(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

''(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A).''; and

(2) in the second sentence of subsection (d)(1) by inserting ''if insurance is continued as provided in subparagraph (A) of paragraph (3),'' after ''except that,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of the enactment of this Act and shall apply to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

TITLE IV—REORGANIZATION FLEXIBILITY

SEC. 401. VOLUNTARY REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

''(f)(1) The head of an Executive agency or military department may, in accordance with regulations prescribed by the Office of Personnel Management—

''(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

''(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

''(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force, except for purposes of priority placement programs and advance notice.

''(3) An employee with critical knowledge and skills (as defined by the head of the Executive agency or military department concerned) may not participate in a voluntary separation under paragraph (1)(A) if the agency or department head concerned determines that such participation would impair the performance of the mission of the agency or department (as applicable).

''(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

''(5) No authority under paragraph (1) may be exercised after September 30, 2001.''.

SEC. 402. NONREIMBURSABLE DETAILS TO FEDERAL AGENCIES BEFORE A REDUCTION IN FORCE.

(a) IN GENERAL.—Section 3341 of title 5, United States Code, is amended to read as follows:

''§ 3341. Details; within Executive agencies and military departments; employees affected by reduction in force

''(a) The head of an Executive agency or military department may detail employees, except those required by law to be engaged exclusively in some specific work, among the bureaus and offices of the agency or department.

''(b) The head of an Executive agency or military department may detail to duties in the same or another agency or department, on a nonreimbursable basis, an employee who has been identified by the employing agency as likely to be separated from the Federal service by reduction in force or who has received a specific notice of separation by reduction in force.

''(c)(1) Details under subsection (a)—

''(A) may not be for periods exceeding 120 days; and

''(B) may be renewed (1 or more times) by written order of the head of the agency or department, in each particular case, for periods not exceeding 120 days each.

''(2) Details under subsection (b)—

''(A) may not be for periods exceeding 90 days; and

''(B) may not be renewed.

''(d) The 120-day limitation under subsection (c)(1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

''(1) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

''(2) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

''(e) For purposes of this section—

''(1) the term 'base closure law' means—

''(A) section 2687 of title 10;

''(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act; and

''(C) the Defense Base Closure and Realignment Act of 1990; and

''(2) the term 'military installation'—

''(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

''(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

''(C) in the case of an installation covered by the Act referred to in subparagraph (C) of paragraph (1), has the meaning given such term in section 2910(4) of such Act.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3341 and inserting the following:

''3341. Details; within Executive agencies and military departments; employees affected by reduction in force.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

TITLE V—SOFT-LANDING PROVISIONS

SEC. 501. TEMPORARY CONTINUATION OF FEDERAL EMPLOYEES' LIFE INSURANCE.

Section 8706 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) Notwithstanding subsections (a) and (b) of this section, an employee whose coverage under this chapter would otherwise terminate due to a separation described in paragraph (3) shall be eligible to continue basic insurance coverage described in section 8704 in accordance with this subsection and regulations the Office may prescribe, if the employee arranges to pay currently into the Employees Life Insurance Fund, through the former employing agency or, if an annuitant, through the responsible retirement system, an amount equal to the sum of—

''(A) both employee and agency contributions which would be payable if separation had not occurred; plus

''(B) an amount, determined under regulations prescribed by the Office, to cover necessary administrative expenses, but not to exceed 2 percent of the total amount under subparagraph (A).

''(2) Continued coverage under this subsection may not extend beyond the date which is 18 months after the effective date of the separation which entitles a former employee to coverage under this subsection. Termination of continued coverage under this subsection shall be subject to provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance as provided by subsection (a). If an eligible employee does not make an election for purposes of this subsection, the employee's insurance will terminate as provided by subsection (a).

''(3)(A) This subsection shall apply to an employee who, on or after the date of enactment of this subsection and before the applicable date under subparagraph (B)—

''(i) is involuntarily separated from a position due to a reduction in force, or separates voluntarily from a position the employing agency determines is a 'surplus position' as defined by section 8905(d)(4)(C); and

''(ii) is insured for basic insurance under this chapter on the date of separation.

''(B) The applicable date under this subparagraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in subparagraph (A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this subparagraph is February 1, 2002.''.

SEC. 502. CONTINUED ELIGIBILITY FOR HEALTH INSURANCE.

(a) CONTINUED ELIGIBILITY AFTER RETIREMENT.—Section 8905 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b) by striking ''An'' and inserting ''Subject to subsection (g), an''; and

(2) by adding at the end the following:

''(g)(1) The Office shall waive the requirements for continued enrollment under subsection (b) in the case of any individual who, on or after the date of the enactment of this subsection and before the applicable date under paragraph (2)—

''(A) is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force,

''(B) based on the separation referred to in subparagraph (A), retires on an immediate annuity under subchapter III of chapter 83 or subchapter II of chapter 84, and

''(C) is enrolled in a health benefits plan under this chapter as an employee immediately before retirement.

''(2) The applicable date under this paragraph is October 1, 2001, except that, for purposes of any involuntary separation referred to in paragraph (1)(A) with respect to which appropriate specific notice is afforded to the affected employee before October 1, 2001, the applicable date under this paragraph is February 1, 2002.

''(3) For purposes of this subsection, the term 'surplus position', with respect to an agency, means any position determined in accordance with regulations under section 8905a(d)(4)(C) for such agency.''.

(b) TEMPORARY CONTINUED ELIGIBILITY AFTER BEING INVOLUNTARILY SEPARATED.—Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''the Department of Defense'' and inserting ''an Executive agency''; and

(2) by amending subparagraph (C) to read as follows:

''(C) For purposes of this paragraph, the term 'surplus position' means a position that, as determined under regulations prescribed by the head of the agency involved, is identified during planning for a reduction in force as being no longer required and is designated for elimination during the reduction in force.''.

SEC. 503. JOB PLACEMENT AND COUNSELING SERVICES.

(a) AUTHORITY FOR SERVICES.—The head of each Executive agency may establish a program to provide job placement and counseling services to current and former employees.

(b) TYPES OF SERVICES AUTHORIZED.—A program established under this section may include such services as—

(1) career and personal counseling;

(2) training in job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment service offices.

(c) ELIGIBILITY FOR SERVICES.—Services authorized by this section may be provided to—

(1) current employees of the agency or, with the approval of such other agency, any other agency; and

(2) employees of the agency or, with the approval of such other agency, any other agency who have been separated for less than 1 year, if the separation was not a removal for cause on charges of misconduct or delinquency.

(d) REIMBURSEMENT FOR COSTS.—The costs of services provided to current or former employees of another agency shall be reimbursed by that agency.

SEC. 504. EDUCATION AND RETRAINING INCENTIVES.

(a) NON-FEDERAL EMPLOYMENT INCENTIVE PAYMENTS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term ''eligible employee'' means an employee who is involuntarily separated from a position, or voluntarily separated from a surplus position, in or under an Executive agency due to a reduction in force, except that such term does not include an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, other than under section 8336(d) or 8414(b) of such title;

(B) the term ''non-Federal employer'' means an employer other than the Government of the United States or any agency or other instrumentality thereof;

(C) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code; and

(D) the term ''surplus position'' has the meaning given such term by section 8905(d)(4)(C) of title 5, United States Code.

(2) AUTHORITY.—The head of an Executive agency may pay retraining and relocation incentive payments, in accordance with this subsection, in order to facilitate the reemployment of eligible employees who are separated from such agency.

(3) RETRAINING INCENTIVE PAYMENT.—

(A) AGREEMENT.—The head of an Executive agency may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(i) to employ an individual referred to in paragraph (2) for at least 12 months for a salary which is mutually agreeable to the employer and such individual; and

(ii) to certify to the agency head any costs incurred by the employer for any necessary training provided to such individual in connection with the employment by such employer.

(B) PAYMENT OF RETRAINING INCENTIVE PAYMENT.—The agency head shall pay a retraining incentive payment to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. The agency head shall prescribe the amount of the incentive payment.

(C) PRORATION RULE.—The agency head shall pay a prorated amount of the full retraining incentive payment to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months, but only if the employee remains so employed for at least 6 months.

(D) LIMITATION.—In no event may the amount of the retraining incentive payment paid for the training of any individual exceed the amount certified for such individual under subparagraph (A), subject to subsection (c).

(4) RELOCATION INCENTIVE PAYMENT.—The head of an agency may pay a relocation incentive payment to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Subject to subsection (e), the amount of the incentive payment shall not exceed the amount that would be payable for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including any reimbursement authorized under section 5724b of such title, to a Federal employee who transfers between the same locations as the individual to whom the incentive payment is payable.

(5) DURATION.—No incentive payment may be paid for training or relocation commencing after June 30, 2002.

(6) SOURCE.—An incentive payment under this subsection shall be payable from appropriations or other funds available to the agency for purposes of training (within the meaning of section 4101(4) of title 5, United States Code).

(b) EDUCATIONAL ASSISTANCE.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term ''eligible employee'' means an eligible employee, within the meaning of subsection (a), who —

(i) is employed full-time on a permanent basis;

(ii) has completed at least 3 years of current continuous service in any Executive agency or agencies; and

(iii) is admitted to an institution of higher education within 1 year after separation;

(B) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code;

(C) the term ''educational assistance'' means payments for educational assistance as provided in section 127(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 127(c)(1)); and

(D) the term ''institution of higher education'' has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(2) AUTHORITY.—Under regulations prescribed by the Office of Personnel Management, and subject to the limitations under subsection (c), the head of an Executive agency may, in his or her discretion, provide educational assistance under this subsection to an eligible employee for a program of education at an institution of higher education after the separation of the employee.

(3) DURATION.—No educational assistance under this subsection may be paid later than 10 years after the separation of the eligible employee.

(4) SOURCE.—Educational assistance payments shall be payable from appropriations or other funds which would have been used to pay the salary of the eligible employee if the employee had not separated.

(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations for the administration of this subsection. Such regulations shall provide that educational assistance payments shall be limited to amounts necessary for current tuition and fees only.

(c) LIMITATIONS.—

(1) AGGREGATE LIMITATION.—No incentive payment or educational assistance payment may be paid under this section to or on behalf of any individual to the extent that such amount would cause the aggregate amount otherwise paid or payable under this section, to or on behalf of such individual, to exceed $10,000.

(2) LIMITATION RELATING TO EDUCATIONAL ASSISTANCE.—The total amount paid under subsection (b) to any individual—

(A) may not exceed $6,000 if the individual has at least 3 but less than 4 years of qualifying service; and

(B) may not exceed $8,000 if the individual has at least 4 but less than 5 years of qualifying service.

(3) QUALIFYING SERVICE.—For purposes of paragraph (2), the term ''qualifying service'' means service performed as an employee, within the meaning of section 2105 of title 5, United States Code, on a permanent full-time or permanent part-time basis (counting part-time service on a prorated basis).

TITLE VI—MISCELLANEOUS

SEC. 601. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.

(a) AUTHORITY.—Notwithstanding any other provision of law, any amounts appropriated, for fiscal year 1997 or any fiscal year thereafter, for salaries and expenses of Government employees may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term ''qualified employee'' means—

(1) an agency employee whose position is that of a law enforcement officer;

(2) an agency employee whose position is that of a supervisor or management official; or

(3) such other employee as the head of the agency considers appropriate

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term ''law enforcement officer'' means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms ''supervisor'' and ''management official'' have the respective meanings given them by section 7103(a) of such title 5; and

(4) the term ''professional liability insurance'' means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) POLICY LIMITS.—

(1) IN GENERAL.—Reimbursement under this section shall not be available except in the case of any professional liability insurance policy providing for—

(A) not to exceed $1,000,000 of coverage for legal liability (as described in subsection (c)(4)(A)) per occurrence per year; and

(B) not to exceed $100,000 of coverage for the cost of legal representation (as described in subsection (c)(4)(B)) per occurrence per year.

(2) ADJUSTMENTS.—The head of an agency may from time to time adjust the respective dollar amount limitations applicable under this subsection to the extent that the head of such agency considers appropriate to reflect inflation.

SEC. 602. EMPLOYMENT RIGHTS FOLLOWING CONVERSION TO CONTRACT.

(a) IN GENERAL.—An employee whose position is abolished because an activity performed by an Executive agency (within the meaning of section 105 of title 5, United States Code) is converted to contract shall receive from the contractor an offer in good faith of a right of first refusal of employment under the contract for a position for which the employee is deemed qualified based upon previous knowledge, skills, abilities, and experience. The contractor shall not offer employment under the contract to any person prior to having complied fully with this obligation, except as provided in subsection (b), or unless no employee whose position is abolished because such activity has been converted to contract can demonstrate appropriate qualifications for the position.

(b) EXCEPTION.—Notwithstanding the contractor's obligation under subsection (a), the contractor is not required to offer a right of first refusal to any employee who, in the 12 months preceding conversion to contract, has been the subject of an adverse personnel action related to misconduct or has received a less than fully successful performance rating.

(c) LIMITATION.—No employee shall have a right to more than 1 offer under this section based on any particular separation due to the conversion of an activity to contract.

(d) REGULATIONS.—Regulations to carry out this section may be prescribed by the President.

SEC. 603. DEBARMENT OF HEALTH CARE PROVIDERS FOUND TO HAVE ENGAGED IN FRAUDULENT PRACTICES.

(a) IN GENERAL.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)(2)(A) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(2) in subsection (b)—

(A) by striking ''may'' and inserting ''shall'' in the matter before paragraph (1); and

(B) by amending paragraph (5) to read as follows:

''(5) Any provider that is currently suspended or excluded from participation under any program of the Federal Government involving procurement or nonprocurement activities.'';

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

''(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

''(1) Any provider—

''(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

''(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

''(2) Any provider that is an entity directly or indirectly owned, or with a 5 percent or more controlling interest, by an individual who is convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been excluded from participation under this chapter.

''(3) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

''(4) Any provider that the Office determines has committed acts described in subsection (d).'';

(4) in subsection (d), as so redesignated by paragraph (3), by amending paragraph (1) to read as follows:

''(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

''(A) an item or service not provided as claimed;

''(B) charges in violation of applicable charge limitations under section 8904(b); or

''(C) an item or service furnished during a period in which the provider was excluded from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);'';

(5) in subsection (f), as so redesignated by paragraph (3), by inserting ''(where such debarment is not mandatory)'' after ''under this section'' the first place it appears;

(6) in subsection (g), as so redesignated by paragraph (3)—

(A) by striking ''(g)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is excluded from participation may request a hearing in accordance with subsection (h)(1).

''(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(4) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).'';

(B) in paragraph (3)—

(i) by inserting ''of debarment'' after ''notice''; and

(ii) by adding at the end the following: ''In the case of a debarment under paragraphs (1) through (4) of subsection (b), the minimum period of exclusion shall not be less than 3 years, except as provided in paragraph (4)(B)(ii).''; and

(C) in paragraph (4)(B)(i)(I) by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (d)'';

(7) in subsection (h), as so redesignated by paragraph (3), by striking ''(h)(1)'' and all that follows through the end of paragraph (2) and inserting the following:

''(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection must be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

''(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his principal place of business by filing a notice of appeal in such court within 60 days from the date the decision is issued and simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the cause for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as a whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion.''; and

(8) in subsection (i), as so redesignated by paragraph (3)—

(A) by striking ''subsection (c)'' and inserting ''subsection (d)''; and

(B) by adding at the end the following: ''The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2) and (4) of section 8902a(c) of title 5, United States Code, as amended by subsection (a), shall apply only to the extent that the misconduct which is the basis for debarment thereunder occurs after the date of the enactment of this Act.

(B) Section 8902a(d)(1)(B) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to charges which violate section 8904(b) of such title 5 for items and services furnished after the date of the enactment of this Act.

(C) Section 8902a(g)(3) of title 5, United States Code, as amended by subsection (a), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 604. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

Section 5 of the FEGLI Living Benefits Act (Public Law 103–409; 108 Stat. 4232) is amended—

(1) by inserting ''and the Board of Governors of the Federal Reserve System'' after ''Office of the Comptroller of the Currency and the Office of Thrift Supervision'' each place it appears;

(2) in subsection (a), by inserting ''or under a health benefits plan not governed by chapter 89 of such title in which employees and retirees of the Board of Governors of the Federal Reserve System participated before January 4, 1997,'' after ''January 7, 1995,'';

(3) in subsection (b)—

(A) by inserting ''(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or on January 4, 1997 (in the case of the Board of Governors of the Federal Reserve System)'' after ''on January 7, 1995'' each place it appears;

(B) by inserting '', or in which employees and retirees of the Board of Governors of the Federal Reserve System participate,'' after ''Office of the Comptroller of the Currency or the Office of Thrift Supervision'' each place it appears; and

(C) by inserting ''(in the case of the Comptroller of the Currency and the Office of Thrift Supervision) or after January 5, 1997 (in the case of the Board of Governors of the Federal Reserve System)'' after ''January 8, 1995'' each place it appears;

(4) in subsection (b)(1)(A), by striking ''title;'' and inserting ''title or a retiree (as defined in subsection (e);''; and

(5) by adding at the end the following:

''(e) DEFINITION.—For purposes of this section, the term 'retiree' shall mean an individual who is receiving benefits under the Retirement Plan for Employees of the Federal Reserve System.''.

SEC. 605. AMENDMENT TO PUBLIC LAW 104–134.

Paragraph (3) of section 3110(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–343) is amended to read as follows:

''(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by sections 8432 and 8351 of title 5, United States Code, for those employees who elect to retain their coverage under the Civil Service Retirement System or the Federal Employees' Retirement System pursuant to paragraph (1).''.

SEC. 606. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking ''organization;'' and inserting ''organization and the Government-wide service benefit plan sponsored by an association of organizations described in this paragraph;''.

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking ''plan,'' and inserting ''plan, underwritten by participating affiliates licensed in any number of States,''.

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking ''(m)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.''.

SEC. 607. PAY FOR CERTAIN POSITIONS FORMERLY CLASSIFIED AT GS–18.

Notwithstanding any other provision of law, the rate of basic pay for positions that were classified at GS–18 of the General Schedule on the date of the enactment of the Federal Employees Pay Comparability Act of 1990 shall be set and maintained at the rate equal to the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

SEC. 608. REPEAL OF SECTION 1307 OF TITLE 5 OF THE UNITED STATES CODE.

(a) IN GENERAL.—Section 1307 of title 5, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 5, United States Code, is amended by repealing the item relating to section 1307.

SEC. 609. EXTENSION OF CERTAIN PROCEDURAL AND APPEAL RIGHTS TO CERTAIN PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any personnel action taking effect after the end of the 45-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentlewoman from Illinois [Mrs. COLLINS] each will control 20 minutes.

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

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

Mr. Speaker, I am pleased to bring before the Congress the Omnibus Civil Service Reform Act of 1996. This is significant legislation for our Federal employees and the taxpayers they serve. It is my hope that it will improve the performance and accountability of Federal employees, rewarding those who work hard and obey the rules. This bill will soften the impact of Government downsizing on dedicated Federal employees. And it will address a wide variety of other problems. For example, it will give the Office of Personnel Management the tools it needs to deal swiftly with anyone who tries to defraud the Federal Health Benefits Program.

This bill is the product of hard work by Members from both sides of the aisle. I want to thank the distinguished gentlelady from Maryland of [Mrs. MORELLA]. She has been an active and effective champion of Federal employees, and she has made invaluable contributions to this legislation. Both FRANK WOLF and TOM DAVIS, distinguished Representatives from Virginia, have also made significant contributions to this bill. Thanks are also due to another Virginian, JIM MORAN, the distinguished ranking member of the Civil Service Subcommittee. His leadership, diligence, and willingness to work with Members of both parties are very much appreciated.

PERFORMANCE MANAGEMENT

No part of this bill, Mr. Speaker, is more important to taxpayers and to the many dedicated Federal employees than title two. This title sends the right message—loud and clear—to Federal employees and taxpayers alike: Good performance will be rewarded. Performance management in the Federal Government is strengthened. Federal managers are given important tools so they can correct problems when they occur. More important, this bill rewards employees for their good work.

Under this bill, managers need not place poor performers repeatedly on Performance Improvement Plans. Agencies should not have to waste precious resources dealing with chronic poor performers.

But the cornerstone of this title is section 201. This section increases the weight given to performance on the job during a reduction in force. Although seniority would remain an important factor in determining who remains after a reduction in force, outstanding performance will now be properly considered and credited. This is especially important for employees with less than 15 years of service. As we downsize the Federal workforce and restructure agencies, we must assure taxpayers that the Government will retain its most productive employees. We must also reward and recognize those productive employees.

REORGANIZATION FLEXIBILITY AND SOFT LANDINGS

This bill also contains provisions that give Federal agencies additional flexibility in restructuring and soften the impact of downsizing on individual employees. Under this bill, agencies can allow individuals to volunteer to be separated in reductions in force. It also allows agencies to make 90-day nonreimbursable details of individuals targeted for RIF to other agencies. In effect, this given the employee a 90-day tryout with a new agency.

Other provisions provide a safety net to separated employees by providing continuity of health and life insurance. Agencies are also authorized to establish job placement and counseling services. The bill authorizes relocation and retraining assistance to separated employees who take jobs in the private sector and educational assistance to help them develop new skills. Finally, this bill guarantees Federal employees whose jobs are contracted the right of first refusal for those jobs with the contractor.

OTHER PROVISIONS

Numerous provisions provide the Administration with tools to deal with existing problems in the civil service system. Title I significantly expands demonstration authority to experiment with new ways of managing personnel. This was high on the Administration's list of priorities for civil service reform. The bill also gives the Administration authority to debar health care providers found to have engaged in fraudulent practices. This is an important tool for the Office of Personnel Management to use in the fight against fraud and abuse in the Federal Employees Health Benefit Program.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia [Mr. MORAN] to control the time.

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

Mr. Speaker, I thank the gentleman from Florida [Mr. MICA] for his kind words and for bringing up this bill.

□ 1730

Mr. Speaker, this is a shadow of its former self. We had a number of provisions in this that I think would have gone a long ways towards reforming some of the parts of the civil service system that really need to be addressed; for example, the appeals process. Right now people with mixed appeals can decide they want to appeal a grievance to the Merit System Protection Board or the Equal Employment Opportunity Commission or the National Federal Labor Relations Board. They have got any number of choices, and if they really want to obstruct the process of appealing and make it very difficult for a manager to discipline an employee, that employee has any number of ways to punish the manager for even attempting to do so.

So what we wanted to do was to tell the employee, pick one appeals process. Speed up the process. We do not have enough time, with all the responsibilities of the Federal Government, to get bogged down in simply these structural appeals processes that have much more to do with process than with progress.

Another thing that we wanted to do was to give more discretion to managers and to employees. One of the things that seemed to make a compelling amount of common sense was to require that when there was an employee grievance they ought to engage in the alternative dispute resolution process, sit down, see if the manager and the employee first cannot work it out, until you get into this very legalistic structure. The gentlewoman from the District of Columbia, Ms. NORTON, supported that very strongly from her experience with the EEOC. We did not get anyplace on it. Those are the kinds of things that really should have been included.

Now there are some very important provisions that are still included, provisions that will help employees that may be adversely effected through Federal downsizing. For example, if an employee is RIF'd, the Federal Government would pay 100 percent of their health insurance premium for 18 months. Currently, although the Federal employee can keep their health insurance, they have to pay all of it. Excuse me, the employer would continue to pay the employer's share, which is 72 percent. Life insurance we would extend for another 18 months, until the person gets a job.

These are called soft landing provisions.

There is a provision I put in where an agency can provide money for education and training for an employee being RIF'd. That seemed to make a lot of sense. We have a provision that gives preference for people within the same Federal agency to find other jobs if they are being RIF'd, again a common sense measure. Those measures need to be passed now.

Unfortunately, we have a provision in, and I can understand why it is in because I support the concept, which may be a killer provision. The Senate says they will not accept it because it is controversial. As a result, if it is included, this bill is not going to go anywhere this session.

What that provision does is to give added weight to performance. If an employee gets an outstanding performance rating instead of a satisfactory or a fully satisfactory, it may sound semantic, but they are quite different in terms of the points that they would get. An outstanding rating in 1 year gives you 10 points. If it is only satisfactory, you only get 5 points. That would be added to 1 point for every year of service.

Now for people that got outstanding ratings in the 3 years prior to being RIF'd, they could get as much as 30 points added onto their length of service. Somebody that did not get even a satisfactory rating but that had 30 years of service themselves, they would be equally treated.

Now many people say that leaves too much subjective judgment to the manager, to the person running the program, to the person making that evaluation, and so it is a very controversial measure. It is something we could have worked out perhaps in conference with the Senate, we could have worked out if we had more time. We do not have any more time left in this session to work that type of controversial provision out. I understand why it is in, but I am afraid by keeping it in this bill, despite all our hard work and despite the very important provisions that provide soft landing for Federal employees, they are not gong to be enacted this year because of that provision.

I think the debate we are going to hear is going to largely center on that one provision. It would probably not give the amount of attention that ought to be given to the other provisions, solely because the other provision are really not all that controversial.

After working on this for almost 2 years, it saddens me to realize that this may very well not become law, but if that is the case, we will know why, and we will just have to let the chips fall where they may. I appreciate the fact that the gentleman from Florida [Mr. MICA] has gotten this bill to the floor, I appreciate the work he has put into it, and I also appreciate the leadership that the gentleman from Pennsylvania [Mr. CLINGER] has given, and the ranking Democrat member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS].

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

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman of our full committee.

Mr. CLINGER. Mr. Speaker, I am pleased to support H.R. 3841, the Omnibus Civil Service Reform Act. This is a significant piece of legislation for our Federal employees and the people they serve. Laws governing the Federal civil service have not had a major revision since the civil Service Reform Act of 1978. Throughout the 104th Congress, the Civil Service Subcommittee has conducted nearly 20 oversight hearings on Federal human resource management policies. This piece of legislation is a praiseworthy culmination of that work.

Due to the reductions in personnel, agencies need additional tools for improving employee performance. Section 201 of the bill goes a long way toward ensuring that the Federal Government continues to efficiently serve the American public as the Government downsizes.

Mr. Speaker, section 201 puts increased emphasis upon performance in determining who is retained during a reduction in force, or RIF. As agencies downsize, Federal managers no longer will be forced to retain those who have been on the job the longest and release employees who consistently outperform senior employees. Performance must be rewarded. Instead of retaining only those who have been on the job a long time, we recognize those employees who have done the most with the time they have been on the job.

Under this section, employees will be credited with additional years of service based on the sum of their three most recent performance ratings preceding the RIF. Employees will earn 5 years of additional service for each rating of fully successful, 7 years for each rating of exceeds fully successful performance, or 10 years for each rating of outstanding.

This section, Mr. Speaker, also establishes rules for crediting years of service when an agency uses a pass/fail appraisal system. Pass/fail systems are unfair to employees because they do not allow for recognition of the extra effort put in by many Federal employees. Nevertheless, this administration has been aggressively promoting this unfair performance review system. Section 201, therefore, establishes rules to separate competition among employees in different performance systems. These rules assume that employees are treated equitably when their agency has more than one performance evaluation system and that employees in the same competitive area are not adversely affected as a result of having been covered by different performance systems.

Finally, Mr. Speaker, the performance rules established in this section will be applied to RIF's taking effect on or after October 1, 1999. The bill purposefully delays implementation of the stronger performance requirements in order to allow agencies to strengthen their internal management systems. This will help ensure fairness across agencies in the executive branch.

In closing, Mr. Speaker, I would strongly urge my colleagues to support this bill. It is a good bill. It will promote effectiveness and efficiency in the

Federal Government by recognizing and regarding the people on whom we rely to enforce the laws we pass. Again I commend the gentleman from Florida [Mr. MICA], the gentleman from Virginia [Mr. MORAN], and my colleague and ranking member, the gentlewoman from Illinois [Mrs. COLLINS], for the work and the willingness to allow this legislation to be considered today.

Mr. MORAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS] the ranking minority member of the full committee.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, it is with considerable regret that I rise in opposition to H.R. 3841, the Omnibus Civil Service Reform Act. I know well the amount of time and effort that the subcommittee's ranking member, JIM MORAN, and its chairman, JOHN MICA, have put into the measure during the 104th Congress; however, the bill they have crafted is flawed in one important and fatal respect: It contains section 201 which would replace a flexible regulatory system with a new statutory formula for determining the order in which employees are to be separated during a reduction-in-force [RIF].

The new formula would devalue the use of seniority and replace it with highly subjective ratings. Because the majority is unwilling to purge or at least modify the provision which many on our side find objectionable, what would otherwise by a very desirable and bipartisan bill may actually fail.

During full committee consideration of this legislation, section 201 of the bill became the target of an amendment that was going to be offered by my colleague from Florida, Congresswoman CARRIE MEEK, who opposed it because she believed as I do, that the current regulatory framework provided a ore appropriate and flexible means to manage a RIF.

After considerable debate and negotiation, an agreement was reached which led her to suspend her opposition to the provision, thereby enabling the bill to be approved by the committee by a voice vote. What was supposed to follow the markup was a serious effort on the part of the majority staff to work with minority and affected groups to further refine the language of section 201 so that it would better meet Congresswoman MEEK's concerns. Unfortunately, these efforts failed. The language which the majority staff put forward proved to be even more rigid and cumbersome.

Congresswoman MEEK and I are not alone in voicing opposition to section 201 of this bill. During the subcommittee's hearing on the measure which occurred prior to the mark-ups, the Office of Personnel Management, the three major Federal employee unions, as well as the three of the associations representing Federal managers and executives all testified in opposition to this provision. They strenuously argued that a regulatory rather than a statutory approach to crediting performance in connection with a RIF would make it more possible for agencies to address inequities and disparities which might result. Their thoughtful observations and those of others have gone unheeded by the bill's managers. I ask my colleagues not to ignore them today.

The hearing testimony and the subsequent research conducted by Congresswoman MEEK and my own staff has identified three basic problems that would be made worse by the implementation of section 201:

First, performance appraisals are routinely challenged as being subjective and unfair, overinflated, and biased against minorities. Just a few years ago, when the Performance Management and Recognition System for mid-level managers was in place, which tied cash awards to performance ratings, those employees subject to it asked the Congress to let it sunset because of complaints it was corrupted by favoritism. As the result, the trend in Government has been to move away from the highly subjective multilevel rating systems and toward the use of more simplistic pass/fail rating systems. Section 201 was specifically designed by the subcommittee's chairman and his staff to discourage the growing use of pass/fail appraisal systems.

Second, it is not unusual for divisions, bureaus, or units within the same agency to utilize different types of performance appraisal systems. Under existing regulations, agencies have been free to have five, four, three, or two-level rating systems. Merging employees from different rating systems into the same competitive area for the purpose of conducting an agencywide RIF could result in inequities under section 201's formula because of the way in which it more favorably credits employees from multilevel rating systems.

Third, a report issued just last month by the Merit Systems Protection Board [MSPB], entitled ''Fair & Equitable Treatment: A Progress Report on Minority Employment in the Federal Government,'' indicates that minorities are better represented within the Federal workforce than they are within the private sector. Data obtained by Congresswoman MEEK from the Office of Personnel Management [OPM] on the length of service of African-Americans and other minority groups within the Federal workforce reveals that African-Americans have an above average length of service.

The information from MSPB and OPM, taken together, would appear to suggest that the Federal Government has been a primary source of job opportunities for African-Americans and that when we get a government job, we tend to keep it and build up seniority. The MSPB report indicates, however, that even with their seniority, African-Americans and other minorities appear to be concentrated at the lower grade levels, hampered in obtaining recognition and promotions by performance ratings which are disproportionately lower than those received by non-minorities.

The clear indication being, therefore, that the devaluation of seniority, which is the objective of section 201, would be especially harmful to African-Americans who have had to rely on it to secure their advancement in the Federal workplace.

There are many aspects of this bill I do support. Most of these provisions are not controversial, such as: soft-landing provisions that would enable laid-off employees to maintain their health and life insurance benefits, pursue retraining opportunities, and obtain job placement assistance; providing agencies some reorganization flexibilities; and increasing the opportunities to conduct demonstration projects to test innovative ideas.

Other controversial provisions have been eliminated. For example, during the subcommittee's mark-up of the bill, I successfully pursued the adoption of an amendment removing what was then title II, a provision that would have eliminated the essential role which the Equal Employment Opportunity Commission plays in resolving the appeals of adverse personnel actions tied to complaints of employment discrimination.

In summary, while the bill contains many useful provisions, it is unfortunate that the majority has been unable to resolve the one fatal flaw in this bill that would reduce the protections of seniority in favor of a system of flawed and biased ratings.

□ 1745

Mr. MICA. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a leader in civil service reform and civil service issues.

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

Mr. Speaker, today we are considering a bill to improve our civil service system. I appreciate the willingness of Civil Service Subcommittee Chairman MICA and ranking Democrat JIM MORAN to bring together Members from both sides of the aisle, OPM, and Federal employee unions to reach consensus on this legislation. This truly has been a team effort. I also want to thank Congressmen DAVIS and WOLF for their valuable contributions to help Federal employees.

Several provisions included are pieces of legislation that I have introduced. While I know that this legislation is not a panacea, and it does not remedy some problems with our civil service system, it does make some important improvements and helps employees and agencies adjust to downsizing.

This bill contains several important titles to improve demonstration projects, provide for soft landings, increase worker retraining, provide additional optional life insurance for Federal retirees, and promote reorganization flexibility.

This legislation originally included legislation I introduced last year to enhance the thrift savings plan, H.R. 2306. I am very pleased that portions of that legislation passed last night as part of S. 868. Under that legislation, Federal employees will be able to invest their money in one of the two new investment options under the thrift savings plan: a Small Capitalization Stock Index Investment Fund or the International Stock Index Fund. This bill also originally contained a provision I introduced to allow Federal employees to increase their own TSP contributions to the IRS limit—$9,500. Although that provision was not included, I will continue to work to see it enacted.

Throughout this Congress, I have pursued a legislative strategy to help Federal employees and agencies cope with downsizing. The 1994 Workforce Restructuring Act mandated that we reduce our Federal work force by 272,900 FTE's by 1999. I believe that the Congress has the responsibility to help our dedicated civil servants through this difficult time, and I have introduced several bills to provide for reemployment training and retirement incentives. Although I wish they had all been incorporated in the bill before us today, this legislation does include important retraining provisions and a soft-landings package to ease the pain of downsizing for Federal employees.

When a Federal employee faces a reduction in force, his or her life is turned upside down. The provisions in this bill will help Federal employees cope with this transition. This legislation would create educational accounts so that employees separated from the Government could return to school to learn new skills. It would also allow employees to continue FEGLI life insurance coverage at its full cost in the event of a RIF, and extend health insurance for displaced Federal employees by waiving the 5-year minimum and extending an agency's payment for 18 months.

As the Federal work force shrinks to its lowest level since President Kennedy's administration, Federal workers must look to the private sector for reemployment. This civil service reform bill would also allow retraining for private sector jobs, a concept I introduced in H.R. 2825, the Strategic Reemployment Training Act. This simple, but critical, change will allow agencies to tailor their job training and counseling programs toward the private sector. To help Federal employees move into new jobs, this legislation would permit nonreimbursable details to Federal agencies before a RIF so that Federal employees can try out different kinds of jobs before they are separated. This concept was also in legislation I introduced, the Retraining and Outplacement Opportunity Act.

This omnibus bill includes legislation that I have introduced to help Federal retirees and their dependents by allowing Federal retirees to retain additional, optional life insurance under any circumstance. I became aware of the need for this legislation because one of my constituents, Harry Bodansky, has a son with severe disabilities. It doesn't seem fair that Federal retirees cannot continue their additional, optional life insurance if they pay the premium. Unfortunately, this bill cannot go back and retroactively help those who were unable to extend their insurance at the time of their retirement, but I am hopeful that it will help future retirees with dependents with disabilities.

The legislation before us today contains many other valuable provisions that will positively impact the tens of thousands of Federal employees and retirees in my district. I urge all my colleagues to vote in favor of the Mica-Moran-Morella civil service reform legislation considered today. Again, I want to thank Mr. MICA, Mr. MORAN, Mr. DAVIS, and Mr. WOLF for their commitment to helping Federal employees and moving this bill forward.

Mr. MORAN. Mr. Speaker, I yield 4 minutes to the very distinguished gentlewoman from Florida, Mrs. CARRIE MEEK.

Mrs. MEEK of Florida. Mr. Speaker, first I would like to commend the subcommittee chairman and the ranking subcommittee chairman on the work that has gone into the preparation of this bill.

Mr. Speaker, in committee I opposed a section of this bill, section 201, and of course I was told that there would be work toward correcting this particular flaw. As my ranking member, the gentlewoman from Illinois, CARDISS COLLINS, has said, this bill is seriously flawed. I want to tell the Members why.

There are about 2 million Federal workers to whom this bill will apply, and to have it go into the statutes to say that this is the way that they will be ranked or rated in terms of a RIF process. I think the Members of the Congress should realize that.

With almost 2 million people being affected, 11,000 of them in my district, we must think, first, of the flaw that is in this bill. That provision, 201, should be removed. If it is not removed, then this bill should be stopped right here on this floor because of the serious contradictions in it.

Second, there is a problem in codifying these regulations. Why not have them regulate it so that we will have some flexibility, and not put it in the statute?

The second thing is, Why is it in this bill that we are using performance ratings above that of seniority? We are putting another level in that in some way will take away the weight of seniority.

I am not against merit at all. I am looking for merit, just as the committee is. But think about the subjective nature of performance evaluations. They are very subjective. By our own studies here in the Federal Government, it proves that a person will evaluate someone positively that they feel most comfortable with. The figures show that white Americans naturally rate white Americans better. These are our own figures. Black Americans rate black Americans better. We do not want that bias. This was brought up by one of our own studies here within the Federal Government.

Mr. Speaker, I am concerned that this is too subjective. We are not objective enough when we are dealing with folks' lives. We are going to RIF these people and make people be laid off.

Our own Office of Personnel Management has addressed that. They have said in terms of their report, and I have it here, Fair and Equitable Treatment: A Progress Report on Minority Employment in the Federal Government. This is a recent report, recent statistics, showing the negative implications of this kind of evaluation. This is probably due to the fact that the Federal Government, as my ranking member has brought to the Members' attention, has hired more of these level of persons than anyone else.

Mr. Speaker, I support it, as I said before, and this committee is fine. But our own U.S. Merit System Protection Board confirms what we have said here today, that it is a subjective rating of performance evaluations. The report found that the race of the evaluator and the race of the person being evaluated makes a difference. That further emphasizes what I have just mentioned. There is a strong weakness in using performance evaluations as the greatest weight in your criteria.

Remember, Mr. Speaker, these people hold, a lot of them, supervisory positions. They are not always fair. It establishes this new formula. It gives less weight to seniority and more weight to performance evaluations than the current formula. We do not want that. The unions have told us that it is wrong, and everyone has spoken to the committee to say it is wrong. Yet, our subcommittee is adamant about maintaining this particular provision. We are moving too quickly on this. It is a very complicated kind of thing. It affects 2 million people, not just here but all over the country.

Mr. Speaker, this controversial particular feature, as I have said before, is a bill opposed by many people. We are very concerned. The Office of Personnel Management, as I have stated before, is against putting this procedure into the statutes. I appeal to the Members and to the subcommittee, we need to kill this bill right here. I do not think we are going to change it anymore. I do not think it is going to be acceptable anywhere, when there is any measure of unfairness in anything that comes from the Federal Government, putting in the statute something that is inflexible regarding the lives of 2 million people. We certainly want it to be fair to all concerned. I submit to each of the Members that section 201 is not fair to all concerned, and either it

should be removed, or this Congress should vote against it. I am adamantly opposed to this particular bill.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I would like to focus on the soft landing provisions of the bill.

Budget reductions, reinventing government, downsizing, rightsizing, streamlining, and restructuring—whatever it's called, the result could be the same—reductions-in-force [RIF]. Many dedicated Federal employees are concerned that they will be displaced from their jobs by RIF's. As the Nation's largest employer, it is our responsibility to make sure that downsizing is conducted in the most fair, sensitive, and humane manner. These soft landing provisions will do just that.

The bill before us contains many of the provisions contained in H.R. 2751, the ''Federal Employee Separation Incentive and Reemployment Act,'' which I introduced on December 7, 1995. These soft landing provisions will help the separated Federal employee make a smooth transition into the private sector.

This legislation will permit employees separated in connection with a RIF to continue health and life insurance benefits for 18 months. It authorizes agencies to establish job counseling and job placement programs for current or former employees. It authorizes agencies to provide retraining and relocation assistance to employees separated in connection with a RIF who take a job with a non-Federal entity.

□ 1800

This would also provide educational assistance to employees separated in connection with a RIF. These provisions are good for Federal employees, good for morale, good for the Federal Government and just make good sense.

Mr. Speaker, this soft landing provision in this bill is very, very important. I strongly support it.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. HOLDEN], a distinguished member of our subcommittee.

Mr. HOLDEN. I thank the gentleman for yielding me this time.

Mr. Speaker, it is with great regret, that I rise today to ask my colleagues to vote in opposition to the Omnibus Civil Service Reform Act.

First, I want to commend Mr. MICA and Mr. MORAN for their hard work on this bill. Their efforts have been critical in getting the bill this far.

Nevertheless, I am afraid that I cannot support this bill because there are still changes which need to be made. I understand the late hour requires that this bill be considered on the Suspension Calendar, but I cannot support it without amendment.

When the bill was considered in subcommittee and full committee, we agreed to continue to work to remedy the concerns about the performance evaluation sections.

Unfortunately, those concerns have not been addressed, and the performance evaluation section remains. This bill is correctable, and I am confident that these problems can be addressed in the future.

For today, I ask my colleagues to vote against this bill, and I hope we can work in the future to pass civil service reform.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. I thank my friend for yielding me this time.

Mr. Speaker, we have worked on this legislation for a long time, Members from both parties. I feel genuinely conflicted about this. With the inclusion of section 201, this legislation has proved more controversial than I think it needed to be. If we had spent some more time on this legislation working with some of the affected groups, we might have been able to come up to a better resolution. I am afraid that its inclusion is going to poison the well for this when it leaves this body and goes to the other body, and it may end up meaning that we do not end up with a bill. I think that is unfortunate, because there are a number of good provisions in this bill.

I thank the gentleman from Florida [Mr. MICA], the chairman, the gentleman from Virginia [Mr. MORAN], the ranking member, the gentleman from Virginia [Mr. WOLF], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Maryland [Mr. HOYER], and the gentleman from Maryland [Mr. WYNN], and others who have worked to try to get some of these provisions in that I think give soft landings to Federal employees at a time of downsizing.

It authorizes, for example, making Thrift Savings Plan loans to employees who have been furloughed due to lapses in appropriations when Congress and the President do not get their jobs done. This gives them out.

It distributes life insurance proceeds in accordance with divorce decrees, and it permits retirees to elect to continue unreduced life insurance policies.

It provides management flexibility in reorganizing agencies, including allowing voluntary RIFs for all agencies.

And it provides soft landing support to employees affected by downsizing, something that we need to be ready for over the next few years as government continues to reorganize itself and become more efficient.

I am concerned that as the Federal Government shrinks and as we make the transition to an information and high-technology-based society, the need for a highly qualified and professional work force increases. The Federal Government must be able to recruit and retain the best qualified professionals. Therefore, we have to provide a compensation package that is competitive with the private sector.

We also need to provide extensive training opportunities for employees while developing appropriate soft landing and job transition services for our departing Federal workers. The American taxpayers, our customers, demand excellent government service provided by qualified professionals who are treated fairly.

This bill incorporates a variety of provisions originally introduced by the gentleman from Virginia [Mr. WOLF], myself, and others that will help do this by serving to soften the landings of Federal employees who face the loss of their jobs due to downsizing.

Under H.R. 3841, they would specifically be authorized to continue their coverage under the Federal employees group life insurance program if they pay the full premiums. Agencies could also extend health insurance coverage for as long as 18 months for RIFed employees, with the Government continuing to pay its share of the premiums.

The reform bill also authorizes priority placement programs in agencies and outplacement assistance for Federal employees and incorporates a right of first refusal for jobs with a contractor if Federal jobs are converted to contract. This title would also create educational accounts and allow for reimbursement of retraining and relocation expenses of up to $10,000.

These are good, solid provisions that ought to be enacted into law. I hope they are not jeopardized here at the last minute by the inclusion of section 201.

By voting today to send this over to the Senate, perhaps they can make their amendments, and it is our only chance because these provisions, I think, are demanded if we are to have a professional work force for our Federal employees in the future.

Mr. MORAN. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER], a constant and strong advocate on behalf of Federal employees.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Maryland is recognized for 2¼ minutes.

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

Mr. HOYER. Mr. Speaker, I rise in opposition, and I am sorry that I rise in opposition. This bill has much in it which deals with Federal employees fairly at a time when they are at risk, at a time when they have been traumatized by shutting down the Federal Government, telling them to go home and maybe we will pay you, and maybe we will not.

This bill comes at probably one of the most tenuous times in the civil service that I have seen. We are going to have trouble recruiting and retaining our good people.

Let me tell you what is wrong with this section 201 if you are a supervisor and you are charged with the responsibility of rating an employee. That is an extraordinarily difficult task under the best of circumstances, because human beings have trouble judging one another.

But I tell my friends who are bringing this section 201 to the floor that if the consequences of my rating my Federal employee is to either give them 10, 7, or 5 years seniority, the pressure on me will be geometrically increased, geometrically increased, because that employee know that I not only do not give him or her an outstanding rating, but that the consequences of that may be, after 5 or 10 or 15 years' service, that somebody with 5 years' service will have more points than I do. So that if Mr. MORAN is STENY HOYER's supervisor, I really have high expectations for what he will do.

I suggest to you, my friends, that if there is any doubt, you are going to see a pressure for evaluation inflation beyond that which exists today.

In closing, let me say that obviously this bill has merit. Just as obviously, unfortunately, the concept that 201 speaks to has merit as well. It is a shame, therefore, that we consider it under suspension, no amendments, limited time, without sufficient time to debate fully an important concept.

I urge the Members to reject this bill under these circumstances.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

In conclusion, I believe this is a very important bill and it sends the right message to our Federal employees at a time when they are uncertain about their job security.

The bill says to those who have worked hard that we will make a special effort to help them keep their jobs. And it says to taxpayers that we are serious once and for all about improving the performance and accountability in the civil service.

Sometimes it is easy to do what is expedient, but sometimes it is more important to do what is right. Tonight it is time to do what is right. This bill provides a safety net to those who lose their jobs as we reduce the size and scope of government and will help in the transition to the private sector. And this bill also provides the tools to make government more efficient, and, I believe, more effective.

Mr. Speaker, I have tried to work my best with my colleagues on the other side. We have even asked for their input as we drafted and made changes in section 201. I am sorry that they will oppose this. We would continue to work with them as the legislation might make its way through the other body. But tonight it is important that we do what is right and we do not just do what is expedient.

Mr. MORAN. Mr. Speaker, I ask unanimous consent for 1 additional minute in regard to the bill.

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

There was no objection.

Mr. MORAN. Mr. Speaker, I would urge Members on both sides to vote for this bill. The soft landing provisions on health insurance and life insurance and educational assistance by themselves have more than sufficient merit to pass this bill. But I do think that there is merit as well in section 201. I do not agree—and I have discussed this with the gentlewoman from Illinois [Mrs. COLLINS] and the gentlewoman from Florida [Mrs. MEEK]—that giving more weight to performance ratings has anything to do within a racial context. I do not think that there is an issue of racial discrimination here. In fact, I think that new hires, in fact, would be better served under this new system. We have some disagreement and obviously there is a report that lends credence to the argument that has been made. But I would urge my colleagues to vote for this bill, for giving more weight to performance ratings in the civil service and certainly for the soft landing provisions that are an important and necessary part of this bill.

Mr. Speaker, I rise in support of the Omnibus Civil Service Reform Act and urge its passage.

Earlier this year, Chairman MICA, Mrs. MORELLA, Mr. DAVIS, and I met to discuss the possibility of drafting and enacting some important civil service reforms. At that meeting, we all agreed that there were certain reforms and modifications that simply had to be done this year. We agreed that we would draft a bipartisan bill—one that took into consideration the concerns of Federal employee associations, Federal employee unions, and rank and file Federal employees.

The result is this legislation. This bill does not contain every provision that I wanted. It does not contain every provision that Mr. MICA wanted. It does, however, contain a number of important provisions that will improve the performance of our civil service and that will improve the lives of our Nation's civil servants.

The bill contains provisions originally offered by the administration to improve the Demonstration Projects Program. Title I of this legislation will enable agencies to try new initiatives and demonstrate different ways to run the Federal civil service.

The bill contains provisions to improve the performance management of the federal civil service. Since the first caucus of the Civil Service Subcommittee, we have focused on how to remove poor performers from the Federal workforce and reward those employees who are outstanding. This is particularly important now that the Federal Government is downsizing. We have about the same number of Federal employees today as we did during the Kennedy administration.

These employees, however, are involved in activities never foreseen in 1963. If we are to have fewer employees doing more work, we must ensure that those employees retained during a reduction in force are the best and brightest employees. Section 201 of this legislation, the section which has received the most criticism, is an attempt to reward performance rather than seniority when agencies are undergoing RIFs. Other sections in title II enable managers to effectively do their jobs and either take action against poor performers or reward outstanding work performance.

The remainder of this bill incorporates a number of provisions designed to help employees undergoing reductions in force. These provisions allow an employee to continue to participate in the Government life insurance programs, provided that he pay both the employer and employee contributions. It would allow an employee who loses his job due to a reduction in force to continue to participate in the Federal Employee Health Benefits Program. It also establishes a priority placement program and education assistance grants to help displaced Federal employees improve their competitiveness through greater education.

Throughout this process a number of Federal employee organizations have raised concerns about a number of provisions. These concerns have, for the most part, been addressed. The Civil Service Subcommittee has dropped provisions to streamline the appeals processes and have ensured that certain provisions contained in the legislation do not adversely impact employees covered by collective bargaining. The Government Reform and Oversight Committee modified section 201 of this bill to ensure that its affect is not discriminatory.

The bill considered by the subcommittee was 100 percent better than the original draft. The bill marked up in full committee was 100 percent better than the subcommittee draft.

Since Chairman MICA and I first assumed our positions on the Civil Service Subcommittee, we have had a number of serious disagreements over Federal employee policies. We continue to have ideological differences. Throughout this Congress, however, we have worked together in an effort to improve the Federal work force. We agree on the provisions contained in this legislation.

This does not mean Mr. MICA has softened his positions or I have softened mine. Instead, this legislation represents a mutual identification of reforms that simply had to be made this year. I appreciate the work Mr. MICA and his staff have put into this legislation and I greatly appreciate his willingness to work closely with me and my staff on this effort. I also appreciate the work Vice President GORE and his staff have done in trying to reinvent the Federal work force. Many of the positive reforms incorporated in this bill come directly from his work. The National Performance Review has benefited us all by focusing on how to improve the Federal work force.

I understand the concerns raised by a number of Federal employee groups about section 201 of this bill. As everyone knows, I have worked closely with all of these groups throughout this Congress and, together, we have been able to defeat efforts to unfairly increase retirement contributions and improperly modify the Federal Employee Health Benefits Program. We worked hard to protect Federal employees from continued downsizings and Federal Government shutdowns.

This, however, is an area in which we simply disagree. I strongly believe that Federal employees and Federal taxpayers must ensure that the best employees are retained during RIF's. I oppose RIF's. I was the first to speak out against the original NPR report because I thought it unfairly targeted Federal employees. But the Federal Government is downsizing and we simply cannot afford to retain any unsatisfactory or minimally successful employees.

Regardless of our individual positions on title II, we must all agree that this is an extremely important bill. I sincerely hope that we do not defeat this entire effort, and all the benefits it provides Federal employees, because of our disagreements.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 3841, as amended.

The question was taken.

Mrs. MEEK of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECOGNIZING THE END OF SLAVERY

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the joint resolution (H.J. Res. 195) recognizing the end of slavery in the United States, and the true day of independence for African-Americans, and ask for its immediate consideration.

The clerk read the title of the joint resolution.

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

Miss COLLINS of Michigan. Mr. Speaker, reserving the right to object, and I shall not object, I rise to explain the purpose of this legislation.

(Miss COLLINS of Michigan asked and was given permission to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, let me begin my remarks by thanking the other side of the aisle and both parties for the bipartisan cooperation in bringing this bill to the floor.

Mr. Speaker, it is with great honor that I rise in support of House Joint Resolution 195—legislation that will recognize Juneteenth as the day of celebrating the end of slavery in the United States and as the true day of independence for African-Americans in this country.

Juneteenth is the traditional celebration of the day on which the slaves in America were freed. Although slavery was officially abolished in 1863, news of freedom did not spread to all slaves for another 2½ years—June 19, 1865. On that day, U.S. Gen. Gordon Granger, along with a regiment of Union Army Soldiers, rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing to never forget the date, the former slaves coined a nickname for their cause of celebration—a blend of the words ''June'' and ''Nineteenth.''

House Joint Resolution 195 recognizes that the significance of Juneteenth is twofold. Historically, the date signifies the end of slavery in America. We must also recognize, however, that while the former slaves truly had cause to celebrate the events of June 19, 1865, the truth is that when the slaves of Texas received news of their freedom, they were already legally free. That is because the Emancipation Proclamation became effective nearly 2½ years earlier—on January 1, 1863. Thus, from a political standpoint, Juneteenth is significant because it symbolizes how harsh and cruel the consequences can be when a breakdown in communication occurs between government and the American people. Sadly, the degrading and dehumanizing effects of slavery were unnecessarily prolonged for over 200,000 Black men, women, and children because someone failed to communicate the truth.

As Juneteenth celebrations continue to spread, so does a great appreciation of African-American history. We must revive and preserve Juneteenth not only as the end of a painful chapter in American history—but also as a reminder of the importance of preserving the lines of communication between the powerful and the powerless in our society.

Juneteenth allows us to look back on the past with an increased awareness and heightened respect for the strength of the millions of African-Americans who endured unspeakable cruelties in bondage for over 400 years. Out of respect to our ancestors, upon whose blood, sweat, and tears, this great Nation was built, Juneteenth Independence Day acknowledges that African-Americans in this country are not truly free, until the last of us are free.

I urge all of my colleagues to support this important and historic legislation.

□ 1815

Ms. COLLINS of Michigan.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 195

Whereas ''Juneteenth'' celebrations have been held informally for over 130 years to commemorate the strong survival instincts of African-Americans who were first brought to this country stacked in the bottoms of slave ships during a month-long journey across the Atlantic Ocean known as the ''Middle Passage'';

Whereas the Civil War was fueled by the economic and social divide caused by slavery;

Whereas on January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation, the enforcement thereof occurred only in those Confederate States under the control of the Union Army;

Whereas on January 31, 1863, Congress passed the Thirteenth Amendment to the Constitution abolishing slavery throughout the United States and its territories;

Whereas on April 9, 1865, when General Robert E. Lee surrendered on behalf of the Confederate States at Appomattox, the Civil War was nonetheless prolonged in the Southwest;

Whereas news of the Emancipation Proclamation reached each State at different times;

Whereas the Emancipation Proclamation was not enforced in the Southwest until June 19, 1865, when Union General Gordon Granger landed at Galveston, Texas, to present and read General Order No. 3;

Whereas former slaves in the Southwest began celebrating the end of slavery and recognized ''Juneteenth Independence Day''; and

Whereas ''Juneteenth'' allows us to look back on the past with an increased appreciation for the strength of the men, women, and children who for generations endured unspeakable cruelties in bondage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the end of slavery in the United States should be celebrated and recognized.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. 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. 3841 and House Joint Resolution 195.

The SPEAKER pro tempore. 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 clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: House Concurrent Resolution 145 by the yeas and nays; House Concurrent Resolution 189 by the yeas and nays; H.R. 3752 by the yeas and nays; H.R. 4011 by the yeas and nays; and H.R. 3841 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONCERNING REMOVAL OF RUSSIAN FORCES FROM MOLDOVA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 145.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution, 145 on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 440]

YEAS—425

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
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
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (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
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Barr
Ewing
Hayes
Heineman
Kingston
Kleczka
Peterson (FL)
Zimmer

□ 1837

Ms. VELÁZQUEZ and Mr. HILLIARD changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

REGARDING UNITED STATES MEMBERSHIP IN SOUTH PACIFIC ORGANIZATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 189, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 189, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 6, not voting 11, as follows:

[Roll No. 441]

YEAS—416

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
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
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
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
Longley
Lowey
Lucas
Luther
Maloney

Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
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
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
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
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—6

Chenoweth
Cooley
Funderburk
Scarborough
Seastrand
Stockman

NOT VOTING—11

Clinger
Fattah
Hayes
Heineman
Lofgren
Nethercutt
Peterson (FL)
Radanovich
Serrano
Wamp
Zimmer

□ 1848

Mr. ROYCE changed his vote from ''nay'' to ''yea.''

Mr. STOCKMAN changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution expressing the sense of the Congress regarding the importance of United States membership and participation in regional South Pacific organizations.''.

A motion to reconsider was laid on the table.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT OF 1996

The SPEAKER pro tempore (Mr. FOLEY). The pending business the question of suspending the rules and passing the bill, H.R. 3752, 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3752, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 178, not voting 9, as follows:

[Roll No. 442]

YEAS—246

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—178

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Clinger
Hayes
Heineman
Manton
Montgomery
Nethercutt
Peterson (FL)
Wamp
Zimmer

□ 1857

Mrs. MORELLA, and Mr. WHITFIELD changed their vote from ''yea'' to ''nay.''

Mr. BROWDER changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

CONGRESSIONAL PENSION FORFEITURE ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4011, 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 California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 4011, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 32, answered ''present'' 1, not voting 9, as follows:

[Roll No. 443]

YEAS—391

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
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
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (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
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zeliff

NAYS—32

Barton
Beilenson
Borski
Clay
Clyburn
Collins (IL)
Collins (MI)
Conyers
Dellums
Dicks
Fattah
Flake
Foglietta
Gibbons
Hastings (FL)
Hilliard
Jackson (IL)
Jacobs
Kanjorski
Klink
McDermott
Meek
Murtha
Rush
Stark
Stokes
Thompson
Towns
Waters
Williams
Wilson
Young (AK)

ANSWERED ''PRESENT''—1

Ford

NOT VOTING—9

Boucher
Clinger
Cox
Hayes
Heineman
Peterson (FL)
Roth
Solomon
Zimmer

□ 1907

Mr. BEILENSON changed his vote from ''yea'' to ''nay.''

Mr. FIELDS of Louisiana changed his 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.

OMNIBUS CIVIL SERVICE REFORM ACT OF 1996

The SPEAKER pro tempore (Mr. FOLEY). The pending business is the question of suspending the rules and passing the bill, H.R. 3841, 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. MICA] that the House suspend the rules and pass the bill, H.R. 3841, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 201, not voting 8, as follows:

[Roll No. 444]

YEAS—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bliley
Blumenauer
Boehner
Bonilla
Bono
Brewster
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Luther
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff

NAYS—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bevill
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)

Bryant (TN)
Bryant (TX)
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Roybal-Allard
Rush
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Boucher
Clinger
Hayes
Heineman
Hunter
Peterson (FL)
Quillen
Zimmer

☐ 1919

Messrs. REED, POMEROY, LONGLEY, Mrs. CHENOWETH, and Messrs. BOEHLERT, FOX of Pennsylvania, COOLEY, HANSEN, AND DOGGETT changed their vote from ''yea'' to ''nay.''

Mr. BASS and Mr. MCCOLLUM changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISMISSING THE ELECTION CONTEST AGAINST CHARLIE ROSE

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104–852) on the resolution (H. Res. 538) dismissing the election contest against CHARLIE ROSE, which was referred to the House Calendar and ordered to be printed.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for immediate consideration of the resolution (House Resolution 538) dismissing the election contest against CHARLIE ROSE.

The Clerk read the title of the resolution.

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

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, and I obviously do not intend to object, but I would like my colleague, the gentleman from California, to explain the purpose of this resolution.

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

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding, Mr. Speaker.

As was announced, this was a resolution dismissing the election contest filed by Mr. Robert Anderson against the gentleman from North Carolina, Mr. CHARLIE ROSE, for the seat in the Seventh Congressional District in North Carolina.

As chairman of the Committee on House Oversight, I appointed a task force from the committee, comprised of the gentleman from Ohio, JOHN BOEHNER, as chairman, the gentleman from Louisiana, WILLIAM JEFFERSON, and the gentleman from Michigan, VERN EHLERS, to hear the matter.

The task force heard allegations of election irregularities and fraud but concluded that there were not sufficient credible allegations that, if proven, would change the outcome of the election.

The task force met on August 3, 1995, and voted unanimously to dismiss the contest. I believe the House clearly should so indicate to the gentleman from North Carolina [Mr. ROSE], since October 25, 1995, the full committee agreed unanimously to recommend dismissal.

I do want to thank the minority for lifting the hold on unanimous consents so we could present this resolution this evening.

Mr. FAZIO of California. Further reserving the right to object, Mr. Speaker, I simply want to join with the gentleman from California [Mr. THOMAS] in removing our colleague, the gentleman from North Carolina [Mr. ROSE], from his 2-year term in purgatory.

With that, Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 538

Resolved, That the election contest of Robert Anderson, contestant, against Charlie Rose, contestee, relating to the office of Representative from the Seventh Congressional District of North Carolina, is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

DISMISSING THE ELECTION CONTEST AGAINST CHARLES BASS

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104–853) on the resolution (H. Res. 539) dismissing the election contest against CHARLES F. BASS, which was referred to the House Calendar and ordered to be printed.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for immediate consideration in the House of the resolution (H. Res. 539) dismissing the election contest against CHARLES F. BASS.

The Clerk read the title of the resolution.

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

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I ask my friend, the gentleman from California, to kindly explain the purpose of this resolution.

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

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding to me, Mr. Speaker.

This is, as the last was, a contested election. A task force was appointed, as a matter of fact, the identical task force to the one that investigated the North Carolina allegations, the gentleman from Ohio, JOHN BOEHNER, as chairman, the gentleman from Louisiana, WILLIAM JEFFERSON, and the gentleman from Michigan, VERN EHLERS, as members. It was in the State of New Hampshire, in the Second District.

Mr. Haas's claim was based on the application of a New Hampshire statute which required that a candidate file an oath stating that they were not ''a subversive person.'' This statute had not been applied to candidates in New Hampshire elections since 1966, when the State Attorney General notified the Secretary of State that the United States Supreme Court had ruled such oaths unconstitutional.

Therefore, on March 15, the task force voted unanimously to dismiss the contest, and on May 10 the full committee agreed unanimously to recommend dismissal.

Mr. FAZIO of California. Mr. Speaker, I concur in the chairman's description of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 539

Resolved, That the election contest of Joseph Haas, contestant, against Charles F. Bass, contestee, relating to the office of Representative from the Second Congressional District of New Hampshire, is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

AUTHORIZING PRINTING OF REPORT OF COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate Concurrent Resolution (S. Con. Res. 67) to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I would like to ask my colleague to describe this resolution as well, and I yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, the Commission on Protecting and Reducing Government Secrecy was established in the 103d Congress by Public Law 103–236. That law requires the Commission to file a final report to Congress, which will occur before the end of the year. Senate Concurrent Resolution 67 provides for printing of the report.

I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, I would obviously concur in the purpose of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such numbaer of copies as does not exceed a total production and printing cost of $45,000.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING CAPITOL GUIDE SERVICE TO ACCEPT VOLUNTARY SERVICES

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate bill (S. 2085) to authorize the Capitol Guide Service to accept voluntary services, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I would ask my colleague, the gentleman from California [Mr. THOMAS], chairman of the committee, to briefly describe the purpose of his request.

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

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, once again I thank the gentleman for yielding.

Mr. Speaker, S. 2085 would allow the U.S. Capitol Guide Service to accept volunteer services. This provision is necessary because without such authorization, congressional entities may not use volunteers unless they are interns who are participants in a demonstrated educational plan.

A similar provision already is in public law which allows the Botanical Garden to accept volunteer services. This would extend it to the U.S. Capitol Guide Service.

Mr. FAZIO of California. Mr. Speaker, I concur with that description of the resolution, which I support.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2085

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

That section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by striking subsection (j) and inserting the following:

''(j)(1) Notwithstanding section 1342 of title 31, United States Code, the Capitol Guide Service is authorized to accept voluntary personal services.

''(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5, United States Code.

''(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5, United States Code.

''(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ''VICE PRESIDENTS OF THE UNITED STATES, 1789–1993''

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate concurrent Resolution (S. Con. Res. 34) to authorize the printing of ''Vice Presidents of the United States, 1789–1993,'' and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. FAZIO of California. Reserving the right to object, Mr. Speaker, I ask my colleague, the gentleman from California [Mr. THOMAS], chairman of the committee, for a further description of the resolution.

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

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a Senate concurrent resolution which, because we all know that the 44 men who have held the position of Vice President of the United States under the Constitution also holds the position of the President of the Senate, will then be a book about the Presidents of the Senate, which also is a book about the vice presidents of the United States.

Mr. Speaker, this will provide a history for each of the vice presidents who has completed their service, beginning with the first Vice President, John Adams, obviously, and ending with the last Vice President to complete his service, former Senator Dan Quayle.

I have been instructed to state that the office of the Vice President is often not a historical focus, and this book will shed light on the office, as well as the people. We do have the usual cost limiters in the bill. The estimated total cost of the production of the book is $16,392. I thank the gentleman for yielding to me.

Mr. FAZIO of California. Mr. Speaker, in light of the fact that most vice presidents have been in the shadows, I am certainly supportive of shedding light on them.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 34

Whereas the United States Constitution provides that the Vice President of the United States shall serve as President of the Senate; and

Whereas the careers of the 44 Americans who held that post during the years 1789 through 1993 richly illustrate the development of the nation and its government; and

Whereas the vice presidency, traditionally the least understood and most often ignored constitutional office in the Federal Government, deserves wider attention: Now, therefore, be it

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

SECTION 1. PRINTING OF THE "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993".

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled ''Vice Presidents of the United States, 1789–1993'', prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies (750 paper bound and 250 case bound) for the use of the Senate, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $11,000.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR RELOCATION OF PORTRAIT MONUMENT

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 216) providing for relocation of the portrait monument, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mrs. MALONEY. Reserving the right to object, Mr. Speaker, I do not intend to object, but I would like to express my limited reservations about this resolution.

□ 1930

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA] to explain the resolution.

Mrs. MORELLA. Mr. Speaker, I will briefly explain what this resolution does.

First and foremost it is a compromise that has been agreed to by the House, by the Senate and women's groups throughout the Nation who have been involved in this project for years.

What House Concurrent Resolution 216 will do, it will bring the suffragette statue, also known as the portrait monument, up to the rotunda where it will be rededicated as the important symbol that it is, for women's rights, and for what it says about the importance of the right to vote in a democracy.

According to the bill, the statue will remain in place for 1 year in the rotunda and then there will be a commission that will be established of 11 interested parties, including Senators and Representatives. The majority leader of the Senate will appoint 3 members, the minority leader of the Senate will appoint 2 members of the commission, the Speaker of the House of Representatives will appoint 1 member, the majority leader of the House 2 Members, the minority leader of the House 2 Members; and the Architect of the Capitol will serve as the 11th member.

What that commission will do is it will make recommendations about the final resting place for the statue. It is really needed because there are so many differing opinions, and so this commission will be appointed in order to conclude some of those concerns.

If I might also comment, Mr. Speaker, on why this is important, all I can say is, Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott. Get ready. You're finally going where you've always belonged—upstairs.

Tonight, thousands of American women are watching—from Mrs. Stanton's great-great-granddaughter in Connecticut to Arlys Endres, a 9-year-old schoolgirl in Arizona—the thousands of women who have written this House with one strong message: Move the statue to the rotunda.

I salute the leadership of Senators WARNER and STEVENS, who initiated this effort in the Senate last year; the energy and hard work of Karen Staser of the National Woman's Suffrage Statue Campaign and Sherry Little of the Senate Rules Committee, who spearheaded a national movement to relocate the portrait monument; and the thousands of women and women's organizations who cared so much about their history.

House Concurrent Resolution 216 will make sure that future generations will honor, remember, and celebrate these earlier women of courage, strength, and perseverance, women whose indomitable spirit still inspires us in our quest for a more equitable society.

More than 75 years ago, Alice Paul and the National Woman's Party commissioned sculptor Adelaide Johnson to create a statue to commemorate the passage of the 19th amendment and to celebrate those remarkable women whose lives were devoted to gaining for women the right to vote and the opportunity to participate fully in American life.

Today, we tend to forget the enormity of that struggle for the right to vote and those brave and outspoken women who demanded the right to vote in a society that still frowned on the education of girls.

It was not an easy victory. For more than 70 years, women gave speeches, marched in parades, wrote and signed petitions, picketed, went to jail, and even died for the right to vote.

The statue that honors these women will have again a place of honor in the Capitol rotunda, a place of honor it has long deserved.

When schoolchildren from around the Nation come to visit Washington, a city of monuments and symbols, they will see in the rotunda a statue that not only honors the women who marched for the vote but a statue that also underscores the importance of the right to vote in our American democracy, a right that today so many of us take for granted.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, further reserving the right to object, first I would like to thank the gentlewoman from Maryland for her leadership and persistence on this issue, and I would like to thank the Speaker of the House for supporting it and moving it to the floor.

Mr. Speaker, as a New Yorker, I am pleased that New York State's distinguished leaders, Susan B. Anthony, Lucretia Mott, and Elizabeth Stanton are finally going to be moved, after 76 years in the basement of the Capitol, into the living room of the Capitol rotunda.

Mr. Speaker, almost every great struggle throughout American history is represented in the Capitol's rotunda. Exactly 76 years ago, American women gained the right to vote. But our leaders were not allowed into the rotunda to stand beside the great revolutionary male leaders, Lincoln, Washington, and King.

The Republican leadership initially opposed the move because of expense to the taxpayer. Now that we have $75,000 of private funding from the National Museum of Women's History to move the statue once, this compromise solution could possibly move it twice.

Statues are about history. Moving the statue of these three great heroines of the women's suffragette movement

is a small but significant step in recognizing the rich history of the American women's movement. I support it. I urge a ''yes'' vote.

I would just like to end by saying that fortunately this Congress will soon be history, too, and we will be able to go home to our families, but I am thrilled that finally, after 76 years, the great women leaders will be moved to a place of honor in the rotunda along with the other great leaders in the history of our country.

Mr. Speaker, I would like to close by thanking the gentlewoman from Maryland [Mrs. MORELLA] again for her persistence and leadership on this issue.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 216

Whereas in 1995, women of America celebrated the 75th anniversary of their right to participate in our government through suffrage;

Whereas Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony were pioneers in the movement for women's suffrage and the pursuit of equal rights; and

Whereas the relocation of the Portrait Monument to a place of prominence and esteem would serve to honor and revere the contribution of thousands of women: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol shall—

(1) restore the Portrait Monument and place it in the Rotunda of the Capitol for one year at which time it shall be moved to a permanent site along with an appropriate educational display, as determined by the commission created in section 3, and an alternative statue recommended by the commission shall be placed in the Rotunda;

(2) make all necessary arrangements for a rededication ceremony of the Portrait Monument in the Rotunda in conjunction with the Woman Suffrage Statue Campaign; and

(3) use no Federal funds to pay any expense of restoring or moving the statue.

SEC. 2. The Rotunda of the Capitol is authorized to be used at a time mutually agreed upon by the majority leader of the Senate and the Speaker of the House of Representatives for a ceremony to commemorate and celebrate the statue's return to the Rotunda.

SEC 3. A commission of 11 interested parties, including Senators and Representatives, will be appointed. The majority leader of the Senate will appoint three members and the minority leader of the Senate will appoint two members to the commission. The Speaker of the House of Representatives will appoint one member, the majority leader of the House of Representatives will appoint two members, the minority leader of the House of Representatives will appoint two members, and the Architect of the Capitol will serve as the eleventh member of the commission. Immediately following the relocation of the Portrait Monument, the commission shall—

(1) select a permanent site for the Portrait Monument;

(2) plan and develop an educational display to be located near the statue at its permanent site, describing some of the most dramatic events of the suffragettes' lives;

(3) select an alternative statue for permanent placement in the Rotunda of the Capitol to commemorate the struggle of women in America for equal rights;

(4) provide its recommendation to the Senate and the House of Representatives no later than one year after the relocation of the Portrait Monument; and

(5) use no Federal funds to pay any expense of the educational display and/or relocation of the Portrait Monument.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

CONTINUE FUNDING FOR PERSIAN GULF WAR SYNDROME

(Mrs. THURMAN asked and was given permission to address the House for 1 minute.)

Mrs. THURMAN. Mr. Speaker, 5 years and $80 million later our Nation's gulf war veterans still do not have the answer to their most pressing question. What caused Persian Gulf war syndrome?

For nearly a year, my office has been working with Dr. James Moss, a researcher in my district who may have found an explanation.

Dr. Moss found that when common pesticides—for example, Deet—were combined with drugs used by our soldiers to limit the effects of biological and chemical weapons, Deet became seven times as toxic as when used alone.

Congress needs to support continued research based on Dr. Moss' studies. To that end, I have asked the chairman of the Appropriations Committee to earmark $3 million to simply continue this research at a civilian research facility. While this session is quickly ending, the needs of our servicemen are not based on Congress's fiscal year.

Unfortunately, our Nation's troops may be needed again in a region where chemical warfare is a possibility. When they put their lives on the line to protect our freedoms, we should hold nothing back to ensure their safety.

We owe our veterans, present and future, this investment.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES ON FRIDAY, SEPTEMBER 27, 1996

Mr. MCINNIS. Mr. Speaker, pursuant to House Resolution 525, the following suspensions are expected to be considered, on Friday, September 27:

S. 1044, Health Centers Consolidation Act of 1995;

H.R. 3625/S. 1577, authorize national historical publications;

H.R. 2779, metric conversion;

S. 39, Magnuson;

H.R. 3378, Indian Health Demonstration Project;

H.R. 3546, Walhalla National Fish Hatchery;

H.R. 4073, Underground Railroad;

H.R. 4164, Marshal of the Supreme Court;

H.R. 4194, Administrative Dispute Resolution (new version);

S. 1559, Bankruptcy Technical Amendment;

H. Res. , Bachus Resolution;

H.R. 4000, POW/MIA;

H.R. 4041, Dos Palso Land Conveyance; and

H.R. 3219, Native American Housing.

SHANNON LUCID, WE SALUTE YOU

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

Ms. JACKSON-LEE of Texas. At 8:14 eastern standard time today, on September 26, 1996, the American people owe a great tribute to Shannon Lucid. For some 6 months, some 188 days, Shannon Lucid sacrificed her friendships, her family, to participate in one of the greatest scientific experiments that an American can participate in, spending that amount of time in space. A tribute to her because she did it on behalf of the American people.

The results of the 180-day stay will contribute much to medicine and space science, and NASA now has a multitude of information and opportunity to determine if human beings, if Americans, can last in space.

The isolation that she experienced, no one could imagine, but she will provide much data for years to come. NASA represents the work of the 21st century. Shannon Lucid contributed to that a multitude of information. What a great American, a great scientist, a great astronaut.

Shannon Lucid, we salute you.

Mr. Speaker, I speak this morning to salute the heroism, bravery, and toughness of American astronaut Shannon Lucid. At 8:13 a.m. eastern standard time this morning, the space shuttle Atlantis touched down at the Kennedy Space Center, ending Ms. Lucid's record-breaking 6-month-long stay in Earth orbit on Russian *Mir* space station.

I salute Ms. Lucid's resolve in the face of the seemingly unending series of delays in returning her to her family, friends, the planet we call home. While she was on *Mir*, Shannon, conducted invaluable scientific research in many areas, helping to further our understanding of physics, materials science, and how humans live and work in space. Although she was never alone during her stay with the two other Russian cosmonauts and enjoyed this experience of a lifetime. I am sure that she is overwhelmed with joy and happiness to finally be coming home.

For my colleagues here in Congress and every American throughout the Nation, I reiterate the words of Mission Control upon *Atlantis'* return, ''Welcome home, Shannon, we are proud of you.''

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOLEY). 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 Colorado [Mr. SKAGGS] is recognized for 5 minutes.

[Mr. SKAGGS 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. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SEQUENCE OF SPECIAL ORDER

Mr. HYDE. Mr. Speaker, I ask unanimous consent to proceed out of order with my 5-minute special order.

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

There was no objection.

UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I rise to inform the House of the serious problem that has come to my attention as chairman of the select subcommittee of the House Committee on International Relations established to look into the Clinton administration's policy of giving Iran a green light in setting up military assistance programs in Croatia and Bosnia.

We are well along in our investigation and hope to have a report ready to share with the House and the public next month. I can guarantee you that if we can manage to get the administration to cooperate concerning the rules of classification, that report will make very interesting reading. It will document an incredibly ill-advised policy that was conceived and executed in an incredibly inept manner.

Moreover, and more importantly, it will lay out for all to see the tragedy in the making that is its legacy, a well-entrenched and hostile Iranian foothold in Europe. The Iranian presence and influence, pervasive in some of the highest circles of the Bosnian Muslim political leadership, is now playing havoc with our policymakers trying to implement the Dayton accords and our military trying to keep the lid on violence in the region. This cloud of Iranian influence and the terrorist infrastructure it has fostered in this part of Europe are, and will remain, very real threats to the West for years to come.

The problem I wish to bring to your attention concerns the difficulty our subcommittee has had in trying to pry loose information that must be shared with the American people if they are to understand our findings. The administration is doing this by hiding behind the rules of classification. That is, they are insisting that important information is classified and cannot be shared with the American people due to concerns of its compromising national security.

What sort of information am I talking about? The names of intelligence agents? No. Information on our military's capabilities? No. What we are talking about are embarrassing little comments and facts.

We are talking about secrets that look like this.

□ 1945

This is one of three documents we asked the administration several months ago to declassify for our report. After over a month of deliberation, the State Department refused to declassify two of them, and, for this one, they selectively declassified 60 percent of the text. What then is in the 40 percent they deleted?

Well, I cannot tell you exactly, because the administration says it is classified. I can let you know in the most general terms it includes such things as an embarrassing comment by a senior Department of State official on his department's performance in formulating the policy that gave Iran a green light into coming into the Balkans. It contains an embarrassing statement about the administration's ability or inability to reach a decision on policy guidance to issue an ambassador. It contains an statement whether or not to interpose itself between a foreign government and the Iranians. It also contains an embarrassing statement about whether or not the administration would advise our allies who have troops on the ground in Bosnia of a decision that could affect the safety of those troops.

I ask then, is this classification to protect the national security, or is it to avoid embarrassment and avoid admitting mistakes?

This administration has made a great hullabaloo about declassifying information. Openness has been its byword. When it comes to sensitive military information, the motto has been when in doubt, declassify.

Well, unfortunately, that is not how it works in practice. I invite the administration to live up to its fine rhetoric. In its public pronouncements of openness, the administration went so far as to issue a new executive order specifically stating it shall be illegal to use the rules of classification to ''conceal violations of law, inefficiency or administrative error,'' or ''to prevent embarrassment to a person, organization or agency.''

That is from Section 1.8 of the Clinton Administration's Executive Order 12958. Accordingly, I have referred this matter today to the Information Security Oversight Office and the Interagency Security Classification Appeals Panel for investigation and appropriate action.

Finally, I wish to assure the House that we will continue to investigate the administration's efforts at providing the Iranians a unique opportunity, that amounted to a franchise for insinuating and entrenching themselves into a very vulnerable and volatile part of Europe.

UPCOMING BIPARTISAN RETREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. SAWYER] is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I rise today in company with our colleague from New York, Mr. HOUGHTON, to report to the House on the work that a number of us have been doing and many Members are aware of to put together a bipartisan retreat on the weekend of February 28 through March 2 in Hershey, Pennsylvania.

This work has come about as a result of the efforts of many Members, but I particularly want to mention the work, in addition to AMO and myself, of DAVE SKAGGS and RAY LAHOOD, who, together, have worked to develop this effort to bring together not only Members, but our families and our children, in a period of time when we can overcome some of the barriers that we have encountered in recent years to getting to know one another on a human level, on a personal basis, to understand the kinds of things that motivate us, to recognize the honesty of even differing opinions, in a way that can help to build the civility of this Chamber and elevate the quality of public discourse.

The planning group for this effort includes other Members. It includes Mr. STENHOLM, Ms. CLAYTON, Mr. LaHood, Mr. HOUGHTON, Mr. SKAGGS, Mr. DREIER, and Mrs. FOWLER, in an effort to use these last several weeks of this session to put together the logistics, including the site and the travel plans for this weekend at the end of February.

I believe that there is an enormous appetite for this kind of effort. People across not only this Chamber, but throughout the country, have commented on the wide variation in the level of discourse that we have encountered in recent years, and many of us believe that some of that can be overcome, not solved, but overcome, by simply getting to know one another

better in ways that we really have not at the beginning of recent sessions.

Mr. Speaker, let me yield to my colleague from New York, Mr. HOUGHTON.

Mr. HOUGHTON. Mr. Speaker, with your concurrence, I would like to follow up and really say how much I admire the gentleman from Ohio. He and I worked closely together. These are not just words, he really believes this, and I think we all do, too. Mrs. CLAYTON is sitting here as part of our group and has been an enormous contributor.

Mr. Speaker, we really are in trouble here. This is not just a debating society. We are reflecting the feelings of the people in this country, and when you are in trouble, you talk. People say we can talk on the House floor. Why go away? Why have a bipartisan retreat?

Well, you really cannot do that. What we are trying to do is bring not only individuals together, but their families and children together. So this is the totality of what we are striving for.

To follow up on what you have said, Mr. SAWYER, this is nothing new. I have gone to the Congressional Research Service and tried to get a little research in terms of some of the things George Washington said and his emphasis on comity or what Thomas Jefferson said.

I have something that is interesting here. This is written by a Member of Congress and appeared in the CONGRESSIONAL RECORD, and, if I can just quote it, it says, ''It is my firm belief that the majority of members on both sides of the aisle would like to reduce the level of tension in partisan clashes and get on with the business of the country, and, therefore, we ought to cool off.''

This was written in 1984. It always crops up this way. Periodically, we have got to lance the boil and get at it. I applaud what you are doing and your leadership here.

Mr. SAWYER. Yours as well.

Let me add, while we have time, that the planning for this and its execution will involve no taxpayer money. We have had initial conversations with a few memorial trusts who have expressed a serious interest. While we cannot commit this for them ahead of time, we have every confidence that they are eager to be helpful with this.

In the end, it is not a solution. It is just a recognition that when, after divisive campaigns, when we come together, there ought to be a way to get to know one another in terms other than those in which we have been engaged in recent conflict.

In past Congresses, there have been opportunities for this. In more recent Congresses, those opportunities have been more limited. We feel that this effort to do this will help to address not only this incoming class, but those in more recent classes who have really not had the opportunity to get to know one another in the way that we did when we first came to this Chamber.

Mr. HOUGHTON. Periodically, we sort of get off base here. Seriously, this is an opportunity to do something for the country, not just for this Chamber.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SEQUENCE OF SPECIAL ORDER

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the place of the gentleman from Florida [Mr. GOSS] and mine in the special order time be substituted and reversed.

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

There was no objection.

A NEW CRISIS IN DRUG USE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, there are some very alarming new figures out from the Drug Enforcement Administration that I am aware of that we announced today from my office as chairman of the Subcommittee on Crime. The eastern Caribbean is now the transit area for more than 40 percent of all the cocaine coming into the United States mainland, more than 40 percent.

Previously, the figures were the Southwest border was the primary problem we had, with more than 70 percent, in the estimates of DEA, of the cocaine trafficking into our country. Today, we know that that shift is on that a lot of us have been fearing as we have watched the interdiction assets, the ships and the planes and the personnel and the radar necessary to track and interdict drugs in the eastern Caribbean, be reduced so dramatically over the last 3 years.

It is a very serious crisis for my State of Florida as a result of that. Our young people, 12 to 17 years of age, have a dramatic increase in drug usage. Florida is above the national average, and we all know there has been more than a 100-percent increase in drug usage generally by young people in that age group over the last 3 years, over 166-percent increase in cocaine use among that age group in one year alone, the last year measured by the United States Government. My State of Florida has even more than that.

As alarming as that is, heroin use is up. In Orlando, FL, we had more overdose deaths of teenagers from heroin in Orlando just last year than the city of Los Angeles, which is 5 times our size. And the reason for that is pretty darn simple.

When you look at the interdiction and the drug flow problem, you see that 62 percent of all heroin now is coming in from Colombia, not the Far East, and 99 percent of that is coming in through the eastern Caribbean or through direct flights into Miami or New York City. This problem is very simple right now. The problem is very serious. We have a crisis in Florida. We have a crisis in the Nation.

Look at the figures on the eastern Caribbean, represented here historically, in terms of trying to stop this drug flow. We can see in 1993, the Coast Guard, the Navy, the Air Force, and Customs had shipping days, the way they measure how much time they spend looking for drugs, of 371 shipdays for every single month of the year in 1993.

But by 1996, because the funding had been cut and the requests by this administration and the drug policy office of the czar, they had cut the shipping days to 195 from 371. Now, current as of August of this year, we are down from 371 days of steaming out there, looking for drugs in the eastern Caribbean around Puerto Rico, where most of this comes from, to 195.

Flight hours, the number of planes looking with night vision and radar scopes and so forth, down from 3,175 flight hours per month in 1993, to this year in August, 1,149. One-third the number of hours are being spent in the air looking for drugs in the eastern Caribbean around Puerto Rico, where most of this comes in.

And the number of radar stations, in 1994, there were 17 of them in the eastern Caribbean. Now there are only 89 looking for drugs. Is it any wonder we have this crisis? There is no wonder in my mind. This administration has not done the job that it should have.

So the Florida Republicans, and some of the departments, joined with a separate letter, have written to the President about this, expressing our alarm, telling him about our concerns, about the crisis facing Florida, and asking him to do something about this, asking him to do something now, because the quantity is up, the price is down, and more kids are becoming users, Mr. President.

In our letter we call upon you to take immediate action to plug the drug pipeline in the eastern Caribbean. We ask at the very least that the number of interdiction ship days and flight hours in the eastern Caribbean by Coast Guard, Customs and Department of Defense be restored to 1993 levels. Frankly, we say, we believe that everything it takes to seal off Puerto Rico from drug trafficking should be done immediately, because almost all the cocaine in the eastern Caribbean is coming into Puerto Rico and then coming into the mainland from Puerto Rico because not enough is being done to stop it.

As you know, Puerto Rico is part of the United States, and the trip from Puerto Rico to Florida or New York is the same as going from Alabama to Illinois. We would not be degrading our

interdiction efforts along the Southwest border, we do not want you to do that. We want you to provide a massive deployment of Navy, Air Force, Coast Guard, and Customs ships, planes, radar, night vision surveillance equipment and the personnel to man them for an around-the-clock operation designed to totally disrupt the drug trafficking through the eastern Caribbean.

Do whatever it takes now, and we will support you, Mr. President, in seeking whatever funding from Congress that may be necessary.

Mr. President, the current situation, our letter goes on to say, is totally unacceptable. If we can send our troops halfway around the world to protect our interests in Bosnia and the Middle East, surely we can send what forces are necessary to protect our shores from the deadly assault of drug trafficking.

Now, frankly, this is the minimum that should be done now. This is an unfortunate time of year when elections are in progress and people are out there playing politics with all kinds of issues. This is serious. This is a letter that should be written no matter what the political climate. The reality is, drug trafficking from the eastern Caribbean is up substantially, 40 percent, under the new figures, never before released until today, of the Drug Enforcement Administration. Their estimates are 40 percent is coming through the eastern Caribbean.

Mr. President, do something about it. Take the actions that are necessary. Let us stop the drugs from coming in through Puerto Rico.

BIPARTISAN RETREAT IN FEBRUARY WILL BE HELPFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Washington Post has termed the efforts of our bipartisan retreat task force as a ''politics of politeness.'' I prefer to term our efforts as ''indispensable decency.'' There is no doubt in my mind that the rancor, the hostility, the belligerence and the general lack of good will we have witnessed in this Congress has interfered with the business of the House and has undermined our ability to serve the American people well.

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THE BIPARTISAN RETREAT

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, our goal is a simple one: to fan the flames of cordiality and congeniality, with the hope of producing harmony. Does that mean that everyone in this House will be identical, the same, or will agree with each other? Harmony does not mean we must all speak the same language or sing the same tune. Indeed, an orchestra achieves harmony with many different instruments and a range of sounds. One does not have to surrender one's philosophy or one's independence to appreciate that, in the end, we are all dependent on each other. We are, in fact, interdependent. We can disagree, however, without being disagreeable.

We propose to gather over several days, early next year, Democrats and Republicans, conservatives and liberals, women and men. With our families and staff we will take a short train ride to a place of assembly. Once there we will talk, talk to each other, and we will listen and, I hope, be heard. We will learn from each other and teach; hopefully, we will communicate with each other.

But more importantly, Mr. Speaker, we will have fun; fun getting to know each other as human beings first before we learn what the philosophical differences are. We will learn our commonality as human beings.

We expect to discuss such terms as conflict management, coalition building, sources of information and, most of all, courtesy, respect and civility.

There will be lots of time for social interaction. Plans are being made for quality entertainment. Most importantly, this will not come at the expense of the taxpayers. This retreat is a chance to give us in the Congress a chance to act in a more deliberate and civil way.

Now, there are doubters and naysayers and detractors. There always are. There are always those who say this will be of no value and no one will come. But since we have begun meeting to plan this retreat, I have been encouraged by the firm determination of those who conceived this idea and those who are organizing it, despite the resistance. Some of them have spoken tonight, those who are planning.

Mr. Speaker, I believe the House owes a great debt of gratitude to our colleagues, the gentleman from Colorado, Democrat DAVID SKAGGS, and the gentleman from Illinois, Republican RAY LAHOOD. They have dared to be different, to make a difference in a community of hostility.

We, therefore, must ask each of us as Members tonight to make a commitment to civility. We ask that each Member promise to be faithful to true standards of statesmanship, dignity, decorum, geniality and protocol. That commitment and promise can begin by each Member completing the survey that has been circulated by the task force. If there are Members who have not completed that survey, we ask that you indeed do that.

We want to make sure our colleagues are involved every step of the way, and they can certainly have an involvement in that. Complete the survey and join the harmony, not necessarily rendering your thoughts or position, but rendering your rancor, your incivility and your indecency to the hope of making this place more decent.

Come plan to have fun and to make sure we start off on the right foot for next season.

OPPOSING THE PRESIDENT'S SHAMEFUL VETO OF THE PARTIAL BIRTH ABORTION PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, I come to the floor tonight on behalf of the thousands of Oklahomans and millions of Americans who have swamped our offices with letters, phone calls, postcards and many, many petitions in opposition to the President's shameful veto of the partial birth abortion ban.

I have here a stack of petitions with thousands of names that concerned Oklahomans gathered throughout the State. The citizens were practicing their constitutional right and constitutional responsibility to petition their government with their grievances. I was proud to have these names with me on the floor of the House and to share them with my colleagues last Thursday when this body voted to override the President's veto.

Today I bring them to the floor once again on the day of the vote in the other Chamber. Regretfully the Senate did not garner the necessary vote total to complete the task of overriding the President's veto that allows this brutal procedure to continue.

I believe it is critical that we continue working in the 105th Congress to bring to an end this brutal late-term abortion procedure.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

[Mr. STENHOLM 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. GOSS] is recognized for 5 minutes.

[Mr. GOSS 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.

MCDERMOTT] is recognized for 5 minutes.

[Mr. MCDERMOTT 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.]

TRIBUTE TO HAROLD FORD, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, U.S. Representative HAROLD FORD is serving his 11th consecutive term as Tennessee's Ninth District Congressman. He is the first and only African-American Tennessean elected to the U.S. House of Representatives. Prior to his election to Congress, he served two terms in the Tennessee Legislature and represented the same geographic area of Memphis in which his great grandfather served as a squire during the Reconstruction era.

Congressman FORD has achieved an unparalleled reputation of service to his constituents. FORD takes seriously the constitutional Framer's intent of making the House of Representatives ''the People's Body.'' He holds hundreds of townhall meetings throughout the year and his responsiveness to the needs and views of his constituents is legendary. Keeping the Government close to the people is Congressman FORD's top priority.

In Washington, Congressman FORD effectively represents his urban district through his assignment on the powerful Committee on Ways and Means. He is fifth in seniority on the committee and has played pivotal roles in the committee's major legislation including health care reform, taxation, and welfare reform.

During the budget debate in the 103d Congress, Congressman FORD advanced the empowerment zones and enterprise communities provisions of the Omnibus Budget Reconciliation Act of 1993. He has helped craft this landmark legislation, which is the most significant antipoverty initiative since the 1960's.

Congressman FORD is recognized as a national leader and expert on child welfare because of his service as chairman and now ranking Democrat of the Ways and Means Subcommittee on Human Resources. In 1988, Congressman FORD worked with then Gov. Bill Clinton to write the most important welfare reform bill to date.

The election of Bill Clinton to the Presidency and the change in power in the Congress, once again placed welfare reform in the forefront. Congressman FORD brought years of legislative experience and an effective working relationship with the President to the welfare debate. Congressman FORD'S consistent support of work, education and training, and child care programs in welfare reform were further bolstered by a recent report by the Bureau of Business and Economic Research at the University of Memphis.

Congressman FORD is active in social and community activities in Memphis and throughout the country. He is a member of the National Advisory Board of St. Jude Children's Research Hosptial and the Metropolitan YMCA Board. He is also a member of Alpha Phi Alpha Fraternity.

Congressman FORD is the recipient of a bachelor of science degree in business administration from Tennessee State University in Nashville, and a masters in business administration from Howard University in Washington, DC. He also received an honorary doctorate from Meharry Medical College in Nashville, TN, and an associate of arts degree in mortuary science from John Gupton College in Nashville.

Congressman FORD was born on May 20, 1945, in Memphis, and is the 8th of 15 children of N.J. and Vera Ford. Congressman FORD is married to the former Dorothy Boles of Memphis. They are the proud parents of three sons: Harold Jr., Jake, and Sir Isaac. He and his family are members of the Mt. Moriah East Baptist Church of Memphis.

It has truly been an honor to serve with HAROLD. Congratualtions on your upcoming retirement from the U.S. Congress and congratulations to Harold Ford Jr. who, as many of you know, recently received the Democratic nomination to represent the Ninth District of Tennessee in the U.S. House of Representatives. We will miss HAROLD SR. dearly, but I want to wish Harold Jr. the best of luck in this November's election, and I look forward to serving with him in the 105th Congress. He has some very large shoes to fill

Mr. BISHOP. Mr. Speaker, I rise today to salute the dedication and hard work of U.S. Representative HAROLD FORD. HAROLD FORD is the first and only African-American Tennessean elected to the House of Representatives. Prior to his election to Congress, Mr. FORD, served two terms in the Tennessee State legislature.

Representative FORD is noted for his work on behalf of his constituency. Partly, as a result of his efforts, Tennessee's Ninth District receives more than its fair share of Federal contracts. Mr. FORD has also held hundreds of town meetings to ascertain the views of his constituents.

Representative FORD is a proven champion of the poor. In Mr. Ford's pivotal role on the Committee on Ways and Means, he advanced the empowerment zones and enterprise communities provisions of the Omnibus Budget Reconciliation Act of 1993. The measure created six urban and three rural empowerment zones. He has sponsored and cosponsored major legislation on healthcare reform, taxation and welfare reform. Congressman FORD'S work on welfare reform, in particular is widely known. During the 103d Congress, Mr. FORD held 20 hearings on President Bill Clinton's welfare reform measure. As ranking Democrat, Congressman FORD fought Republican efforts to pass a welfare reform bill that would weaken provisions that hurt children.

Mr. FORD has been relentless in his efforts to improve the quality of life for Americans. A recent report by the Bureau of Business and Economic Research at the University of Memphis stated that the Tennessee JOBSWORK program initiated by Representative FORD has been successful at moving welfare recipients into the workforce. In addition, the bureau reported an average increase in earnings of 163 percent compared with earnings before participation in the program.

Mr. FORD is also active in social and community activities in Memphis and throughout the country.

Mr. Speaker, Representative FORD'S bold leadership will be missed. I wish Mr. FORD success in his future endeavors.

Mr STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Tennessee, BOB CLEMENT, for allowing us this time to salute our departing colleague, HAROLD FORD. For 22 years, HAROLD has served with distinction as a Member of this legislative body. We will miss him in the days to come and we are proud to recognize him this evening for a job well done.

HAROLD FORD was elected to the U.S. Congress in 1974 to represent the Ninth District of Tennessee. He came to Congress armed with political skill and expertise. HAROLD began his political career at the age of 25 when he was elected to the State house of representatives. During his tenure, HAROLD served as majority whip and chaired a committee that investigated the rates and practices of utilities in the State.

In 1974 HAROLD FORD became the first African-American to represent the State of Tennessee in the Halls of Congress. Throughout his tenure, HAROLD has articulated the needs of those who have no voice in the political deliberations. He has brought compassion to the debate over the reform of our Nation's welfare system. He has advocated the needs of those who live in America's public housing. Further, HAROLD has championed efforts to shape programs that provide education, training, and job skills for our youth. As a member of the powerful Congressional Black Caucus, HAROLD FORD has also been a strong voice in the struggle for justice, civil rights, and equality.

Mr. Speaker, I am proud to note that when he was a junior Member of Congress, I had the honor of serving with HAROLD FORD on the House Select Committee on Assassinations. I chaired the panel, which was charged with conducting a 2-year investigation into the deaths of President Kennedy and Dr. Martin Luther King, Jr. I recall during the course of our investigations, traveling with HAROLD to the Lorraine Motel—the scene of Dr. King's assassination—which was located in his congressional district. I also recall HAROLD as a hard-working and dedicated member of the panel. The hearings and final report were a real credit to this institution and the tireless efforts of members such as HAROLD FORD.

Mr. Speaker, for many years my wife, Jay, and I have enjoyed a close friendship with HAROLD, his lovely wife, Dorothy, and members of the Ford family. As he departs from the Congress, we pause to salute him for his significant contributions to the U.S. Congress

and the Nation. I will miss him as a friend, a colleague, and a true champion.

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, HAROLD FORD. HAROLD is retiring at the end of this term after a remarkable 22-year career in the House of Representatives. HAROLD has represented the city of Memphis since 1974, when he was elected to this body after serving 4 years in the Tennessee House. He was the first, and is the only, African-American elected to the Congress from Tennessee.

HAROLD came to the House as one of the 47 democratic freshman elected following the infamous Watergate scandal, and worked diligently to bring integrity and honesty back to Washington. He was one of the first members of the Congressional Black Caucus, joining at a time when we numbered just a handful of members and before we earned the considerable influence that we have gained since then.

While the boundaries of HAROLD'S congressional district cover just the city of Memphis, HAROLD has represented all of America's big cities through his effectiveness on the powerful Ways and Means Committee. In 1993 during the budget debate, HAROLD advanced the empowerment zone proposal through the committee and the Congress, establishing six urban and three rural empowerment zones, worth $100 million each in Federal assistance. It is the most significant antipoverty initiative since the 1960's, and will help cities alleviate unemployment, spark economic growth, encourage more training and education, and end crime and drug abuse. This achievement is particularly significant to me; my hometown Detroit was named one of the urban zones December 1994.

HAROLD'S work on the Ways and Means Committee has also allowed him to dedicate his efforts to improving welfare. In fact, HAROLD was working on welfare reform before welfare reform was popular. In 1988, HAROLD worked with then-Governor Bill Clinton to write the most important welfare reform bill to date, the Family Support Act of 1988. The bill was designed to increase opportunities and obligations for work, training and education among recipients of Aid to Families with Dependent Children [AFDC], and required States to start education, training, and work programs for mothers on AFDC. It included provisions for medical and child care for mothers moving from welfare to work and significantly strengthened child support enforcement laws.

In 1993, HAROLD was successful in including the Family Preservation Act in the budget bill. This child welfare provision encourages States to create family support programs and programs to keep at-risk families together. It is the kind of welfare reform that we can be proud of.

Mr. Speaker, this body will sorely miss HAROLD FORD'S integrity, honesty, and diligence. I will miss him here, and in the Congressional Black Caucus, where we have spent more than two decades working together. I wish HAROLD the best of luck in his retirement, and know he will prosper next year in whatever vocation he may choose.

GENERAL LEAVE

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to submit a statement into the RECORD on the subject that I have talked about tonight, the upcoming retirement of Congressman HAROLD FORD, Sr., from the U.S. House of Representatives.

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

There was no objection.

TRIBUTE TO HAROLD FORD, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Tennessee for drawing our attention to the Honorable HAROLD FORD.

Ironies have its virtues. HAROLD FORD was my boss. I served as a counsel to the Select Committee on Assassinations. It was there first that I saw in this American a commitment to duty, a recognition of the seriousness of the task: The investigation into the assassination of President John F. Kennedy and Dr. Martin Luther King.

It was there, as a young lawyer, that I was able to see the leadership of a young Congressperson, someone who realized that the American people still were querying this Government about whether they were satisfied at the investigation of those two very disturbing and horrible assassinations.

HAROLD FORD went about his business with extreme dedication and seriousness, recognizing that the work that he would do would either give comfort to the American people about this system or otherwise cause catastrophe and confusion. I am gratified that he stood for finding out the truth but in a balanced and honest manner that all could respect.

I have watched in these 2 years as a freshman in the U.S. Congress, and even on this floor I see that he cares about his colleagues, he cares about his constituents, and he shows it in his legislative agenda.

As a Congressperson that has been reelected for 11 terms from the Ninth District of Tennessee, we are sure that the people of his great city, Memphis, and his State, love HAROLD FORD. They love him not only because he cares, but because HAROLD FORD is a family man.

And let me take my hat off to N.J. and Vera Ford, for they raised a family that considered public service the best testament to their commitment to the American flag and to this Nation.

He is someone who comes from a historic line of Fords and individuals who know and are part of the Tennessee history. He knows that his leadership has created the foundation for his three sons as he stood alongside of his partner. And I look forward to being able to have the opportunity to welcome his son, Harold Ford, Jr., to this body.

I watched Congressman FORD most of all through the tumultuous 104th Congress, for he had the issues that touched the people's lives who have the least among our brothers and sisters: health care, welfare reform, children at risk, and one that I think was particularly close to him, something called the EITC, the earned income tax credit.

If ever there was a piece of legislation that withstood its attack, it was the earned income tax credit. I think Congressman FORD saw that as a way to give incentives to the working poor who, through no fault of their own, seemed to be always accused of not wanting to work.

HAROLD FORD recognized that if we gave an incentive to single parents and individuals who were barely over the poverty line to continue working, to continue going every day to work, that there would be something in it for America.

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Earned income tax credit gives to those barely over the poverty line a credit back for working. And I saw and watched HAROLD FORD work throughout the 104th Congress time after time after time saying to Republicans and Democrats alike, we cannot sacrifice the earned income tax credit, something that most people cannot even say the words or the acronym, but he fought for it because he believed in those people that sacrificed every day and said, I am not going to be on welfare, I am going to work, and they deserved an incentive.

Then when it came to welfare reform, HAROLD FORD was at every single meeting, not to beat people down, not to accuse people, but to say to all of us, there is a better way, that there needs to be a bridge, we need to protect children. I have the expertise; I am here to help. I am here to create that bridge. And HAROLD FORD did it consistently for 11 terms, but more particularly in this 104th Congress, as the ranking member on ways and means subcommittee.

So I say to his family, I say to HAROLD FORD, I thank you for teaching me. I thank you for giving those of us who would aspire to the calmness and the demeanor that you bring to this body, the evenhandedness, the compassion, the love for America, the love for Texans and Tennesseans, because I am a Texan, the love for those from Memphis, but as well the love for family and the love for those who cannot help themselves, I thank you for being that shining light.

As you go off, not from this place in terms of our hearts but physically from this place, let me call upon you to continue your leadership and to continue paving the way as we move into the 21st century. We will always be looking to hear your voice. We know that we will hear it in your son, Harold, but most of all, as I close, we know that you will continue that service. Again. let me join my good friend from Tennessee, Congressman BOB CLEMENT, to say you are a great Tennessean, but you are truly a great American.

God bless you.

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 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 (Mr. FOLEY). 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 Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH 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 Oregon [Mr. BLUMENAUER] is recognized for 5 minutes.

[Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE ACCOMPLISHMENTS OF THE LAST TWO YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I am a little concerned that some of the politics of a political season, and that is certainly not unusual, will overshadow the accomplishments of the last two years in this body. I think it is important this evening that we go over a few of those accomplishments, because in my opinion what has been done in this Congress, in a lot of cases on a bipartisan basis, is the most significant changes that we have seen in this body in a long, long time.

Let me begin by addressing, first of all, the management of the House of Representatives. There are several critical issues that under the Republican leadership changed two years ago.

First of all, the United States Congress now must live under the same laws that the citizens of this country have to live under. It was amazing that the United States Congress, in the preceding years, would put laws on the American people but exempt this body from those laws. This leadership, under the new management team, also eliminated proxy voting. I am from the mountains in Colorado. I could be enjoying the mountains of Colorado while my vote was being cast back here in this body. That is not right. That is why we changed it. Our opinion is that if you are elected to the United States House of Representatives, you are expected to be here and to vote in person.

We brought about congressional gift reform. We brought about lobbying disclosure. I would add that while all these changes came about, mostly with bipartisan support, it was through the leadership of the Republican Party that got them here. These changes could have been made at any time in the last 40 years, but they were not.

We had the first vote ever on this House floor on term limitations. We cut congressional staff by a third, and we eliminated and abolished three full committees. We have not abolished three full committees in one period of time, I think, this century.

We did something else for the first time in the history of the United States House of Representatives, we had the books audited. As you can imagine, the books in this House, which have never been audited in the history of this House, were, in my opinion, a big financial mess. We now are demanding that the United States Congress run its own house, its own fiscal house just the same as our constituents are expected to run theirs.

We opened all committee hearings to the public. Most of the States that we represent have sunshine laws within their State. Their legislators have to have their meetings in the public, not so with the United States Congress. We changed that. In fact, I think the only real closed committee hearings that we have had are, one, the Ethics Committee, and, two, the Select Committee on Intelligence.

We cut spending in the United States Congress for two years in a row. We did a lot of this. We put in a line item veto. That was not just talk. I can tell you that it is not necessarily to the political advantage of a Republican to give a Democratic President a line item veto. But do you know what, it is to the benefit of this country. The President, regardless of his party affiliation, needs a line item veto in order to manage the budget of this country. We give it to him.

Let us talk about some issues outside these halls that we changed. Welfare reform, it ends the entitlement status of welfare. It uses a four letter word called ''work.'' It establishes work requirements for recipients when welfare is no longer required. It provides incentives to reduce illegitimacy. It helps on child support, collection of child support, a huge problem in this country.

We can talk about Megan's law. It was this Congress that put Megan's law into effect so that when a sexual abuser moves into a community, that community has a right to know about it.

These are very significant changes. We have made a number of changes in health care legislation, and we have made a number of budgetary changes. What you hear about, of course, the close down or this or that, but through it all, once you get through all of that cloud and through all that smoke, you will see a Congress that finally is accepting fiscal responsibility, that has come a long way.

This is a government that adds to its deficit at a rate of $30 million an hour. It is about time that a Congress with some leadership stood up to this. That is exactly what has happened.

I think that all of us, as I said, because a lot of these votes were taken, were passed with bipartisan support, I think a lot of us in this body have a lot to be proud. While we go out there in the election year, I do not think that election year politics should overshadow the accomplishments of this Congress. We have a long ways to go. The American people demand it. The American people are entitled to it. But we have done ourselves proud.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Ms. DUNN] is recognized for 5 minutes.

[Ms. DUNN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOUGHTON] is recognized for 5 minutes.

[Mr. HOUGHTON 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 Pennsylvania [Mr. FOX] is recognized for 5 minutes.

[Mr. FOX 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.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1897. An act to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes;

S. 1962. An act to amend the Indian Child Welfare Act of 1978, and for other purposes; and

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

DEMOCRATS AND THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to start tonight, I am going to be joined by some of my Democratic colleagues, but I wanted to start tonight by talking about how the Democrats, even though we are in the minority and have been for the last 2 years, have really done an excellent job, in my opinion, in stopping some of the more extreme measures that were proposed and in most cases did not succeed in getting passed in the last 2 years in this Congress.

I mean particularly the Democrats success in halting what I call the Republican assault on Medicare, education, and the environment. Tomorrow is actually the 2-year anniversary, from what I understand, of the Republican signing ceremony on the steps of the Capitol where they all stepped up about 2 years ago and signed the Contract With America. I call it the contract on America, because of the fact that it proposed such devastating changes in Medicare, such terrible cuts in education programs, and also sought very hard to turn the clock back on the last 25 years of environmental protection by the Federal Government.

We are going to see tomorrow that, if you think about it, we do not hear too much about this Contract With America anymore. As election time comes near, this November 5, the Republican leadership, particularly the House Republicans, seem to have a very bad case of amnesia when it comes to the Contract With America. It has all but disappeared from the campaign trail and even from Congress itself. We really have to remind, I think as Democrats, we have to remind our colleagues, and I suppose the public as well, about what this Republican Congress set out to do. Fortunately, they were not successful.

Beginning in the summer of 1995, they proposed $270 billion in Medicare cuts to finance tax breaks for the wealthy. We managed to kill that proposal, but even this year they continued to propose large Medicare cuts primarily to pay for tax breaks for the wealthy.

In the winter of 1995–96, we saw two Government shutdowns. Basically the Republicans were not able to get their way in the budget negotiations, even after the President committed to balancing the budget, so they decided to shut down the Government. And twice that occurred. Those 27 days when the Government was shut down cost taxpayers about $1.4 billion and caused hardship for thousands of Americans who were not able to get their veterans benefits, who were not able to take advantage of other programs.

We then go from the winter, if you will, of 1995–96, when we had the two Government shutdowns, to the spring of 1996, when we sort of had this stop-and-go Government to force education cuts and environmental rollbacks. Basically they spent the first part of this year in 1996 going from one short-term funding bill to another, determined to try to make the President accept their agenda to make the biggest education cuts in history and to roll back bipartisan environmental protections. But the Democrats were successful.

Mr. Speaker, I think that the Democrats, even though we are and have been in the minority for the last 2 years, have a lot to sort of be thankful for because we were able to succeed in halting these radical Republican cuts in Medicare and education and also in environmental programs.

I just wanted to spend a few more minutes and then I would like to yield to one of my colleagues to talk about some of the changes, the radical changes, if you will, that they tried to make in Medicare and also on some of the environmental programs. These are two areas that are very important to me and to many of my colleagues on the Democratic side.

If you think about it, if the Republican Medicare proposal that they first came up with in the summer of 1995 had become law today, seniors would be now paying basically another $120 this year for Medicare premiums. That amount would continue to go up for the next 6 years. Seniors would no longer be able to see their own doctor because many of them, if not most of them, would have been forced into managed care or HMO's. Many hospitals would be closing their doors right now essentially because they were so dependent on Medicare and Medicaid, they would not have been able to absorb the major cuts that were proposed by the Republicans.

I guess the one issue that to me shows really how out of touch the Gingrich Congress was and the Gingrich Republicans were with the American family is the environmental issue. Although the environment was not really mentioned at all in the Contract With America, they proceeded to make such an assault on environmental protection in various ways over the last 2 years that, if they had been successful and the Democrats not stopped them from doing it, we basically would have seen the last 25 years since Earth Day of 1970, where the Federal Government on a bipartisan basis was trying to protect the environment and improve environmental protection laws, we would have seen a tremendous rollback in all those efforts.

A very good example, and one that I have cited before on the floor of the House, is the Clean Water Act. Essentially in the spring of 1995, we saw rolled out on the floor what I called the dirty water act or the dirty water bill that basically tried to gut the Clean Water Act and make it possible to eliminate wetlands protection, to dump sewage again into the ocean, to do a number of things that really would have made the Clean Water Act essentially ineffective.

Then we also started to see the major effort to cut back on funding for the Environmental Protection Agency, for the Interior Department, for the various agencies that do investigation and enforcement of our environmental laws. If they had succeeded in accomplishing those goals and really cut back significantly on environmental protection through those agencies, once again our environmental laws would not have meant anything because they would not be enforced.

☐ 2030

So I just really wanted to take to the floor today, and I know my colleagues feel the same way, because we feel that as this Congress is coming to a close and we may be done within the next day or so, we do not know at this point, that we need to remind our colleagues on the other side of the aisle of how important it was for the Democrats to speak out and to basically explain to the American public what this Gingrich Republican agenda would have meant.

Fortunately, we were able to stop it in most cases, particularly when it came to issues like Medicare and the environment.

At this time I would like to yield to my colleague from Texas. I know that she has been here frequently over the last 2 years as one of the key people that has been trying to point out how terrible this Republican agenda was. It was one of the main reasons, I believe, she has been, and a few others that are joining us tonight, we have been some of the major reasons, I think, collectively, why we have been able to stop this assault on the environment, on Medicare, and on environmental protection.

I would yield to her at this time.

Ms. JACKSON-LEE of Texas. First of all, I thank you for your leadership. It reminds me, as a freshman, watching what we went through just a couple of months ago with your leadership in pursuing Medicare hearings. I recall you leading out, trying to give the American people, many of our seniors, an opportunity to be heard in the U.S. Congress when I believe we were denied the opportunity to have those hearings inside the hearing room.

And so in listening to you I was compelled to join you because I reflect on those times. I believe we were out on the lawn, on the U.S. Capitol grounds, because there were people crying out in absolute fear about potential devastating cuts in Medicare as a result of the proposed $245 billion in tax cuts.

I am gratified that we stayed during that time period and listened to our seniors and other health care providers in order for us to continue pressing forward, if you will, on the need to preserve Medicare. It is for that reason that I join you to talk, as well, about how we were trying to enlighten people

on where the Republican majority, Newt Gingrich-led Congress was going with education.

I hope to salute retiring members of the Democratic Texas delegation. Several of our Democratic colleagues from Texas will be retiring, and I look forward to saluting them tomorrow. I mentioned them because I am reminded of us working together in the Democratic Caucus, Texas Caucus, on Texas issues, and one of the issues that we faced was a frightening prospect of the cutting of school lunches. Of course that ties somewhat into education, because I am reminded of a report that just came out on children at risk, where there were some devastating numbers suggesting that the children at risk had improved primarily because there had been a persistence of maintaining the school breakfast program and the school lunch program.

I cannot fail to remember comments being made on the floor of the House of how irrelevant and costly school lunches would be, and here we have a report that statistically indicated that children were learning in a better way because they were being fed, and they are being fed because many of them came from homes that did not have the proper food.

So we persisted in that, and I think that it is important as this session closes, and again we are unsure of what the status of the end of the session is now, to reemphasize what happened with our efforts in education.

I speak about school lunch. It is not an actual tool of education, per se. It is not reading, writing, and arithmetic. But you cannot take away the opportunity for children to be nourished, for them to be able to be in a classroom.

Let me cite for you that I had this afternoon the pleasure of visiting with almost 10 superintendents from districts around the State of Texas, school superintendents. Did anyone of them come to me and say, ''Let up''? ''Cut the funds''? ''We do not like what you are doing''? To a one—I did not ask them what their politics were, did not ask them what party they might have been associated with. To a one they said, ''The Federal Government must be a partner with us in educating our children.''

In fact, every one of them spoke about increased enrollment in elementary and secondary schools in their districts. I understand that the Houston Independent School District is now looking at 200,000-plus children, up from maybe 150,000 some years ago. So all across the country we are seeing an increased enrollment.

But may I ask you, what is going on in this Gingrich Congress? We had, as Democrats, to fight back the largest education cuts in history, where our Republican colleagues were voting to cut education programs by 15 percent, $3.6 billion.

We find on August 4, 1995; that was at the height of the time when we refused to leave the Congress, refused to go home that summer when the House Republicans voted for these drastic cuts, and it was constantly reemphasizing that our folks back home, our teachers, our school superintendents and administrators on the ground dealing with children every day, pleaded that we did not undermine them more than we already had, a 17 percent cut in aid to local schools, the title 1 programs' assistance to local school districts. These are what these representatives came from, dealing with compensatory education. It was cut by $1.2 billion, denying some 1.1 million children the extra help they needed in reading and math.

When we are talking about technology, when this country is moving toward the 21st century, we were planning on giving 40,000 title I teachers the pink slips. I always remember the effort that we had to wage, the common sense effort. It really was not at that time partisan to the extent that we would not have welcomed Republicans coming and saying, ''You know, you are right,'' when we are right on the precipice of almost letting off 40,000 teachers who taught the basics of math and science.

The elimination of the Goals 2000 program, a reform package that was touted by then President George Bush who raised up the specter of the Goals 2000. I think it was his call that we must elevate the achievement levels of our children around the Nation. They would have cut it, and therefore they would have denied some 85,000 children in 48 States across the Nation to raise up the levels of their education. That, I think, is key.

And if I might just add several other points, and let me correct that. That would have been 85,000 schools in 48 States with 44 million children, a 57 percent cut in safe and drug-free schools.

Might I just say to you and maybe query you on this as I mention two other things, and I might just query you on this, if you do not mind, because I am confused about hearing one thing and seeing another.

In addition to the Safe and Drug-free Schools, the 57 percent cut, that is over 50 percent, that is almost 100 percent, if you will; they cut, eliminated, 48,000 children from Head Start; that is $137 million, when Head Start has been a program that has been touted by educators from both sides of the aisle; and a 16-percent cut in vocational and adult education. That is cutting adult education by $220 million.

Might I say that many in my community pleaded with me. Some of that adult education was for the physically and mentally challenged individuals that did not want to be on welfare, did not want to be at home, wanted to be gainfully employed, those who were dislocated workers, women coming into the work force for the first time, denying the opportunity for them to get a hand up.

But I wanted to ask you this question because it disturbs me. Tomorrow we will be dealing, and maybe Saturday, maybe we will be here Sunday or Monday, with the omnibus appropriations or a CR to ensure that we do not shut the Government down, and I know that we will be certainly pushing that issue.

But I have been hearing some addressing of a particular theme now of a 15-percent tax cut. We do not even hear that any more as we listen to the national debate. I am not sure whether that was 15 cents, a dime and a nickel; I do not know what that was.

But we hear about the drugs. I have heard a referral back to, ''Just say no,'' and I do not think any of us would step away from going to our children, our schools, and profoundly and affirmatively saying no. I have heard a new title called, ''Just do not do it.''

And then I have here documentation of the Gingrich Congress voting to cut the Safe and Drug-free School program by $266 million, the same thing that my teachers, my principals, my administrators are telling me that really gets to the children about the importance of not taking drugs.

You know that we have been trying to research this terrible issue about Contras and drugs and drugs flowing into the inner city, inner-city neighborhoods, all over America, but here is where they are cutting 23 million students off of these services.

If you can, help me understand this and tell me what the impact of Safe and Drug-free Schools has been in your community in terms of what it does in getting right where our children are, in the school where their peers are, where they could hear police officers, role models, come in and look them in the eye. Then we reinforce it as a parent, as a church, as a religious community.

Can you understand why my colleagues are joining in with a national theme: ''Just do not do it,'' and they have got this kind of cut?

Mr. PALLONE. I think the gentlewoman is bringing up a very good point, and it is simple. What Democrats have been saying and what you are saying is that you have to, you know, put your money where your mouth is, so to speak, I think is the best way to explain it.

The reason why we, as Democrats, want to prioritize education funding, why we have been supportive of, for example, putting 100,000 policemen on the streets, the reason why we support environmental protection, if you will, is because we realize that if you prioritize these programs, that they can make a difference for the average American.

And I think what we see on the other side of the aisle is, they talk about the drug problem, for example, but then they do not want to fund a program of safe and drug-free schools which will make a difference. They talk about how they want to solve the drug problem, but then when we put up legislation that would add 100,000 police in many communities around the country, they vote against it.

So, you know, if you look at the drug problem, I guess you can look at it

from the point of view of prevention, which is what Safe and Drug-Free Schools is; you can look at it from the point of view of enforcement, which is what the Cops on the Beat Program is about; but, you know, if you do not spend money and prioritize your budget in those areas, then the drug problems are going to get worse.

I think what the President has been saying and what the Democrats have been saying is, you have to put money and you have to prioritize these programs if you want to get a handle and you want to stop the drug problem. And they do not do it. They talk about it, but then they will go and, you know, pass legislation that will give all these tax breaks to wealthy people rather than worrying about selectively spending money in ways that will solve the drug problem, or will protect the environment, or will deal with the need to pay for higher education.

And that is what we have been saying for the last 2 years. We want to balance the budget.

I think you mentioned already that in the last 4 years, the deficit has gone down every year. The President is making more of an effort to balance the budget and reduce the deficit than any President in the last 20 to 30 years. But he wants to prioritize, as Democrats in Congress do; we want to prioritize spending where it is going to make a difference.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and as I close, let me just simply say that I thank the gentleman and my colleague from Connecticut, who has persisted in educating and explaining that this is not a self-serving effort as we come to the floor of the House.

The best of all worlds is that we all, collectively, do what is best for all of America, and I cannot imagine a more valuable resource than our children going into the 21st century.

But over and over again, what I am trying to explain is that when I hear national rhetoric or a suggestion that we pride ourselves on our children, and I can give you now this litany of cuts that deal with the Goals 2000 and Drug-Free Schools and Head Start, then we have a problem here; and if we close down the Office of Juvenile Prevention at the Department of Justice, we have a problem; if we close down adult education, we have a problem.

Mr. PALLONE. You mentioned Head Start, and I just wanted to say I have two young children; one is 3, and the other is a year and a half; and I do not spend a lot of time, but I spent a little time reading about childhood development and all that, and everyone tells you that those formative years; you know, whether it is 2, 3, 4, before they go to school, which is what Head Start is primarily about, those are the years that make the dffernce.

That is why I think it is so important that you mentioned the Head Start program and it is such a tragedy that they have wanted to cut that. I remember President Bush talking about how successful a program it was. And, you know, here we are again with a tremendous prevention program, that does not really cost a lot of money, that they have tried to cut severely.

I did not mean to interrupt.

Ms. JACKSON-LEE of Texas. Not at all.

All the education experts say that in the early years of schooling our children are amazing, they are sponges, that in fact what they learn in those early years is so much a part of how successful they may or may not be. This ties into everything the Democrats have said about welfare reform.

None of us have disagreed that the Nation wants to move toward real welfare reform.

□ 2045

We have disagreed with the tools that the Republicans have taken away from us. So I just simply say, $3.6 billion in education cuts, 15 percent, is not the way of the future. It is not priding the most precious asset of this Nation, and that is our children.

I am going to be part of the fight to maintain these programs, but as well, I hope we will presevere and the American people will join us in recognizing a tribute to our children will be supporting the efforts to educate them.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman from New Jersey for yielding to me, as well as the gentlewoman from Texas who, in my opinion, more than anyone else has delivered the message about the Democrats and how we wanted to prioritize education, Medicare, and the environment, and how we have really succeeded in the last 2 years in halting the changes and the drastic cuts that the Republican leadership proposed in these programs.

I am pleased and proud to join with my colleagues tonight. It has been an unprecedented 2 years. When we take a look at, quite honestly, the natural instincts of the Gingrich leadership in this House, what their natural instincts were, I think it is sobering, it is frightening, and in fact it really threatened what working families in this country have tried to achieve for themselves and their families for so many years. That really is the story of this Congress.

To my colleagues who have taken the floor almost every day and almost every evening, I feel good about the role that we have played, about the role we play with the American people, because it truly was the American people who said, ''No, we do not want you to do these kinds of things.''

In the final hours of this Congress, it is the opportune time to take a look at some of these things that happened and what the gentleman from Georgia [Mr. GINGRICH] and his Republican team have pursued. It has been characterized, and fairly characterized, as an extremist agenda, a hurting of hard-working middle class families.

When Newt Gingrich and the other Republicans took power in this House in 1994, they came here promising revolutionary changes. I think we would all admit, as Democrats, that the public was looking for change. They looked for change in 1992 and they looked for change in 1994. We have to acknowledge that.

But what they did was they endorsed and initiated an extreme agenda that really was in no way the kind of change the American public was looking for. Their manifesto, as we all recall, was the Contract With America, and if we just take a look today, what is happening is the Republicans are running away from the contract, running from their leadership, and running, quite honestly, for their political lives. So they are engaged in trying to rehabilitate themselves on some of these issues.

Mr. Speaker, I read in the papers in the last few days that NEWT GINGRICH is trying to strong-arm Republican Members to come to a pep rally celebrating the Contract With America, and there is one newspaper, and I quote the newspaper, it said, ''One month before election day the contract is so aborted that some of the very freshman who campaigned on it have been less than enthusiastic about the rally.''

They cannot run away from it fast enough, given what it tried to do. Quite frankly, if you do take a look at the contract, it wound up hurting American families and particularly working families in this country. Their jewel, and self-proclaimed jewel, was the tax cut. As we saw, they were willing to jettison Medicare, education, environmental efforts, Medicaid, in order to provide a tax cut for the wealthiest in this country.

Quite frankly, it was the American people who said to the President of the United States, 60 percent, veto this madness, veto it, which he fortunately did. We see Republicans running from their record to try to bury the truth, but I will tell you, who can blame them, who can blame them from trying to run from the truth?

The litany is there. My colleague, the gentlewoman from Texas, talked about education. We have talked about what they tried to do with Medicare and Medicaid, education, and the environment. I will just say this about American families. What they essentially want is a shot at the American dream. That is what they work for.

It is like your folks and my folks who worked hard all their lives to provide their families with an opportunity for the future. What has been the great equalizer in this country? It is education. That is the way that, despite what your income is, despite what your social status is, public education has been the great equalizer in this country, so what your God-given talents have given you, you can develop your potential and you can succeed.

What they tried to do was to pull that rug out from under public education for working families. As I said, my colleague, the gentlewoman from Texas, catalogued some of the information in Head Start programs, in safe-and-drug-free schools, in reading and mathematics programs. I will tell you that finally what they tried to do is dealing with the colleague loan program.

I would think that if we polled 435 Members of this Congress, we would find that they achieved what they did in education through college loans or through some sort of financial assistance, most of them. I could not have gone to college without the benefit of financial assistance. My family just could not have afforded that.

I might add that the gentleman from Texas, DICK ARMEY, and the gentleman from Georgia, NEWT GINGRICH, went to school with college loans. What they tried to do then is pull the ladder up after them. That is wrong.

Let me just make a couple of comments here. They voted to slash student loan funding by over $10 billion and eliminate entirely the direct student loan program. That is the program that, as my colleagues know, takes the banks out of the equation and says to the family, you do business with the college, and decreases the costs of that loan to that family. They tried to entirely eliminate the direct student loan program.

The $10 billion cut included a $3.5 billion cut of the Stafford student loan program. They have also voted to cut Pell programs and loans, denying loans to 750,000 students. This is the way we succeed in this country. The college loan program works.

Why do they want to deny people the opportunity, working families the opportunity to be able to send their kids to school, to have that opportunity to succeed and compete? That is wrong. That is why the American public moved away from it.

Let me just say, if we think that this was a one-shot deal, and that they do not have these kinds of thoughts in mind for the future if they happen to come back here in the majority, if we take a look at the Dole economic plan, a $568 billion tax cut, where are they going to go, again, for that money? They are going to go to Medicare, education, Medicaid, the environment, the same kinds of programs.

Mr. Speaker, I think this is important. I want to talk about a comment that I read today in something called the Texas Monthly, September of 1996. I think this is extraordinary. I think the public knows that the Republicans were so desperate to advance their extreme agenda that they were willing to shut the government down not once but twice.

Now, you would think there would be some sense of the hardship of shutting the government down, what that means in terms of people's lives for people who work at Veterans Administrations and so forth, what happens to them when they are not sure they have a job, when they are not sure they are going to get a paycheck, what happens to their kids, what happens to mortgages, what happens to college loan payments, what happens to putting food on the table.

You might think that the Republican leadership was chastened in some way by shutting the government down. This is a September, 1996 quote by the person who is third in charge in the House of Representatives, the gentleman from Texas [Mr. DELAY]. If the gentleman will bear with me a second.

Quite frankly, we have entitled this, Let Them Eat Steak. You will understand this when I read it.

This is a quote: ''Our biggest mistake was backing off from the government shutdown. We should have stuck it out. The worst moment was November 19. I was cooking steaks for five or six Members at my condo. The TV was on, and all of a sudden there's Newt and Dole and the President, and everybody is shaking hands and saying they've reached an agreement to reopen the government. I'll never forget it as long as I live.''

This is a quote from the gentleman who is third in charge of the House of Representatives; let them eat steak.

Let me tell the Members, I went to the Westhaven Veterans Administration during the Government shutdown. You want to be chastened, when you saw people who did not know whether or not they were going to have a job. The stayed on the job, because they felt they had an obligation to those sick veterans in that hospital. They did not know if they could pay the bills. They did not know if they could put food on their tables.

This gentleman says we should have continued to shut the Government down. And these are the folks who want to come back and who want to lead this House of Representatives. The American public needs to know what they are about.

Mr. PALLONE. I appreciate what the gentlewoman said. Really, the gentlewoman says very well and explains very well the dire consequences of the government shutdown. I think the fact of the matter was that there were a lot of people who really suffered tremendously during that period.

I want to yield to other colleagues here, but I just wanted to say one thing when you were talking about the student loan program. That is one of the many aspects, but the one that I hear the most these days from my constituents, and I think the reason is because, and I do not have the statistics here tonight, but the reason is because of the disparity, if you will, between how income has not grown, if you will, in the last few years, or in the last decade, but the cost of college tuition and going to college has grown so much.

I know when I was in college I had help from my parents, but I also had a student loan and I had a scholarship from the school. I had the work study program. It was possible for your parents to help you to some extent.

But if you think about it, over the last 20 or 30 years, income has not kept up, if you will. The cost of college has gone up so much that more and more families and more and more students need larger amounts, if you will, of student loans in order to pay for college education or graduate education.

That is why we have seen the President, with the help of Democrats, when we were in the majority, try to expand some of these programs; why we had the AmeriCorps program, why they tried to expand the direct loan program, to give more students and make more money available, because it is a lot harder to pay for that college education today than it was 5 or 10 or 20 years ago. For some reason, our colleagues on the other side of the aisle never understood that, and I do not know why they did not.

I yield to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman for yielding to me, Mr. Speaker, and I appreciate very much this retrospective look at the 104th Congress. I do think that, as Congress rushes to complete its work, it is an appropriate time to evaluate the true record of this Congress.

Mr. Speaker, I would speak about, in particular, three shortcomings of this Congress. The first is the shutdown, the second is student loans, and the bulk of my time is going to be spent talking about a near miss, a raid on workers' pension security.

On the shutdown, this new crowd, the 104th Congress, the Republican majority, said they wanted to run government like a business. Yet, when they got in a fight with the President, they felt shutting down the government was the appropriate response; leaving the workers home, only to be paid for every day they stayed at home, with the subsequent enactment of the appropriations bills.

It occurred to me, as I evaluated that ridiculous stunt, that there is not a single business in North Dakota that gets so mad at itself that it sends its workers home on salary, but that is precisely what this crowd did to the Federal Government, disrupting service, costing taxpayers millions, and what is more, making a total debacle of the legislative appropriations process.

□ 2100

To have a quote published in a major Texas magazine where the majority whip, Mr. DELAY, to this day, believes that their greatest single error was reopening the Federal Government shows just how reckless and irresponsible the leadership has been on the other side and what we might expect more of should they return after the next election.

The second point I would address was student loans which as I sat on the

Budget Committee fighting the proposals that would take $18 billion from the funding of loans, student loans, I evaluated the consequences for those who would pay the tab, the students of this country. They proposed to wring $18 billion out of student loan funding, having students accrue interest on their loans from the moment they took them out. The 18-year-olds sitting in college in freshman English class today just as it has been for many, many years, including certainly when I was in college and way before that, they do not have interest accruing while they are still in class. What would be the point? They cannot pay the loan back. They are in school. That is why they took the loan out. And so they have that interest deferred. That is just how student loans have worked.

Well, they wanted to change that. They wanted to have interest accruing from day one so the freshman student is not just sitting there trying to learn, he is also worrying about interest accruing and this growing student loan debt.

You mentioned the rising cost of college and the resulting impact on student loans. In fact, student loan borrowing is up greater than 50 percent. Student loan borrowing in this country has more than doubled since 1990. We are having an explosion in student loans because the costs are beyond the reach of families to pay, or beyond the reach of students to make it with working while they are not in class. This would have impacted the costs on payback to the students of this country in the following ways: Eliminating that interest deferral would have hit an undergraduate coming out with a 4-year degree 25 percent. It would have hit a graduate student something in the range of 30 percent upon completing their graduate degree. And someone obtaining either a medical doctor or perhaps a Ph.D. in history would look at a full 50 percent greater student loan obligation than they would come out with today.

As if that was not bad enough, I will tell you that student loan obligations today are shocking. My student loan payment was $90 a month, I paid it faithfully for 10 years and remember and will always remember walking that last payment to the mailbox. It was a happy day in my life. Well, now they are paying several hundred dollars a month. In fact, whereas that student loan payment used to fall somewhere after your rent payment and after your car payment in terms of your monthly outflow, it now rivals or exceeds mortgage payments these people are making, so great is the indebtedness. And this Republican budget would have increased it at least 25 percent for the graduating undergraduate, because they wanted to take the money from student loans to pay for that tax cut primarily benefiting the wealthy. That was a very, very low point in this session. And thank goodness that budget plan was vetoed.

There was another, and the final low point that I would mention involves the attempted raid on workers' pensions. In this country this year, the first wave of baby boomers turned 50 years old. One in three baby boomers is saving enough for retirement, but the first wave of baby boomers turned 50 years old. We have a national growing, serious problem with people not saving enough for their retirement. One in 4 workers in an employer of under 100 has an opportunity to save, 3 in 4 do not, to save for their retirement. Now in the larger employers, it is better. Seventy-eight percent employed in employers over 1,000 have retirement savings programs. So this is the one part of the whole country where workers are actually on track and saving for their retirement. And what did the Republican budget do? It pointed a gun right at that one area where retirement saving is on track and wanted to blow it apart.

In the 1980's, we saw savage abuse of workers' pension funds as corporations raided the paid-up workers' pension funds to fund such things as leveraged buyouts or just even for an easy access to a line of credit for those corporations. In the 1980's, when it was finally brought to a stop by congressional action, $20 billion was withdrawn from workers' pension funds. Many of those funds that had the pension funds ripped out of them ultimately went bankrupt, leaving workers with greatly reduced retirement benefits paid by the taxpayer through the Pension Benefit Guaranty Fund. Well, the proposal that was slipped into the Republican budget would have allowed, by their estimates, $40 billion to be withdrawn from workers' pension funds. How does this happen, you say? The safeguards that were put in place preventing companies from raiding their pension funds for their workers were eliminated, wiped out, for a windfall window where corporations could withdraw those funds without excise tax penalty through July 1 of this year and after July 1, they would have a very small tax penalty on the withdrawal.

Today the tax stands at 50 percent to discourage raiding those retirement funds. That barrier was put in place with bipartisan votes during 3 congressional sessions. The Republicans wanted to wipe out that 50 percent, give them a windfall when they are to pull that money out. Why in the world, do you ask, would they want to do that, expose our workers to the loss of their pension dollars? One reason. They had a budget hole. In order to finance that tax cut disproportionately benefiting the wealthiest Americans, they needed to come up with funds. And if corporations withdrew the $40 billion pension funds, at the time of withdrawal, that was taxable to the Treasury, and the Treasury would have gained a $9 billion windfall.

So they were prepared to sell out workers' pension security in order to plug a budget hole in their budget, in order to finance that tax cut disproportionately benefiting the wealthiest Americans. That was a shocking proposal. It did not receive so much as a congressional hearing. No hearing on this proposal. And in the Committee on Ways and Means at the time it was brought forward, one member said, ''Well, look, if you're going to do something that so threatens the workers without so much as a hearing, let's at least have the requirement that when corporations draw workers' pension funds out for their own purposes, for the company's own purposes, against the workers' interests, that the workers would be notified.'' Notification to the workers when you take their pension money away. That amendment was defeated.

Finally, I went to the Rules Committee and I implored the Rules Committee to at least allow an independent vote on this matter so critical to workers' retirement security. I felt of the many, many issues in this budget which ran hundreds of pages, this one deserved a stand-alone vote. The Rules Committee refused to allow the vote. They wanted the pension raid wrapped into their proposal to pay for their tax cut to the wealthy.

So in retrospect, I think when you look at what might have happened in the 104th Congress, there were some very near misses. Nearly catastrophic hits to Medicare, a nearly catastrophic impact to student loans, and nearly a catastrophic raid on workers' pension funds, all to make their budget plan work, and again the jewel in the crown of their budget plan, that tax cut disproportionately going to the wealthiest people in this country. There simply were no limits to which this new majority would not go to try and fund that tax cut for the wealthiest Americans.

I will tell you, senior citizens, the students and the working people of this country deserved much better, and I believe they will get much better after this next election.

Mr. PALLONE. I appreciate what the gentleman said, and particularly with regard to the pensions, because I think that many people have forgotten that. It came up at the time, and the Democrats did their best to point out that it was being proposed and we managed to kill it, primarily because of the President's veto, but I think a lot of people have forgotten it, and that is why it is so important for us, not only today but I think in the next few weeks to continue to point out that these are the things that the Republicans were proposing and what they would have meant to the average American. That is certainly one of the most important. I appreciate the gentleman bringing it up.

Mr. POMEROY. There are many things with which I agree with the majority. In other areas I disagree. But I was absolutely shocked that on this pension raid issue, threatening the retirement security of millions of working men and women, all but one of the

majority voted right along to allow the pension raid.

Mr. PALLONE. It is really incredible when you think about it. I thank the gentleman for bringing it up.

I would like to yield to the gentleman from Michigan. I know he has pointed out over and over again how important the President's effort has been with the crime bill and with the 100,000 extra policemen that have been implemented basically in many municipalities around the country. That program is one of the main Federal programs that my constituents talk about now because it has really had a major impact in reducing the crime rate in a lot of my municipalities. I yield to the gentleman.

Mr. STUPAK. I thank the gentleman and I thank the gentleman for his leadership over these past 20 months as we have tried to point out in the 104th Congress, and I think we are all proud to be Members of Congress, but I think what we have been seeing here tonight, a lack of notice as to intent of legislation, lack of hearings, I think that unfortunately is a trademark of this 104th Congress. And you and I both sit on the Committee on Commerce. Besides being active participants in crime issues, we also sit on the Committee on Commerce which deals with Medicare and Medicaid. We talk about changes and how we get the Federal budget under control and deficit reduction and all that, and I think whether you are in the majority and you are running Congress or whether you are having a hearing, I think the change that the American people want is a change that is based on common sense and shows some compassion. Unfortunately, there was no near miss in the Committee on Commerce about a year ago when you and I were there and Mr. POMEROY spoke of near misses, it was no near misses when 13 senior citizens were arrested at the start of a Committee on Commerce markup on the Medicare bill which had $270 billion in cuts that we had never seen until we walked into the hearing room that day. And so 1 year ago the Republicans ordered the Capitol Police to arrest this group of 13 senior citizens who tried to participate in this single day markup. Not realizing the difference between markup and hearing, they tried to participate and ask questions about this Republican plan to cut Medicare by $270 billion in the Committee on Commerce. I went down with them after these 13 seniors were arrested, I guess a chance to see the lockup over here in DC. Being a former police officer, I have seen plenty of lockups, but I have never seen one in Washington, DC.

So since we could not get hearings with the new majority, what did we do as Democrats? We actually went out on the lawn because we were denied a hearing room within the Capitol and the buildings that we have surrounding this Capitol and we went out on the Capitol lawn for open hearings on the Republican bill. We had to have open hearings so seniors and health care experts could tell us what all this stuff meant as it was laid out before us shortly before we had to vote on it. Why did we have the hearings? None of us ever were able to participate or see what was in the bill. The Republican plan to cut Medicare by $270 billion was really written behind closed doors. It is hard to believe that in a single day in the Committee on Commerce where you and I sit, it was going to be the only hearing scheduled and that was the markup to pass the bill which was the centerpiece of the Republican budget to cut $270 billion so they could give a $245 billion tax cut to the wealthiest 1 percent of this country, the billionaires and the zillionaires.

But did we have hearings in this Congress? Oh, yes, we had hearings. We had hearings, 59 days of them spent on Whitewater. We have been investigating that for 4 years. But they got 59 more days on that, one which there is no big demand to have that. Twelve days on Waco. Fourteen days of hearings on Ruby Ridge. But not 1 hearing on Medicare.

Why are the Republicans so terrified of having a hearing on the public hearing on the Medicare bill? Because they know that the American public does not believe in cutting Medicare by $270 billion and doubling the seniors' Medicare premiums just in order to give a tax break to the wealthiest 1 percent of this country.

Where are we now? We have the Dole economic plan? We hear so much about it. But are we having one hearing on the Dole economic plan? No. Once again, this is hot stuff. They do not want to have a hearing on something where someone may ask a question. The Dole economic plan, which is $548 billion, twice as much as the previous plan to cut Medicare, they do not even want to give us a sneak preview. But the Dole plan is a sneak preview of the upcoming cuts in Medicare. Most Republicans are not saying much about the Dole plan. They refuse to hold any hearings on the cuts necessary to finance the tax breaks for which once again favor the wealthiest 1 percent of this country.

So once again we Democrats have stepped in with a series of hearings on the Dole economic plan. Democrats have been reinforced by a statement by the Senator from New York, Senator D'AMATO, the cochair of the Dole campaign, who admitted last month, and if I can quote him, his quote was, ''You can't just be cutting all the discretionary spending. You're going to have to look at Medicare.

□ 2115

I would never say, if I were him, meaning Dole, until after the election, no way, no way, absolutely, I am not running this year, so I can say it and tell the truth.

You take a look what the American people have seen, and the truth is now starting to come out, what has happened over these pass 20 months. I really believe that is why you see our Republican friends walking around with these buckets the last few days. I think they are walking around with the buckets because they are trying to bail themselves out with the American people, because they know we are having the election in about five weeks.

So I appreciate, and I guess I have learned a little bit being in the minority, that if you bring forth legislation, include the American people. Let them have hearings. Let them ask questions. Use some common sense, and show some compassion. Whether it is our veterans, our seniors, trying to protect the environment, trying to protect the cops on the street that we ask to go out day in and day out and put their lives on the line, or trying to help your son, daughter, grandchildren to get an education. We can make these cuts, and we have done it. But you have to use common sense, and you have to show some compassion, something that was lacking in this 104th Congress.

The things that were important to them, like Whitewater, Waco, Ruby Ridge, we have hearings on. The things that are very important to the American people, like proposed cuts in Medicare, we have no hearings.

So I appreciate the opportunity to join you, as we have in these last 20 months, not only join you on the Committee on Commerce, but also having these hearings, to try to get forth at what is really happening behind the closed doors with this new Republican majority. I hope they continue to walk around with their little gray buckets as a symbol of their achievements in this Congress, because those buckets, once again, mean they are trying to bail themselves out before November 5th.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. If I could mention two things that he highlighted that I think are so important in concluding this special order this evening, one is the whole stealth aspect. It was amazing how many times on so many of the issues we discussed tonight, we were not told and the public was not told about what the true intentions of the Republican leadership was, until, as you said, it was almost too late, until they were about to bring the bill out, either in committee or on the floor, to actually be marked up and passed.

I remember in the case of the Medicare cuts and the changes in Medicare, that it was nine months, we started in January of 1995, and I do not believe that those incidents that you were talking about took place until some in the summer of 1995.

For that whole period, we kept hearing there was this budget out there that was going to provide this $245 million in tax cuts, mainly for the wealthy. But every time we asked what was it going to mean for Medicare, or Medicaid, for that matter, there was never an answer, until the very last

day effectively when the Committee on Commerce was asked to mark up the bill.

It is incredible to think that such an important change, not only in terms of the cuts, but the changes, the substantive changes being proposed in Medicare that would have effectively gutted Medicare, and we could not find out about it and the public could not find out about that.

We saw that time and time again with so much legislation, so many of the major changes being proposed, that we succeeded eventually in stopping once we found out what they were and once we could tell the American public what this was all. That stealth strategy continues today.

As you point out, the Dole economic plan is the same way. We hear about the tax breaks, if you will. But the details of how they are going to go about implementing those cuts, what they are going to do to various programs, whether they are discretionary programs or entitlement programs, I think at one point in the plan that was put forth, when Mr. Dole put forth his plan, he actually admitted it was based at least initially on this year's budget, on the Republican budget that was passed this year. That budget itself would continued the major cuts in education, environment, Medicare, and Medicaid.

But this would have to go way beyond that. We would see a lot more in terms of negative impacts on those programs, and particularly Medicare, because there is so much more that has to be found to reach that level of tax breaks, primarily for wealthy Americans.

Mr. STUPAK. If I may, if it is based upon the Republican budget that was passed this year, that budget was already vetoed and rejected by the American people and by the President. I am glad to see him stand tough to protect the issues like Medicare, Medicaid, education, the environment and our veterans.

If nothing else, for the listeners back home just again, let's go back to Medicare, something that affects all of us, our grandparents, our parents. We cannot have a hearing, but yet we will spend 59 days on Whitewater, 12 days on Waco, and 14 days on Ruby Ridge? Those are hearings that were for nothing more but to divide this country, to foster unfounded allegations, to just rip apart this country.

But yet something that affects all of us, that we should be concerned about and actually could unite the country, balance the budget and yet still provide for our seniors and parents and grandparents, we do not get any hearings on that, but we want to talk about Ruby Ridge and Waco and Whitewater. The priorities have been backwards. They have been upside down.

So, hopefully, as the fall unfolds, there will be a new majority come January, and we can get back on the right track of looking forward to working with the American people, not against them, not deceive them, not be decisive, but work forward and move this country forward.

Mr. PALLONE. I want to thank the gentleman. I just want to say one thing: As the gentleman mentioned, being in the minority for the first time, because I was here before when we were in the majority for several years, as were you, but one thing that I learned and one thing that renews my faith, if you will, in our democracy, is that once we were able to get the word out, either on the floor here or back in our districts at town meetings or with the media or whatever, once we were able to get the word out to the American people, and even to some of our colleagues on the other side, about what the impact of these Republican leadership proposals were and how they were going to cut Medicare and how they were going to change the program, how they were going to cut back on environmental protection, what they were going to do to student loans and education programs, we were able to change the dynamics of what goes on here.

That is why, even though we are coming to the close of this Congress, when I am asked, and I am often asked by reporters or constituents, ''What did the Democrats accomplish in this Congress?'' And I say we halted, we stopped, these extreme measures from becoming law, collectively with the President. That is an accomplishment, and that is something we can be proud of. I think it is also an indication that this democracy works, that once you are able to speak out and get the truth out, it really does make a difference.

Mr. STUPAK. Their contract of America, you never hear them talk about that anymore. You never hear them brag about it, as they did for the first 9 months, this contract is going to do this and that. They are running away from that contract, because it was not a Contract with America, it was a Contract on America.

Now you do not see them campaigning on it. There are not all these wild promises, extreme positions. I think the American public, like us, learned in the last 20 months and said the truth has finally come out, as Mr. D'AMATO said, and they are trying to bail themselves out with their little gray buckets. We look forward to the next few weeks.

Mr. PALLONE. I want to thank the gentleman fro joining me in this special order tonight.

ACCOMPLISHMENTS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the majority leader.

REPUBLICANS HAVE NOT RUN AWAY FROM THE PROMISES MADE TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, my colleagues who just took the previous hour chose not to engage me in debate. I asked them if they would yield to me, and of course they did not have time, because what they said simply will not stand muster. So I am now going to spend a little bit of time setting the record straight as they leave the hall. I would have been happy to engage and debate them, but unfortunately, they do not want to debate the issues.

I would like to say the majority of this hour is going to be given to my friends from California, who have a lot to tell my colleagues about, and people of this country, regarding immigration reform.

Immigration reform is absolutely essential. We have so many illegal aliens coming into the country, costing this country so much money, and we have passed a bill and the President said he would veto it, keep us here, shut down the government if it passed and was put on his desk, rather than sign it into law. I will let them talk about that in a few minutes. What I wanted to do right now is set the record straight on some of the things that my colleagues previously just said.

First of all, we are not running away from the promises that we made to the American people. We kept those promises. Seven of the 10 things we promised in the Contract With America passed both houses and went to the President. Four of them became law. Nine of them passed this body, and we acted upon all 106 of them in the first 90 days of this session of Congress. So we did not run away from them.

Let us talk about what we passed. We passed a law which said that every law Americans have to live by, we have to live by. Congress is no longer a special entity. Before, under the Democrats for 40 years, they had special privileges. We changed that. We came up with lobbying disclosure, so the American people would know what is going on in this body.

We were the first ever to vote on term limits. For 40 years they talked about it, but they would not vote on term limits. We did. We downsized Congress itself. We downsized congressional committee staffs. We put term limits in for the Speaker of the House and for committee chairmen. We put a ban on proxy voting. We opened all committee hearings to the public, which was not the case before. We eliminated three committees and 20 subcommittees. We cut total congressional spending two years in a row, and for the first time in many years, we had a comprehensive House audit. That may not be great information for a lot

of Americans, so let us talk about the Contract With America that we promised.

We promised a line item veto. It is the law of the land. There is a line item veto. They never did it; we did. We passed a balanced budget amendment in this House, and because of Democrats it failed by one vote in the other House. Otherwise,we would have a constitutional amendment passed and sent to the States that would mandate that we live within our budget. They do not want that, because they like to spend a lot of money, and they have not changed.

They talked about welfare reform, but they never did anything about it. For 40 years we had a welfare state that grew and grew and grew. Remember Lyndon Johnson saying we are going to do away with welfare in 10 years when he passed the Great Society program? Welfare is about 500 percent higher than it was when he passed the Great Society. Instead of solving the problem, he merely compounded it by putting more and more and more people into the system, to the point where every taxpayer in this country is burdened up to here paying welfare benefits. We changed that. We passed welfare reform. The President has tried to take credit for it, but he vetoed that bill twice. The only reason he signed it the third time we sent it to him was because the American people demanded welfare reform. And he signed it because he saw in the polls that about 78 percent of the people wanted welfare reform because they could not stand that socialistic trend anymore. But that was in the Contract With America. We didn't run away from that pass.

We passed health insurance reform. They did not do it. They wanted everybody in this country to be dependent on a national, socialistic health care plan. We passed health care reform so people who have cancer or some life threatening disease that leaves one job, they could not take their insurance with them. Now if they have another job opportunity, they can go from one job to another, and there is portability with their insurance. They can have that.

Megan's Law, that dealt with child abusers and nailing them, we passed that.

Let us just run down a few things. They said we do not care about the environment. We passed safe drinking water reform update, clean water reform, private property rights protection, food safety enhancement, national wildlife refuge improvement, coastal zone management, mercury battery recycling, conservation and environmental reform in the farm bill, and Florida Everglades protection.

Regarding education, they said we did not care about kids, that we cut the school lunch program. We increased the school lunch program. What we did was cut out the waste and fraud in Washington, and we turned control of the school lunch program back to the States where the could handle it more efficiently. But there was more money put in there for the school lunches.

The only thing is we cut out the bureaucracy. But they do not want to worry about that, because that is their political base. They say we do not care about the kids. We do not care about the bureaucracy. We care about the kids, and that is why we sent the money back to the States where it could be more efficiently spent.

We expanded student loans. We increased Pell grants; we increased Head Start funding; disabled students education reform to help disabled students. We extended tax deductibility of employer-provided educational benefits. It does not sound like we are against education to me. But they do not like us when we start cutting the big education bureaucracy here in Washington. That is what they are concerned bout.

On women's issues, they say we do not care. The Sexual Assault Prevention Act, increased day care funding, child support enforcement, covering breast cancer treatments under Medicare. That is one of the epidemics, breast cancer. I have that in my own family. We cover that now under Medicare. Women's health research, funding for Violence against Women Act.

Adoption promotion. A $5,000 tax credit for people who adopted children to get them out of the people who adopted children to get them out of the welfare system, out of the foster care system. It costs up to $35,000 a year, $15,000 to $35,000 a year to keep a child in foster care, depending on the State. For $5,000, a one time tax credit, people can adopt a child, pay their legal expenses, and get that child into a loving home. Everybody wins. The taxpayer wins, the child wins, and the person who wants to adopt a child wins. they do not mention that.

□ 2130

Sexual Crimes Against Children Act; that passed. Domestic violence victims insurance protection and interstate stalking punishment and prevention for people that stalk women and follow them around the country to try to molest them. They do not talk about that.

They talk about Medicare and say we do not care about senior citizens. They do not care about the senior citizens because they are not doing anything to protect Medicare. Medicare is going to go bankrupt in less than 5 years if nothing is done. They do not mention that they are not doing anything about it.

So what did we do; what did we propose? We proposed not cutting Medicare but reducing the growth of Medicare, the growth of Medicare, from 13 percent a year down to 7 percent a year. It is still going to grow at 7 percent a year. That is not a cut. It is a cut in the growth, but it is still going to grow at 7 percent a year. that is 3 or 4 percent above the rate of inflation.

We are going to increase the amount of money seniors get per year from $4,500 a year to $7,100 a year. Now, how can that be a cut? We are increasing the amounts they are going to get from $4,500 to $7,100, and they say, well, that is a cut and we do not care about senior citizens.

What we want to do is put Medicare on a fiscally sound basis, and we are going to do it if we stay in the majority. But they have stopped us every step of the way.

Hillary Rodham Clinton; her health care plan increased Medicare at 6 percent. We are talking about a percent higher than her, but we can still make it fiscally sound in 5 years and not have it go under. The alternative that they have come up with is nothing. And if we do nothing, what will happen in 5 years is it will either go bankrupt or everybody in this country will have to pay more in taxes to pay for Medicare. We believe our approach is much sounder.

We give senior citizens four choices, they give them nothing. We give them the choice of staying in the Medicare Program, or they can go into a medisavings account, where if they do not spend their money they get it back at the end of the year in less taxes. What does that do? It gives you money back, it puts accountability in the system. You are going to ask questions about your coverage, about what your doctor is doing, whether or not that procedure is really important. Because if you do not spend that money, you get it back.

So they can go into a medisavings account, stay in the Medicare Program, or go into an HMO or a PPO. We give them four choices. They want the one choice now. Nothing but the one choice in a system that will go bankrupt, and they are doing nothing to address that issue.

Mr. Speaker, then they said that Senator Dole does not have a good economic program. He wants to give a 15 percent tax cut to every American. Now, I hope all my friends in America and my colleagues will be thinking about this. Americans work long hours just to pay the bills and feed their kids, and it is not right that Americans spend 5 months a year just paying their taxes. They do that for 5 months.

Everybody in America works 5 months of the year just to pay their taxes. That is why the Republicans and Bob Dole are proposing a 15 percent across-the-board tax cut, including a $500-tax credit for every child in America. That means $1,600 more in your pocket if you are an average American family.

Now, do American families want to put $1,600 into the IRS or do they want to keep it for themselves for things they need? They are already paying 5 months a year just to pay their taxes.

So this November, when we get the message out, I believe the American people are going to say, hey, the Republicans did accomplish a lot, they

did live up to their promises, they did keep their agreement with the Contract With America, and they are going to give me some of my hard-earned money back instead of putting it into the IRS coffers and to the Treasury.

Now, the Democrats will say that is going to run the deficit up. When we cut taxes in the early 1980's, we were bringing in $500 billion a year in tax revenues. The tax cut stimulated economic growth and we created 21 million new jobs, that is 21 million new taxpayers. That brought the revenues from $500 billion a year to $1.3 trillion a year. It almost tripled the tax revenues because of the tax cut.

When we put disposable income in businessmen's pockets and Americans' pockets and families' pockets, they are not going to put it under the mattress. They are going to spend it or they are going to invest it. And if they buy more refrigerators, we will have to make more refrigerators. If they buy more cars, we will have to make more cars. And if we make more cars and refrigerators, then there will have to be more people working to put those cars and refrigerators in the marketplace. That is called economic expansion.

That economic expansion in the past has proven that we triple, triple the tax revenues when we give American people more money back in their pockets. Conversely, when we raise your taxes, as Bill Clinton did, after saying he was going to give you a tax cut, he gave us the largest tax increase in history. That is money that comes out of your pocket, that is money you cannot spend, and so the economy starts to contract. That is why we have the slowest rate of growth that we have had in years and years and year. It is not going to get any better unless we stimulate the economy.

So let me just say to my colleagues who left, who would not debate me, they are full of prune juice. We did live up to our commitments, and we are going to do more for the American people by reducing this big Government, this bureaucracy and cutting taxes, saving Medicare, and providing a growth in Medicare that is tenable, something we can do to make sure other seniors are protected and still give them four choices.

It will be better for America next time after this election. It has been better now, but it will be a lot better once this election is over and we have control.

I would just say about Bob Dole, he will keep his word. We will get the tax cut, and the Americans will have more disposable income and, hence, a better standard of living.

Now, I am going to furnish this over to my colleagues in California. But let me just say, as a person who is not from a border State, I am concerned about the illegal aliens that are coming into this country. We are getting as many as a million or a million plus a year coming across our borders.

Twenty-six percent of the Federal prison populations are illegal aliens, and each one of those people costs the taxpayers of this country $25- to $35,000 a year. We are spending billions and billions and billions of your tax dollars, Americans' tax dollars, just to take care of illegal aliens.

My good friend, the gentleman from California, ELTON GALLEGLY, came up with an immigration reform bill that will solve a lot of those problems. There was one provision in there which said that, I think after July of next year, any new illegal alien coming into the country whose child they put into school, will not be able to go into school. But up until next year any illegal alien's child who is in a school will still be able to get their education through the 12th grade.

The President said, hey, I cannot swallow that because I want these kids to continue to come in as illegal aliens, even after next July, to still be able to go to school at taxpayers expense, even though they do not pay taxes, to get an education.

So ELTON GALLEGLY agreed to take that provision out of the bill so we could get an immigration reform bill passed that would help protect Americans and stop the massive flow of illegal aliens coming into this country that is costing billions of dollars. What did Bill Clinton do? He said, if they took out that amendment that I just talked about, he would not object to the bill. So ELTON GALLEGLY of California took it out.

Mr. Speaker, what did the President say? What did the minority leader in the Senate say, Mr. DASCHLE? What did the Democratic leadership of this House say? Before they said, if you take it out, the bill will be OK. Now they have backtracked and said, and the President said, if you send it to me we are going to veto it, and if you send it to me we may shut down the Government.

I think everybody in this country ought to know that this President is prepared to shut down the Government if we pass meaningful legislation dealing with illegal aliens coming into this country at taxpayers expense.

I think it is wrong what he said, and I hope my friends from California will carry on this message so that everybody, particularly the people in California, will know that the Republicans are doing their dead level best to stop massive illegal immigration.

With that, Mr. Speaker, I yield to my colleague [Mr. GALLEGLY] from California.

Mr. GALLEGLY. I thank the gentleman [Mr. BURTON] from the great State of Indiana for yielding.

Mr. Speaker, I have served in this House, this is my 10th year. In those 10 years I have never availed myself the microphone to address the House in special orders. This is the first time in 10 years. But I say to my colleagues, tonight there is a real need to address the House on an issue that I have worked on for several years.

In fact, a large portion of my tenure in Congress has been devoted to addressing the unchecked flow of illegal immigration coming into this country, a problem that is facing California probably more severely than any other State in the Nation.

California, by most accounts, is the home of over half of the entire illegal population in the entire Nation. We have half a million students that are illegally in this country. Not the children of illegal immigrants, but those that have illegally entered the country themselves, that their own status is illegal in this country is what is crowding our classrooms.

Two-thirds of all the births in Los Angeles County operated hospitals, public-funded hospitals that are completely paid for by the taxpayers, over two-thirds of every birth in the last 6 or 7 years, the mother has no legal right to be in the country.

As Mr. BURTON said, 26 percent of our entire Federal penitentiary population is made up of illegal immigrants, not for immigration violations but for hard crimes, murder, rape, robbery and mainly, to a large degree, drug trafficking, and so on.

This is an issue that we have to address. We have worked hard and we have worked long. I would like to first say thank you to my colleagues on both sides of the aisle for working in a bipartisan way to aggressively address this issue. In March of this year this House passed a historic immigration reform bill addressing many of the problems that we face in this Nation. It passed this House in a bipartisan way 333 to 87.

Mr. Speaker, there are very few things that we address in this House that 333 of us collectively can agree on, so I think that there was a clear message. It was a good bill. It was a tough bill. It addressed the needs for more Border Patrol, providing up to 10,000 new Border Patrol agents. It provided for document fraud, one of the things that provides access to jobs and welfare benefits.

On any street in most of the metropolitan cities in this country for 35 bucks you can buy a card like this, Mr. Speaker, that even most Federal officials cannot detect as being counterfeits. We correct that in this bill.

In this bill we make it a crime equal to the crime for manufacturing, counterfeiting, or using currency that is counterfeited. The same penalties would apply for counterfeiting this Federal document that would provide you access illegally to jobs and Federal benefits.

We stopped access to welfare benefits in this bill to folks that have no legal right to be in this country. We have not denied anyone emergency medical care. I think as humanitarians we all agree that you cannot deny somebody that is critically ill or injured from being treated in a humanitarian way. However, we do say once that person is treated and nurtured back to health, they should be escorted back to their native country. It should be explained

to them, if they want to come to this country, how they can do it in a legal fashion.

Mr. Speaker, we are a very generous Nation. We allow more people every year the right to legally immigrate to this country. I wholeheartedly support that. We are a country of immigrants. But there is a movement because of the tremendous influx of illegal immigrants, those that do not pass health examinations, they violate the laws coming here. Because of that, there are a lot of folks that want to close the front door to legal immigration because the back door to illegal immigration is off the hinges.

Mr. Speaker, that is just the reverse of everything that this country was founded on and what I believe all my colleagues would agree is in the best interest of this country.

Well, we worked the past few months after we passed this omnibus historic bill to work with our colleagues in the Senate. They passed a similar bill, and I believe their bill passed 97 to 3, if I am not mistaken.

□ 2145

And then we started merging the two bills. We went to conference, and there were some issues that were maybe not quite to the agreement or to the satisfaction of our colleagues in the other body, and we worked in a bipartisan way to try to get to that point to where we could merge these bills and move this vitally important legislation ahead.

In this omnibus bill that the House passed out was one provision that only in the last month or so met with great objection from our President. I might add that, putting modesty aside for a second, with the help of my colleagues I have 28 provisions in this bill, so the Gallegly amendment that we talk about is not the only thing that I have an interest in this bill, but it has been the target as one of the Gallegly amendments, the one that has received the greatest amount of attention.

Let me tell my colleagues what the Gallegly amendment does, because there has been much misinformation about the so-called Gallegly amendment over the months. The so-called Gallegly amendment does not deny anyone access to education, does not say you should deny anyone access to education and so on.

What the Gallegly amendment does merely, and it passed out of this House in the omnibus bill 333 to 87 in March, in an unmodified version, said merely that in the future, after enactment of this bill, the Federal Government could no longer force States to provide a free public education to those that have no legal right to be in this country. It does not say to the States they cannot. It does not say they should not. It only says that we at the Federal Level are no longer going to force them to do this, particularly since the States bear 95 percent of the cost of education to start with.

This is a cost to the State of California of $2 billion a year, $2 billion a year, $2 billion that could hire 53,000 teachers, $2 billion that could put a computer on the desk of every elementary school student in the State of California.

Mr. BURTON of Indiana. It does grandfather those children already in school.

Mr. GALLEGLY. Let me just say to the gentleman, I am talking about the original version that passed the House in the bill, that said the States no longer would be forced to. It did not say they should not, did not say they cannot.

Well, the President said, ''I do not like that.'' And there were some Members on the Senate side that said, ''I am a little uncomfortable.'' There was a lot of misinformation that said we are kicking kids out of school. All we were doing was changing the venue for the debate to where the bills were being paid.

So we sat down and, not to my pleasure but in the sense of comity and with the attempt to reach a compromise that could bring this bill to fruition, I agree with my Senate friends to modify this bill that would grandfather every one that is currently in school in K through 6 and 7 through 12, so no one can say we are removing anyone from school, and they agreed. Now we have an agreement; let us move to the House and we will pass this very important piece of legislation.

The President says, ''I will veto any bill that has any modification that would not force the States to provide a free public education not only to those that are illegally in this country today but anyone that illegally enters the country in the future.'' Not the children of immigrants or legal immigrants but those that illegally enter the country themselves.

Well, I thought that was too bad that the President is advocating an entitlement in perpetuity to the States that cost billions and billions of dollars to the States, not the Federal Government, but even at that point I said, wait a minute now, this bill is too important. This bill is too important to the country. So I suggested that we remove the Gallegly portion from the bill and allow it to be a freestanding bill. We did that with the President's assurance that ''You take the Gallegly provision out and I will sign the bill quickly.''

Senator DASCHLE said, ''You take the Gallegly provision out,'' it is on the front page of almost every paper in the country, ''it will sail through the Senate and the President will sign it.'' Leon Panetta, the chief of staff said, ''You take the Gallegly provision out and the President will sign this faster than a heartbeat.''

Well, my colleagues, here we are tonight, we are ready to go, and now with the Gallegly provision out, this passed the House yesterday in a historic vote of 305 to 123, with the support of Democrats and Republicans. Tonight the President has said, ''I want to reopen negotiations,'' and I am sad to announce to my colleagues that the President says if we do not reopen negotiations, my words, I have kind of changed my mind. I guess we would say he is flexible. He says, ''If we do not reopen negotiations, I threaten to shut down the Government,'' not the Congress shut down Government but the President. Our President has put support, welfare and benefits to illegals ahead of keeping Government open, and my colleagues, that is wrong.

I have taken more time than I had, than I wanted to, but I thought this message had to be made to my colleagues. I have other colleagues here from California and I would like to yield to them. If I have a little more time I would like to say a little more.

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank my colleague from California for laying out the background on this. I think most people in this Chamber, Republicans and Democrats, know that when I bring a bill from my subcommittee to the floor, it is a bipartisan bill. It comes in here usually with the full support of both sides. I have conducted myself that way to bring people together across the aisle and build coalitions, to get something accomplished, and we have had a very productive record this year.

So when I heard that an emissary of the President of the United States had come up here, talked to some of our leaders and said the President will shut down the Government over this issue, I was outraged. I am not going to raise my voice on this, but I am just going to say what Mr. GALLEGLY has laid out is the history of this situation.

One of the things you learn, if you have not learned it before in life, is when you are in a legislative body and you give your word to a colleague, you better keep it or you are done for. Apparently that type of thing does not exist between the legislative and the executive branches. In good faith, people of both parties have been negotiating. The original Gallegly amendment was changed substantially. Members of both parties supported that and supported the immigration bill, as my colleague [Mr. GALLEGLY], noted, 333 to 87.

Illegal immigration is one of the great problems of our society. California probably gained five congressional seats in the 1990 census as a result of illegal immigration. Under the Constitution it is ''persons'' who are counted.

My colleagues from the east increasingly realize this. For years they said, ''So what, that is Florida problem, that is a Texas problem, that is a California problem.'' Colleagues, it is a national problem. Every citizen knows it when their taxes go to pay the education, health, and welfare costs because of the influx of illegals in California and, in particular Los Angeles County.

The gentleman from California [Mr. GALLEGLY] gave the figures in just one area, education where we have an unbelieable burden that amounts to over two billion dollars. In our health system we also have unbelievable burdens which probably amount to one billion dollars. In our States and local prison systems we have thousands of illegals who are in custody for serious crimes.

But the worst example of administration policy in this area lately occurred when my Subcommitee on Government Management, Information, and Technology held a hearing near the border, we had a variety of witnesses come and testify on one issue: how we have become so lackadaisical about the border in this administration. After administration officials said a lot about what they will do to help us on the illegal immigration problem, testifying under oath one Boarder Patrol officer noted that they are instructed by their supervisors not to stop illegals coming across the border unless they are specifically told to do so even when they see 100 illegals. Border Patrol officers have also been told that if they are writing in a report that 150 illegals had been seen last night, they are to knock off the last digit. In other words, 15, not 150, were seen.

I realize we are in an election year, but to have supervisors pervert the reports of civil servants who have been faithful to their duty is shameful. Those in the United States Border Patrol have a tough job. It is an almost impossible job. They have been underpaid and understaffed. Congress has been providing the resources for the last 3 years.

So the border is still a sieve. The people in San Diego feel pretty good because Operation Gatekeeper has moved the problems east into the mountains, into the canyons, into the ranches of eastern San Diego County. The United States Attorney has not been bringing charges on the illegals who are bringing drugs across the border.

I first became interested in this problem in the mid-1970's when I was vice chairman of the U.S. Commission on Civil Rights. In those days, the illegals crossed the border looking for jobs. But our own youth were having their jobs taken out from under them—especially in Watts. African-American youth were being bumped out of their positions in filling stations, restaurants, and hotels. Illegals were replacing them. So we soon had substantial teenage youth unemployment and gangs.

Now what we see at the border are people no longer coming here simply for a job. They are now bringing drugs across the border. The responsible officer of the United States in the area is the United States Attorney based in San Diego. He is also the Attorney General's special representative for the southwest, covering Texas to the Pacific Ocean. He is President Clinton's personal appointment. He ought to be enforcing the Federal anti-drug laws when violations come to his attention. We know from other people who have spoken in this House that drug violations by illegals have not been a high priority. The anti-drug effort at the national level does not seem to have any priority in this administration unless an election is around the corner.

Thus, we have a situation right in the field in San Diego that parallels what has happened here in Washington in terms of national decisions. They do not take illegal immigration seriously. The effects of that Clinton administration decision is tragic. The effects on the employment opportunities for our youth are catastrophic.

So what we need is a strong illegal immigration bill. We do not need more people on welfare, be they legal or illegal. If they have been sponsored to come into this country, the sponsor should be paying the welfare bills in the early years. That is the duty of the sponsor.

I thank the gentleman for yielding to me. We have some other colleagues here and I know we would like to hear from them.

Mr. BURTON of Indiana. I yield to the gentleman from California [Mr. COX].

Mr. COX of California. I thank the gentleman from Indiana. I certainly want to join in the comments of my colleague from California. We are here tonight addressing the House of Representatives on an issue that could not be of greater importance to every one in this country. That is whether or not we can come to agreement on a funding bill for the whole Federal Government. After that is accomplished, obviously we will have an election. We will see if we have a new President. But for the meantime we are trying to work in a bipartisan cooperation to fund the Federal Government's operations.

The leadership of this Congress, the other body and the House, have both said under no circumstances will we tolerate a repeat of what happened last year. We will not shut down the Federal Government and, as a consequence, the leadership in the other body and in this House of Representatives have been asked by the President of the United States and acceded to his request to add billions of dollars, specifically $6.5 billion to our spending bills that was not approved by the House, was not approved by the Senate, complete add on, complete derogation of our interest in fiscal responsibility and balancing the budget and so on. But in order to get the President to sign our spending bill, we added all the billions and billions that he said he had to have in addition to what Congress wanted, every single penny. An agreement today was reached on that.

And after agreement was reached on that, what happened? The President of the United States through his legislative counsel told the leadership of this Congress, ''We are not going to sign the big piece of spending that you added billions to at our request, even though it contains all the money we have asked for, unless in addition,'' and this is the first time they have spoken these words or made this demand or placed this ultimatum, ''unless in addition you reopen the illegal immigration bill and make a whole lot of changes.''

Specifically they said, ''You have to drop title V of the bill.'' They did not say they did not like paragraph 6 or line 1 or 2. They wanted title V, the whole title, out of the bill. They want it dropped. Let us ask ourselves, what does title 5 do?

This bill has been already been negotiated by the House and the Senate. The conference is over. We voted it out of here with a huge historic bipartisan majority. The President knew that. The President had his opportunity while the conference was on, and said he wanted the Gallegly amendment out, and it was dropped. Now after the vote, after we are finished, the President says take title 5 out of the bill.

Title 5 prohibits illegal aliens from receiving public assistance. It is the guts of the bill. The President of the United States is saying, ''I am going to shut down the Federal Government, even though you have given me all the spending, billions more than you passed in the House and Senate than I asked for, I am going to shut down the Federal Government unless I get my way, and we can start giving public assistance to illegal aliens because that is what I want to do.''

There is no way to describe this other than Bill Clinton's war on California because California, as my colleague Mr. GALLEGLY pointed out, is home to over half of all the illegal aliens in America.

□ 2200

Title V does not just make sure that public assistance does not go to illegal aliens, it does more, and this also the president wants dropped from the bill. It prohibits illegal aliens from receiving Social Security benefits.

Now one of the things that we know illegal aliens do not do because they live somewhere else, whether it be in Europe, or Asia, or Australia, or Canada, or wherever they are coming from, we know one thing for certain: they are not paying into our Social Security system. But Mr. Clinton wants to delete the portion of this very very sound illegal immigration bill that prohibits illegal aliens from getting Social Security benefits.

What else does title V do? What else does he want dropped from the bill after it was passed by a historic bipartisan margin in this House of 305 to 123? The President wants to drop the provision that says that—now listen carefully to this because it is a shocker, that the President would be in favor of this kind of public benefit to illegal aliens, people who have broken the law here in this country. He wants to drop the part of the bill that says that when

somebody comes from Thailand, when somebody comes from Russia, when somebody comes from, you name it, it is a big world, into your State, they will not get in-State tuition benefits at your State college.

Now if I move from California to Indiana, I am not going to get in-State benefits because I am from California, but illegal aliens, unless we pass this bill, are going to get in-State tuition. Title V says illegal aliens are not eligible for in-State tuition at public colleges, universities, technical and vocational schools.

Well, my friends, the President wants this dropped from the bill. In other words, he wants them to get it.

What else does title V do? It imposes stiff penalties on people who forge immigration documents.

My colleague, Mr. GALLEGLY, held up his fake ID card, which is so easy to get in America. We need tough penalties. That is why Democrats and Republicans got together and passed this historic legislation, the House and Senate agreed on it, the White House commented, said they were agreeable. And now, after we passed the bill here in the House and it has been agreed to in the House and the Senate, the President says drop that provision. He wants to drop all of title V and take it out.

And Mr. HILLEARY says, ''If you don't drop title V, you're going to be in indefinitely, all next week. Try and get your bill up in the Senate, and try and get it out, because our Democrats are going to filibuster it,'' and so on.

Well, colleagues, the President may want to shut down the Government to get his way in gutting the illegal immigration bill, and I hasten to add, I know that we all are aware of this, that the Gallegly provision is not what we are talking about. That was dropped before we voted on it. The President asked to have it out; it is out. We all agreed this was a fine bill and we wanted to get it passed. Now the President is saying he wants to carve it up still more.

Obviously, the President is not interested in California's major social problem of illegal immigration. Obviously, this President does not act in good faith. He has broken his word. Today, when asked by the press, ''Will you sign the immigration bill?'' he said, ''I can't talk about that because we're going to negotiate it.''

Some of us here in Congress said, ''How do you negotiate a bill that has already been negotiated, that is already through conference?'' In fact, the conference report has already been voted on. There is only one way.

He is not talking about vetoing the bill. He is negotiating it by blackmailing us with a Government shutdown. He will not sign the Government funding bill, which includes the billions more that he asked for, unless we drop title V. That, as my colleague from California just stated, is the only thing you cannot do in a legislative process. When you give your word, you keep it.

Now Bill Clinton has broken his word on many things, but usually it takes a little longer. Usually he promises as a candidate he is going to give you a middle class tax cut and then breaks his word a few years later with the largest tax increase in American history. Usually he says he is going to end welfare as we know it and then goes through a whole Congress with a Democrat majority, majority of his party, and does not even bring up a bill before you figure out what is going on, and it takes a Republican Congress to give you welfare reform.

Mr. HORN. Takes credit.

Mr. COX of California. For which he then takes credit. But he hardly ever breaks his word this fast.

I mean this is so fast, it is blinding. Days ago, he sent a letter up here and said all you need to do is take the Gallegly amendment out, and that is great. And we have got a copy of that letter. But of course the President now, today, has broken his word, and the consequences could not be more grave. We are talking about shutting down the——

Mr. GALLEGLY. If the gentleman would yield, I would just like to make one point about the Gallegly bill that was dropped because I think it is an important point.

The White House referred to this so-called Gallegly bill as nutty. Yesterday, after we removed it from the bill, we surprised the administration by bringing the bill to the floor as a free-standing bill and let the democratic process take place on the floor of this House, full and open debate.

With the President whipping all of his Democrat Members, and with all of the abuse and lies that have come through the media in the past 5 months about the Gallegly bill, after the debate, we had a vote. It passed overwhelmingly, a bill the President called nutty, that he was holding the immigration bill hostage with. It passed by a margin of 254 of 175 on this floor, with 41 Democrats supporting the bill he referred to as nutty before. His excuse today was the excuse he was going to use to try to kill the immigration bill.

The facts remains, the objective here is to kill meaningful immigration and tell the people of California, ''You be damned.''

I would only make one last comment. I wish that the polls in California were much closer, at 4 or 5 percent, not just because it is obvious to all my friends that I do support Bob Dole, but not for that reason; for the reason, if it was four or five points behind, we would have a President that was on Air Force One headed for California as we speak tonight, headed for the San Diego border, telephoning the Senate to get this bill out so he could sign it on the border, with the troops there standing off any illegal aliens coming into California. Unfortunately, that is not the case.

Mr. BURTON of Indiana. Does the gentleman [Mr. COX] need additional time?

Mr. COX of California. I just want to underscore what my colleague has said. The President obviously does not feel California is paying when it comes to illegal immigration. He is the cause of it. By gutting the immigration bill or attempting to do so after it has already gone through House-Senate negotiations, after it has passed by a bipartisan record majority here in the House of Representatives, after the Gallegly amendment was dropped at his request, to now say he wants to carve the bill up and take out Proposition 187, the guts of it; that is, prohibition on welfare for illegal aliens, prohibition on social security for illegal aliens, a prohibition on SSI benefits, on food stamps, on AFDC for illegal aliens, a prohibition on free housing, taxpayer supported for illegal aliens, a prohibition on cash assistance for illegal aliens, a prohibition on subsidies including contracts and grants and loans and licenses for illegal aliens; that is what he wants to take out of the bill. He wants illegal aliens to get all of these things.

I think we in California understand this much. If you pass a law and you expect it to be obeyed, then there needs to be a penalty. The penalty in the case of breaking our immigration laws is deportation. That is, we are supposed to send you home.

But the Clinton administration, which, we want to remind ourselves, controls the Justice Department and the INS, is not deporting illegal aliens. They are funding ways to give them taxpayer-supported benefits in reward for breaking our laws. And never has it been more clear than in this instance today when the President said: I am willing to shut down the Government. Even though you have given me a spending bill that includes billions of dollars more that I asked for in House and Senate levels, I have one more request, and that is that you take out the ban on welfare benefits for illegal aliens, that you take out the ban on social security benefits for illegal aliens, that you take out the ban on SSI benefits, food stamps, housing, cash assistance, and so on for illegal aliens, because I care so much about giving taxpayer-supported benefits to people who have broken our immigration laws that I am willing to sacrifice the good of the whole Nation.

I think that sends a very terrible message to this Congress, to the Democrats and Republicans who worked so hard on this bill, and to the American people, and particularly the Californians, Texans, Arizonans, people in New Mexico, all the border States, who are so hard hit by the illegal immigration problem, and I would certainly thank my colleague from Indiana for bringing this to the attention of the full House of Representatives.

Mr. BURTON on Indiana. I thank all my colleagues from California. Every taxpayer in America ought to be concerned about this.

And with that, I yield to my colleague, Mr. BILBRAY from California.

Mr. BILBRAY. I appreciate the gentleman from Indiana, and I think we need to say that this is not just a California issue.

If, frankly, by this action, the President is indicating that we have enough money for social security, there is more than enough money for college, college tuition and college benefits for everyone, including those who are illegally here, that the concept that benefits and welfare programs and social programs are so overflowing with resources that it does not matter if we give to those who are illegally here.

Now, I do not think anyone in this room believes that we have a surplus of resources for all these programs. In fact, I think there are a lot of us here that think there is not enough for those who deserve to get it. The question is, do we have an administration that says I am willing to expect Americans who have played by the rules to do without so that those who have broken the law get their part because I want them to get it?

And I do not think anyone is going to look at the fact of the mixed message, as a woman who is illegally in this country said to me, ''Mr. BILBRAY, you wouldn't be giving us all these benefits if you didn't want us here.'' What a mixed message.

But we are talking about certain things. Let me say this to San Diego. I live on the border. I can see the bull ring by the sea from my front yard. This is very real and very personal. If you do not care about the tax dollars, if you do not care about social security, if you do not care about our kids and the law-abiding children here getting college benefits, think about the hospitals in San Diego County.

This bill, with title 5, this section that the President is talking about cutting out, is the part that reimburses for emergency health care that the Federal Government mandates that my hospitals provide the people who are illegally in the country.

This is how absurd it is. Somebody jumps the fence at the border and breaks their ankle. The immigration people call the local ambulance service that serves the working class community. And this is not rich neighborhoods; these are working class neighborhoods; they need these services. But those services are being used to transport somebody to the hospital in a working class hospital, not a wealthy neighborhood hospital, and that that hospital then provides the service for free because we mandate they get it for free, and then when immigration officers are called to come pick up these individuals, Immigration does not come pick them up, because then they would have to pay the bill. The Federal Government would have to pay for the expense of somebody who got injured jumping a Federal fence because they are illegally in this country.

And so the Federal Government is a deadbeat dad that walks away from it, and who ends up doing without because of it? Well, it is not the rich white people in the wealthiest neighborhoods, it is the poor and the needy, the people in this House and people in the White House say they care about. But this President would deny the fact that this Federal Government would finally start reimbursing those poor hospitals that are being impacted so severely.

One case, one case that is reported to be where an immigration truck had hit a person, could not be proven, was over a million dollars that came out of the hospital that serves the poor of San Diego County. And let me tell you right now I will send you the report that hospital is on the brink of bankruptcy because it is constantly being required to carry a burden.

And there are a lot of burdens, but one of them that is absolutely unforgivable is the Federal Government playing the deadbeat dad and dumping this on the people.

Now let me say the reimbursement for the ambulance service is in this, that is we start dropping off patients at a hospital, our Federal agents, our Federal Government, should start footing the bill. Now that may not seem like so much, but let me just say this to you. In 1988 and 1989, in California, the taxpayers of California paid $21 million providing emergency medical care. In 1996 to 1997, the costs reached $376 million. That is a 13-fold increase in just 8 years.

Now some people say, well, that is just money. Well, let me tell you what that money would buy. In California, if we were not having to provide this service, we could provide substance abuse treatment for an additional 19,000 pregnant women, 19,000, to avoid positive talks to try to prevent positive toxic children. We can provide perinatal care for 40,000 women and their babies, 40,000, and we could provide early mental health counseling for 18,000 young children.

So when someone says you just are insensitive, I provided these services as a county supervisor for over 8 years. I have seen who has been hurt by this issue, and it is the poor and the needy that everybody says they care about and have walked away from this.

I ask that the President reverse his position, do not hold us hostage by trying to strip us of title V. This is what the people of California say clearly, and this is what the people across this country say. Let us not deny the people that need these services who are here legally and have played by the rules. Let us not take away from the bright people that are playing by the rules and give it to somebody who has broken the rules. And let us not, for God's sake, be the biggest deadbeat dad in America and walk away from our responsibility to reimburse these poor working class communities for the unfair burden that they have been required to bear for so long.

□ 2215

Mr. BURTON. Mr. Speaker, I thank the gentleman for that very eloquent and accurate statement.

I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I am just so angry tonight that I am almost beside myself, so it is hard to contain my anger. When the people of California find out the betrayal that has happened to them, they too, I believe, will be so angry that it will overflow and be at least reflected in the upcoming election.

The President tonight had better start worrying about the State of California, because they are not going to elect a man that has betrayed them and lied to them so blatantly as what the President of the United States has been doing on this issue of immigration.

I would like to congratulate the gentleman from California [Mr. GALLEGLY]. It has been a long, hard battle for the gentleman from California on this issue. When I first came here in 1989 he pulled me aside to talk to me about this issue. He has been struggling all these years. Until we had a Republican majority in this House, we were unable to get any type of meaningful immigration reform through this body. He has struggled so hard.

Mr. Speaker, we fought and we have worked for the last 2 years under a Republican majority to come up with a good bill, to come up with something that the Democrats would not block, because it would be so reasonable to the people of this country. Now we have the President of the United States threatening to close down the Federal Government if we pass a meaningful immigration bill, the same President of the United States who went to California and proclaimed, promised the people of the State of California, that he would do everything he could to confront this challenge to our well-being.

Mr. BILBRAY. San Diego, 1993, channel 8.

Mr. ROHRABACHER. He was not only in San Diego but he was in Los Angeles and he was throughout our State telling people, I am going to work with Congress and we are going to try to protect you from this flood of illegal aliens that is draining all the money from our health care.

The health care system in California is breaking down. The education system is breaking down. We have illegal immigrants coming to our country and immediately going on SSI, draining billions of dollars which should be going to our own senior citizens. Instead, it is being drained away. Believe me, a few years from now, if this President has his way, we will find the Social Security system is in a crisis, and he will be like, oh my gosh, it is in a crisis, and he will not relate it back to this decision today.

He promised us he would help us solve this problem. Tonight he is telling us that he will shut down the government unless we agree to give welfare payments to illegal immigrants

into our State. He will shut down the Government unless we agree to let people who have never paid into the system receive Social Security benefits, that he is going to shut down the government unless illegal aliens get the same tuition as local residents.

Whose side is he on? What he is doing tonight is adding injury to insult. The insult is that he lied to us in the first place. The injury is that we have a wonderful immigration bill, something that will come to grips with this terrible problem that is threatening the well-being of our citizens, and he is threatening to close down the Government unless we trash that bill. The people of California had better understand what is going on here.

We have a Democratic process. This is still a democracy. The news media has not been doing their job in getting the word out, but tonight this act is so blatant I do not even believe that the news media ignoring it is going to be able to cover up this wrongdoing that the President is involved with.

As I say, Mr. Speaker, I am a little bit upset, people can see that, but my people are hurting, as the gentleman from California [Mr. BILBRAY] said. In San Diego, in Orange County, in Los Angeles County, all throughout California, people are sending their kids to school and their kids are not getting an education, because we have $2 billion a year that we have to spend on kids who just came from a foreign country. They might be good kids, but we have to care about our own kids.

Mr. Speaker, here we have a chance to come to grips with that, and the President is threatening to close down the Government unless we back down. It is just absolutely a terrible thing. ELTON GALLEGLY who has worked all of these years to accomplish this, you probably feel worse than I do, ELTON. It is just beyond me.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank the gentleman for his fire tonight. I think he should be angry more.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, in my district is a city named after the grandmother of Jesus Christ, Santa Ana, St. Ann. In this city, which once won the all-American city award, and it is an all-American city, we have people living in garages, illegal aliens, and as my colleague, the gentleman from California, DANA ROHRABACHER said, good people fleeing a socialist government. It has had one corrupt government following another for all of my life in poor, politically ridden Mexico. But they live 14, 15, in one case the police officers of Santa Ana told me 18 people to a garage, the garage; who knows how many in the house.

They have a crack house three blocks from the civic center, which is the civic center for DANA ROHRABACHER's district, CHRIS COX's district. That is where they are going to complete next year the Ronald Reagan Courthouse, a civic center for six Congressmen here, ED ROYCE, RON PACKARD, part of JAY KIM's, DANA's, mine, and CHRIS COX's district.

Three blocks on Third Street from that district is a crack house that when I was doing a ridealong in a police car, I asked this black belt police officer to stop. I said, if we put that in a movie, if an art director finished that as a movie set and said, there is your crack house, a good director would reject it as ridiculous looking, too colorful; graffiti from the grass level to the eaves of the roof. It would be absurd. Yet, we have these crack houses, very close to neighborhoods where you see little children and perambulators around.

What we are asking, what the citizens, the Hispanic heritage citizens who are legal, the second, third, fourth, fifth, and tenth generation Hispanic Americans in California are asking for, is fairness. We are bankrupting every citizen, including Hispanic American citizens, and we must have relief.

I cannot see the bull ring, of course, in Tijuana, as the gentleman from California [Mr. BILBRAY] can, but you can drive around some nights and hear gunfire in Santa Ana. The crime is going up, and get this, some illegal aliens form gangs to protect themselves from the Lobos, or the American Hispanic gangs, because they do not think the illegals can go to the police, so they are preyed upon, murdered and beaten up by other gangs. It is mess.

For the arrogance of this man, who I will do 47½ minutes on, after the gentleman from New York, [Mr. OWENS] does his 47½ minutes, we will end at mignight here, the title of my speech will be, Follow the Money and Look at the Nose; follow the money, Whitewater, and look at the swelling red nose, and I will tell you what causes that before we close out at midnight.

Mr. BURTON of Indiana. Mr. Speaker, let me just end by saying I really and truly feel for my colleagues in California and their constituent, and I hope all of their colleagues paid attention to this special order tonight, because they are right on the money. It is an absolute tragedy what this President is perpetrating on this country and particularly the citizens of California.

We need immigration reform. We should not be using Americans taxpayers' dollars to pay all of their bills, to the detriment of all of your citizens in California.

THE CLOSING DAYS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 47 minutes.

Mr. OWENS. Mr. Speaker, these are the closing days of the 104th Congress. I just wanted to again congratulate the American people or their common sense.

As we close out the 104th Congress, the situation in American political life is very different from what it was when we opened up the 104th Congress in January 1995. These are the closing days. It is important to note that we are going through the process of a large number of suspension bills. The public does not understand that fully.

Suspension bills means that we suspend the rules and do not follow the rules. These are not bills that have necessarily gone though the full procedure. They are expected to be so popular that there will be overwhelming approval, to the point where two-thirds of the people will vote for them and they will be able to pass.

The suspension process this year, large numbers of suspension bills at the very end of the session, is fraught with danger, because the abuse of the rules that has gone on all year in the 104th Congress is also taking place here, with some very important items that are being slipped into some of the suspension bills. That is nothing new. The abuse of the rules is one of the characteristics of the 104th Congress.

The biggest action is yet to come, in the next day or two. We hope tomorrow the continuing resolution will be on the floor. that continuing resolution will take all of the agencies and programs that have not yet had appropriations bills passed and lump them all together in one resolution, and will go forward, I hope, without having the agony of a shutdown.

I think my colleagues who spoke earlier, the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from New Jersey [Mr. PALLONE] did a very good summary of the highlights of what has happened during the past year. They talked at some length about the agony of the shutdown of the Government because of the refusal to deal with the budget in a responsible way by the 104th Congress.

The Republican majority of the 104th Congress will go down in history as being one of the most unreasonable groups. They sought revolution through a budget process. They sought to blackmail and force the President to do something that should have been debated, discussed, and negotiated.

Despite all that, we have something big we hope to celebrate when this continuing resolution comes forward. There are rumors, and I hope that they are true, that within the continuing resolution that is coming there may not only be a sustenance here, maintenance of some very vital programs that we feared might be cut, but there may be some increases in the budget for very important programs, especially in education.

There is a rumor that at least $1 billion in increases will take place with respect to education programs, and maybe more. That is something to celebrate. The 104th Congress can go out celebrating the fact that it found its way. It got lost for a while, the Republican majority was lost, and they came

into the 104th Congress insisting that the Department of Education should be eradicated. They attacked education programs across the board: student loans, Head Start. There was nothing that was sacred enough for them to leave it alone in terms of budget cuts.

That is a fantastic turnaround. It ought to be celebrated. I congratulate the Republican majority for seeing the light. But it really is a result of the American people's common sense manifesting itself.

What I really want to do is congratulate the American people again for their common sense. In our polling procedures now that move so rapidly, we are able to determine what people are thinking very rapidly. we do a lot of studying of polls, and there are focus groups beyond the polls, and various other devices to measure what people are thinking.

So what you are thinking as a public gets measured rapidly, regularly, and congratulate you on the fact that you have indicated that some of the extremist actions taken by this 104th Congress are totally unacceptable, are repugnant, and they have responded. What they have done or proposed to do to education you indicated was totally unacceptable, and the biggest turnaround of the Republican majority in this 104th Congress has been its position on education.

If it is true, and I think it is, that we may have a large increase in the Federal assistance to education, then I am happy that they did turn around. I hope we can go back to a policy of bipartisan support for education programs.

While we may be able to celebrate the increase in education programs, we must mourn the eradication of the Aid to Families with Dependent Children. if there is a low point to be identified unquestionably, the lowest point in the 104th Congress is the eradication of the Aid to Families with Dependent Children, which is a part of the Social Security Act, by the way. It has existed for 61 years, since Franklin Delano Roosevelt initiated the New Deal, as part of the Social Security Act, which most people do not understand. Aid to Families with Dependent Children is part of the Social Security Act. Medicare is part of the Social Securiy Act. Medicaid is the part of the Social Security Act.

□ 2230

When you worry about what is going to happen with Social Security, your worry is well-placed. You should worry. Because if we are going to take away the entitlement for Aid to Families with Dependent Children, take away the entitlement which says that any children who are poor in America, and they can meet the means test—it is a means-tested program—they deserve the help that their government can give. They are entitled to it. There cannot be any negotiation, there cannot be any favoritism shown by States or local governments. They are entitled to it. Entitlement means just what it says.

Well, that is gone. That is gone. We did not have welfare reform. We had the eradication of a very vital part of the Social Security Act, the eradication of Aid to Families with Dependent Children. That is the low point. We must mourn that just as we celebrate the fact that there has been a turnaround in education programs.

The 104th Congress opened with a bang, and it is closing with a whimper. That is because again the American people had the common sense to see that this is an extremist majority. The Republican majority moved with great extremism. It was not so much in their Contract With America, where they at least had written down what they were going to do, tried to reshape that, but it is all the other things that were not in the contract that they came on so strongly with that led to the opening of the eyes of the American people, with the help of the Democratic minority.

We helped to open the eyes of the American people, we helped to bring forth the common sense of the American people by highly visible efforts to expose what was going on here. We had an unprecedented set of actions which showed our resistance to the extremism, and the response of the American people was to understand better what is going on here.

So we are closing with a whimper because the American people understood. We are closing with a whimper because the Democratic minority took the case to the American people, and enabled them to understand and, in their understanding, they showed they were disappointed and revolted by certain things that were going on.

I understand a large number of Republicans are now carrying ice buckets around, and the Speaker of the House was on television citing as one of his great achievements the ending of the practice of delivering ice daily in the House of Representatives. I want to congratulate the Speaker. I think that in the age of refrigerators, as he said, we do not really need to have ice delivered every day. And that was a good reform. So congratulations, Mr. Speaker.

The 104th Congress, Republican majority, will be known for its ice delivery policy. If we are going to carry ice buckets around, we might join you. It is a good policy, your ice delivery polity, and the Speaker said maybe they saved $200,000 between the ending of delivery of ice and the privatization of the barber shops and beauty parlors.

He might have saved $200,000, but he added $13 billion to the defense budget; $13 billion more than the President wanted was added to the defense budget. So I think your common sense, the common sense of the American people can look at the saving of money on items which agreeably were obsolete, the delivery of ice. But on the other hand, adding $13 billion to the budget when the President, the Commander in Chief of the country, said we do not need it, the Joint Chiefs of Staff, a whole lot of other people saying we do not need certain items in this budget and they kept adding those items, so the waste goes on despite the fact that we have a new ice delivery policy.

So congratulations on the ice delivery policy. Let us look at a more practical way at where we are wasting money by adding to the defense budget things that the military experts say we definitely do not need.

The Republican majority will also be remembered for its honesty. I want to congratulate them on their honesty and their openness. They did not camouflage their intentions. They came on very strong, highly visible with their policy. They were highly visible with their intent to wipe out organized labor. They did not mince words and their actions showed that they were going to wipe out the benefits that organized labor and workers—let us forget about organized labor, because the benefits that workers have gained are spread throughout, whether you are in a union shop or not. OSHA is a benefit you have. The Occupational Health and Safety Agency benefits all workers, and an attempt to wipe that agency out or bring it to its knees and throttle its effectiveness would have hurt all workers.

They attempted to bring the National Labor Relations Board to its knees. On and on it goes. One of the chief advocates of getting rid of OSHA even said openly in the Washington Post that he had promised businessmen in his State that he would do it and he was rewarded with an immediate set of contributions from the businessmen in his State of $65,000. So it was quite a phenomenon. They were honest, they have been honest. And by being honest, they have presented the American people with some clear choices.

The 104th Congress Democratic minority continued to have faith in the common sense of the American people and not mourn its loss of power. It might have been a bit mournful in the first 3 or 4 months. We did not quite know what to do, it seemed. But I think that the Democratic minority is to be congratulated.

Our leadership under Minority Leader GEPHARDT was fantastic in rallying the troops and probably the turnaround point in this 104th Congress came in the summer of 1995, when the horror of the Republican extremists came home to the American people because the members of the Education Committee, the Committee on Economic and Educational Opportunities they call it now, the members put up a resistance to the cuts in the school lunch program.

The school lunch programs was a first battleground, the first time we took the battle to the American people in a highly visible way, about $2 billion over the 7 years of the budget period that was being proposed to the year

2002, $2 billion would have been gained from savings on the backs of the little children in America who use the school lunch program.

That $2 billion was slated to go into the infamous Republican majority's tax cut fund. They needed large amounts of money, $2 billion was just a drop in the bucket, and before it is over they were going to need something like close to $300 billion, the latest scale back, but large amounts of money were needed to provide a tax cut to the few.

The Republican majority made it clear from the very beginning that they were the government of the elite, that they had no qualms about proposing public policies which would benefit a small group of Americans, those who already have the largest amount of the wealth in the country. They own most of the wealth; 10 percent of the people own 90 percent of the wealth. You have this terrible gap that has been growing between the richest Americans and the poorest Americans. It used to be that Great Britain had that kind of gap with its lords and ladies and landed gentry, but America, the home of the brave, the land of the free, where the common man can get ahead and so forth. All of a sudden we are among the industrialized nations of the world the very worst in terms of the gap between the rich and the poor. The gap is bigger in America now than it is anywhere else in the world. That is most unfortunate.

But we had in the Committee on Economic and Educational Opportunities resisted the cuts. I just want to remind us, none of us should forget that 1 year ago, about this time, Federal education programs were facing a $4 billion cut. Among the cuts that we were facing was a cut in the school lunch program.

The records in our heads should be corrected to show that it was the fight against cuts in the school lunch programs, led by members of the Committee on Economic and Educational Opportunities, which began to change the public opinion polls in favor of the Democrats in Congress. The model of highly visible and personalized resistance used to fight the school lunch cuts was later adopted by the Medicare and Medicaid campaigns to stop the cuts. We used the same approach in terms of going straight to the people, getting examples of how people were going to be hurt, just as we had gone to school lunchrooms and talked to children, eaten lunch with children and dramatized for the American people the fact that this was the kind of cut we did not need.

The fight for aid to education was the pivotal point in the war to take back the Congress. In those days, in the summer of 1995, we did despair sometimes, it was difficult to believe that the American people were going to come to our rescue, we did not understand how strong the tradition of common sense is out there among our people and how they would definitely rise to the occasion.

At that time, I remember on Tuesday, April 4, one of the low points in the discussion, the swindle of the children's lunches, I entered into the RECORD the following notation with a little rap poem.

I said:

The very conservative but thorough Congressional Budget Office has estimated that the Republicans will capture slightly more than $2 billion from their block-granted School Lunch Program. This will be $2 billion more to go into the tax cut for the rich. This is a scenario filled with horror. It conjures up the image of the poster where Uncle Sam is pointing his finger and saying to potential military recruits: ''I need you.'' While the Republicans advocate a $50 billion increase in the defense budget—at that time it was $50 billion—and turn their backs on welfare for corporations and rich farmers, they are saying to the children of America: ''This Nation needs your lunch.''

Kids of America
There is a fiscal crunch
This great Nation
Now needs your lunch
To set
The budget right
Go hungry
For one night
Don't eat
What we could save
Be brave
Patriots stand out
Above the bunch
Proudly surrender lunch
There is a fiscal crunch
This Nation needs your lunch
Pledge allegiance to the flag
Mobilize your own brown bag
The enemy deficit
Must be defeated
Nutrition suicide squads
Are desperately needed
Kids of America
There is a fiscal crunch
This great Nation
Now needs your lunch.

We had to resort to a little humor to save our souls during those difficult days, to keep our spirits up because it was the kind of horror we never expected to experience. And the American people felt the same way. They reacted with great horror and immediately there was a chain reaction that was set in motion about the cuts in education programs in general. Every education cut aroused great indignation and we began to move in a way which has resulted in our being able to celebrate at this time the fact that a proposed $1 billion increase is about to take place, more than a $1 billion increase in education programs.

We are moving toward a pivotal election, and it is very important that this common sense not lose focus. It is very important that the blitzkrieg that is coming, of advertisements on television, all kinds of devices will be used to try to confuse the American people, that we keep our sense of direction and understand that we still need to close the income gap, we still have a problem with income stagnation, it has to be halted. We still have a problem with the elitism, the idea that it is quite all right for 10 percent of Americans to own 90 percent of the wealth. That still must end. We still need a more creative taxation policy. I have talked about all these things during the course of this 104th Congress and I want to reemphasize the fact that they are still relevant.

We have a good report also that came from the Census Bureau. They recently reported, I think today or yesterday, that household income is up, family income is up, people in poverty have gone down, the poverty rate is down, the elderly poverty rate is down, the child poverty rate is down. But when you look at their statement, you will find that they are down by very small amounts and the great celebration and the reason that the Census Bureau is trumpeting these new figures and the reason that the Democrats are now trumpeting them is that it has been so long since we had any increases. A typical household's income is up $898 in 1995. That is the largest increase in the whole decade. It is not much money, $898 will not close the income gap. It will not really compensate for all the income stagnation that has taken place. But it is the only increase we have had in the last 10 years, in the last decade. The same thing is true of the family income going up and the poverty rate going down. It is small figures, there is no great deal of change to report, but the fact that change has taken place at all is something to celebrate and certainly the Clinton economic policy can take credit for what is happening.

The Democratic Family First initiative insist that we continue to do the kind of things that were initiated by President Clinton in his first 2 years. The economic policy which was certainly buttressed by a bill that not a single Republican voted for, that economic policy must continue.

□ 2245

Our Family First initiatives dealing with economics and job creation, our family first initiatives which deal with education, are all designed to guarantee that this forward increase in terms of economic benefits and growth will continue.

Mr. Speaker, we were cut down because of the division in time. I am going to wind up in a few minutes, because I want to share the time and yield to my colleague from Illinois, Mr. JACKSON, for a tribute to one of our departing members. I emphasize he has not departed, he is departing. He will rise again. In fact, he has not disappeared from the public scene. He will be here for a long time and doing magnificent work.

I will close now by saying that it is important to keep our perspective and keep the common sense of the American people focused. We have learned a lot this past year. We are grateful for the fact that the Republican majority in their extremism made everything

crystal clear, and that our response to it, by taking it beyond the halls of this House and exposing it, allowed the American people to see what was going on. Therefore, we are coming to the end of this session in a very different spirit than the way we started it.

I want to just give a few examples of where we have to go in the future. The President talks about building bridges to the future. We must understand that we are going to have to be bold, and the 105th Congress is going to have to behave very differently, and the next 2 years must be different. In building the bridge to the future, we should not hesitate to rely on the examples of the past.

I was looking the other day at a documentary about the West. When they talked about the building of the railroads and how the building of railroads was critical in making our Nation one nation, really from the Atlantic to the Pacific we became one nation only as a result of the railroads.

The railroads were a highly subsidized venture. The railroads involved Government to a great degree. Government and private enterprise worked hand-in-hand, with the Government supplying the contracts and the private enterprise doing all of its usual tricks, including California having hired an expert to declare certain land was mountainous when it was really not mountainous so they would get a higher rate.

Another example is Congress working to establish land granted colleges across the Nation. It was a huge program that has a great benefit and made a big difference in this country, just as the GI bill later on was a large Government program which focused on education and had a great benefit.

We have a telecommunications revolution coming now, and we hope that we are going to move forward in the age of telecommunications and hear the President's initiatives on education in light of the fact that the opportunities for jobs will come through the telecommunications revolution. The next 105th Congress should be about jobs, jobs, and jobs, and education of course is inextricably interwoven into any attempt to create jobs in this very complex, modern economy of ours.

Mr. Speaker, at this point I want to change for us and yield for a tribute to our departing member of Congress, one in particular, but I just want to note we have several in the Congressional Black Caucus who are departing.

I would like to note we are going to very much miss HAROLD FORD of Tennessee. Earlier there was a discussion on Mr. FORD's achievements. I happen to come from the same hometown. I represent New York now, but I was born in Memphis, TN, where HAROLD FORD has represented the people of Memphis ably for a long time.

We also have departing CARDISS COLLINS, who is the ranking Democrat on the Committee on Government Reform and Oversight. She has done a magnificent job of maintaining the resistance, speaking out loudly, clearly, in a highly visible fashion, to keep the American people informed as to what is going on there, excellent leadership by CARDISS COLLINS.

BARBARA ROSE COLLINS is departing, from Michigan; and we earlier lost Kweisi Mfume from Maryland; and we are also now going to discuss Mr. CLEO FIELDS. CLEO is very special in many ways. I like to remind people that one of my favorite education programs is called the TRIO program. CLEO is a product of that program. He is an alumnus of that program. The TRIO program provides special attention for youngsters to guide them into a college career. It creates a whole environment as well as inspiring them. It provides tutors and practical steps toward entering college. CLEO is one of their alumni. They can be very proud of him.

CLEO, in the face of adversity, brought on by the fact that suddenly America has decided that drawing districts which don't look aesthetically beautiful is not good. Since the history of the country, we have always had strange-shaped districts for Congress. But all of a sudden the Supreme Court says if a district looks strange, they want to examine the district and see if race had anything to do with it.

Race has always had a great deal to do with drawing of districts all across the country. It is nothing new. It just so happens we are open and honest about the fact that you need to draw some districts and a way to correct the past imbalances and the past injustices, and the honesty has led to a change in policy which put CLEO's district on the line. He has been undaunted and kept going in the face of that, provided great leadership in a number of different areas, including the fight to bring relief to the black churches that are burning across the Nation and to guide us into some kind of policy of resistance on that issue, as well as many others.

Mr. Speaker, I salute CLEO FIELDS. As I said before, he is not departed, he is departing. He will rise again. He will maintain his visibility in public life.

At this point I would like to yield to the gentleman from Illinois [Mr. JACKSON] to carry on the rest of the special order.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

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

There was no objection.

Mr. JACKSON of Illinois. Mr. Speaker, today we come today to celebrate the outstanding work of the distinguished gentleman from Louisiana, the Honorable CLEO FIELDS. I am honored to be joined on this occasion by several Members of Congress who will be participating in this special order.

I certainly want to take this opportunity to thank Congressman OWENS from New York for his outstanding leadership on a myriad of issues. I also want to thank him for allowing us the privilege, as this 104th Congress comes to an end, to acknowledge the service of Congressman CLEO FIELDS. On this occasion I am joined by the distinguished gentleman from North Carolina, the honorable Congressman MEL WATT.

Before I yield time to Mr. WATT, I certainly want to say a few words about Congressman FIELDS.

We are living in a time when African-Americans, particularly young African-American men in our Nation, are being criticized and chastised for a whole host of things, from drug sale and drug use in our communities to violent crimes. Often time legislators on both the Democrat and Republican side, quite frankly, have used young African-American males as the justification for the building of more prisons and not funding schools adequately.

We are living at a time when the Sentencing Commission suggests that one out of every three black men in our Nation between the ages of 20 and 29 are involved in the criminal justice system, on probation, on parole, or in jail.

Even in my district, as I work with young people, I am astounded and amazed to see so many young people who have ankle identification systems that are now tagged to their legs because they are part of a probation system because of overcrowding in the prisons.

Yet, in the midst of all of the negative impressions that the media gives us about young African-American men, when I was not a member of this body, I had the privilege of speaking at high schools and colleges all across this country, and just no individual in the Nation, there are only 435 Members of Congress, just no individual in the Nation stood as a greater and a more outstanding example of what we could become than the distinguished gentleman from Louisiana, the Honorable CLEO FIELDS.

He was first the youngest state legislator in the history of Louisiana and the youngest legislator in the 103d Congress. He founded and sustained the Innovative Congressional Classroom, where high school students in the 4th District of Louisiana are involved in debating issues and developing appreciation of the political process. He is the founder and chairman of the House Education Caucus, which has over 60 members. He was the chairman of the Congressional Black Caucus Task Force on Church Burnings and Redistricting. He has helped every Member of this body to recognize the importance of these issues and how they affect every one of us.

I know all too well, long before I became a Member of this institution,

that the role that Congressman CLEO FIELDS was playing in talking about the desegregation of this Congress, making it possible for more minorities to serve here, was all too an important role, when one considers that after the Plessy versus Ferguson decision of 1896, during that first reconstruction period, there were 22 African-Americans elected to Congress.

As a result of that decision in 1896, by 1901 there were zero African-Americans in this institution, and it was almost 60 years later that Brown versus the Board of Education was passed and the principles of equal protection under the law was established, which really laid the foundation for this institution to pass and President Johnson to sign into law the Voting Rights Act of 1965. As a result of that effort, there are now 39 African-American members in this institution.

Representative Fields was a college student when he ran for the State Senate. After having served in the State Senate with great distinction, he managed to develop and gain a seat on the Redistricting Committee in the State Senate in Louisiana. In a State almost 30-plus percent African-American, Congressman CLEO FIELDS was then in a position to effectuate and actualize the Voting Rights Act of 1965 with the 1990 census. Subsequently, he created a second congressional district for African-Americans in the State of Louisiana.

The goal was not to create reverse discrimination for voters in Louisiana, but it was to provide the kind of adequate and much-needed representation that 30 percent of the people of the State of Louisiana had heretofore been denied.

Congressman BILL JEFFERSON was the first African-American from the State of Louisiana elected since reconstruction, and the second African-American was the distinguished gentleman from Louisiana, Congressman CLEO FIELDS.

I was a student at North Carolina A&T State University when I first met CLEO FIELDS. He was involved in the Jessie Jackson for President campaign. I remember all too well when Congressman FIELDS and I came to Washington, and one night we were driving past this very noble and very distinguished institution, and Representative FIELDS looked out of the car window that night, and he said, ''JESSIE JACKSON, Jr., one day you and I could very well have the opportunity to serve in that institution.'' I kind of laughed and kind of cajoled Congressman FIELDS, because I certainly knew he was on the track to serving in this institution. I had no idea that I would ever have the privilege and the honor of serving in this institution with Congressman FIELDS.

When I announced my candidacy a year and a half or so ago, I so looked forward to serving in this institution with Congressman CLEO FIELDS, because he alone has stood as an outstanding example for young African-Americans across this country. With all of the negative burden that had been heaped upon them as a generation, you alone stood as a bright and shining example of what we could all become, if we simply stopped complaining about what we did not have, if we just used what we did have.

So I am a member of Congress today because of the outstanding example that Congressman FIELDS has set, and because of the commitment that he has to public service. I am just honored and privileged to have had, albeit for a brief moment, this opportunity to serve with you.

With that, I would like to yield time to the distinguished gentleman from North Carolina, the Honorable MEL WATT.

Mr. WATT of North Carolina. Mr. Speaker, my colleagues, I wanted to first express my thanks to Congressman JESSIE JACKSON, Jr., for coming up with the idea and pulling the people together to pay tribute to my good friend CLEO FIELDS. I want to thank my colleague, MAJOR OWENS from New York, for reserving the time and yielding part of the time to us for this purpose.

□ 2300

Mr. Speaker, I have been wondering how to approach this tribute, because I could approach it in a number of different ways. First of all, I could approach it as a roast of my good friend the gentleman from Louisiana, CLEO FIELDS, because he is first and foremost my friend and we have, in the last 4 years, during the time that we have served in this Congress together, and 4 years ago was really the first time I had met him, although I had known of his reputation, but during that 4 years we have become what I would call in the community ''ace buddies.''

We do a lot of joking around, and so I was tempted to use this evening to roast him, but I decided that that probably would not be the proper thing to do when somebody 100 years from now or 50 years from now reads the CONGRESSIONAL RECORD and finds all of these things of a humorous nature on such a serious occasion.

So I started to reflect, well, why is it that we are honoring and saluting CLEO FIELDS this evening? We are honoring and saluting him because tomorrow or Saturday or next Wednesday or whatever day it is the leadership says we get out of here to adjourn this session of Congress will be the last day that we will have the opportunity to serve with this distinguished legislator. His term will run the balance of the year, but we will not be in a position where we can come and pay this tribute to him.

The reason that we pay tribute to him is that he has been an outstanding legislator, an outstanding friend and he will no longer be able to serve that role. Now, why will he not be able to serve that role? Well, the Supreme Court of the United States has said that race cannot be taken into account in the drawing of congressional districts in a manner which results in congressional districts favoring or making it possible for minority representatives to be elected to Congress.

Now, we can take race into account in a negative way. In fact, throughout the history of this country, race has been being taken into account in the drawing of congressional districts, especially in the South, for as long as we can remember and as long as history records, but when you start to take race into account in a manner which addresses this history of discrimination in the electoral process, then somehow the Supreme Court starts to feel that that is improper and that the Nation, all of a sudden, should be colorblind.

So it has handed down a series of devastating lawsuits and opinions as a result of lawsuits which quite possibly will have the effect of less and less minority representation. It is ironic that the first casualty of that series of cases is the person who has chaired the task force for the Congressional Black Caucus on redistricting.

Now, when we talk in the Halls, sometimes CLEO FIELDS will suggest to me that this would not have happened to him in Louisiana but for the Shaw versus Reno case, which originated in North Carolina, and that lawsuit was filed as a result of the drawing of my congressional district. So, in some measure, he is holding me responsible for his leaving Congress, and so in that sense, I guess I should be here roasting him and shoring him up and telling him that it is not me that bears responsibility for it but the Supreme Court, at least five members of the Supreme Court, who have promulgated this series of cases that has resulted in a district that he can no longer win in.

Let me conclude, Mr. Speaker, because I know the time is and I want to make one final point before I close.

We have been through this process leading to a diminution and, in fact, an elimination of minority representation in the Congress of the United States once before in our history. Maybe we could argue we have been through it twice before, because when the Constitution was written, it was written in such a way that none of us were taken into account, and so minorities, blacks, at that time, could not represent anybody in Congress because we were not even considered full-fledged citizens.

But at the end of the 1800's, after we had gained a measure of representation for minorities in the United States Congress as a result of poll taxes, literacy tests, Klan intimidation, we reached a point where the number of minorities in Congress decreased from approximately 20 down to, at the end of the 1800's we had only one left, and his name was George H. White. He was a black man from North Carolina, interestingly enough.

I want to close on the comments that he made in February 1901 when he took to the House floor and addressed the House for in excess of an hour in what

was supposed to be a speech on an agriculture bill, and he started his speech by reciting two or three sentences about the agriculture bill, and then turned his attention to what was happening in the area of minority representation.

In that speech what he said was, my colleagues, this perhaps is the temporary farewell of Negroes in the Congress of the United States, but phoenix-like, someday we will rise up and come again. And I have that same feeling about my colleague, CLEO FIELDS. I mean I think it is great that he is such a young guy and he started at such a young age, because I think we will see CLEO FIELDS again in this body.

I think the words of George H. White will be prophetic. They were prophetic when he spoke them in February 1901. It took 30-plus years for any black representative from anyplace in the country to rise up and come again to the Congress. It took over 90 years for any minority, any black representative from the State of North Carolina to rise up and come again, and it might take a few years for CLEO FIELDS to rise up and come again, but I believe that this man, with these qualities, with this commitment, with the finesse and vitality and youth that CLEO FIELDS has, he will rise up and come again and he will make an impression on our Nation in this very House of Representatives.

I salute you, my friend, and I wish you the very best in years to come, and I am looking forward to serving again with you.

Mr. JACKSON of Illinois. Mr. Speaker, I do not think that we can provide a higher tribute to the distinguished gentleman from the Fourth District of Louisiana than the tribute provided by Mr. WATT of North Carolina. His historic call perspective is certainly profound. It was George H. White, as he indicated earlier, who said like a phoenix we will rise again.

Today we lose a significant Member of the House of Representatives who represented not only African Americans but Anglo-Americans and Asian Americans and Latino Americans in the Fourth Congressional District.

There is not one Member of this institution who can challenge the quality of leadership that Congressman CLEO FIELDS has brought to this institution. He belongs in this House, he belongs in the U.S. Congress, he belongs in the Senate, if he so chooses, and if he so chooses he belongs at 1600 Pennsylvania Avenue.

But the historical perspective is particularly important as we prepare to close out this particular tribute to Representative FIELDS. When we look at the challenges to representation all across this Nation, when we look at the number of African Americans that have served with great honor and distinction in this institution, none have been able to provide the kind of leadership and the kind of vision over such a short period of time that the distinguished gentleman from Louisiana represents.

I would like to take this opportunity as well, Congressman FIELDS, to support you and I wish you farewell and I wish you the best of luck.

CONGRESSMAN CLEO FIELDS FOURTH DISTRICT, LOUISIANA

Cleo Fields, a Louisiana Democrat, was reelected to serve a second term in the United States House of Representatives in 1994. Fields is a member of the House Committee on Banking and Financial Services, and the House Committee on Small Business. He sits on the Subcommittees on Financial Institutions and Consumer Credit and Domestic and International Monetary Policy of the Banking Committee, and the Small Business Subcommittees of Government Programs and Tax and Finance. He is the founder of the Education Caucus, and is a member of the Democratic Caucus Committee on Organization, Study, and Review for the 104th Congress, the Congressional Black Caucus, and the Progressive Caucus.

Elected to serve his first term in the House of Representatives in 1992, Fields, then 30 years old, was the youngest member of the 103rd Congress. As a freshman, he introduced the Delta Initiatives Act, the Stolen Guns Act, and the Check Cashing Act of 1993. Moreover, he assumed leadership on ATM legislation to provide consumers proper user-fee disclosure. Presently, he continues to work closely with colleagues to ensure enactment of meaningful ATM legislation. Fields' legislative initiatives also include the introduction of the ''Education Trust Fund Act of 1995'' and the ''Tax-free Savings and Investment Income Act.'' His proposed ''Education Trust Fund Act'' levies a gaming tax of five percent to create a trust fund to be used to improve public elementary and secondary schools across the country by increasing funding for teacher salaries, school infrastructure, and educational supplies. Another bill, the ''Tax-free Savings and Investment Income Act,'' encourages savings and investment by allowing tax-payers to make up to $5,000 for individuals and $10,000 for couples in unearned tax free income.

In the Banking Committee, he is a persistent advocate for inclusion of adequate consumer protections in all legislation the panel considers. He is responsible for bringing issues such as tenant representation on housing boards, low-cost banking accounts and government check cashing, insurance disclosure, and ATM fee disclosure to the attention of Committee Members. As the House Banking Committee has advanced legislation to roll back consumer protections, Fields has been instrumental in attempting to maintain current standards included in the Community Reinvestment Act, the Truth in Savings Act, the Truth in Lending Act and other consumer banking laws. He has worked closely with consumers and both the banking and insurance industries to explore mutually advantageous solutions to the issue of national banks selling insurance. Congressman Fields has also spent many hours in Committee trying to remedy the BIF/SAIF discrepancy, which has put bankers at odds with the S&L industry regarding their insurance funds.

As a residing member of the Small Business Committee, Congressman Fields has launched several initiatives to cultivate and increase economic development for small businesses. He organized the Fourth Congressional District Economic Development Summit, which exposed the local business community to existing federal programs that provide business development and enhancement assistance. Facilitating the Summit were prominent leaders such as the late Commerce Secretary Ron Brown, NASA Administrator Daniel Goldin, and the Regional Director for the Small Business Administration (SBA), Till Phillips.

Congresman Fields also spearheaded the drive to secure the future of the SBA's 8 (a) Minority Business Development Program. He challenged attempts to dismantle the program through letters, hearings, press conferences, and special orders. Further, he introduced legislation that requires the SBA to make procurement information available to Minority Business Development Centers in order to assist small and traditionally disadvantaged businesses in securing federal contracts.

One of the Congressman's most prized accomplishments is his creation of a Congressional Classroom for elementary and secondary school students. The first of its kind in the country, the Classroom was initiated to develop students' understanding of the legislative process through ''hands-on'' experience and mock legislative sessions. Numbering approximately 1200, Classroom members have had the privilege of hearing first hand from our nation's leaders including the President and Vice President of the United States, the Speaker of the House, the Attorney General, and various Cabinet Members. Each has enthusiastically addressed the students on national issues from their unique perspective of leadership.

During the 104th Congress, Fields organized the first-ever Education Caucus and currently serves as its House Chairman. This bi-partisan Caucus is comprised of over 60 Members of both Congressional Chambers. The first hearing, held in May of 1996, focused on the concerns of teachers, parents, and other organizations interested in improving education in our nation. The Caucus has also highlighted the benefits of corporate involvement in education, analyzed the reasons for the success and failure of national and local education programs, featured programs that have the potential to provide national models, and discussed the limitations imposed upon educational opportunities by decreased funding.

Throughout his tenure in the U.S. House of Representatives, Congressman Fields has been elected Chairman of both the Congressional Black Caucus Task Force on Redistricting and the CBC Task Force on Church Burnings. As CBC Chair of the Redistricting Task Force, Fields hosted hearings and meetings to provide Members of Congress, state legislators, civil rights leaders and constituents with comprehensive information on all issues pertinent to redistricting and the relevant cases across the nation. Chairing the Task Force on Church Burnings, Fields was able to bring together government and business resources with the congregations of burned churches to begin rebuilding initiatives. Working closely with President Clinton, the Department of Justice, and the Department of Treasury's Bureau of Alcohol, Tobacco and Firearms, Fields, along with the co-chairs of the National Church Arson Task Force, hosted the first public town hall meeting on church burnings in Baton Rouge, Louisiana.

Cleo Fields was born on November 22, 1962 in Baton Rouge, Louisiana. He is a 1980 graduate of McKinley High School in Baton Rouge. In 1984, Fields earned his B.A. degree from Southern University in Baton Rouge, where he also served as Student Government Association President and was elected by the Louisiana Council of Student Body Presidents to serve on the Louisiana Board of Regents.

Directly following his undergraduate studies, Fields earned his Juris Doctorate from Southern University School of Law. In 1987,

the same year he graduated from law school, Fields was elected to the Louisiana State Senate. At the age of 24, he was the youngest state senator in Louisiana history and the youngest state senator in the nation. While in office, Fields sponsored and passed legislation that established Drug Free Zones near school campuses, as well as legislation creating an Inner City Economic Development Program. Concerned with increasing violence in schools, and in an effort to redirect students' attention, Fields introduced school uniform legislation.

In 1995, Cleo Fields, again made history by becoming the first African-American in a gubernatorial run-off in the State of Louisiana. Because of his dedicated commitment to education, the environment, economic development, and deficit reduction, he compelled the attention of the electorate. Many believe his candidacy in Louisiana's 1995 gubernatorial election has permanently changed the face of Louisiana politics.

Fields is a faithful member of Mt. Pilgrim Baptist-Church in Baton Rouge. He is happily married to Debra Horton Fields, and they have a son named Cleo Brandon Fields.

CLEO FIELDS (DEMOCRAT) OF BATON ROUGE—ELECTED 1992, 2ND TERM

WASHINGTON.— For a brief time in 1994, Fields' nascent congressional career appeared to be over. But instead he was back in 1995, announcing the Jan. 22 birth of his firstborn child to cheering colleagues on the House floor.

The threat to Fields; re-election had come the previous July, when a panel of three federal judges ordered into effect a new congressional district plan for Louisiana that eliminated freshman Fields' majority-black 4th District.

But a month later, that court order was stayed while on appeal to the Supreme Court. The 1994 elections went ahead, using lines drawn earlier that year by the state Legislature. The new 4th looked nothing like its predecessor and was less black (the African-American percentage dropped from 66 to 58). But the new 4th retained Fields' Baton Rouge base and allowed him to win a second term with ease (his 70 percent majority in the October primary obviated a November vote).

Between December 1993 and August 1994, Fields' district changed drastically four times as federal judges and Louisiana state legislators redrew it. Late in 1994, the Supreme Court decided to hear the appeal of the Louisiana case, which may mean yet another overhaul. If one comes, Fields hopes not to be around for it: he announced in January 1995 that he would be a candidate for the November election for governor.

Fields supported his party leadership on more than nine votes out of 10 in the 103rd Congress, straying most notably when the party itself was most divided. He voted against both NAFTA and GATT, votes that helped him earn a perfect score in 1993 and 1994 from the AFL–CIO.

He strove to use his seats on the Banking Committee and the Small Business Committee to leverage capital for small businesses willing to relocate in his district, where poverty rates are high. He worked to protect the privacy of bank customers' credit and tried to force banks opening interstate branches to provide low-cost basic checking services.

But the continuing conflict over the district map seemed to overshadow all else. A federal three-judge panel in December 1993 threw out the congressional district map used in 1992, which contained a giant 'Z'-shaped 4th District, the second black-majority seat in Louisiana.

The state Legislature redrew the map in April 1994, but the federal court rejected that plan in July and imposed its own, one with only one majority-black district. This was the decision stayed by the Supreme Court the following month.

AT HOME: Fields pursued this seat relentlessly, starting with the redistricting struggle he fought as a member of the state Senate in the early 1990s.

He was the youngest state senator in Louisiana history at age 24. In the Legislature, he was a leader against illicit drug use and was regarded favorably by environmentalists, but not so much so that he was perceived as any enemy of the state's powerful natural gas industry.

Mostly Fields showed a knack for positioning himself to win elections. He also demonstrated the drive and energy to make good on his opportunities.

In the Senate, he chaired the redistricting committee and worked to craft a second majority-black district for the state in compliance with the Voting Rights Act. He competed with rival Sen. Charles ''C.D.'' Jones, a 13-year incumbent from Monroe, over the shape of the district, and eventually Jones prevailed.

But if Jones won the battle. Fields won the war. He nearly won the seat in the all-party primary with 48 percent in a eight candidate field. Thrown into a November runoff with Jones. Fields continued his student-led, grass-roots campaign and walked away with 74 percent.

In 1994, no other Democrat entered the race, and Fields easily swept aside the lone Republican who came forward to test him in the all-party primary.

This is the district that returned the issue of race-based congressional redistricting to the Supreme Court. More precisely, this is the descendant of the district that mired Louisiana's redistricting map in litigation after its enactment in 1992. The 4th District used for the 1992 election was a Z-shaped creature that zigzagged through all or part of 28 parishes and five of Louisiana's largest cities, digesting black communities to create the state's second black-majority district.

A three-judge federal panel threw out that redistricting plan in December 1993. The judges, singling out the shape of the 4th, ruled that the map was the product of an unconstitutional racial gerrymander. In a special session, the Louisiana Legislature in April 1994 passed a new district map. That plan, signed into law and approved by the U.S. Justice Department, preserved the black majority in the 4th but substantially reoriented it.

The federal judges invalidated the Legislature's plan as well and imposed their own model with only one majority-black district (the New Orleans-based 2nd). But the Supreme Court stayed that ruling in August, leaving the Legislature's plan in place for the 1994 election. The court accepted the Louisiana case for its 1994–95 term.

The old 4th, dubbed ''the 'Z' with drips'' by a state redistricting staff member, had started in the northwest Louisiana industrial city of Shreveport. From there, the district snaked east along the Arkansas border, then followed the Mississippi River southward. At Pointe Coupee Parish it split. One finger plunged west, deep into central Louisiana, and the other continued east and south to the Cajun city of Lafayette. As chairman of the 1992 state redistricting committee, then-state Sen. Fields made sure Baton Rouge, his home base, anchored the 4th. Outside Baton Rouge in central and northeastern Louisiana the 4th was anchored by the black sections in blue-collar Alexandria and Lafayette, the center of the state's Cajun culture.

As redrawn by the Legislature, the 4th still covers a vast distance, from the Texas border to a point southeast of Baton Rouge. It retains Fields' Baton Rouge base and parts of Lafayette, Alexandria and Shreveport. But by redistricting criteria, it is more ''compact'' than its predecessor.

The 4th's 1994 version takes in three whole parishes and 12 split parishes. Shorn of switch-backs, it sticks to a northwest-to-southeast diagonal, resembling, in the words of a state official, ''a sash on a beauty queen.'' For much of its course, it follows the Red River and interstate 49 and 10.

This version has a smaller black population than the one in which Fields ran in 1992. That district was 66 percent black; this one is 58 percent black. Poverty permeates many of the nooks and crannies of this Democratic district. While the 4th includes rural areas, it is dominated by its urban black communities. Nearly 25 percent of residents live in the 4th's portion of East Baton Rouge Parish (Baton Rouge). Nearly 20 percent live in the 4th's section of Caddo Parish (Shreveport).

Splitting the city with the 6th, the 4th captures all of northern and parts of southern Baton Rouge, which includes lower- and middle-income black and racially mixed neighborhoods. Many residents work in nearby chemical plants, including the Exxon Court Manufacturing Complex, the city's largest private employer. Several universities crucial to Fields' support, such as Louisiana State University (29,500 students) and the largely black Southern University, also were included.

The district ends in Shreveport. It includes almost every black enclave in the city, including populous Cooper Road, one of Louisiana's oldest black communities. Once an oil and gas town, Shreveport now counts AT&T Consumer Products and a General Motors plant in its economic mix.

HON CLEO FIELDS

Committee Assignments: Committee on Banking and Financial Services; Subcommittee on Housing and Community Opportunity, Subcommittee on Domestic and International Monetary Policy.

Committee on Small Business; Subcommittee on Government Programs, Subcommittee on Tax and Finance.

CBC Seniority Ranking: 24; Staff Contact: Kimberleigh Butler-Smith.

Cleo Fields, Louisiana Democrat was elected to serve his first term in the United States Congress in 1992. He was sworn into office on January 5, 1993 at the age of 30, making him the youngest member of the 103rd Congress.

As a member of the House Committee on Banking and Financial Services, Fields serves on the Subcommittees on Housing and Community Opportunity, and Domestic and International Monetary Policy.

In addition, Fields serves on the House Committee on Small Business where he serves on the Subcommittees on Government Programs and Tax and Finance.

Fields was a member of the Democratic Caucus Committee on Organization, Study and Review for the 103rd Congress.

Cleo Fields was born November 22, 1962 in Baton Rouge, Louisiana. He is a 1980 graduate of McKinley High School in Baton Rouge.

In 1984, Fields earned his B.A. degree from Southern University in Baton Rouge. During his senior year, he was elected Student Government Association President. In the same year, he was elected by the Louisiana Council of Student Body Presidents to serve on the Louisiana Board of Regents. He also made the Dean's List and was chosen a member of Who's Who Among Students in American Colleges and Universities.

Directly following his undergraduate studies, Fields entered Southern University

School of Law. During law school, he served as a law clerk for both the East Baton Rouge Parish City Prosecutor's office and the Parish Attorney's Office.

In 1987, the same year he graduated from law school, Fields was elected to the Louisiana State Senate. At the age of 24, he was the youngest state senator in Louisiana history and the youngest state senator in the nation at the time.

In his second term, Fields continues to be strong voice for children and consumers. A long time advocates of youth, Fields strongly objects to weakening programs which benefit children. Fields has offered many bills and amendments which deal with education, job training, check cashing, insurance disclosure, and other banking related issues.

Fields is a member of Mt. Pilgrim Baptist Church in Baton Rouge, Louisiana. He is married to Debra Horton of Baton Rouge. The couple has one son, Cleo Brandon Fields, born January 22, 1995.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Illinois, Congressman JESSE JACKSON, Jr., for reserving time today. I join him and members of the Louisiana congressional delegation in saluting an outstanding Member of the House of Representatives, CLEO FIELDS. This bright, young leader has set a fine example of what can be achieved by those seeking to change the world around them. We gather to recognize his contributions to this Congress and the Nation.

From his days as the president of the Southern University Student Government Association, CLEO FIELDS knew how to accomplish tasks that to others seemed out of reach. His election to the Louisiana State Senate at the age of 24 showed his home State that a leader and player in Louisiana politics was emerging. At the age of 30, CLEO FIELDS was elected to the House of Representatives.

Mr. Speaker, constituents of Louisiana's Fourth Congressional District are fortunate to have the dedication and service of CLEO FIELDS. As chairman of the House Education Caucus, CLEO FIELDS has taken a provocative look at methods for improving our education system. He has involved leaders from all aspects of the system in candid discussions of the best methods to serve America's children.

As founder of a successful program called ''Congressional Classroom'', CLEO FIELDS has allowed nearly 1,200 elementary and secondary students to gain a better understanding of our legislative process. These young people benefit from a firsthand look at their Government in action, as well as meeting with congressional leaders from both sides of the aisle.

Mr. Speaker, one of the most powerful organizations in the Congress, the Congressional Black Caucus, has also benefited as a result of CLEO FIELD's expertise and determination. As a founder of this organization, I was proud to welcome CLEO FIELDS into our ranks. His dedication to equality and civil rights made him a very valuable player on our team.

We recall that when the U.S. Supreme Court eliminated what is now the Fourth District of Louisiana, thus turning back the clock on decades of progress, CLEO FIELDS stood strong and fought for his constituents. CLEO FIELDS rose to meet the challenge in a manner benefitting a true champion. In the process of leading this courageous battle, this articulate leader helped an even younger generation to understand the power of the ballot box, just as he had done at Southern University.

Mr. Speaker, some Members of this body might say that CLEO FIELDS is retiring. I would hasten to add, however, that this young star is just beginning to rise. I will miss CLEO FIELDS and I wish him all the best in the future.

Mr. CONYERS. Mr. Speaker, I rise today to honor my friend and distinguished colleagues Congressman CLEO FIELDS of Louisiana's Fourth Congressional District. When people talk about Congressman FIELDS, they often use the world ''youngest.'' He was the youngest State legislator in Louisiana history, he was the youngest member of the 103d Congress. However, Representative FIELDS' personal and professional accomplishments belie his age. His tremendous energy, coupled with his desire to help America's youth and its minorities, has ensured that Congressman FIELDS will leave behind an significant legacy.

CLEO has always been a champion of the people. After receiving his juris doctorate from Southern University School of Law at the age of 24, he was elected to the Lousiana State Senate, becoming the youngest State senator in Louisiana history. While in office, he sponsored and passed legislation establishing Drug Free Zones near school campuses, and worked to create an Inner City Economic Development Program. He was a leader against illegal drug use and a champion of effective environmental protection initiatives.

In the House of Representatives, Congressman FIELDS, has continued to work tirelessly to protect and promote the opportunities and rights of all Americans.

As a member of the Small Business Committee, he has vigorously defended the Small Business Administration's Minority Business Development Program, helping to ensure that women and minority small business owners are able to succeed economically.

As a member of the Banking Committee, he has staunchly fought for consumer protections. In the face of 104th Congress' attempt to rollback consumer protections, Representative FIELDS has fought to maintain the consumer protections contained in the Community Reinvestment Act, the Truth in Savings Act, and the Truth in Lending Act.

Recognizing the importance of education and of our Nation's youth, Representative FIELDS organized the first-ever Education Caucus and currently serves as its House chairman. This bipartisan, bicameral, caucus has focused on the concerns of teachers, parents, and other organizations interested in improving education in our nation.

Finally, I especially commend Congressman FIELDS for his work as the chair of the Congressional Black Caucus' Task Force on Church Burnings. We have worked side-by-side in response to this national crisis. Representative FIELDS was able to bring together government and business resouces with the congregations of burned churches to begin the process of rebulding. His work helped to not only rebuild churches, but also hope. Working to educate all Americans as to why the church burnings affected them; his service in this area cannot be overstated.

I will miss Representative FIELDS' constant efforts to promote minority business development and to improve education in this country. I wish him the best of success in his future endeavors, and I feel honored to have served with him.

Mr. MONTGOMERY. Mr. Speaker, from the moment Congressman CLEO FIELDS came to Washington, he and I have been friends. We worked together a lot. In fact, when the Democratic party was in the majority, we used to take turns presiding over the House floor. I can tell you that he quickly earned my respect and admiration.

While I too will be leaving at the end of this session, I know that Representative FIELDS will be sorely missed. As one of the youngest State legislators in Louisiana's history and in the 103d Congress, he has been a shining example for the youth in his district and his State. His desire to help the American youth obtain the best education possible is evident in the education trust fund legislation he introduced.

I wish you, your lovely wife, Debra, and your son, Cleo much happiness in the future.

Mr. BISHOP. Mr. Speaker, I rise today to applaud the work and character of Congressman CLEO FIELDS. He is a champion of education, small businesses and consumers. His dedication to public service began at an early age. At 24, Congressman FIELDS became the youngest State senator in Louisiana history. As a legislator, he was a leader against illicit drug use, promoted school uniforms and created an Inner City Economic Development Program. His outstanding record as a State senator resulted in his election to the U.S. House of Representatives in 1992. Again, as the youngest member of the 103d Congress and a freshman, FIELDS' aptitude and abilities were recognized. Hence, Fields was able to win seats on the House Committee on Banking and Financial Services, and the House Committee on Small Business.

Representative FIELDS legislative initiatives demonstrate his commitment to education, small businesses and consumers. FIELDS is most noted for his introduction of the Education Trust Fund Act of 1995, which was designed to increase funding for teacher salaries, school infrastructure, and educational supplies. His creation of a Congressional classroom for elementary and secondary school students has also received a great amount of support. The classroom was initiated to develop student's understanding of the legislative process through experience and mock legislative sessions. FIELDS also organized the first-ever Education Caucus and currently services as its chairman.

Representative FIELDS initiated other legislation to address the concerns of the people of Louisiana, including the Tax Free Savings and Investment Income Act, to encourage savings and investments; the Fourth Congressional District Economic Summit; and programs to secure the future of the SBA's 8(a) Minority Business Development Program. In addition to the foregoing, FIELDS has served as chairman of both the Congressional Black Caucus Task Force on Redistricting and the Congressional Black Caucus Task Force on Church Burnings.

I applaud Congressman FIELDS for his newest endeavors which include working to reelect President Bill Clinton and working to help Democrats regain control of Congress. I also commend him for starting the new grass roots organization called Volunteers Organized to Encourage Registration. This is an organization committed to educating our young people about the importance of being involved in the political process and voting.

I salute the dedication and hard work of CLEO. I know the future holds great things for him. I thank him for his service and wish his family and him the best in the years ahead.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it brings me great pleasure to honor and applaud an extraordinary colleague who will be retiring at the end of the 104th Congress, the Honorable CLEO FIELDS of Louisiana. Congressman FIELDS came to Washington as a member of this body in 1992 along with me which makes this tribute extra special.

Congressman FIELDS pursued his seat relentlessly, starting with the redistricting struggle he fought as a member of the State senate in the early 1990's. He was the youngest State senator in Louisiana history at the age of 24. In the legislature, he was a leader against illicit drug use and was regarded favorably by environmentalists, but not so much so that he was perceived as an enemy of the State's powerful natural gas industry.

Mostly Congressman FIELDS showed a knack for positioning himself to win elections. He also demonstrated the drive and energy to make good on his opportunities. Congressman FIELDS' actions and his words have focused on improving the future for our Nation's youth, and recognizing the importance of opportunity for all his constituents. As chairman of the Congressional Black Caucus Task Forces on Church Burnings and Redistricting, he has helped every member of this body to recognize the importance of these issues and how they effect every one of us. As a member of the Banking and Financial Services Committee, he led efforts to insure that no consumers are taken advantage of by ATM user-fees, and that all Americans will continue to be protected by the Community Reinvestment Act, the Truth in Savings Act, the Truth in Lending Act, and other consumer banking laws.

Mr. Speaker, it has been both a pleasure and an honor to serve next to and with Congressman CLEO FIELDS of Louisiana. I, like the rest of my colleagues, wish him well in his future endeavors.

FOLLOW THE MONEY AND LOOK AT THE NOSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, if the gentlewoman wants to bid a fond farewell to the gentleman from Louisiana, CLEO FIELDS, I would yield to her, if I may do it first.

It has been an honor serving with you, sir, and I am glad they did not roast you tonight.

But I would gladly yield some time to the gentlewoman, also a distinguished Portia, a barrister and a lawyer in her own right of some standing.

CONTINUING TRIBUTE TO CONGRESSMAN CLEO FIELDS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his kindness and his collegiality this evening, for this is a special occasion, and I will not be long. I respect the Speaker and the time that is allotted to the gentleman.

Being in my office, as the waning hours of this session and this 104th Congress came to a close, I could not allow this evening to close out without my recognition of a friend, a legislator, an extremely able American, and that is in the name of CLEO FIELDS.

It is interesting, coming in as a freshman and working with my senior, the honorable CLEO FIELDS. He was a very good teacher. He is a lawyer by training, he is a legislator, but over the time that we have had an opportunity to work together, what I notice most about him is that he does not take up causes. He has avocations or he takes up issues which are filled with compassion.

I have watched him in his continuous efforts to have Americans recognize the need for not only educating our children but housing our children in the right infrastructure and a structure to allow them to learn.

I view CLEO FIELDS not only as a friend but as a friend of his constituents, a friend of Louisiana, and a friend of this country. As a young man he is someone who understands working families. I have watched him in women's issues be just as passionate about the needs and rights of women. I have watched him talk about, passionately, the opportunities for your college students and the need for a fair and just affirmative action.

I have watched him come to the floor continuously to talk about helpless babies who are in need of Head Start, school lunches, and, as well, who are in need of opportunities which he said he would have never had if the doors had not been open to him.

I spoke with him about his future, and in his own humble way he never offered to say that I expect to go on and slay a dragon.

□ 2315

I think what he said to me is that he will be back, that he wanted to continue to be a humble servant he wanted to continue to serve people. His proudest moment, as I have been able to recollect, is the birth of his son and, with his loving wife, I have watched that young man, now that I call him, though he is under 2 years old, grow in the love of his father.

The first days of the birth of his son, we were always kept apprised of his growth, the interesting things that he would be doing, the late nights that I understand that he was a good sleeper, but his father loves him and loved him and you could always see that relationship even as this young baby is growing up.

I really come to the floor to simply say that my friend, you will be missed, but you have claimed a place in our hearts and the minds of the American people. You have claimed a place by simply saying that I am a fighter for just causes. I will not do it in anger. I will do it forcefully.

Along with colleagues who joined you on the floor tonight, along with your colleague and friend, JESSE JACKSON, JR. who I heard describe the friendship and both your aspirations and wonderment about being in this place, we are better for it. This Congress is better. This Nation is better. I, for one, will certainly ask you to keep the light burning, to let us hear your voice resounding, for there are many great things in store for the Honorable CLEO FIELDS, for the 21st century is yet to open its doors to your bright mind and what you have to offer this country.

Partisan comments at this point certainly, and I will recognize the gentleman, are not appropriate, for I think, as my colleague from California has noted, he has enjoyed serving with you. So this is a bipartisan farewell, to say to you that all of us collectively will look forward again to the activism, the light, the message, the word of CLEO FIELDS, a great citizen of the State of Louisiana and a great American. God bless you.

I thank the gentleman from California.

Mr. DORNAN. Just remember the words of a great, if not the greatest American general, I shall return. JESSE JACKSON will be here waiting for you.

THE SADDEST DAY

Mr. Speaker, I was glad to give up those few minutes, I have 42½ minutes left. I want to try and cram 2 special hours into that. As I said earlier, the title for my overall special order, which I am going to say later, does not apply to this first part which I would call, the saddest day in my 20 years on Capitol Hill. That is today.

Today I was told, without a direct phone call, what we still have here, as they said in the movie, is a failure to communicate, Cool Hand Luke, I was told today, after I had already sent out thank you notes to the Speaker and others for getting the POW missing in action protection act back into law within a few days by tomorrow by putting it in the continuing resolution. This is different. This is not authorizing language on an appropriations bill. Clinton signed it into law.

The Bob Dole, BEN GILMAN, LAUTENBERG POW–MIA language that POWs and concerned citizens who have worked with them for 20, 25 years circulated on this hill for two decades and Clinton signed it into law in February 10, and one human being at the north end of this building, gutted it out and referred to people like myself, who have given more than months, years of their life, 8 trips to Vietnam in my own case while the war was going on, narrating while the brother of a U.S. Senator, sitting Senator now, while his younger brother was in POW clothing in a cage in Pershing Square for 2 days to make the case of what was happening to his brother at the ugly nonmercy of the Communists in Hanoi, and I narrated it, traveling around, getting people on. I create the cover of a Life magazine in November 1972, with a Navy hero on it, Ron Dodge, whose remains were finally returned years after I pushed the file at the Vietnamese in Hanoi and had the honor of going to his funeral at Arlington, to have one person at the north end of this building call me and others a hobbyist, this is

not a hobby for me. This is a gut-wrenching issue.

Twelve hundred Americans left behind in Korea, at least three that I can name off, Air Force Captain Earl, known by his friends and his family as Glen Cobeil, C-O-B-E-I-L; Kenneth Cameron, another naval officer, James J. Connell, these men were beaten into a mental state, but recoverable, especially for two out of the three, they could have recovered. And the association of a loving wife Patty and son Jeffrey and a daughter could have even, I believe, brought Glen Cobeil out of this catatonic state that his torture masters had beaten him into. They were left behind under a Republican President, Nixon, left behind to be executed or rot and die because the Vietnamese Communists, the same ones in power right now, the two Senators stood by Clinton's side as we normalized relations with them, those same leaders murdered these men, allowed them to be murdered by Cubans and other guardsmen, pounding on them in savage medieval torture. They were left behind.

Abandoned, hundreds abandoned in Korea, hundreds of air crewmen captured in the spy planes around the periphery of the evil empire, abandoned. Thousands of Americans with Ukrainian and Slavic and Serbian and Russian, Belorussian, Ukrainian last names, abandoned.

It is a pattern in every war that we have had with Communism that we have abandoned men on the battlefield. So after this was signed into law on February 10, the same erosion process started that gutted, by a handful of people in another legislature, not this one, not this body, they gutted out my law that was to take effect August 10, that if you had a permanently permanent, nonreversible by medicine or surgery, a permanently permanent condition that through conduct kept you from being combat trainable or deployed overseas or you were jerked overseas, retrained into some healthy young man of woman's job and they were fired out of the military, that they would be honorably discharged on August 10, and two lame duck people at north end of the building demanded from my leadership here that they take the Dornan law out of Public Law. And it worked for them in May.

So what was signed into law February 10 came out and we now have about 900 people on active duty who have a fatal venereal disease called the AIDS HIV virus. And they are restricted here to the Continental United States. And they are not combat trainable and they are not deployable. And we had to retrain most of them in other jobs. They have medical appointments all year long, and $10,000 to $30,000 worth of drugs. They are in experimental programs. They would all be taken care of beautifully in the VA, in some cases the same hospitals. And that was stripped out of law.

Now it has happened again. This week, when the President, when Clinton signed the defense authorization, out came the Dornan POW law that was actually, as I said, the Dole-Gilman-Lautenberg POW protection law supported by a 7-year Hanoi POW, a hero, SAM JOHNSON of Dallas, TX, spent half of his captivity in solitary confinement in a stinking little hole called Alcatraz where they put 11 of the toughest. PETE PETERSON, who is leaving this Chamber, worked out with me, in a fair compromise, a burden on CINCs, combat commanders in the field, and took out the major objection of one human being in this town.

And then I put this bill together and got 272 original cosponsors, including Mr. MICA sitting in the chair, a House record for 20 years, 272 original cosponsors, when I dumped in, honorably placed it in the bill hopper, introducing it on August 2. Then we picked up 30 more people. Democrats came forward, our one independent, BERNIE SANDERS. When we were through, we almost had 300 cosponsors. I asked my chairman of national security, give me a hearing on this.

We had a special hearing, and the ranking Democrat, RON DELLUMS, and every Democrat in the hearing came on board. Ten before we voted asked to be cosponsors. And we got a vote, DUNCAN HUNTER got a vote, 49 to 0.

And my leadership, breaking promises today, would not put it in the continuing resolution. So I said, give me a stinking suspension, will you, tomorrow? So we are going to debate it on the House. Those people who track this House by electronic means will not understand a suspension, but it means you have to get two-thirds. And we will get that in a breeze in this House. But any suspension going over to the other body this late in the year, one Senator, because that is a body of 100 single legislators, each one is a lone force and only takes one person to blackball it.

I am told it is dead even if it goes out of here unanimously. This is wrong. This is a betrayal of the POW–MIA families. This is a travesty. This is my saddest day here in 20 years. I am not a hobbyist. I cannot believe this. Some people are not up for election in 1996. They are in 1998. I will not forget this. I will not forget banking scandals. I will not forget anything. I am not going to let this sit.

There is one salvation, Mr. Speaker. Our great rules chairman, a marine, proud marine, JERRY SOLOMON, if my Speaker is going to keep his word to me, JERRY SOLOMON can vote out a rule right up there on the third floor of the Committee on Rules. We can put this on that CR. The Dole campaign, his great young campaign manager, Scott Reed called the leader of the Senate today, the leader of the Senate is with me in heart and in mind and said, do it. It is hurting the Dole campaign. It is hurting the Republican contender for the presidency of the United States, who served 38 years his people as a 100 percent disabled vet.

This is his law, his language, he and Mr. GILMAN in this Chamber carried this. Do not hurt his campaign. Do not upset these POW families. Now the Korean families are suffering because we know we left behind 500 wounded and amputees and mentally hurt people because of the horrible conditions in the hell like North Vietnamese Communist camps. They are hurting now. They are going to go to sleep crying theirselves to sleep, sons and daughters, their late 40's, early 50's, because one human being, one contradicts 300 people over here, 49 to 0 on national security and easily two-thirds tomorrow in a suspension.

Where is the leadership here? Where is the leadership? Is tomorrow going to be a day of betrayal at the end of the day when one human being crushes my 20 years of activity on this hill, 40 years, 43 years of studying this issue since it was introduced to me as a young pre-cadet at Williams Air Force base when Army psychiatrists told us young Air Force cadets about the brainwashing and the torture and the prisoners, when I have gotten the documents out of the Eisenhower Library, when I have looked up Life magazines on four F–86 pilots left behind for 2 years on Jack Arnold's B–28 crew where they kept behind the two young radar guys, when I have had 2 years, the last 2 years, I am a hobbyist, a stinking hobbyist. Is that what I am called by a Naval officer whose father I loved, whose grandfather was a legend in the Navy? No, no. This does not sit.

Bob Dole himself, Mr. Speaker, for every veteran in this country from whom he properly asked loyalty, must call himself to the leader of the United States Senate and say, control your troops and get the Dole language that has been law since February 10 and out of law for the last 72 hours, get it back into law tomorrow night. Let these POW and MIA families, who are naturally inclined toward a pro-military strong anti-Communist, strong pro-family party, get behind our nominee.

What a sad day. What a travesty. The fight is on. I will not forget. I am coming back here next year. This sends me home for 39 days tomorrow to fight harder than I have ever fought in my life, to retake my chairmanship on military personnel and move from 8 years on the intelligence committee, and what revelations I am finding out about Communism in the last week, so I can work it as a top secret cleared Congressman with the knowledge on how to get this information that is so precious to us representatives of the people here. I know how to get it now.

□ 2330

And I will probably move to the Government Reform Committee. My leadership is going to have a lot to make up for me for a lot of double talk stripping out Dornan public law. I told my leadership this is not a question of embarrassing me in my district, but you will. It is not a question of making me look like I do not have the support of my leadership, but it will. It is a question of the honor of the Republican

Party, the Grand Old Party, born out of the Civil War, Abraham Lincoln, and that horrible blood letting of brother against brother.

The honor of this party demands that they back up Bob Dole in his language in his presidential race and use any vehicle they can to get around one single human being arrogantly blackballing this. The honor of the Pow's left behind demands this, the honor of every American that may have been experimented on in some stinking Czech-built hospital in North Korea, that the tragedy of what we have done leaving American warriors behind wounded and crying and saying I am from the strongest country in the world that won World War II for the world, and I am being left behind to rot in Communist brutality. Now we have game playing, talking about problems for commanders in chief that has already been resolved by a former Democrat POW, 6 years and 7-year horribly tortured POW on this side of the aisle, PETERSON and SAM JOHNSON.

Now, something else happened to me today. Besides meeting a young man who told me he was corrupted here as a page on the elevator in one of the Rayburn buildings, said it cost him 2 years of school and finally he is getting out of the university late. I also saw Clinton come to the Longworth Office Building, so I thought I would stand in the hall, ask him about tampering with a grand jury system by telegraphing pardon messages through the media, specifically through PBS on Jim Lehrer's show. Got the transcript here from the Wall Street Journal. It is unbelievable. Outrageous is what it is. It is just what the Wall Street Journal calls it.

So I am standing there and out comes that battered wife, George Stephanopoulos. That is what Bob Woodward of Watergate Woodward and Bernstein fame, naval officer, Robert Woodward wrote: George Stephanopoulos is like a battered wife. The volcanic eruptions come out of the man's head with lava flowing all over George, and he is treated like a battered wife. I did not see whose head; the man.

So here comes the battered wife, and he comes up and said what are you doing. You going to talk through the man?

I will insert ''the man'' a lot tonight.

And I said, ''Oh, just wanted to find out about jury tampering, telegraphing messages through media interviews and tampering with witnesses that are at this moment going before the grand jury in Little Rock.''

He says OK.

He runs back into the Ways and Means room, a whole operation is organized. I saw the secret service smiling. I saw the Capitol police laughing. We saw the advance men talking in their little hand mikes, and I cost hundreds of people, I guess, 10 or 15 minutes as they had to run an operation kind of like the Bowery boys, you know playing 24 A, the diversion, to fake me out, and it worked. Got to give it to him.

But they had to announce to the entire press corps, the AP camera man, the Washington Post: Look, here comes the President, everybody—actual word out of advancement: all the press look this way.

So of course I looked that way, too, and we are all looking, and behind me comes AL GORE, Vice President, and the man, and up to the microphone. I turn around, I said, ''Well done, guys.''

But he will get his day in court. I was going to remind him that Paula Corbin Jones had her day in court and he will have his day in court because I am filing impeachment papers. I have got lawyers working on them and have been for about 5 or 6 months, and this may be the crowning issue, this may be the straw on the camel's back, telegraphing pardon messages to people. It is unbelievable.

So I stood there, and I looked, and the first thing that came in my mind was baby boomers in power, and the second thing came to my mind were the words of Maureen Dowd about the scenes on sacred Omaha Beach, that hallowed territory, that hallowed sand where so many Americans died, a thousand in few hours there in Utah Beach on the gorgeous coast of Normandy, France. And I thought of Maureen Dowd, New York Times reporter, her words: The prepubescent yuppies running around serving the man.

Well, listen to this, Mr. Speaker. Seven pounds of heroin were found in the nose cone of an Air Force One aircraft taking the President to the U.N. in New York from Bogotá, Colombia. The President in this case is Ernesto Samper, the man whose Presidency is collapsing in Bogotá, Colombia, a nation which drug users in this country have helped to destroy, particularly cocaine users. They have helped to destroy it.

When you see somebody with a big red bulbous nose and doctors tell me it is not allergies; that makes your eyes water. The nose only swells from alcohol or from tearing up your nasal passages with cocaine. When you see that, you will know that that is a person who has caused—Nancy Reagan had it right, just say no—who has caused a thousand young police officers to be killed in Colombia in the last year, calendar year 1995. This year we are running ahead of a thousand young men.

The head of the police force down there came to my office, speaks pretty good English, he told me that he asked these young boys to go to mass every morning or to Protestant services because they may see Jesus before the sun goes down or during that night. Gun battles over two-thirds of all the main police headquarters; it is kind of a Federal police. It is as though our FBI wore uniforms and had street duty instead of just investigative duties, and they are dying because people want to trip out up here on cocaine, because coke powder snows on Hollywood and snows on some of the elite and some of the not so wealthy, the crack cocaine in some of the poor areas of this country. Thousands of young Federal police officers in Colombia die, and now they have a President taking—it is alleged—narco money. Now this may have been planted on his plane, but the evidence is pretty tough that during his presidential campaign that money was coming in.

Well, so much for that President. How about another President in the free world? Another President? There is more books written on him than I have ever seen. How about this book by Roger Morris? Partners in Power.

Listen to this, Partners in Power: Much bigger in scope then Blood Sport. That was the book by Robert T. Stewart. Blood Sport. And considered more devastating in its frank revelations.

I am going to read some of the clips from this book. I will not have time to read clips from this book. I will not have time to read clips from this book; it is—Boy is the title, and then the name of a President in the free world, Boy something, the political biography by R. Emmett Tyro, Jr.

Remember when I came to the floor with all the books that are still down in my car, and I was too tired to carry them all up here. On the Make, by Meredith Oakley; The Agenda, by Bob Woodward; The Choice, by Bob Woodward; Inside the White House, by David Meredith, where the help talks about dialog in front of the cooks and the servants and the valets, those that were not fired. Blood Sport; Unlimited Access, the conservative action group here, CAT we call ourselves. I wish we called ourselves Tiger and were a little more effective around here since we are a majority within a majority. Why do we get trashed all the time by the lunch bunch? Blood Sport; Unlimited Access.

Here are the new ones. Boy Clinton. And Partners in Power.

Mr. Speaker, an important footnote here. I am not just reading about the man. Here is a book that just had to be written by the most evil person I have ever seen in public service, and it is a race now to see who is going to get that title by Election Day. This is about Robert, whose mother's maiden name was truly Strange—somebody asked me is it not cruel to call him Robert Strange McNamara. That is his name, Robert Strange McNamara. The Living and the Dead. An ex-seminarian, Paul Hendrickson, writes the definitive book, praised by the liberals at the Washington Post, praised by the conservatives at the Washington Times.

Listen to this.

The Living and the Dead, Robert McNamara, and five lives of a lost war, and I remember two of them. I remember the pictures by Bob Capra and Larry—from another war—and Larry Burroughs from Vietnam. Knew my brother Don, who was a photographer. Been in some tough spots.

Remember David Halverson's book, The Best and the Brightest, in 1972, a devastating portrait of McNamara? Halverson said he was a callous, arrogant technocrat who made one catastrophic error after another, blindly enthralled to his own qualifications and calculations, compounded the error by brusquely ignoring or suppressing any arguments or dissent.

Well, The Best and the Brightest has been topped by The Living and the Dead. One story is the tale of Yankee Papa 13, a marine H–34 Choctaw helicopter. They had a whole exhibit to it in the helicopter section at the Air and Space Museum. I hope they bring it back. I do not think it is there now. But this book sets the record straight on a war criminal named Robert Strange McNamara.

But I would beg people to buy this and not read it until after 40 days have gone by. Save this book after the election, when we either contemplate that we have a new President who is a 100-percent disabled American vet and a war hero who is a bridge to a future.

As my young son—not so young anymore, father of three, but as my son Bob Junior keeps saying, Dad, get Bob Dole to say Back to the Future. The young people will understand that. It was a successful movie. We cannot get to the future without going back to the treasured values that made this country so strong.

Mr. Speaker, you heard me say the other day that in a few months we pass 266 million Americans. This is not rocket science. This is pretty simple math. Cut 266 in half, and you get 133. That is how many million Americans there were when Pearl Harbor was struck, 133 million, and here we are exactly double that by Christmas time. Could we accomplish what we did in 3—less than 3 years and 5 months driving an evil demonic Adolph Hitler to suicide in 3 years and 5 months. Could we do that with a country that looks like it did at the Louisiana war games with bread trucks for tanks, tank written in cardboard on the side and Lt. Col. Ike Eisenhower trying to recall his World War I memories down there? I think we can. I think we have only got maybe 5–10 percent of this country that went bonkers and maybe a third of the baby boomers and the drug sexual promiscuity the last 30 years that grew out of the mid-sixties. I do not know. I think we could do it again, but we are going to have to go back to the future.

So when George, excuse me, another war hero, when Bob Dole talks about a bridge and people make a play on his words and make a joke out of it, I do not see any role models right now for young America in the drug category.

I do not have time to read the review on the Boy book, but let me read first the opening of the Wall Street Journal editorial today and then ask unanimous consent to put it in the RECORD in its fulsome detail and then Out To Get The Clintons, this interview with Clinton on PBS News Hour with Jim Lehrer on the 23d. This is opening paragraph:

In some extraordinary statements Monday Clinton stoked Susan McDougal's hopes of a presidential pardon and stepped up the White House campaign against the independent counsel, Kenneth Starr. Before the voters go to the polls in November it seems to us Clinton owes them a forthright explanation about what he would do about both of these issues in a second term, attacking Kenneth Starr, pardoning everybody who he claimed when he was so angered that we voted to pay off Billy Dale and the six other innocent people in the Travelgate scandal when we offered to pay all of their legal—costing the U.S. taxpayers about $500,000, and it is millions that we are paying out for all of these people who have been wronged. And then the Senate went to vote for it. He said he would veto it unless we paid the legal bills of the McDougals and Jim Guy Tucker and everybody he said were so innocent and punished only because they knew him. All these people, indicted, about to be indicted, or going to jail only because they knew him. Yeah, the secret message is not so secret of going on; he is going to pardon him.

Listen to this. Here is the transcript of Lehrer; I will put this in the RECORD. Please do not write my office. Write your own Congressman. Write Mr. MICA if you are in his district in Florida to get the RECORD of today, September 26. Please, Mr. Speaker, let them not write me.

□ 2345

I know the phones are ringing off the wall in my office right now. That is why I have six people staying this late. Remember, it is only coming up on 9 o'clock in L.A., only 7 o'clock in Hawaii.

Mr. Lehrer says, ''Susan McDougal told a Federal judge in Little Rock the other day the reason she was refusing to testify before a grand jury is she believed Kenneth Starr, the independent counsel, was out to get the Clintons. Do you agree with her?''

He is speaking to Clinton.

''Well, I think the facts speak for themselves. And I think we all know about her—she said what she said, and her lawyer said that he felt they did not want her to tell the truth. They wanted her to say something bad about us, whether it was the truth or not;'' us means the Partners in Power; us, whether it was true or not. ''And if it was false, it would still be perfectly all right. And if she told the truth and it wasn't bad about us, she simply would be punished for it. That's what her lawyer said.''

Jim Lehrer, in his deadly low key style, ''Do you believe him?'' ''Well, I think the facts speak for themselves. There's a lot of evidence to support that.'' ''But do you personally believe that is what it is all about, is to get you and Mrs. Clinton?'' ''Well, isn't it obvious'' ''You only obviously believe that, right?'' ''Isn't it obvious?'' I mean, you know, look at the D'Amato hearings. What do (the) D'Amato hearings reveal? Witness after witness after witness testifying that as governor, every time I was given a chance to do something unethical or ethical, I chose the ethical path. Witness after witness after witness, and they still—whenever a question was answered they'd go ask a bunch of new questions.

''But the American people have figured that out. They'll get that.'' That line, ''they'll get that; where have I heard that before?

January 26, on a specially tailored Sixty Minutes program that was only 13 minutes long coming out of the Superbowl, all about a certain scandal involving somebody whose name rhymed with flowers. He said, ''The American people get that. We have had problems. They will get that. They will get that.''

I guess 43 percent got it, but the rest didn't.

''I'm not worried. I trust the people. I think that's what we all should be doing.''

Mr. Lehrer: ''If you're reelected, would you consider pardoning the McDougals and Jim Guy Tucker during a second term?'' ''I've given no consideration to that. You know, their cases are still on appeal. And I would—my position would be that their cases should be handled like others, they should go through—there's a regular process for that, and I have regular meetings on that,'' and on and on and on.

Here it comes. The reason he was over here in the Longworth building, in my building, I am sitting up there in Jim Wright's, the former Speaker's office. The reason he is over here is he thinks he has Bob Dole in a box. People have thought they had Bob Dole whipped before. He thinks he has got it made, so now he can go out and start campaigning to take the House and Senate back.

I didn't know Harry Truman, but I read the Pulitzer Prize-winning biography by David McCullough. You heard me read it the other day on the floor. Harry Truman said, ''you can't ever trust a man who commits adultery. If he will break his word to his wife, you can't trust him on anything. Keep those bimbos away from me. He would run out of the hotel, leave the building, if anybody had women around. Beth could really trust him. We have no Harry Truman here.

Partners in Power. This is tough, so I am going to leave out the man and only talk about people who are not protected by rule 18.

First of all, story: London, Sunday. Imagine the respect factor in Europe. Here is the Sunday Telegraph, London, by Ambrose Evans Pritchard. Some day I am going to get to meet this great journalist.

''The longer he resists pressure to release his medical records, the stronger the suspicions become that he is hiding

something important, perhaps even something that could affect the outcome of some elections.''

''Some press secretary,'' I am leaving out names here, ''was distinctly ambiguous when reporters asked in public whether someone was suffering from a sexually transmitted disease. It seemed almost as if the press secretary wished to encourage this sexual line of inquiry, because the calculation apparently is that nobody cares much about encounters long ago of a sexual nature. The impact, in post-Puritan America, would be nil.''

Imagine the British people reading this in the tube, on the subway.

''But not everybody has fallen for this diversionary tactic. In a biting editorial last week,'' that I missed, so I will have to put it in the RECORD in January, ''the Wall Street Journal asked whether'' someone was covering up a history of drug use. ''Drugs are a much more serious matter. If the American people were ever led to believe that somebody was a heavy user of cocaine while head of a certain subgovernment entity in a certain state, the scandal would be thermonuclear.''

Stories about past drug use by some are a staple of the talk show programs around America, but no major paper in the U.S. has had the guts yet to publish an investigative expose. The Washington Times almost did this week. They came that close. They sent out sheets to people around the country saying, ''Here it comes tomorrow.'' Then they backed off, and I got a headline story out of it, interesting, with my subcommittee on a Czech general saying that Americans were used as guinea pigs from the Korean and maybe the Vietnam War, because it left the whole area above the full front-page story empty.

So he goes on to say, Ambrose Evans Pritchard, to his London audience, in the biggest circulation paper in Great Britain, he says: This is not because drug use is too much of a tabloid issue. Far from it. The mainstream media were quick to print uncorroborated allegations of a stupid convicted felon in the slammer who claimed to have sold marijuana years ago to a young Dan Quayle. Remember how that moved on the network news, the headlines, of establishment paper after liberal paper?

In the case of someone, a number of people have come forward with direct knowledge of drug use, but the press always finds a reason to impugn the source's credibility; hence, a fascinating meeting with 20 of us telling Gary Aldrich, ''We will protect you,'' giving him a round of applause, and then came his two little children. DAN BURTON and I said, ''We were applauding for your honorable dad, Gary Aldrich, author of 'Unlimited Access.'''

Back to the London paper. This is not a tabloid, this is like the New York Times in London, or like the New York Post or Daily News.

He says, in the case of these people that have come forward, nothing short of documentary proof, though, will induce the newspapers to examine the claims. Hence, the intense speculation in Washington about the medical records. But there are other records. A freelance journalist, Scott Wheeler, has obtained copies of the Arkansas State police surveillance audio tapes from the 1984 investigation of a Roger, whose last name is Clinton, the younger brother of somebody. He was eventually convicted for dealing in cocaine and sent to prison.

The tapes revealed that Roger Clinton was a drug trafficker, not just an addict who crossed the line. He can be heard describing how he used to smuggle large amounts of cocaine right through the airports hidden under his clothes. And I have a tape somebody is going to play for me tomorrow where he says, I'm not worried about the cops surveilling me, I've got other cops watching those cops, because I've got a friend in a high place.

And it says, the most interesting comment he makes about the Governor is, got to get some for my brother. He's got a nose like a vacuum cleaner. Then there is the case of Charlene Wilson, currently serving a prison term in Arkansas for drug offenses. She told the Sunday Telegraph in London 2 years ago that she had supplied somebody with cocaine during his first term. He was so messed up that night he slid down the wall into a garbage can.

The story has credibility because she told it under oath to a Federal grand jury in Little Rock in December of 1990. At the time she was an informant for the 7th Judicial District drug task force in Arkansas. Gene Duffy, the prosecutor in charge of the task force, talked to this Wilson lady days after her grand jury appearance. She was terrified, the drug task force person, the prosecutor, says, prosecutor Gene Duffy, she was terrified. She said her house was being watched and she made a big mistake, she shouldn't have talked.

□ 2355

That was when she told me she testified about seeing someone get so high on cocaine he fell into a garbage can. I have no doubt she was telling the truth. What happens to her, Duffy? She's now in hiding in a secret place somewhere in Texas.

What about Charlene Wilson. Charged with drug violations. In 1992 she was sentenced to 31 years for selling a half ounce of marijuana and $100 worth of methamphetamine to an informant. She protested she was set up to eliminate her as a political liability and she appealed on the grounds of entrapment. With the help of a brilliant Arkansas lawyer, John Wesley Hall, her case went all the way to the U.S. Supreme Court—across the street, Mr. Speaker. Finding a violation of her constitutional rights, the court ordered the State of Arkansas to give Ms. Wilson a fresh trial or set her free. She's being set free as of November—probably after the election.

And what about those grand jury transcripts? They are secret, of course, sealed in perpetuity, but every witness has the right to the transcripts of their own testimony if they make a formal request.

So she will probably formally request them and we will get to see them and it may be too late because America has a morality test, all day long until the polls close, a morality test on November 5. And then at the same time it has an IQ test to see what we are going to tell the children in this country.

In this book, ''Partners In Power,'' page 325:

On one of the 1983–84 videotapes—I better give the publisher, Henry Holt. Get this book, folks, Pop for the $27.50, for pete's sake. Henry Hold, ''Partners In Power.''

A fabulous biographer, Roger Morris, writes:

Yeah, there was a mansion in the guest house, Roger answered, oh, they love it. Even sketchy State trooper entry and exit logs at the Governor's mansion would bear him out showing him coming and going at the family quarters accompanies by females, girl, a friend, at least 36 times after February 7, 1983, the height of drug trafficking, and guards recorded visits within days of the women that he was bringing. Roger in with 2 females to change for party. Roger and girl going to the mansion, 2 hours. Girl, in, out. And on one of the 1983–84 videotapes filmed by the local narcotics officers, Roger Clinton was said to tell a supplier jauntily: Got to get some for my brother, he's got a nose like a vacuum.

So there it is, folks. You want the line. Get the book. ''Partners In Power.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MICA). The Chair must ask the gentleman from California to suspend for a moment at this point.

The Chair would remind all Members that it is not in order to engage in personalities toward the President. Although remarks in debate may include criticism of the President's official actions or policy, it is a breach of order to question the personal conduct of the President whether by actual accusation or by mere insinuation.

The gentleman may proceed in order.

Mr. DORNAN. Mr. Speaker, I have a question.

The SPEAKER pro tempore. The gentleman will state his question.

Mr. DORNAN. If a Member has read—and, of course, I was talking about this Member—over 10 books, traveled Arkansas, spoken to people, and believes that a high public official was and may still be a cocaine addict, do I not have a right to state that publicly on the floor of this House?

The SPEAKER pro tempore. The Chair would respond not on the floor of this House. And also in response to a question concerning the proper bounds, the requirements of decorum in debate prohibit any personal abuse of the

President spanning the full range of affronts from the attribution of unworthy motives to name-calling.

The gentleman may proceed in order.

Mr. DORNAN. Mr. Speaker, then let me deviate in the remaining few moments to point out the headline—these are public issues—the headline of yesterday's Washington Times: ''In Jail, McDougal Plays Media Queen,'' is cocky. In Dayroom 212 of Pod B of the Faulker County Jail, she is the queen, she thinks she is going to get pardoned. ''Clinton's Words Fuel Pardon Talk. Will Whitewater Figures Go Free?'' Imagine if a Republican tried this. Today's headline: ''Whitewater Log On Files Has 6-Month Gap.''

These people are being charged with looting banks, and the taxpayers having to make up the difference, pirating money from banks, and if one person is immune from discussion, then let us talk about all the others. A person is known by the company he keeps.

I want to close discussing this rule XVII because people watching this House may be confused about the separation of powers. To keep order in this place, there is comity between Members and the Members in the other body, and it can be stretched when one Member criticizes on the Senate floor this Member for being a hobbyist on a gut-ripping issue like POW issues and Missing In Action, but we have to have some comity here.

But only in this Congress, the 104th Congress, was the office of the President and the office of the Vice President put under the rules, thereby damaging the separation of powers. I can assure you after I file charges of impeachment, articles of impeachment, and I can do it from zero to 1,000, after that, I will move when we reassemble, God willing I am back and you are back, I will demand in our rules from our leadership to finally show the guts to go back to the way this existed for over 200 years, and have this separation of powers so that the offices of the President and the Vice President are no longer included in our rule XVIII that demands civility between ourselves.

Let me read one line about President Samper of Colombia: A scathing assessment of the Bogota scene with its dozens of censored stories, crippling folly and indolence, intellectual shallowness, and social and mercenary corruption by the political world it is supposed to monitor, resulting in a ''day of the locusts'' talk-show demagoguery by liberals.

Mr. Speaker, when you read this, the reaction to a young person would be holy schnikes, how did our great country come to all this corruption and scandals?

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.
Mr. SAWYER, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. STENHOLM, for 5 minutes, today.
Mr. DICKS, for 5 minutes, today.
Mr. MCDERMOTT, for 5 minutes, today.
Mr. CLEMENT, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.
Mr. MCCOLLUM, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. WATTS of Oklahoma, for 5 minutes, today.
Mr. HYDE, for 5 minutes, today.
Mr. MCINNIS, for 5 minutes, today.
Ms. DUNN of Washington, for 5 minutes, today.
Mr. HOUGHTON, for 5 minutes, today.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. DORNAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,527.25.)

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. STARK.
Mrs. KENNELLY.
Mr. HALL of Ohio.
Mr. DINGELL.
Mr. TORRICELLI.
Mr. TRAFICANT.
Mr. YATES.
Mr. SCHUMER.
Mr. FOGLIETTA.
Mr. EDWARDS.
Mr. LANTOS.
Mr. TOWNS.
Mr. MASCARA.
Mr. BONIOR.
Mr. REED.
Mr. BERMAN.
Mr. JOHNSON of South Dakota.
Mr. GONZALEZ.
Mr. HOYER.
Mr. BENTSEN.
Mr. DELLUMS.
Mr. LIPINSKI.
Mr. WYNN.
Mr. MOAKLEY.
Mr. ROSE.
Ms. DELAURO.
Mr. STUDDS.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. DAVIS.
Mr. WICKER in two instances.
Mr. BEREUTER.
Mr. BONO.
Mr. LIGHTFOOT.
Mr. DORNAN.
Mr. CRANE in three instances.
Mr. CHABOT.
Mr. GALLEGLY.
Mr. CASTLE.
Mr. CLINGER.
Mr. SMITH of New Jersey.
Mr. SOLOMON.
Mrs. JOHNSON of Connecticut.
Mr. FORBES in two instances.
Mr. STOCKMAN.
Mr. BAKER of California.
Mr. MCDADE.
Mr. GILMAN in two instances.
Mr. BURR.
Mr. PETRI.
Mr. COBLE.
Mr. ENGLISH of Pennsylvania.
Mr. CALLAHAN in two instances.
Mr. ROTH.
Mr. PORTER.

(The following Members (at the request of Mr. DORAN) and to include extraneous matter:)

Mr. MCDERMOTT.
Mr. PASTOR.
Mr. MENENDEZ.
Mr. TORRICELLI.
Mr. STEARNS.
Mr. KINGSTON.
Mr. SCOTT.
Mr. HASTINGS of Florida.
Mr. MORAN.
Mr. DUNN of Washington.
Mr. RICHARDSON.
Mr. FUNDERBURK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1897. An act to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; to the Committee on Commerce.

S. 1973. An act to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement.

H.R. 2504. An act to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the ''Veach-Baley Federal Complex.''

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county operated health insurance organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the ''Sammy L. Davis Federal Building.''

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the ''Roman L. Hruska Federal Building and United States Courthouse.''

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the ''Sam M. Gibbons United States Courthouse.''

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992.

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:

H.R. 1350. An act to amend the Merchant Marine Act, 1936, to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement.

H.R. 2504. An act to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the ''Veach-Baley Federal Complex.''

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

H.R. 3186. An act to designate the federal building located at 1655 Woodson Road in Overland, Missouri, as the ''Sammy L. Davis Federal Building.''

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the ''Roman L. Huska Federal Building and United States Courthouse.''

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the ''Sam M. Gibbons United States Courthouse.''

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until today, Friday, September 27, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5332. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Regulations Issued Under the Export Apple and Pear Act; Relaxation of Grade Requirements for Apples and Pears Shipped to Pacific Ports of Russia [Docket No. FV–96–33–1 IFR] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5333. A communication from the President of the United States, transmitting supplemental requests to make available appropriations totaling $291,000,000 in budget authority to the Departments of Agriculture, Commerce, Housing and Urban Development, and Transportation as well as the Small Business Administration and the Army Corps of engineers to assist the victims of Hurricanes Fran and Hortense and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–269); to the Committee on Appropriations and ordered to be printed.

5334. A letter from the Chairmen of the Securities and Exchange Commission and of the Board of Governors of the Federal Reserve System, transmitting the report to the Congress on the markets for small business and commercial mortgage related securities, pursuant to Public Law 103–325, section 209; to the Committee on Banking and Financial Services.

5335. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule—Higher Education Programs in Modern Foreign Language Training and Area Studies—Foreign Language and Area Studies Fellowships Program (RIN: 1840–AC28) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5336. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96–128] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5337. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for Eritrea, Ethiopia, and Uganda, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

5338. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Licensing of Commercial Communications Satellites Transferred from the U.S. Munitions List to the Commerce Control List; Expansion of National Security and Foreign Policy Controls on Commercial Communications Satellites and Hot Section Technology for the Development, Production or Overhaul of Commercial Aircraft Engines; Clarification of Jurisdiction for Development Aircraft Designed for Civil Use (RIN: 0694–AB09) received September 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5339. A letter from the Secretary of the Interior, transmitting the annual report entitled ''Outer Continental Shelf Lease Sales'' for fiscal year 1995, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

5340. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area [Docket No. 960129018–6018–01; I.D. 091996B] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5341. A letter from the Acting Deputy Assistant Administrator, National Marine Fisheries Service transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Allow Longline Pot Gear (RIN: 0648–AI96) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Performance-oriented Packaging Standards; Final Transitional Provisions [Docket No. HM–181H; Amdt. Nos. 171–147, 172–150, 173–255, 178–117] (RIN: 2137–AC80) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials By Rail; Miscellaneous Amendments; Response to Petitions for Reconsideration [Docket No. HM–216; Amdt. Nos. 172–148, 173–252, 174–83, 179–52] (RIN: 2137–AC66) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Exemption, Approval, Registration and Reporting Procedures; Miscellaneous Provisions [Docket No. HM–207C; Amdt. No. 173–249] (RIN: 2137–AC63) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Periodic Inspection and Testing of Cylinders; Response to Petitions for Reconsideration, Clarification and Editorial Correction [Docket No. HM–220A; Amdt. Nos. 172–150 and 173–258] (RIN: 2137–AC59) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28692; Amdt. No. 1753] (RIN: 2120–AA65) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Editorial Corrections and Clarifications (RIN: 2137–AC93) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Secretary of Energy, transmitting the 19th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science.

5349. A letter from the Chairman, Interagency Coordinating Committee on Oil Pollution Research, transmitting the biennial report of the Coordinating Committee on Oil Pollution, pursuant to Public Law 101–380, section 7001(e) (104 Stat. 564); to the Committee on Science.

5350. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions (Revenue Proc. 96–48) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5351. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the Agency's implementation of the Waste Isolation Pilot Plant [WIPP] Land Withdrawal Act, pursuant to Public Law 102–579, section 23(a)(2); jointly, to the Committee on Commerce and National Security.

5352. A letter from the Comptroller General of the United States, transmitting the financial statements of the Congressional Award Foundation for the fiscal years ended September 30, 1995 and 1994 [GAO/AIMD–96–147], pursuant to 2 U.S.C. 802(e); jointly, to the Committee on Government Reform and Oversight and Economic and Educational Opportunities.

5353. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled ''Environmental Crimes and Enforcement Act of 1996''; jointly, to the Committees on the Judiciary, Resources, Transportation and Infrastructure, Agriculture, and Commerce.

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. CANADY: Committee on the Judiciary. H.R. 3874. A bill to reauthorize the U.S. Commission on Civil Rights, and for other purposes; with amendments (Rept. 104–846). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2086. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; with an amendment (Rept. 104–847). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 3539. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 104–848). Ordered to be printed.

Mr. CLINGER: Committee on Government Reform and Oversight. Investigation of the White House Travel Office Firings and Related Matters (Rept. 104–949). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MEYERS: Committee on Small Business. H.R. 3158. A bill to amend the Small Business Act to extend the pilot Small Business Technology Transfer program, and for other purposes; with an amendment (Rept. 104–850). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 540. Resolution Waiving points of order against the conference report to accompany the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 104–851). Referred to the House Calendar.

Mr. THOMAS: Committee on House Oversight. House Resolution 538. Resolution Dismissing the election contest against Charlie Rose (Rept. 104–852). Referred to the House Calendar.

Mr. THOMAS: Committee on House Oversight. House Resolution 539. Resolution Dismissing the election contest against Charles F. Bass (Rept. 104–853). 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 Ms. GREENE of Utah:

H.R. 4193. A bill to amend title 18, United States Code, to provide that witnesses in grand jury proceedings have the presence and advice of counsel during that witness' testimony; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. GEKAS, and Mr. REED):

H.R. 4194. A bill to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes; to the Committee on the Judiciary.

By Mr. BALDACCI:

H.R. 4195. A bill to designate a U.S. Post Office in Brewer, ME, as the ''General Joshua Lawrence Chamberlain Post Office''; to the Committee on Government Reform and Oversight.

By Mr. BURR (for himself, Mr. GREENWOOD, Mr. FLAKE, Mr. BROWN of Ohio, Mr. BORSKI, Mr. COBLE, Mr. HEINEMAN, Mr. TAYLOR of North Carolina, Mr. PAYNE of Virginia, Mr. CHAPMAN, and Mr. SMITH of Texas):

H.R. 4196. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging; to the Committee on Commerce.

By Mr. CAMP:

H.R. 4197. A bill to amend the Internal Revenue Code of 1986 to permit States to make advance payments of the earned income credit; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. RANGEL, and Mr. MCDERMOTT):

H.R. 4198. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. MEEK of Florida, Mr. DIAZ-BALART, and Mr. MILLER of Florida):

H.R. 4199. A bill to amend the Act entitled ''An Act to provide for the establishment of the Everglades National Park in the State of Florida and for other purposes,'' approved May 30, 1934, to clarify certain rights of the Miccosukee Tribe of Indians of Florida; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 4200. A bill to amend the Internal Revenue Code of 1986 to encourage the cleanup of contaminated brownfield sites; to the Committee on Ways and Means.

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to encourage qualified conservation contributions by individuals of capital gain property; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 4202. A bill to amend section 6901 of title 31, United States Code, to provide for certain lands taken into trust for Indian Tribes to be included in the definition of entitlement land; to the Committee on Resources.

By Mr. JONES:

H.R. 4203. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, NC, on December 17, 1903; to the Committee on Banking and Financial Services.

By Mrs. KENNELLY (for herself, Mrs. MEEK of Florida, Mrs. MALONEY, Ms. MCKINNEY, Ms. DELAURO, Miss COLLINS of Michigan, Ms. FURSE, Ms. KAPTUR, Ms. Slaughter, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mrs. LOWEY, Ms. NORTON, and Ms. ROYBAL-ALLARD):

H.R. 4204. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Transportation and Infrastructure, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING:

H.R. 4205. A bill to amend title 49, United States Code, concerning employment standards for airport security personnel; to the Committee on Transportation and Infrastructure.

By Mr. LIGHTFOOT:

H.R. 4206. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of the aviation excise taxes for any fiscal year shall equal the expenditures from the airport and airway trust fund for the prior fiscal year, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Government Reform and Oversight, and Transportation and Infrastructure, 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. LIVINGSTON:

H.R. 4207. A bill to amend the Higher Education Act of 1965 to protect the speech and association rights of students attending institutions of higher education; to the Committee on Economic and Educational Opportunities.

By Ms. LOFGREN:

H.R. 4208. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in a handgun and is capable of penetrating police body armor, and to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCOLLUM:

H.R. 4209. A bill to amend the National Voter Registration Act of 1993 to require each individual registering to vote in elections for Federal office to provide the individual's Social Security number and to permit a State to remove a registrant who fails to vote in two consecutive general elections for Federal office from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed

residence, if the registrant fails to respond to written notices requesting confirmation of the registrant's residence; to the Committee on House Oversight.

H.R. 4210. A bill to amend the Immigration and Nationality Act to permit certain aliens who are at least 55 years of age to obtain a 4-year nonimmigrant visitor's visa; to the Committee on the Judiciary.

H.R. 4211. A bill to direct the Secretary of the Army to conduct a study of mitigation banks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCDERMOTT:

H.R. 4212. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself and Mr. THORNBERRY):

H.R. 4213. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO; to the Committee on Resources.

By Mr. ORTON:

H.R. 4214. A bill to amend the Antiquities Act to provide for the congressional approval of the establishment of national monuments, and for other purposes; to the Committee on Resources, 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. PETRI:

H.R. 4215. A bill to provide for the establishment and maintenance of personal Social Security investment accounts for all Americans under the Social Security system; to the Committee on Ways and Means, and in addition to the Committees on Government Reform and Oversight, and 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. REED:

H.R. 4216. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. DINGELL, Ms. MCKINNEY, Mrs. LOWEY, Mrs. CLAYTON, Ms. NORTON, and Mrs. MEEK of Florida):

H.R. 4217. A bill to promote safer motherhood through improved surveillance and research on pregnancy outcomes through health professional and public education regarding pregnancy-related morbidity and mortality, through increased public education concerning folic acid supplements, through requiring health plan coverage of minimum hospital stays for childbirth, and through establishment of quality standards for facilities performing ultrasound procedures; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, 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. SCHUMER (for himself, Mr. REED, Mr. PALLONE, and Mr. MILLER of California):

H.R. 4218. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, Agriculture, Transportation and Infrastructure, and 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. STARK:

H.R. 4219. A bill to amend title 11 of the United States Code to make nondischargeable debts for overpayments received under title XVIII or XIX of the Social Security Act, and to except from automatic stay exclusion from program participation under the Social Security Act; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4220. A bill to amend the Internal Revenue Code of 1986 and titles XVIII and XIX of the Social Security Act to ensure access to services and prevent fraud and abuse for enrollees of managed care plans, to amend standards for Medicare supplemental policies, to modify the Medicare select program, and to provide other protections for beneficiaries of health plans generally, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 4221. A bill to amend the tort claims procedures in title 28, United States Code, to allow a member of a uniformed service to bring an action for personal injury against a health care professional in a uniformed service, with the exception of injuries received during a declared state of war; to the Committee on the Judiciary.

H.R. 4222. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself and Mr. VISCLOSKY):

H.R. 4223. A bill to designate the U.S. post office located at 125 West South Street, Indianapolis, IN, as the ''Andrew Jacobs, Jr., United States Post Office''; to the Committee on Government Reform and Oversight.

By Mr. TRAFICANT (for himself and Mr. DORNAN):

H.R. 4224. A bill to provide for a three-judge division of the court to determine whether cases alleging breach of secret Government contracts should be tried in court; to the Committee on the Judiciary.

By Mr. KING (for himself and Mr. MANTON):

H.J. Res. 196. Joint resolution to recognize Commodore John Berry as the first flag officer of the U.S. Navy; to the Committee on National Security.

By Mr. SHUSTER:

H. Con. Res. 221. Concurrent resolution directing the Clerk of the House to make corrections in the enrollment of H.R. 3159; considered and agreed to.

By Mr. DORNAN:

H. Con. Res. 222. Concurrent resolution providing that George Washington's ''Farewell Address'' shall be read at the beginning of each Congress; to the Committee on Rules.

By Ms. GREENE of Utah (for herself and Mr. HANSEN):

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress with respect to considering addiction to nicotine to be a disability; to the Committee on Economic and Educational Opportunities.

By Mr. THOMAS:

H. Res. 538. Resolution dismissing the election contest against Charlie Rose; considered and agreed to.

H. Res. 539. Resolution dismissing the election contest against Charles F. Bass; considered and agreed to.

By Mr. CASTLE (for himself, Mr. WOLF, Mr. GILCHREST, Mr. GREENWOOD, Mr. GILMAN, Mr. SOLOMON, Mr. INGLIS of South Carolina, Mr. WICKER, Mr. LIPINSKI, Mr. DURBIN, Mr. MCKEON, Mr. HEINEMAN, Ms. LOFGREN, Mrs. MYRICK, and Mr. PORTMAN):

H. Res. 541. Resolution to express the sense of the House of Representatives concerning violence on television; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. MASCARA, Mr. KING, Mr. CARDIN, Mr. MORAN, Mr. MARKEY, Mr. RICHARDSON, Mr. LANTOS, and Mr. CLEMENT):

H. Res. 542. Resolution concerning the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina; to the Committee on International Relations.

By Mrs. SCHROEDER (for herself and Mrs. MALONEY):

H. Res. 543. Resolution expressing the sense of the House of Representatives that the United States and the United Nations should support the election of a woman for the Secretary General of the United Nations; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BASS (by request):

H.R. 4225. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Hey, Da*!; to the Committee on Transportation and Infrastructure.

By Mr. ROTH:

H.R. 4226. A bill to require approval of an application for compensation for the injuries of Eugene Hasenfus; to the Committee on the Judiciary.

By Mrs. THURMAN:

H.R. 4227. A bill to temporarily waive the enrollment composition rule under the Medicaid Program for certain health maintenance organizations; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. LAHOOD.

H.R. 218: Mr. POMBO.

H.R. 789: Mr. WYNN.

H.R. 820: Mr. CAMPBELL and Mr. DICKS.

H.R. 1055: Mr. LIPINSKI and Mr. GREEN of Texas.

H.R. 1136: Mr. KENNEDY of Massachusetts, Mr. FRANK of Massachusetts, Ms. NORTON, and Ms. MILLENDER-MCDONALD.

H.R. 1402: Mr. STUDDS.

H.R. 1406: Mr. SKELTON.

H.R. 1582: Mr. CONDIT.

H.R. 1619: Mr. THOMPSON.

H.R. 1711: Mr. LEWIS of Kentucky.

H.R. 1748: Mr. POMEROY.

H.R. 2011: Mrs. MALONEY, Mrs. MORELLA, and Mr. HERGER.

H.R. 2019: Mr. ROHRABACHER.

H.R. 2089: Mr. LATHAM, Mr. WALSH, Mrs. KELLY, Mrs. CHENOWETH, Mr. HOBSON, Mr. LIGHTFOOT, and Mr. SOUDER.

H.R. 2892: Mr. MCNULTY and Mr. ENGEL.

H.R. 2962: Ms. DELAURO.

H.R. 2976: Mr. ABERCROMBIE, Mr. METCALF, and Mr. JOHNSON of South Dakota.

H.R. 3012: Mr. ZIMMER, Mr. GILCHREST, and Mr. TORKILDSEN.

H.R. 3037: Mr. LUCAS, Mr. LONGLEY, Mr. LAHOOD, and Mr. BROWNBACK.

H.R. 3057: Mr. PALLONE, Ms. WATERS, Ms. HARMAN, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.

H.R. 3077: Mr. HAYES.

H.R. 3084: Mr. CAMPBELL, Mr. BASS, Mr. CAMP, and Mr. DEFAZIO.

H.R. 3142: Mrs. CUBIN.

H.R. 3195: Mr. CALLAHAN, Mr. HILLEARY, and Mr. KIM.

H.R. 3226: Mr. CRAPO and Mr. BONIOR.

H.R. 3368: Mr. MCCOLLUM.

H.R. 3401: Mr. PALLONE.

H.R. 3455: Mr. MCHALE, Mr. STARK, Ms. FURSE, Mrs. MALONEY, and Ms. PELOSI.

H.R. 3498: Mr. BROWN of California.

H.R. 3514: Mr. WELDON of Pennsylvania.

H.R. 3538: Mr. GREEN of Texas.

H.R. 3551: Mr. LAZIO of New York

H.R. 3558: Mr. FILNER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. BROWN of California, Mr. LAFALCE, and Mrs. MINK of Hawaii.

H.R. 3688: Mr. WALSH.

H.R. 3692: Mr. SAXTON, Mr. TAUZIN, Mr. COBLE, and Mr. DORNAN.

H.R. 3714: Ms. KAPTUR and Mr. FRAZER.

H.R. 3775: Mr. FIELDS of Texas, Mr. NORWOOD, Ms. NORTON, Mr. COLLINS of Georgia, and Ms. JACKSON-LEE.

H.R. 3840: Mr. SHADEGG and Mr. HORN.

H.R. 3849: Mr. SHADEGG.

H.R. 3857: Mr. OBERSTAR and Mr. CONYERS.

H.R. 3920: Mr. DELLUMS.

H.R. 3938: Mr. GREEN of Texas.

H.R. 4011: Mr. MINGE, Mr. MCHALE, Mr. DEAL of Georgia, Mr. WELDON of Pennsylvania, and Mr. LONGLEY.

H.R. 4014: Mr. FRANKS of New Jersey.

H.R. 4052: Ms. MCKINNEY, Mr. WAXMAN, Mr. WALSH, Mr. JACOBS, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. COYNE, Mr. KILDEE, Mr. OBEY, Mr. CLAY, Mr. ANDREWS, Mr. LEVIN, Mr. RANGEL, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. MARTINEZ, Mr. EVANS, Mr. BONIOR, Mr. MANTON, Mr. LAFALCE, Mr. PALLONE, and Ms. NORTON.

H.R. 4082: Mr. MARTINEZ, Mr. BONO, Mr. FAZIO of California, and Mr. FARR.

H.R. 4102: Ms. NORTON, Ms. KAPTUR, Mr. MINGE, Mr. CHAMBLISS, Mr. QUILLEN, and Mr. EHLERS.

H.R. 4105: Mr. HANCOCK, Mr. PACKARD, Mr. HEFLEY, Mr. SANFORD, Mr. TATE, Mr. NEUMANN, Mr. TIAHRT, Mr. METCALF, and Mr. CANADY.

H.R. 4113: Ms. NORTON, Mrs. THURMAN, Mr. FATTAH, Mr. HINCHEY, and Mr. FRAZER.

H.R. 4126: Mr. HUNTER and Mr. DORNAN.

H.R. 4131: Mr. FROST, Ms. RIVERS, Mr. BEVILL, Mr. PETERSON of Minnesota, Mr. FILNER, Mr. EVANS, Ms. PELOSI, Mr. CLEMENT, and Mr. RAHALL.

H.R. 4133: Mr. FILNER, Mrs. MEEK of Florida, Mr. BROWN of California, Ms. NORTON, Mr. WATT of North Carolina, Mr. FRAZER, and Mr. HOUGHTON.

H.R. 4145: Mr. MEEHAN, Mr. TOWNS, Mrs. SCHROEDER, Ms. JACKSON-LEE, Miss COLLINS of Michigan, and Ms. NORTON.

H.R. 4148: Mr. BALDACCI, Mr. BARRETT of Nebraska, Mr. BEVILL, Mr. BISHOP, Mr. BONIOR, Ms. BROWN of Florida, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CLAY, Mr. CLYBURN, Mr. CRAMER, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONDIT, Mr. COYNE, Mr. CUMMINGS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEPHARDT, Mr. GORDON, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HAMILTON, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOYER, Mr. JACKSON, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mr. KILDEE, Mr. KING, Mr. KLINK, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LINDER, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MALONEY, Mr. MARKEY, Mr. MCCOLLUM, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Ms. MILLENDER-MCDONALD, Mr. MINGE, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORAN, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. ORTON, Mr. OWENS, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. POMEROY, Mr. PORTER, Mr. POSHARD, Mr. RANGEL, Ms. RIVERS, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Ms. SLAUGHTER, Mr. SOLOMON, Mr. THOMAS, Mrs. THURMAN, Mr. TORRES, Mr. TRAFICANT, Mr. WARD, Ms. WATERS, Mr. WAXMAN, Mr. WILLIAMS, Mr. WISE, Ms. WOOLSEY, and Mr. WYNN.

H.R. 4159: Mrs. FOWLER.

H.R. 4170: Mr. FOX, Mr. BLILEY, Mr. NETHERCUTT, Mr. ENGLISH of Pennsylvania, Mr. DORNAN, Mr. HILLEARY, Mr. SENSENBRENNER, Mr. PAXON, Mr. BARR, Mr. PARKER, Mr. HUTCHINSON, Ms. MOLINARI, Mr. SOLOMON, Mr. CHRISTENSEN, Ms. GREENE of Utah, Mrs. MYRICK, Mrs. CHENOWETH, Mr. BUNN of Oregon, Mr. CANADY, and Mr. DEAL of Georgia.

H.J. Res. 174: Mr. ALLARD.

H.J. Res. 195: Mr. DELLUMS, Mr. FOGLIETTA, Mr. CUMMINGS, and Mr. FROST.

H. Con. Res. 21: Mrs. CLAYTON.

H. Con. Res. 205: Mrs. SCHROEDER, Mr. FILNER, Mrs. LOWEY, Mr. CUNNINGHAM, Mr. BROWN of California, Mr. EVANS, Mr. ACKERMAN, Mr. DOYLE, and Mr. KING.

H. Con. Res. 209: Mr. FLANAGAN.

H. Con. Res. 210: Mr. FIELDS of Louisiana, Mr. PASTOR, Mr. BLUTE, Mr. BRYANT of Texas, Mr. PETERSON of Florida, Mr. BUYER, Mrs. MYRICK, Mr. QUINN, Mr. PALLONE, Mr. ACKERMAN, Ms. MOLINARI, Mr. DAVIS, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. LAHOOD, Ms. LOFGREN, Mr. SABO, Mr. PETE GEREN of Texas, Ms. ROS-LEHTINEN, Mr. BALDACCI, Mr. BEREUTER, Mr. FLAKE, Mr. MCNULTY, Ms. DUNN of Washington, Mr. HEINEMAN, Mr. ENSIGN, Mr. COBLE, Mr. STOCKMAN, Mr. WOLF, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Ms. PELOSI, Mr. BALLENGER, Mr. SCHIFF, Mr. EWING, Mr. CAMP, Mr. LATOURETTE, Mr. MILLER of Florida, and Mr. LOBIONDO.

H. Con. Res. 216: Mr. FAWELL.

H. Con. Res. 218: Mr. WALKER, Mr. KINGSTON, Mr. MICA, Mr. CAMPBELL, Mr. EVERETT, Mr. HOKE, Mr. HOEKSTRA, Mr. GRAHAM, Mr. MCKEON, Mr. NETHERCUTT, Mr. SALMON, Mr. STUMP, Mr. UPTON, Mr. WELDON of Pennsylvania, Mr. BARR, Mr. CHRYSLER, Mr. KOLBE, Mr. ISTOOK, and Mr. FORBES.

H. Res. 30: Mr. CALVERT, Mr. SMITH of Michigan, and Ms. JACKSON-LEE.

H. Res. 441: Mr. COX.

H. Res. 510: Mr. ENSIGN and Mr. FOX.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

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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:

Gracious God, the deepest longing of our hearts is to know You. We echo the yearning of the psalmist when he said, ''With my whole heart I have sought You; oh, let me not wander from Your commandments! Your word I have hidden in my heart, that I might not sin against You.''—Psalm 119:10–12.

Father, help us live today with a sense of accountability to You. So often we live our lives on the horizontal level, thinking only of our wins and losses in our human struggles. There are people we want to please and others we want to defeat. Awaken us to the reality that every word we speak and every action we do is open to Your review. Make us sensitive to our sins against You and Your absolutes for faithful living and responsible leadership. Help us to have Your word, Your will and way, be the mandate in the hidden, inner sanctuary of our souls. Give us courage to remove any idols of our hearts and be true in our commitment to worship only You. Make us fearless, decisive, and unreserved in our desire to be obedient to what You reveal to us today. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

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

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will immediately begin debate on the veto message to accompany the partial-birth abortion ban bill. There is no time agreement with respect to the debate, unfortunately, at this time at least, but it is hoped the Senate can proceed to a vote on the veto override early in the afternoon. Following disposition of the veto message, the Senate may be asked to turn to consideration of any of the following items: The immigration conference report, the Presidio parks bill conference report, the NIH reauthorization bill and the pipeline safety bill.

In addition, the Senate can also expect to begin, if available, the omnibus appropriations bill making continuing appropriations for fiscal year 1997. Therefore, rollcall votes can be expected throughout the day, and Senators should be prepared for late nights for the remainder of the session. I have tried very hard to avoid going late into the night where possible, and we will always cooperate with the Democratic leadership in trying to have an understanding of what the schedule will be and when we will have votes, even if

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A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

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

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they are late at night. But tonight, while I know there are conflicting events, we have to keep open the option of having votes perhaps later on in the night in order to complete our work, if we are going to be able to complete our work before the end of the fiscal year, which, of course, is Monday.

MEASURE PLACED ON THE CALENDAR—H.R. 4134

Mr. LOTT. Mr. President, I understand there is a bill at the desk which is due for its second reading.

The PRESIDING OFFICER (Mr. SMITH). The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection is heard. Under rule XIV, the bill will be placed on the calendar.

SCHEDULE

Mr. LOTT. Mr. President, if I can seek further recognition for comment on our schedule, I know Senators are wondering what is happening to the various bills. The pipeline safety bill has basically been completed, but it still has one incomplete nongermane matter being discussed actively. Hopefully, some resolution can be reached on that, and maybe we can pass the bill on a voice vote.

With regard to NIH reauthorization, it had been my full intent to call it up yesterday. We thought we had all the problems worked out. A new issue arose at the last minute, and we were not able to get it resolved as we went into the night last night. We should not leave without the NIH reauthorization. We will make one more effort today. I will today at some point call that up. If a Senator or Senators have objections, they need to be prepared to come to the floor and actually object.

There is some concern here about how these holds and objections work. I do sometimes get concerned that Senators are not available but they send word over to put on a hold and will not let it be removed without their presence, and then their presence cannot be required. Again, this is not directed to the other side of the aisle. It happens on both sides of the aisle. It is a poor way to do business. Be prepared to object. If you want to object, you have to come and do it.

With regard to the immigration conference report, that bill and the Presidio conference report bill are classic examples of why we have problems developing trust between the Congress and the administration. For weeks, we have been told the problem with the illegal immigration bill was the so-called Gallegly amendment which would have allowed States like California not to have to continue to spend endlessly $2 billion a year for the education of 380,000 or more illegal immigrants' children.

We realized that was a problem. The President made it very clear that with the Gallegly amendment attached, he would veto it. We had a threatened filibuster. So we proceeded to work out a compromise agreement or perhaps even take the Gallegly amendment off the illegal immigration bill.

Eventually, and finally, in an effort to try to have cooperation and to attach the illegal immigration bill to the continuing resolution, the Gallegly amendment was removed. So we were prepared to go ahead with the laboriously developed illegal immigration bill that has been worked on literally for years, not just months, with tremendous effort by the Senator from Wyoming, Senator SIMPSON, Congressman SMITH of Texas, Senator DEWINE, and a wide variety of other Senators and Congressmen. But then when Gallegly was taken off and the bill was ready to go, all of a sudden the administration shows up and says, ''Oh, gee, by the way, we don't like the provisions that might be applicable to legal immigrants in this bill, so if you don't remove title V, we will object to its being put in the continuing resolution, or if it comes to the floor, we will object to unanimous consent. We may even insist on having the bill read in its entirety.'' Absolute, total dilatory tactics, insisting we read aloud the entire bill.

The truth of the matter is, the Gallegly amendment had been used as a mask to cover the opposition of the administration to any real illegal immigration reform legislation. That is really what is going on here. So I am at a loss. We might even say, ''Well, OK, in a good-faith effort, we'll remove title V.'' You know what I think they will do? They will come and say, ''By the way, we have this problem or that problem.'' It is an endless thing.

The American people overwhelmingly expect and want us to pass illegal immigration reform. At some point, I am going to move it forward. If there is objection heard, we will try to go on from there. If they insist on reading, we will just have to have a process to make it clear the Democrats are killing illegal immigration, even without the supposedly controversial Gallegly amendment.

The next step: the Presidio parks bill, a bill that has been in the making not months, not 2 years, but at least 4 years, a bill that has 41 States affected by preservation and parks and conservation. Is it perfect? I am sure it is not. I am sure there is some project or two Senators would like to have in there or some provisions maybe the administration may not like. This is not the end of the world. This is an authorization bill. The administration is in charge of the Park Service. They still have to get appropriations. If there is a problem, they don't have to support the funding.

Again, we were told, well, there are problems with the Tongass language dealing with Alaska, there is a problem with the boundary waters in Minnesota. There were four or five provisions singled out as being veto bait.

To the credit of the chairman and Members on both sides of the Capitol, and both parties, they said, ''We will take these controversial provisions out.''

Now we have an omnibus parks bill, important for the preservation of the future. There is tremendous support for the Presidio bill. We can move this bill. We were ready to go. It was already passed overwhelmingly in the House, and it is in the Senate. Then word comes up, down—whatever—from the White House, ''Oh, gee, we have these other little problems.'' Not one, not two, not three, not four. ''We have these other problems.''

I think our colleagues on the other side of the aisle were stunned. As a matter of fact, this bill has the support of the Senators from California, I believe, who attended a press conference.

Mrs. BOXER. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mrs. BOXER. The majority leader is correct that we are anxious for this bill. We were pleased, Senator FEINSTEIN and I, to go to the press conference, but we had not read the 700 pages of the bill. But we do hope very much, as I know you do, that we can work all these problems out. And we do stand ready.

I would say to the majority leader, on behalf of my leadership, we are ready to enter a time agreement on this veto message override. We were hoping to start probably at 9 and finish probably at 12. We have had many colleagues come over for the last 2 days in morning business, as I am sure my colleague is aware, to speak about this issue. We think in 3 hours, the time equally divided, we could have voted at noon. The problem we had on your side was they did not want a vote at noon. So I just want to make it clear that there is a great willingness to work with the majority leader to get this done and to move on. I share his hope that we can work out our problems. I certainly stand ready, as a Senator from California who has much at stake on both of these bills that my colleague referred to.

Mr. LOTT. If I could respond, Mr. President.

I would like for us to see if we could reach a time agreement. If I could go back to a little history, there were those who wanted 6 or 7 or 8 hours today. I said, we have had time to talk about this. We need to go ahead and have a final vote; it is a very important issue, but wrap it up. There was a little problem in that you and your leadership have a luncheon-type rally with

the President coming today, and you needed time between 12 and 2. And we are always trying to accommodate all kinds of Senators' schedules coming and going. So there was a narrow window in there where we would have it hopefully around 12. That is what I was hoping for. We ran into a conflict. We would like to get it around 2, if we can. If we need to go to 2:30 because of your luncheon meeting, we can make it 2:30.

Mrs. BOXER. I say to my colleague, I know that the Democratic leader and the majority leader have talked about this. I know from him that it would not be acceptable, because as Senator Dole came here for a meeting with Republican colleagues of the House and Senate, so does President Clinton and Vice President GORE, they do come here. We certainly would all want to be there for that meeting, just as we cooperated when Senator Dole was here. Therefore, we would not be on the floor between 12 and 2 to debate this matter, and we do not think that is appropriate, particularly since this is an issue that needs explanation. This is an attempt to override the veto by the President. So we thought that was an unfair situation.

Mr. LOTT. I do not know of any luncheon that goes longer than 2 hours. Could we then have 1 hour of debate after your luncheon and vote at 3?

Mrs. BOXER. I will confer with the Democratic leader, because we are anxious to get done.

Mr. LOTT. We have the possibility of business luncheons and dinners and meetings. I am not complaining about that.

Mrs. BOXER. When Senator Dole came, I noticed all the Republicans were there, as well they should have been. But the fact is we would never interfere with you taking a break. We just want to make sure we are on the floor as this debate proceeds. So we were hopeful we could wrap it up at noon. We cannot wrap it up at noon. If we take a break for that 2-hour period and then have a——

Mr. LOTT. Mr. President, we want to accommodate that luncheon. We understand you want to do that. We would honor that. It may be even that we could do some other debate during that time. Maybe we can work on some of these other issues. Or if you want to vote at 3 o'clock, I will be flexible to accommodate your luncheon, but I think we should be ready to go to a vote as soon as everybody makes their final points.

Mrs. BOXER. I will confer with the Democratic leader.

Mr. LOTT. With regard to the Presidio conference report, we do have that pending. At the request of the Democratic leader, we are trying to see what the complaints of the administration are. But it sure is hard to get to the goalposts when the goalposts keep moving. This is a big bill, one of the two or three most important preservation and conservation issues of this Congress, maybe the most important. Once again, even after we complied with the request to move out certain objectionable features, the administration is having problems with it.

Mr. President, do I have leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

Mr. LOTT. Mr. President, I would like to have time for a statement on the issue pending before us. Do I need to use leader time at this point in order to proceed on that?

The PRESIDING OFFICER. The Senator may use his leader's time or he may use time to lay down the measure and then speak on it while it is pending.

Mr. LOTT. Mr. President, I seek recognition under the time that is available under the bill, not the leader time. I reserve that for use later in the day.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message on H.R. 1833.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

The House of Representatives having proceeded to reconsider the bill (H.R. 1833) entitled ''An act to amend title 18, United States Code, to ban partial-birth abortions,'' returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding?

Mrs. BOXER addressed the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. LOTT. Mr. President, the debate we are going to hear today on this partial-birth abortion issue is certainly not an easy one. It is a discussion of matters that we really should not even have to talk about and should not have to deal with, not in this country, not in this day in age, not among people who profess regard for human rights.

I cannot imagine a more blatant disregard of the most fundamental human right, the right to life, than this partial-birth abortion procedure.

I will spare the Senate another graphic description of the procedure. I know the Senators know it by now. And more and more Americans are becoming familiar with this procedure.

Without regard to religion, race, sex, philosophy, or party, people have to be horrified that this procedure is actually used as often as it is.

All of us who have followed this debate over the past year must have by now permanent memories of what we have heard and seen. The almost-born baby, the surgical scissors, the dehumanizing terminology that transforms the killing into a medical procedure.

I think there has, in the process, been a tremendous amount of misinformation—some might say disinformation. There are some facts we need to be made aware of. We were told that partial-birth abortions sometimes are necessary to protect the mother's health or fertility. I do not believe that is so.

I think the facts do not bear that out. I discussed this procedure this morning with my wife, who has a medical-related background. She said there clearly are other options that can be used that would be safe to both mother and the baby.

Former Surgeon General C. Everett Koop, along with many prominent specialists in obstetrics and gynecology, has made clear ''that partial-birth abortion is never medically indicated to protect a mother's health or her future fertility.''

We were told that partial-birth abortions were rare, but they are not. This week's Time magazine claims there are only about 600 partial-birth procedures in the entire country. I do not consider 600 insignificant. Yet, earlier this month the Bergen County Sunday Record reported that in New Jersey alone at least 1,500 partial-birth abortions are performed each year.

Just this week in the Washington Post—yes, even the Washington Post—an article by Richard Cohen indicated that when he checked into it, when he found the facts, he found it no longer acceptable.

Mr. President, I ask unanimous consent that a copy of his article in that newspaper be printed in the RECORD.

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

[From the Washington Post, Sept. 24, 1996]

A NEW LOOK AT LATE-TERM ABORTION

(Richard Cohen)

Back in June, I interviewed a woman—a rabbi, as it happens—who had one of those late-term abortions that Congress would have outlawed last spring had not President Clinton vetoed the bill. My reason for interviewing the rabbi was patently obvious: Here was a mature, ethical and religious woman who, because her fetus was deformed, concluded in her 17th week that she had no choice other than to terminate her pregnancy. Who was the government to second-guess her?

Now, though, I must second-guess my own column—although not the rabbi and not her husband (also a rabbi). Her abortion back in 1984 seemed justifiable to me last June, and it does to me now. But back then I also was led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed. I was wrong.

I didn't know it at the time, of course, and maybe the people who supplied my data—the usual pro-choice groups—were giving me what they thought was precise information. And precise I was. I wrote that ''just four one-hundredths of one percent of abortions are performed after 24 weeks'' and that ''most, if not all, are performed because the fetus is found to be severely damaged or because the life of the mother is clearly in danger.''

It turns out, though, that no one really knows what percentage of abortions are late-term. No one keeps figures. But my Washington Post colleague David Brown looked behind the purported figures and the purported rationale for these abortions and found something other than medical crises of one sort or another. After interviewing doctors who performed late-term abortions and surveying the literature, Brown—a physician himself—wrote: ''These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not.''

Brown's findings brought me up short. If, in fact, most women seeking late-term abortions have just come to grips a bit late with their pregnancy, then the word ''choice'' has been stretched past a reasonable point. I realize that many of these women are dazed teenagers or rape victims and that their anguish is real and their decision probably not capricious. But I know, too, that the fetus being destroyed fits my personal definition of life. A 3-inch embryo (under 12 weeks) is one thing; but a nearly fully formed infant is something else.

It's true, of course, that many opponents of what are often called ''partial-birth abortions'' are opposed to any abortions whatever. And it also is true that many of them hope to use popular repugnance over late-term abortions as a foot in the door. First these, then others and then still others. This is the argument made by pro-choice groups: Give the antiabortion forces this one inch, and they'll take the next mile.

It is instructive to look at two other issues: gun control and welfare. The gun lobby also thinks that if it gives in just a little, its enemies will have it by the throat. That explains such public relations disasters as the fight to retain assault rifles. It also explains why the National Rifle Association has such an image problem. Sometimes it seems just plain nuts.

Welfare is another area where the indefensible was defended for so long that popular support for the program evaporated. In the 1960s, '70s and even later, it was almost impossible to get welfare advocates to concede that cheating was a problem and that welfare just might be financing generation after generation of households where no one works. This year, the program on the federal level was trashed. It had few defenders.

This must not happen with abortion. A woman really ought to have the right to choose. But society has certain rights, too, and one of them is to insist that late-term abortions—what seems pretty close to infanticide—are severely restricted, limited to women whose health is on the line or who are carrying severely deformed fetuses. In the latter stages of pregnancy, the word abortion does not quite suffice; we are talking about the killing of the fetus—and, too often, not for any urgent medical reason.

President Clinton, apparently as misinformed as I was about late-term abortions, now ought to look at the new data. So should the Senate, which has been expected to sustain the president's veto. Late-term abortions once seemed to be the choice of women who, really, had no other choice. The facts now are different. If that's the case, then so should be the law.

Mr. LOTT. But the most important fact in this debate is that the subject of partial-birth abortion cannot be dismissed as an embryo or as a fetus or what the abortion industry actually refers to as ''the product of conception.''

No. In this case, the subject is a baby, a baby moments away from being born, from making its first cry, from taking its first breath; a baby who, in only a few moments, would be squinting its eyes against the lights of the delivery room; a baby who, in only a few minutes, would be trying, in its clumsy newborn way, to nurse.

That baby is the reason why we have come so far with this legislation. That baby is why the House of Representatives, with significant Democratic support, overrode the President's veto of this bill.

A veto override has been a rare occurrence in the last 2 years. But that baby is why so many members of the President's own party have broken with him on this issue, why some Senators who voted against this bill earlier are now laboring with the decision and are perhaps going to change their vote.

In my own State of Mississippi, Eric Clark, the Democratic secretary of state, newly elected, highly acclaimed for his efforts so far, refused to attend an event celebrating President Clinton's 50th birthday in protest against the veto of this bill.

In Alabama, Circuit Judge Randall Thomas, a long-time Democrat, resigned his judgeship to protest the President's veto of this bill. Judge Thomas declared, ''We're killing babies. It breaks my heart.''

In Texas, Jose Kennard resigned from the executive committee of the Texas Democratic Party to protest the veto.

The president of the 100,000-member International Union of Bricklayers and Allied Craftworkers, John Joyce, has broken ranks with most of organized labor by refusing to support the President because of the veto of this bill.

All of which brings me to what I most want to say to my colleagues here in the Senate today. John Kennedy once observed that sometimes party loyalty demands too much. I know what he meant. I found myself in that position on a few occasions over the years, on at least one or two occasions stepping aside from my position as the minority whip in the House, because I could not in good conscience advocate the position that was being promoted by my party and my President. I just could not do it. So while I would not work it, I could not work against it in view of the fact I had a leadership position in the party, so I stood aside.

It is not easy to vote against a President of your own party. I know. I felt those pressures sometimes tremendously in the leadership as whip in both Houses. Especially it is true on a vote to override his veto. However, I have done it a few times, and I remember a couple times voting to override President Reagan's vetoes. That was very tough to do because I loved him, but on occasion you had to stand for principle or your constituency or your conscience.

This is a political year. That makes it all the more difficult to get in a position of closing ranks. I understand that. But sometimes party loyalty does demand too much, and this is one of those times. When I came to Washington almost three decades ago, I came as a Democrat. I know something about the Democratic Party's tradition and heritage. Keeping partial-birth abortion legal is not part of that tradition. Protecting those who routinely perform hundreds of partial-birth abortions in their clinics is not part of the heritage of either party. Turning a blind eye to an atrocity is not a part of the heritage of the Democratic Party and certainly not of the Republican Party, either.

Yes, this is a political season, and if this bill dies, if the Senate upholds President Clinton's veto, partial-birth abortion will immediately become one of the most powerful issues in the fall elections. That is not a warning. It is just a candid statement of fact. It is happening already, all across America. I am asking my colleagues on both sides of the aisle to take this away from politics. Put an end to it. Keep it out of the elections by voting today to end it.

I ask my Democratic colleagues to join us to override President Clinton's veto, and in the process give children a chance to live, who, with this procedure, clearly would not live. We can still have our disagreements about abortion, but we need not have daily on our conscience this wound, this affront, this offense of partial-birth abortions.

I do not know what else I can say except to assure you I am speaking from the heart today. I would rather not have this issue available for political gain or political use. What I would rather have is a way to get rid of this terrible procedure that is a plague on our country's conscience. There is so much violence in our society, sometimes we seem powerless to stop it—on the streets, drive-by shootings and crime, drug abuse, drug pushing and all that is going on. There is too much suffering for which sometimes we feel like we can do little. I know we can do more, and we will. This is one horror we can stop if we act together in a nonpartisan way and let nothing but our conscience dictate our actions.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

I have next to me, Mr. President, a picture of Coreen Costello, with her new baby, Tucker. Coreen is a full-time wife and mother. She has three children now, Tucker being the youngest. Her husband, Jim, is 33, and is a chiropractor.

If it was not for the procedure that Senator LOTT, Senator DEWINE, and many other Senators here want to outlaw, Tucker would never have been born because Coreen could have been made infertile if she did not have that procedure. Her doctor writes, ''She might have died without the procedure,'' leaving her two other children

without a mother for the rest of their life.

Coreen writes to us, as Democrats and Republicans, that we should support the President's veto. It would not have been possible for her to have Tucker without the procedure that this Congress wants to outlaw. She says, ''Please, please give other women and their families this chance. Let us deal with our tragedies without any unnecessary interference from our Government. Leave us with our God, our families, and our trusted medical experts.''

Mr. President, the bill before the Senate which bans a medical procedure, even if it is necessary to save the life of a woman, or to spare her serious adverse long-term health risks, the bill before the Senate, if it becomes the law, will result in women dying, women suffering, women becoming infertile, maybe paralyzed, surely gravely harmed.

Women like Coreen Costello and others I will talk about today, several of whom are on Capitol Hill talking to Senators, several of whom are here with us during this debate, these are women who have been devastated by pregnancies gone wrong, gravely and tragically wrong—women who deserve our support, not our wrath.

It has been my purpose ever since this debate began many, many months ago, and it has been the purpose of Senators like PATTY MURRAY and CHUCK ROBB and others, to put a woman's face on this issue.

Let me unequivocally say that the bill that is before the Senate, the vetoed bill, is not about whether abortion should be allowed in the late term of a pregnancy, of a healthy pregnancy. It is not about that. There is not one Senator that believes a healthy pregnancy in the late term should be aborted—not one—despite what has been said on this floor over and over the past few days.

Our President does not believe that abortion should be allowed in the late term. As a matter of fact, our President, as Governor of Arkansas, signed a bill outlawing late-term abortion in all cases except if the woman's life or health was at stake.

Roe versus Wade, the law of the land on this matter, which is broadly supported in this country and in this U.S. Senate, gives no right to unregulated late-term abortion.

So those who support Roe do not support late-term abortion. The Senator from Pennsylvania, Senator SANTORUM, in the last couple of days, when I was not on this floor, and then when I came to this floor, asked me over and over again did I support abortion in a healthy pregnancy. I said, ''No, I do not.'' I think it is extremely sad that Senators would come down to this floor and, on such an issue, try to say that another Senator has a view that is not, in fact, that Senator's view. I think it is sad, I think it is demeaning to this institution, and I think it shows a lack of respect for one another, and I am very sorry about that.

Mr. President, the bill that is before us, which has been vetoed by the President, is not about choice, it is about health and life. Frankly, I believe that it is about politics. That is the saddest thing of all. Why else do you think this override is before us now, very close to this election, in the waning hours of the session? The Republican Congress has had this vetoed bill for more than 5 months. But it is brought to us right before the Republican leadership gets ready to adjourn this Congress to go home and campaign.

After distorting what this bill is really about—although we will be on the floor minute by minute to reply to these distortions—they hope to go home and make political points, make political commercials, and say that those of us who disagree with them are defending late-term abortion, when we are not. We are defending the lives of women—women like Coreen Costello, mothers, loving family members, who have asked us, in the name of God, to allow them to save these mothers.

I think not only is this political that we have seen months go by without action on this veto override—not only is it political, but it is cynical. It is cynical because I believe they know that if we added a true life exception to this bill—and there is no Hyde language, there is no true life exception in this bill, which I will go into later in the day, they know that if they added a true life exception to this bill, and a strong and tightly worded health exemption to this bill, this bill would pass overwhelmingly and the President would sign it. He has said he would sign it. In his veto message, he holds out his hand and says: Make an exception in cases like Coreen's and I will sign the bill. Again, this is the President who was Governor of Arkansas, who signed a bill to outlaw late-term abortion.

So, in its current state, without those exemptions added to it, which we all would vote for—it would pass by unanimous consent in a moment. We could send it back to the House, they could act on it, we could send it to the President's desk. But without those exemptions, what is the bill about? It is about banning a medical procedure that doctors have testified is necessary in certain tragic circumstances to save a woman's life or to spare her unbelievably tragic health consequence. Surely, if we have a heart, we should not ban such a procedure in those circumstances.

Now, I ask, why would Senators want to place themselves in an emergency room, in an operating room, and prevent the doctor from saving a woman's life? Why would a Senator want to place himself or herself in an emergency room or an operating room and stop the doctor from saving a mother, a woman, from irreversible paralysis or infertility? Why? Why?

Now, I know those of us who go into politics are not shy or reticent people. I know we have confidence in ourselves and we believe in ourselves. In order to take a lot of harsh criticism and the hits that we take every day, we have to be strong, we have to be secure, we have to believe in ourselves. But surely we are not that egotistical to believe that we know more than well-trained physicians, and surely we are not so egotistical that we believe we should outlaw a medical procedure that many doctors say they need. Not every doctor says he or she needs it, and we have heard the letters from those who say they don't feel it is necessary. But there are many other doctors who feel it is necessary, like doctors at the Columbia School of Health.

In a letter dated yesterday, Allan Rosenfield, dean of the Columbia University School of Public Health writes:

> The bill in Congress targeting intact D&E abortion, H.R. 1833, is an extreme piece of legislation in that it provides no exception at all for abortions necessary to preserve a woman's health, or in cases where a severe fetal abnormality is incompatible with survival after delivery. To force a woman to carry to term a fetus with a horrible abnormality, such as absence of a brain, once the diagnosis is known, is truly cruel and inhumane.

Are we that egotistical to think we know more than those doctors?

And then a medical doctor from Colorado writes:

> I can assure you that I know of no physician who will provide an abortion in the seventh, eighth, or ninth month of pregnancy by any method at all, for any reason, except when there is a risk to the woman's life or health, or a severe fetal anomaly.

The doctor talks about Coreen Costello, whose picture is right here with her son, who she never could have had if she didn't have this procedure, because she could have been rendered infertile.

The fact is that women like Coreen Costello, a Republican who is opposed to abortion, who desperately wanted her daughter Katherine Grace to be able to live, are exactly the women who would be affected should this bill become law. And these women would be devastatingly hurt by it. They would have a safe medical option taken away from them at their time of greatest need.

The doctor goes on:

> I have dedicated much of my professional life to the health of these women. They are the patients to whom we physicians must commit our greatest skill and compassion. We cannot do that if we risk jail for exercising our best medical judgment.

Are we that egotistical? Do we think we know more than doctors, those who take the Hippocratic oath and swear that they will do everything in their power to save lives? My colleagues on the other side of this issue say this procedure is not necessary. They think they know more. They think they know more than these doctors, and they have doctors who say they don't ever use this procedure. If those doctors don't feel they need that procedure, that is up to those doctors. But don't ban a procedure that other doctors say is absolutely necessary to save

a woman's life, or spare her irreparable permanent damage to her body. Do Senators have that much arrogance, that much hubris, that they want to take away an option from a doctor who swears to God to do everything he or she can do to save lives? I hope not. I hope and I believe that enough Senators will stand with these women, and with our President who stands with these women, and these families, and I hope and I believe they will stand for them and that they will in fact sustain this veto.

Mr. President, I have lived quite awhile and I have seen a lot of life. I have seen enough to know that if my daughter, who just gave me a magnificent grandson, found herself in the late term of pregnancy with a tragic situation like the one of Coreen Costello—where she did not know because science couldn't tell us at the early stages that this pregnancy was tragic, indeed that perhaps the baby had no brain but that the head was filled with fluid and the baby could never live but for a few excruciating seconds—if my daughter found out that the child that she was bearing and loving and wanting had an anomaly such as this, and, if the doctor told me, told my daughter's father, told my daughter's husband that we might lose her were it not for this procedure and that my son might lose his sister and my grandson might lose his mother, and all because some Senator decided he knew better than a doctor who was trained for years in just such medicine, I think if I could get past my anger, I would tell such Senators to stay out of my family's life, to stay out of my family's love, and let us decide together with our God and our doctor.

I would say to that Senator, ''If you want to do this to your own family, if you want to tell your daughter that she cannot have the safest procedure, that is your right. But don't you tell that to my family.'' I would say, if I could get past my anger, ''I didn't elect you to be a surgeon, or a physician, or to play God with my daughter. Stay out of my family's life, stay out of my family's love, and let us decide with our doctor and our God how to handle this most tragic situation.'' I would say that.

That is exactly what the women who have had this procedure are telling us. They were on Capitol Hill last week. They are on Capitol Hill this week, and they are courageous. They are courageous because in telling their stories they are reliving the most difficult moments of their lives. I had the privilege of meeting such families and introducing them to some my colleagues. Many of these women are very, very religious. They are against abortion. But all of them oppose this bill and support President Clinton's decision to stand with them and veto that bill.

Again, at any moment we could have a unanimous-consent request to add a health and life exception to this bill, and we could walk side by side and have a bill signed into law.

So who is it that is playing politics with this? I ask. The women who were here on the Hill who have come to tell their stories are not doing it for themselves but for others who could face the same horror that they did. They are here to stand up to those Senators who would have condemned them to grave injury—maybe even to death.

I ask my colleagues to vote for these women and their families and families like them who need every medical option at their disposal. This issue is not about choice. Roe versus Wade does not give a woman a choice to have an abortion at the end of her pregnancy—only if her life and health is at undeniable risk.

Let me repeat that. There is no law or Supreme Court decision that allows a woman to have a late-term abortion—only if her life is at stake, or she faces severe health risks.

So we can pass a bill today that will allow this procedure to be used only if a woman's life is at stake, or if she faces severe serious health consequences. The President would sign such a bill. He has stated so in his letter.

Let me read to you from the President's letter. I believe that every American who listens to this letter will see the compassion in our President toward women and families who find themselves in tragic danger and circumstances, and to children. Yes, to children. If Coreen Costello didn't have that procedure, she could have died. She has two other children, and the President cares about those children and about this child, and about this woman.

The President writes:

DEAR MR. LEADER: I am writing to urge that you vote to uphold my veto of H.R. 1833, a bill banning so-called partial-birth abortions. My views on this legislation have been widely misrepresented, so I would like to take a moment and state my position clearly.

This is the President.

First, I am against late-term abortions and have long opposed them, except, as the Supreme Court requires, where necessary to protect the life or health of the mother. As Governor of Arkansas, I signed into law a bill that barred third trimester abortions with an appropriate exception for life and health. I would sign a bill to do the same thing at the Federal level if it were presented to me.

Here is the President saying that as Governor he outlawed late-term abortions but for the life and health, and he would in fact sign the bill outlawing this procedure if there was an exception for the life and health.

The procedure aimed at in H.R. 1833 poses a difficult and disturbing issue. Initially, I anticipated that I would support the bill. But after I studied the matter and learned more about it, I came to believe that it should be permitted as a last resort when doctors judge it necessary to save a woman's life or to avert serious consequences to her health.

In April, I was joined in the White House by five women who were devastated to learn that their babies had fatal conditions. These women wanted anything other than an abortion, but were advised by their doctors that this procedure was their best chance to avert the risk of death or grave harm, including, in some cases, an inability to bear children. These women gave moving testimony. For them, this was not about choice. Their babies were certain to perish before, during or shortly after birth. The only question was how much grave damage the women were going to suffer. One of them described the serious risks to her health that she faced, including the possibility of hemorrhaging, a ruptured cervix and loss of her ability to bear children in the future. She talked of her predicament.

And then the President, in his letter asking for our support, quotes this woman:

Our little boy had . . . hydrocephaly. All the doctors told us there was no hope. We asked about in utero surgery, about shunts to remove the fluid, but there was absolutely nothing we could do. I cannot express the pain we still feel. This was our precious little baby, and he was being taken from us before we even had him. This was not our choice, for not only was our son going to die, but the complications of the pregnancy put my health in danger, as well.

The President, retelling stories that we hear from families all over this Nation, families, some of whom oppose all abortion, some of whom support Roe verses Wade, some of whom are extremely religious, some of whom are Democrats and some of whom are Republicans and some who are Independents. This is about health and life and compassion.

The President goes on:

Some have raised the question whether this procedure is ever most appropriate as a matter of medical practice. The best answer comes from the medical community, which believes that, in those rare cases where a woman's serious health interests are at stake, the decision of whether to use the procedure should be left to the best exercise of their medical judgment.

The problem with H.R. 1833 is that it provides an exception to the ban on this procedure only when a doctor is convinced that a woman's life is at risk, but not when the doctor believes she faces real, grave risks to her health.

Let me be clear. I do not contend that this procedure, today, is always used in circumstances that meet my standard. The procedure may well be used in situations where a woman's serious health interests are not at risk. But I do not support such uses, I do not defend them, and I would sign appropriate legislation banning them.

The President of the United States says if this procedure is used in any other circumstance other than health and life of the mother, he would ban it, and we could do that by unanimous consent today. I want to alert my colleagues, at some point during the debate I will be making a unanimous consent request to do just that. I wanted to alert them to that.

The President goes on:

At the same time, I cannot and will not accept a ban on this procedure in those cases where it represents the best hope for a woman to avoid serious risks to her health.

I also understand that many who support this bill believe that a health exception could be stretched to cover almost anything, such as emotional stress, financial hardship

or inconvenience. That is not the kind of exception I support. I support an exception that takes effect only where a woman faces real, serious risks to her health. Some have cited cases where fraudulent health reasons are relied upon as an excuse—excuses I could never condone. But people of good faith must recognize that there are also cases where the health risks facing a woman are deadly serious and real. It is in those cases that I believe an exception to the general ban on the procedure should be allowed.

Further, I reject the view of those who say it is impossible to draft a bill imposing real, stringent limits on the use of this procedure—a bill making crystal clear that the procedure may be used only in cases where a woman risks death or serious damage to her health, and in no other case. Working in a bipartisan manner, Congress could fashion such a bill.

That is why I asked Congress, by letter dated February 28 and in my veto message, to add a limited exemption for the small number of compelling cases where use of the procedure is necessary to avoid serious health consequences. As I have said before, if Congress produced a bill with such an exemption, I would sign it.

In short, I do not support the use of this procedure on demand or on the strength of mild or fraudulent health complaints. But I do believe that it is wrong to abandon women, like the women I spoke with, whose doctors advise them that they need the procedure to avoid serious injury. That, in my judgment, would be the true inhumanity. Accordingly, I urge that you vote to uphold my veto of H.R. 1833.

He finishes with these words:

I continue to hope that a solution can be reached on this painful issue. But enacting H.R. 1833 would not be that solution.

I ask my colleague from Pennsylvania, without losing the right to the floor, did he want to offer a unanimous-consent request?

Mr. SANTORUM. I thought we did, but I have just been informed to wait a second. Have you seen the unanimous consent?

Mrs. BOXER. No, I have not.

Mr. SANTORUM. I will hand a copy to my colleague.

Mrs. BOXER. I thank the Senator.

Mr. SANTORUM. Will the Senator yield for 1 second?

Mrs. BOXER. I will be happy to yield.

GOLDEN GAVEL AWARD

Mr. SANTORUM. I just wanted to recognize the Senator from New Hampshire. I have been informed that the hour of 10 o'clock will be the 100th hour of the Senator from New Hampshire presiding in the Chair. He will be awarded a golden gavel for doing so. I just wanted to commend him for his work in that regard. My understanding is he is the first Senator from the State of New Hampshire to receive such an award. I congratulate the distinguished Senator.

Mrs. BOXER. May I add my words of congratulations? I have not sat in that chair as often as I would like to, so I am falling far behind his record, but I do offer my congratulations to the Senator from New Hampshire.

It is difficult, sometimes, to sit there, particularly when I know the Senator would love nothing more than to jump into this debate at any point during my words here, so I particularly want to thank him for his generosity of spirit.

UNANIMOUS-CONSENT AGREEMENT

Mr. SANTORUM. If the Senator will yield, I will propound the unanimous-consent agreement.

I ask unanimous consent there now be 4 hours for debate on the veto message to accompany H.R. 1833, the partial-birth abortion bill, with the time equally divided in the usual form. Further, that the Senate recess between the hours of 12:30 and 1:30 today, and that when the Senate reconvenes at 1:30, there be a period of morning business until 2 p.m., with the Senators permitted to speak for up to 5 minutes, during which time statements relating to the veto message will be prohibited.

I further ask that, at the hour of 2 o'clock, the Senate resume consideration of the veto message with the remaining time limitations still in effect. And, finally, following the expiration or yielding back of time, the Senate proceed to a vote on the question, ''Shall the Senate pass the bill, the objections of the President to the contrary notwithstanding?''

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object and I will not, I think this is a fair request. I just want to make sure that it is clear that the Senator from California, me, will be controlling the time of the side that wishes to sustain the veto, and if the Senator from Pennsylvania is on the other side—I think it would clarify matters.

Mr. SANTORUM. I add that to the request.

The PRESIDING OFFICER. Without objection, the request is so modified. Without objection, the unanimous-consent request is agreed to.

Mr. SANTORUM. Thank you, Mr. President.

Mrs. BOXER. Thank you very much, to all Senators on both sides, so we can bring this difficult issue to a close, at least for this session, because I am sure this entire issue will be debated again.

Mr. President, what I have done in this part of my presentation, and I am almost finished with this first part and I will save the rest for the rest of the debate, I have tried to make the case that the reason the President vetoed this bill, and the reason I am here asking my colleagues to support his veto, is because the bill in its form is extreme. It is extreme because it does not have, first of all, a clear life exception, which I will go into this afternoon. It does not have the usual high life exception. It has only an exception for preexisting conditions which might threaten the woman, but not the actual pregnancy itself. And it has no exemption for health.

I do believe that this President, who has really taken a tremendous amount of time to lay out his reason for vetoing this bill, is very, very clear and very willing to work with all sides to craft a bill that he can sign. I think, again, we can do that pretty easily.

So the issue that is before us today is not about choice, it is not about a woman's right to choose. A woman doesn't have a right to choose at the end of her pregnancy to have an abortion. It is not allowed under Roe versus Wade. No physician I ever heard from ever performed such an abortion. No Senator I know condones such an abortion.

What we are saying is only in the cases where this tragic pregnancy exists at the end of a pregnancy and was not known earlier, a woman should have a chance with her God and her family to have all medical options available to her so that she can have other children, so that she can continue to live a life on this Earth.

Again, we can pass a bill today that would allow this procedure to be used if a woman's life is at stake or if she faces serious adverse health consequences. I keep repeating that because the majority leader, TRENT LOTT, in his remarks said he would like to see us work together. We are ready to work together, and before the end of my remarks today, I am going to make such a unanimous-consent request, I alert my colleagues, and I will be doing that all through this debate.

I suspect that when I make the unanimous-consent request that will, in essence, ban this procedure except for life and health, it will be objected to. The reasons will be stated and they will be, No. 1, there already is a life exception in this bill. As I stated, there really is no life exception in this bill except for a preexisting condition. No. 2, they will say that the health risks represent a loophole. A woman can say, ''My life is at stake,'' and it isn't. We have crafted it such a way to say serious adverse health consequences to the woman. We think that is very, very tightly drawn.

The end result by not supporting this unanimous-consent request that I will make is that we will have no bill signed into law, but instead we will have a political issue. In essence, I have to say, that those who do not support the life and health exemption, in essence, are not placing the woman's health or her life in an important position.

I will say this not as a matter of philosophy but as a matter of fact that Coreen Costello, who is pictured here with her son, might not have lived had she not had that procedure. We are looking at a 31-year-old mother of three who might not be here. So we are not talking philosophy here. We are talking reality. We are not talking a woman's right to choose here, we are talking health and life.

In retrospect, it shouldn't surprise us that when we offered our amendment in the original debate, which was the Boxer amendment to outlaw this procedure but for life and health, in retrospect it shouldn't surprise us that we lost our amendment. We were able to

get 47 votes. We do have some Republican votes, which are very meaningful and very important to us, but we didn't know at that time that the Republican platform was going to actually call for criminalizing all abortion, even those in the first weeks of a pregnancy and even in the case of rape and incest.

So I guess in retrospect, I shouldn't be surprised that I lost my, what I thought to be, very moderate, very straightforward amendment when we see the most antichoice Congress in history.

Even when it comes to a tragic situation that Coreen Costello found herself in and other women whose stories I will bring to the floor this afternoon, colleagues cannot even allow these women the chance to save their lives, save their fertility, save them from paralysis, save them from hemorrhaging? They cannot even do that.

So I say, in many ways, the debate today is unnecessary. We could sit down and work out this amendment. We could get the bill to the President. But it is really about a political agenda for the Presidential, senatorial, and House races. That is why we have this veto override in what may be the last week of the Senate of this particular Congress.

Mr. President, I am going to save the rest of my remarks for later in the debate. Right now, I am going to make a unanimous-consent request to set aside the pending veto message and proceed immediately to a bill that allows this procedure only in cases where the mother's life is at stake or she would suffer serious adverse health consequences without this procedure. I make that unanimous-consent request.

Mr. SANTORUM. Reserving the right to object. I say to the Senator from California that, first off, we had an opportunity to debate this issue, and we did debate this issue when the bill originally came up. The issue was debated at length. The Senator from California lost. The Senate worked its will. The Senator's amendment was defeated.

In addition, obviously, we have already had a veto override in the House, including dozens of Members who were pro-choice supporting the override of this, what you would term, extreme provision, this extreme law.

I suggest that the health of the mother exception that you want to include is unnecessary, and the reason it is unnecessary is because, according to physicians, not according to the Senator from Pennsylvania—I am not an obstetrician; I am not using my words in responding to the Senator from California, I will use the words of a Dr. Harlan Giles, a professor of high-risk obstetrics and perinatology at the Medical College of Pennsylvania. He performs abortions by a variety of procedures.

I say to the Senator from California that even if this bill were to become law, there are still a variety of other abortion procedures available to women to have late-term abortions. This outlaws one which many of us believe is the most barbaric.

His testimony was as follows:

> After 23 weeks, I do not think there are any maternal conditions—

I repeat that.

> there are any maternal conditions that I'm aware of that mandate ending the pregnancy that also require that the fetus be dead or that fetal life be terminated. In my experience for 20 years, one can deliver these fetuses either vaginally or by cesarean section, for that matter, depending on the choice of the parents, with informed consent. But there's no reason these fetuses cannot be delivered intact vaginally after a miniature labor, if you will, and be at least accessed at birth and given the benefit of the doubt.

This is someone who performs abortions.

Senator BROWN from Colorado quoted a doctor from Boulder, CO, a Dr. Hern, who performs late-term abortions. He is the only one in Colorado, according to the Senator from Colorado, who performs these procedures, performs lots of abortions and has said identical things: that there is no reason to perform this procedure; that this procedure is not to benefit the health of the mother; and that the women who have this procedure done, the women who were trotted out to the White House, were misinformed about what health consequences beset them at the time of their abortion.

So I object because the premise that the health of the mother is somehow improved by this procedure is a false premise, and that is not pro-life doctors talking, although we have many of them who are, that is not just pro-choice doctors talking, although we have many of them that do, but I am talking about people who perform late-term abortions talking.

So to stand up and give credibility to this idea that there is a health reason to perform this abortion is factually incorrect, according to a very broad spectrum of physicians who don't and who do perform late-term abortions and abortions at other points in time.

So I do object on the fact that the premise underlying the Senator's amendment is a faulty premise and is not appropriate for this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. I object.

Mrs. BOXER. Mr. President, I understand that the Senator objects to my unanimous consent request to set aside this veto fight and instead craft a bill that would have a very fairly drawn exception for these most tragic cases. That is exactly what we want. And I will say in response to the Senator's objection a couple of things.

He said there were dozens of Members who were pro-choice on the House side who voted for the bill. The fact is, those same dozens of House Members had no opportunity to vote on an exception, a true life and a true health exception. They were not given that by the Republican leadership. They had no choice to state their position as Senators here do on the Boxer amendment, which had 47 votes.

When my colleague says he objected, we already debated it, he is right; we did fail by three votes. The fact is, since that time we have a letter from the President asking us—and he is the President of the United States of America, and he does represent the people, and he is saying, ''Please send me a bipartisan bill.'' He says, ''We can draw a bill that would address the small number of compelling cases where the use of this procedure is necessary to avoid serious health consequences.'' He says if Congress produced such a bill, he would sign it.

So that is new information. That is why I planned to offer this unanimous consent request. I think if we really wanted to get something done on this, we could outlaw this procedure except in those narrow cases.

I thank my colleagues for their courtesy, and we will obviously have several hours of this debate. When I come back to the floor for further debate, I am going to introduce by way of their photographs many other families with compelling stories like this. We can talk about this in the abstract. I intend to put the family's face on this issue, and I think the President has done that magnificently in his veto message.

There is one more thing I wanted to point out. There was an editorial today in the New York Times. I am going to be placing it on the desks of Senators. I am going to just read the very end of it.

> Whatever one's views of late-term abortions, this bill is not a serious effort to confront the issue directly. Rather, it is the first shot in a campaign by antiabortion forces to erode access to abortion by banning one procedure after another. These forces have already gained ground in individual States, imposing legal restrictions and conditions that have made it extremely difficult, particularly for poor women or those in rural or remote areas, to get abortions, without outlawing the practice outright. Mr. Clinton was right to veto their efforts and the Senate should stand with him.

I ask unanimous consent to have this editorial printed in the RECORD.

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

[From the New York Times, Sept. 26, 1996]

UPHOLD THE ABORTION VETO

The politically charged issue of abortion returns to the Senate today in the form of a veto to override President Clinton's veto of a bill outlawing certain late-term abortions and imposing criminal sanctions on doctors who perform them. Last week, the House voted by 285 to 137 to override Mr. Clinton. That leaves only the Senate to stop this campaign-season rush to outlaw a procedure that, despite its distasteful nature, remains the safest method to abort a fetus for valid medical reasons late in pregnancy.

The bill passed earlier this year, would ban a particular procedure, known as intact dilation and extraction, but called a ''partial birth'' abortion in the bill by anti-abortion advocates. It is used only in late-term abortions, after 20 weeks of gestation. Reliable statistics are difficult to come by, but the

Alan Guttmacher Institute, which as long tracked abortion issues, reports that only some 15,000 of the estimated 1.5 million abortions each year take place after 20 weeks and only about 600 of those take place after 26 weeks or during the third trimester. The minority of these third-trimester abortions use the procedure that has stirred Congress' ire.

The procedure involves partially pulling the fetus into the birth canal and then collapsing the skull in order to let it be extracted. Graphic pictures have been circulating to stir up opposition to the procedure, but is actually considered safer and less traumatic than the alternative late-term procedure, in which the fetus is broken apart in the uterus before it is suctioned out.

The bill should be rejected as an unwarranted intrusion into the practice of medicine. It would mark the first time that Congress has outlawed a specific abortion procedure, thus usurping decisions about the best method to use that should properly be made by doctor and patient. The bill would actually force doctors to abandon a procedure that might be the safest for the patient and resort to a more risky technique.

Although the bill allows the procedure to be used to preserve the mother's life, that exception is drawn so narrowly as to make the technique virtually unusable. A doctor charged with violating the law would have to prove in defense that no other procedure could have saved the mother's life. Moreover, the exception only covers cases in which the mother's life was endangered by physical disorder, illness or injury. Many opponents argue that the exception is so narrow that it ignores cases in which the pregnancy itself poses the threat to life. A further weakness is that the bill also does not recognize any broader threat to the mother's health.

In addition, the fact that the defense could only be raised after criminal charges were brought would have a chilling effect on the already small number of doctors who perform abortions. The penalty, for anyone convicted, could be up to two years in prison and $250,000 fine.

Whatever one's views of late-term abortions, the bill is not a serious effort to confront the issue directly. Rather, it is the first shot in a campaign by anti-abortion forces to erode access to abortion by banning one procedure after another. These forces have already gained ground in individual states, imposing legal restrictions and conditions that have made it extremely difficult, particularly for poor women or those in rural or remote areas, to get abortions, without outlawing the practice outright. Mr. Clinton was right to veto their efforts and the Senate should stand with him.

Mrs. BOXER. Mr. President, when I come back, I will go into some other editorials. I will introduce you to more women like Careen Costello, and I will go into the life exception in this bill, which is not a true life exception. I hope that at the end when we count the votes we will stand with the women, with the families, with compassion, and sustain our President's veto.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from a woman who had a child with a fetal defect, a fetal abnormality, and decided to go through and have the baby, and her comments about this legislation.

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

On March 20, 1995 my husband and I found out that we were expecting a precious baby. The discovery was an incredible surprise. We were not trying to become pregnant, but knowing that the Lord's plan for our lives was being carried out, we were overjoyed, a little overwhelmed, but completely thrilled. I began my prenatal vitamins immediately and followed all known guidelines to protect my unborn child.

Three months later, on June 18, I had an uneasy feeling, nothing that I felt physically, just an anxious, strange feeling. I called my obstetrician and requested a fetal heart check. They dismissed my concern as the first-time-mother jitters but agreed to let me come into the office. Unable to find a heart beat, the nurse sent me down the hall for a sonogram to reassure me that there were no problems. This would be my first sonogram where I would actually be able to see the baby. I was five months pregnant.

The nurse began pointing out our baby's toes and feet, and when the baby kicked I smiled, believing that everything was alright. Then, the nurse suddenly stopped answering my questions and began taking a series of pictures and placed a videotape into the recorder. Unaware of what a normal sonogram projects, I did not decipher the enormous abdominal wall defect that my child would be born with four months later.

My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a surgical baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations, etc.

I describe my situation in such detail in hopes that you can understand our initial feelings of despair and hopelessness, for it is after this heartbreaking description that the doctor presented us with the choice of a late-term abortion. My fear is that under this emotional strain many parents do and will continue to choose this option that can be so easily taken as a means of sparing themselves and their child from the pain that lies ahead. With our total faith in the Lord, we chose uncertainty, wanting to give us as much life as we could possibly give to our baby.

On October 26, 1995, the doctors decided that, although a month early, our baby's chance of survival became greater outside the womb than inside, due to a drop in amniotic fluid. At 7:53 am, by caesarean section, Andrew Hewitt Goin was born. The most wonderful sound that I have ever heard was his faint squeal of joy for being brought into the world. Two hours after being born he underwent his first of three major operations.

For two weeks Andrew lay still, incoherent from drugs, with his stomach, liver, spleen and small and large intestines exposed. He was given drugs that kept him paralyzed, still able to feel pain but unable to move. Andrew had IV's in his head, arms and feet. He was kept alive on a respirator for six weeks, unable to breathe on his own. He had tubes in his nose and throat to continually suction his stomach and lungs. Andrew's liver was lacerated and bled. He received eight blood transfusions and suffered a brain hemorrhage. Andrew's heart was pulled to the right side of his body. He contracted a series of blood infections and developed hypothyroidism. Andrew's liver was severely diseased, and he received intrusive biopsies to find the cause. The enormous pressure of the organs being replaced slowly into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments as he overcame a physical addiction to the numerous pain killers he was given.

The pain and suffering was unbearable to watch, but the courage and strength of our child was a miraculous sight. We were fortunate. The worst case scenarios that were painted by the doctors did not come to fruition, and we are thankful that our son was allowed the opportunity to fight. His will to live overcame all obstacles, and, now, we are blessed by his presence in our lives each and every minute. Our deepest respect and prayers go out to the courageous parents who knew that their baby would not survive and yet chose to love them on earth as long as God allowed and intended for them to be.

WHITNEY AND BRUCE GOIN,
Orlando, FL.

Mr. SANTORUM. Every time the Senator from California would bring up one of these cases, I will, unfortunately—Members on this side and maybe on the other side—have to tell the entire story about all these cases that the Senator from California would like to bring up, because, in fact, as was said earlier, there is no health or life reason to do this procedure. There is no reason. In fact, the Senator from Ohio, who I am going to yield to in a minute, will go through the case of Coreen Costello.

We do not want to do this. I am sure Mrs. Costello went through some terrible things, but if the Senator from California is going to offer her up as a justification for this procedure, then the American public and the Members of the Senate have to know all the facts related to the procedure that was done and how she was misinformed about her alternatives. We have hundreds and hundreds of physicians, obstetricians, both pro-life, pro-choice, people who perform abortions, people who do not, who agree with that assessment of that.

With respect to the New York Times article, I would say to the Senator from California the New York Times is the same paper that said we do not need to reform welfare because if we just change a little bit, it is a slippery slope and all of a sudden there will not be welfare. And they are the same people who criticize the National Rifle Assocation, which opposes any restriction on the second amendment, because of their slippery slope argument, and they criticize them for ''standing firm.'' And yet they are taking this position if you do one thing, even though it is reasonable, and you might argue it is reasonable, it is just a real big, sort of plot effort. That is just absolutely baloney. Baloney.

My goodness, the New York Times, they are just—get a life. This is murder. Let us not call it partial-birth

abortion. Call it partial-birth infanticide. That is what this is. If we think that is OK in this country, we have gone much too far.

It is my pleasure to yield 15 minutes to the Senator from Ohio.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, we have begun a very historic debate in this Chamber. It really is the conclusion of a debate that has been going on for several months. I think it might be instructive to review how we got here.

The House, of course, took this matter up. The Senate Judiciary Committee held hearings. I will be quoting from some of those hearings in just a moment. The House passed the bill. The Senate passed the bill. Then the President vetoed it. The House overrode the President's veto, and now we are in the Senate.

I think it is important that we keep our eye on the ball as this debate goes on. We should try to stay with the facts and try as much as possible to keep personal comments out of this.

My friend from California, the Senator from California, repeatedly has come to the floor the last few days and said she has been offended by other Senators characterizing her position. I understand that. Yet, she has repeatedly this morning talked about politics and talked about cynicism and talked about motives that she believes drive Members of the Senate who happen to be on this side, the other side from her in this debate.

Quite frankly, I think that is too bad. I think those assertions are too bad. I think it is too bad when anyone in this debate attempts to look into the heart and mind, the soul of any Senator. And I think it is wrong to do that. Please, please, spare us that argument.

The Senator specifically said that she was going to offer a unanimous consent, which she did, which would add this health exception. Let me assure my colleague and friend from California, those of us who oppose that and who would object, do not do it for political reasons. No. We oppose it because we know, based on court decisions, that an amendment such as that would make the bill useless—useless. I think if the Senator will read the opinions of the Court, Supreme Court decisions, that she will see that. But it is not because of politics. It is because we believe this bill should pass and we believe this bill should pass in a form that accomplishes something.

I will return to that later today.

My friend from California talked about Coreen Costello. I was in the Judiciary Committee when she testified. It was compelling testimony. It was testimony that would break your heart. However, Coreen Costello did not—let me repeat—did not have a partial-birth abortion. Let me read the proposed law, the bill that is in front of us. And then I will turn to Coreen Costello's testimony. Here is the pertinent part of the legislation. As used in this section, the term ''partial-birth abortion'' means ''an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.''

Coreen Costello testified—again everyone's heart went out to her when she testified—this is what she said.

> When I was put under anesthesia, Katherine's heart stopped. She was able to pass away peacefully inside my womb, which was the most comfortable place for her to be. . . .
>
> When I awoke a few hours later, she was brought in to us. She was beautiful. She was not missing any part of her brain. She had not been stabbed in the head with scissors.

Coreen Costello did not have a partial-birth abortion. If she had intended to have a partial-birth abortion, we know—we know—from all the testimony, that is undisputed, that all of the baby's body, with the exception of the head, would have had to have been delivered anyway.

I will quote Dr. Haskell later in regard to the actual procedure. So, although many of the stories that we are going to hear will be compelling, I am not sure, frankly, that they are at all relevant to our discussion.

Let me talk about the essential facts as we really begin this debate. There are, in my opinion, four essential facts that we need to keep in mind, Members of the Senate need to keep in mind, as we debate this.

No. 1. This procedure is not recognized in medical circles. This procedure, Mr. President, is not recognized in medical circles. Dr. Pamela Smith, Medical Education Director at Mount Sinai Medical Center in Chicago testified November 17, 1995, citing the medical textbook ''Williams Obstetrics,'' that this is not a recognized procedure. The term is not even found in medical textbooks.

The American Medical Association Legislative Council voted, without dissent, to recommend that the AMA's board endorse the partial-birth abortion ban. And they did it because they felt, according to the Congress Daily, ''This was not a recognized medical technique.'' I want to point out that the AMA ended up taking no position. They overrode the legislative council. They overrode it because they did not want to take a position on a policy issue, but there is no indication that they disagreed with the statement ''This was not a recognized medical technique.''

Dr. Nancy Romer, chairman of obgyn and a professor at Wright State University Medical School in Ohio said, ''there is simply no data anywhere in the medical literature in regards to the safety of this procedure. There is no peer review or accountability of this procedure. There is no medical evidence that the partial birth abortion procedure is safer or necessary to provide comprehensive health care to women.

Finally, Dr. Donna Harrison, a fellow of the American College of Obstetricians and Gynecologists put it most simply:

> This is medical nonsense . . . it is a hideous travesty of medical care and should rightly be banned in this country.

That is essential fact No. 1. The procedure is not recognized in medical circles.

Fact No. 2. The procedure is not used to save the life of the mother. We have testimony that a partial-birth abortion takes 3 days to perform. Now, let me just say it again. The testimony is it takes 3 days to perform this abortion. This is not an emergency procedure. Emergency procedures exist to save the life of the mother. This is simply not one of those procedures.

Listen again to the testimony of Dr. Pamela Smith: ''So for someone to choose a procedure that takes 3 days, if they are really interested in the life of the mother, that puts the mother's life in further jeopardy.'' Those are not my words, those are the words of Dr. Pamela Smith.

In his medical paper describing partial-birth abortion, Dr. Martin Haskell—now, this is the doctor who performs the abortions, one of the doctors who performs this procedure—he put it in a medical paper. This is, in part, what he said. He described in great detail the 3-day process for performing this type of abortion.

His paper goes through day 1, which is dilation, day 2, more dilation, and day 3, the actual operation. Let me quote directly from the doctor's paper. Again, this is the doctor's own paper, Dr. Haskell.

> Day 1—Dilation.
>
> The patient is evaluated with an ultrasound. . . . Hadlock scales are used to interpret all ultrasound measurements.
>
> In the operating room, the cervix is prepped, anesthesized and dilated 9–11 [millimeters]. . . .
>
> Day 2—More Dilation.

I am going to summarize this. The patient returns to the operating room, and the previous day's Dilapan are removed. The cervix is scrubbed.

> Day 3. The patient returns to the operating room, and the previous day's Dilapan is removed, and the procedure begins.

Mr. President, by definition and by description, this is not an emergency procedure used to save the life of the mother. That is fact No. 2.

Fact No. 3. My friends who are opposed to this bill have argued this procedure is usually medically necessary, when, in fact, these abortions are overwhelmingly elective. Here again, the testimony of those individuals who do these abortions is instructive. Dr. Martin Haskell, in a tape-recorded statement to the American Medical News, said the following: ''Eighty percent of these abortions are purely elective.'' Another physician said the following: ''We have an occasional abnormality, but it is a small amount. Most are for elective, not medical, reasons.''

The Washington Post reports that although no statistics are kept on partial-birth abortion, ''Perhaps the majority are not for medical reasons.''

President Clinton has said this procedure is necessary ''to prevent ripping the mother to shreds and to protect future fertility.''

But, Mr. President, Dr. Joseph DeCook, another fellow at the American College of OB-GYNs, says, ''Both contentions are, of course, incorrect, and probably merit the adjective 'absurd.'''

Finally, former Surgeon General C. Everett Koop sums up this issue by saying, ''In no way can I twist my mind to see that late-term abortion is a medical necessity for the mother.''

So that is fact No. 3. These abortions, the vast majority of them, are elective, not medically necessary.

No. 4, a living, fully formed living child is killed. You can use all the language you want to to try to hide this fact, but the basic fact is a living child is killed. We need, I think, to understand this procedure. In a partial-birth abortion, the entire body of the baby has been delivered except the head—the entire body is delivered except the head. The only reason the head has not been delivered—the only reason—is because under the law the doctor would have to protect the rights of a fully delivered baby.

Listen to nurse Brenda Shafer's description. Remember that Brenda Shafer had described herself as being pro-choice before she walked into the doctor's office that day, to that clinic. This is what she saw:

> The baby's heart beat was clearly visible on the ultrasound screen . . . Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down . . . Then he delivered the baby's body and the arms—everything but the head . . . The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head and the baby's arms jerked out, like a startle reaction . . . The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby went completely limp.''

Mr. President, it has been argued that the baby was dead before the procedure was initiated. But listen again to Dr. Haskell, listen again to his own comments. He said in his interview, ''No, it is not. No, it is really not.'' It was argued that the anesthesia given to the woman killed the baby, but the American Society of Anesthesiologists testified this is absolutely untrue. Anesthesia does not kill the child. The baby is alive.

Mr. President, the essential facts about partial-birth abortion are as follows: One, it is not recognized in traditional medical circles. No. 2, it is not necessary to save the life of the mother. In fact, there are safer methods to protect maternal health. No. 3, those who perform these abortions admit they are overwhelmingly done for elective reasons. They are elective. No. 4, this procedure kills a living child. Mr. President, civilized society simply cannot tolerate this procedure.

How, then, did partial-birth abortion come about? Why was this technique developed? Why are there some doctors—not many, but some—doing this? Why was this particularly gruesome procedure ever developed?

I ask unanimous consent for an additional 5 minutes.

Mr. SANTORUM. I yield 5 minutes.

Mr. DEWINE. I thank my colleague from Pennsylvania.

Mr. President, how did this come about? We know now it has no medical purpose. We heard testimony that partial-birth abortions are not taught in any medical school. The term is not found in any medical text. In fact, the American Medical Association does not recognize it as a medical procedure.

We also know, Mr. President, that mainstream medical doctors would never use this procedure for any medical purpose. We have testimony to that effect. Doctors who do these partial-birth abortions admit that most are ''purely elective.'' Fellows at the American College of OB-GYNs describe the contention of this type of abortion being used for legitimate medical reasons as, ''incorrect and absurd.'' Dr. Koop says, ''In no way can I twist my mind to say that late-term abortion is a medical necessity for the mother.''

So we know that partial-birth abortion is not a medical term or a medical procedure. How did this come about? I believe the evidence is clear, Mr. President, that it came about as a perversion of the law. Under the law, a child outside the womb is, of course, a fully protected human being. That child has civil rights. That child has rights under the Constitution as a person—rights we all enjoy. However, if the child is almost ready to be born but remains in the womb, the law permits the child to be aborted. The law permits the child to be killed.

Remember the testimony, remember the evidence, when we say, ''almost ready to be born.'' Every part of this child is out, outside the womb, except the head. The head is kept in. The problem for the person doing the abortion is that when a baby is nearly ready to be born, a more traditional style of abortion is uncertain and dangerous, because in a traditional abortion the child is kept totally in and the abortion is performed totally inside the womb. When the baby is ready to be born and is fully developed, it is more difficult to kill the child with certainty, and the abortion may be more dangerous.

Dr. Haskell, an abortion provider who is a self-described ''pioneer'' in this procedure, was most proud of the fact that partial-birth abortion is the most effective and certain way to kill a child that is legal under the law today. The most effective way to kill a late-term child, a child that is very close to being born, is to use this procedure. That is why it is used.

You could argue, Mr. President, that the safest and easiest way to kill such a child ready to be born would be to allow complete delivery, allow the head to come out as well as the rest of the body, and then kill the baby. That, of course, is illegal. That is why it is not done. The law does not allow a fully delivered child to be killed. Current law does allow a child that four-fifths of the child's body is out, to be killed. That is what the facts are. No matter how we talk or how we try to gloss over the fact, that is the essential fact of this debate.

Mr. President, those who do partial-birth abortions have done what they think is the best way, the best thing under the law. They nearly fully deliver the baby. Every part of the child is delivered except the head, and they hold the head inside the birth canal. Mr. President, they cannot let the head slip out. As Dr. Haskell says again, the man who does these procedures, ''That's the goal of your work, to complete an abortion—not to see how do I manipulate the situation so I get a live birth instead.''

Mr. President, the law allows this. This cannot be what the Senate of this country or the American people believe to be good public policy.

What happens, Mr. President, if a doctor makes a mistake, a sneeze, a cough, a knock at the door, or the doctor looks away, is distracted, and by mistake the baby's head comes out? The doctor meant to hold it in, but it slipped out. Can he still kill the child? Well, of course not—not legally, because we now have a fully delivered baby with civil rights.

Mr. President, how can we permit a situation to exist in this country where, if the doctor makes a mistake, it is a child, but if he is coldly efficient, it is not? How do we say that a few inches is the difference between the life or death of this child? Surely, this Senate can stand up for the rights of that defenseless child. Surely, this Senate cannot stand by and allow such a legal absurdity to continue, a perversion of medicine, a perversion of the law.

This is why we are here today. This is not about the right to choose. This is not about the right to abortion generally. This is a question of whether the Senate will permit a legal fiction that says that if you are fully born, you are protected, but if a doctor holds just your head inside the birth canal, you may be killed.

Mr. President, in conclusion, is there no limit to what we will accept in this country? Is there no limit to what we will tolerate as a people? Are we so numb or are we so insensitive that we cannot raise our voice and say, ''No, not this. This is just too much''? Mr. President, what are we willing to turn our backs on?

My colleague and friend from Illinois, Congressman HYDE, is a great spokesperson and very eloquent in this area. He was very eloquent in his closing argument in the House. But he is also not only eloquent with regard to

this issue, he is eloquent about the duty each one of us has not just in this country, but the duty we each have as individuals. Many times, he quotes from St. Ambrose: ''Not only for every idle word, but for every idle silence must man render an account.''

I don't think this is unique to the Christian faith. I do not think this is unique to St. Ambrose. I think this is a universal truth. Let me quote from a book written by HENRY HYDE a number of years ago that speaks, I think, to personal responsibility, because that is what we are about on the Senate floor today:

> I believe . . . that when the final judgment comes—as it will surely—when that moment comes that you face Almighty God—the individual judgment, the particular judgment—I believe that a terror will grip your soul like none other you can imagine. The sins of omission will be what weigh you down; not the things you've done wrong, not the chances you've taken, but the things you failed to do, the times that you stepped back, the times you didn't speak out.
>
> ''Not only for every idle word but for every idle silence must man render an account.'' I think that you will be overwhelmed with remorse for the things you failed to do.

Mr. President, this Senate should not fail to do what is right. This Senate should not fail to override the President's very misguided veto.

Thank you. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I yield 5 minutes to the distinguished Senator from Washington, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, there have been a number of occasions on which this body has debated policy relating to abortion in which I have not found myself on the same side as my friends and distinguished colleagues from Pennsylvania and Ohio and New Hampshire. But this, Mr. President, is not such an occasion.

From the time that I first became involved in national politics, it has seemed to me that, for mature adults, under most circumstances, the law was not an appropriate method of determining what are ultimately moral choices for the people most intimately involved with those choices. But, Mr. President, when we talk about late-term abortion and when we speak specifically about partial-birth abortion, we are not dealing with most cases. We are not dealing with this issue in the way in which we speak about it under most circumstances.

I believe that my views probably reflect those of a majority of the American people who do believe that this should be a matter of an individual woman's choice and that of close family—again, under most cases. But I think it is clear that the majority of the American people, as they come increasingly to understand exactly what this procedure is, are horrified by it.

This isn't most cases, Mr. President. This is a practice that is not necessary. This is a practice that is not compassionate. This is a practice that is not within the bounds of civilized or humane behavior. My colleagues have described it in detail, and I don't need to repeat that detail. But I do think that it is significant that those who would uphold the President's veto, generally speaking, talk in circumlocution, disguise the language, resist and object not only to a description of the procedure itself, but even to the title—partial-birth abortion. They speak about slippery slopes rather than the procedure itself and attempt to avoid the true brutality and extreme nature of the procedure.

It is significant also, I think, Mr. President, as this has become a greater issue of consequence to the American people, that few, if any, of the Members of this body—I think none—who voted for this bill the first time are even remotely considering switching their votes to uphold the President's veto. Several who voted against the bill the first time are likely to vote to overturn the President's veto. I am convinced, even from private conversations, that many others would like to, but they feel bound by their former vote.

Finally, many of them simply wish the issue would go away, and that they would not have to vote at all. But that vote will be a defining issue about our own society, about our feelings for indifference to brutality, about violence, about uncivilized, inhumane behavior.

For all of those reasons, Mr. President, I am convinced that we should override the President's veto, and I deeply hope that a sufficient majority of my colleagues will vote to do that.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Thank you, Mr. President.

While the Senator from Pennsylvania is still on the floor, I would like to compliment the Senator for his compassion, interest, and involvement in this issue. I know that during the previous debate, he was, by his own admission, not very much involved in it but came down to listen and was so overwhelmed by what he heard and what the details of this procedure were that he became involved, and he has now become the leader in his own right on this issue. We certainly welcome his support, his compassion, and his commitment. I just want to say it is an honor to serve with Senator SANTORUM.

Mr. President, there has been a lot said about this issue. I do not know what else could be said. But I want to, in as quiet and as compassionate a way as I can, urge my colleagues to vote to override President Clinton's veto of H.R. 1833—not necessarily to listen to my words, or to listen to anyone's words in particular, but to look into your own consciences as deeply as you can and examine the facts.

This vote that we will face this afternoon, Mr. President, has presented this Congress with an issue that transcends abortion. I want to repeat that. It transcends abortion. We have had our differences here on the floor on abortion, and I respect those who differ with me, and I hope they respect me for differing with them. It is an issue that we debate over and over again—both here and sometimes in our personal lives, as well as our political lives. That is not the issue today. It transcends abortion. The reason we know that is that there is a long list of very distinguished Members of the House and the Senate and the medical profession who identify themselves as pro-choice who have courageously stepped forward and supported the Partial-Birth Abortion Ban Act.

Last week, the House of Representatives voted 285 to 137 to override President Clinton's veto. That is the people's House. I served in it. The distinguished occupant of the chair served in the House of Representatives. That is the people's House. They are elected every 2 years. They are very close to their constituents. They heard from their constituents, and they listened. That bipartisan, overwhelming two-thirds supermajority included the two Democratic leaders of the House, RICHARD GEPHARDT, DAVID BONIOR, as well as some of the leading pro-choice Representatives, such as PATRICK KENNEDY of Rhode Island, JAMES MORAN of Virginia, and SUSAN MOLINARI of New York—Democrats, Republicans, liberals, moderates, and conservatives.

To be perfectly frank with my colleagues, I know we face an uphill struggle in this Senate. I know that. I know what the numbers are. We all do. But every time we come down on a vote that is this close, we come down with hope and optimism.

I might say that 6 or 7 votes on the floor of this Senate today will determine as many as 900—perhaps 1,000, 1,500—lives a year; 6 votes, 7 votes, hundreds of lives. That is what it really comes down to.

When the Senate passed this ban last year, last December, it did so by a vote of 54 to 44. We know the numbers. You all know the numbers. To override the President of the United States, you need two-thirds. That is 67, if we have 100 Senators, and two-thirds of whoever is here to vote.

So it is an uphill struggle to win. I know that. We all do. But I am optimistic, Mr. President, I am optimistic that people are going to listen to the facts here who can be available.

There has been some very emotional testimony here. But it is not emotion that should guide us in our decision. It is the facts. Let me say again. This issue transcends abortion. It is not about a pro-choice and pro-life. It is not about the abortion debate.

One of the most distinguished and respected Members of this Senate on either side of the aisle is a man that I have the utmost respect for and immense admiration for—an honest man,

a man of integrity—DANIEL PATRICK MOYNIHAN, the Senator from New York. He didn't vote when the Senate considered this last December, but subsequently, and after a lot of soul-searching, the distinguished Senator from New York announced that he would vote to override the President's veto. Voting against the President of your own party—I have had to do it. That is not easy. But this isn't partisan politics. This has nothing to do with Democrats or Republicans—nothing at all.

If you want to write ''a profile in courage,'' you can write it about DANIEL PATRICK MOYNIHAN, who had the courage to look at the facts and not get into the debate about pro-choice and pro-life. Senator MOYNIHAN is pro-choice. He and I differ. But he looked at the facts.

Another Democrat, President Clinton's own Ambassador to the Vatican, the former Democratic mayor of Boston, Ray Flynn, was courageous enough to criticize the President who appointed him to one of the world's most coveted ambassadorial posts, was quoted in April 1996 in the Washington Post, saying, ''I think that the Catholic Church and the Holy Father are absolutely right in condemning President Clinton's veto of the partial-birth abortion ban.''

I also urge my colleagues who are rethinking—hopefully some are—their position to consider the words of another very, very respected individual, I think one of the most respected individuals in all of the United States, perhaps second only to Billy Graham, is the U.S. Surgeon General, C. Everett Koop. Here is what Surgeon General Koop told the American Medical Association's American Medical News in an interview published on August 19, 1996:

> I believe that Mr. Clinton was mislead by his medical advisers on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to. . . partial-birth abortions. C. Everett Koop.''

Mr. President, if there is any physician who would be known as America's doctor or the conscience of America's doctors, it is C. Everett Koop. He is widely admired. He is revered all across the Nation. He is not a partisan man. I do not even know what his position is on abortion; I have no idea. He is not an ideological man. He is a doctor. He is a doctor first. He is an honest, plain-speaking doctor in whom Americans have learned to have a great deal of trust.

So consider again what Dr. Koop said:

> . . . in no way can I twist my mind to see that late-term abortion . . . partial-birth . . . is a medical necessity for the mother.

Those are not my words. Those are not my words. They are the words of a doctor, Dr. Koop. I wish President Clinton had listened to Dr. Koop before he vetoed this bill.

Mr. President, at this point I ask unanimous consent that an excerpt from the American Medical News interview with Dr. Koop be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. SMITH. Mr. President, let me emphasis that H.R. 1833 includes the life-of-the-mother exception. I know because I put it in there. I wrote it. Senator Dole and I offered it as an amendment, and the Senate approved it by a vote of 98 to 0.

Given his consistent portrayal of himself as someone who is a moderate on the abortion issue—Mr. Clinton said in 1992 that he wants abortion to be safe, legal, and rare—then one would think President Clinton would have signed this bill. I thought that the President might well sign it.

In fact, after the Senate passed the bill, I twice—on two separate occasions—sent President Clinton personal notes, personal messages. And in those personal messages, Mr. President, I asked the President of the United States for 15 minutes, 15 minutes of his time, 15 minutes of his time to sit down with me anywhere he wished—the Oval Office, library, wherever, in his car, on the way to the airport, anything—he does not usually go to the airport—on the way to the helicopter or whatever, face to face, one on one, no staff, no advisers, no press, and no comment afterward. My pledge: I say nothing about the meeting. You say nothing about the meeting, if you wish. All I want to do is sit down and say to you listen to the facts as I would like to present them to you, not screened by staff, one on one.

No response, not even the courtesy of a response from the President of the United States. Even after he vetoed it, no response.

Your learned and respected colleague, for those of you who think it might be partisan, Senator MOYNIHAN, has already indicated he is going to vote to override. If you are concerned about medical aspects, then listen to Dr. Koop. Listen to him the way you would listen to him when he speaks about the dangers of smoking. I have heard so many people in the Chamber quote Dr. Koop, especially on smoking and other medical issues. He opposes these partial-birth abortions. He denies that they are ever medically necessary. Dr. Koop supports the bill.

I urge my colleagues to consider the words of one of their House colleagues shortly after he voted in favor of H.R. 1833 last year, liberal Democrat, pro-choice, Virginia Congressman JAMES MORAN. He said he knew his vote would anger some pro-choice supporters but he could not put his conscience on the shelf. That is a man of courage right there, to say that and do something like that.

Mr. President, I want to close by making a couple of points on the individual women who participated in the press conference with President Clinton. These women went through terrible ordeals. I admire them. I respect them. My heart goes out to them for what they went through. We have three children, my wife and I. We were lucky; our children were born with no problems. This is not about the problems that these five women had. This is not about that.

None of those five women had a partial-birth abortion. The Senator from Ohio has made that point. And it is interesting. At the April 10 veto ceremony concerning this bill President Clinton displayed, if you will, or had stand by his side these five women whom he initially said had the kind of abortion procedure that would be banned.

Later in the ceremony—and this is very interesting about Bill Clinton and pretty consistent—later in the ceremony Mr. Clinton said that the H.R. 1833 description of the procedure did not cover the procedure that these women had. Let me repeat that. The President of the United States in the press conference on the veto with five women standing there that he indicated had such procedure said the description of the procedure did not cover the procedure that these women had. None of the five women had a partial-birth abortion.

I know that there are tremendous differences between the two sides on the issue of abortion. We have debated it, as I said before. Whatever I feel personally about abortion is not the issue here. Under H.R. 1833, a partial-birth abortion is defined as an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

Coreen Costello, a wonderful, brave woman who went through a horrible ordeal, who was shown in the photograph with another child in this Chamber by the Senator from California, conceded during her testimony before the Senate Judiciary Committee that she did not have a partial-birth abortion. Her baby was able to pass away peacefully.

We do not stop the doctor in this legislation from stopping Ms. Costello from having the procedure that she had. That is not a partial-birth abortion. I could go through the cases of the other four women because it is the same situation.

Let me just close, Mr. President, by saying reach into your hearts, my colleagues. Ask yourself, no matter how you feel on abortion, whether you are pro-choice or pro-life, whether or not a baby held in the hands of a physician, all but the head being allowed to enter this world and killed for whatever reason, is that really what we are about in America?

That does not have a thing to do with interfering with the medical procedure

or interfering with a doctor and a patient, not a thing. That is a child. That is not an abortion. That is a child. That is a child in the hands of a doctor. As the Senator from Ohio said, that child has rights under the Constitution, civil rights.

So reach into your hearts. Think carefully about this vote because, as I say, 6 or 7 votes are going to determine hundreds of lives.

I yield the floor, Mr. President.

EXHIBIT 1

[American Medical News, Aug. 19, 1996]

THE VIEW FROM MOUNT KOOP

Q: Clinton just vetoed a bill to ban ''partial birth'' abortions, a late-term abortion technique that practitioners refer to as ''intact dilation and evacuation'' or ''dilation and extraction.'' In so doing, he cited several cases in which women were told these procedures were necessary to preserve their health and their ability to have future pregnancies. How would you characterize the claims being made in favor of the medical need for this procedure?

A: I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial birth abortions.

Q: In your practice as a pediatric surgeon, have you ever treated children with any of the disabilities cited in this debate? For example, have you operated on children born with organs outside of their bodies?

A: Oh, yes indeed. I've done that many times. The prognosis is usually good. There are two common ways that children are born with organs outside of their body. One is an omphalocele, where the organs are out but still contained in the sac composed of the tissues of the umbilical cord. I have been repairing those since 1946. The other is when the sac has ruptured. That makes it a little more difficult. I don't know what the national mortality would be, but certainly more than half of those babies survive after surgery.

Now every once in a while, you have other peculiar things, such as the chest being wide open and the heart being outside the body. And I have even replaced hearts back in the body and had children grow to adulthood.

Q: And live normal lives?

A: Serving normal lives. In fact, the first child I ever did, with a huge omphalocele much bigger than her head, went on to develop well and become the head nurse in my intensive care unit many years later.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

Mrs. BOXER. I am going to yield to Senators at this point. I know the other side has had a chance to yield to a few people. Before I yield to Senator MURRAY, I want to just yield myself 3 minutes to respond specifically to the remarks of the Senator from New Hampshire.

Mr. President, everyone involved in this debate opposes late-term abortion. Let me repeat that. Everyone involved in this debate opposes late-term abortion. All we are saying, along with the President, who outlawed late-term abortion when he was Governor of Arkansas, is that in the most tragic of circumstances where pregnancies take a tragic turn, where there is no healthy viable child—in many cases the brain is outside the baby's skull or there is no brain and the skull is filled with fluid and the situation presents a danger, a high level of danger to the woman's long-term health or to her life—there be an exception.

A little while ago I made a unanimous-consent request to set aside the pending bill, the pending veto and craft such a bill together. It was objected to by the Senator from Pennsylvania. I am going to offer that later again and again to make the point that we could walk down this aisle together and just keep those abortions to those crisis pregnancies. That is what the President wants. Again, in his letter he says send him a bill in a bipartisan manner and he would sign it with those tightly drawn exceptions. There has been reference made to a life exception in this bill. The Senator from New Hampshire said he wrote it. Well, it is clear it is not the usual Hyde exception which just says an exception ''to save the life of the mother.'' That is not in this bill. What is in this bill is a very narrowly crafted life exception which only triggers if the woman has a preexisting condition and that preexisting condition threatens her life, not the pregnancy itself.

That is why the New York Times, in its editorial today, says the life exception ''is drawn so narrowly as to make the technique * * * unusable.'' Unusable.

So the fact is, there is no Hyde life exception here. What we want to see is a life exception, the Hyde life exception, plus a narrowly drawn exception for health.

The last point I would make before yielding to my friend from Washington is this. I talked about the arrogance of politicians who think they know better than a physician. I pointed out that we have a lot of self-confidence. You have to in this political life that we lead. But how could we ever know more than a physician? Why would we want to take away a tool that many say they need?

Then we have the arrogance of colleagues on the other side of the aisle, saying that Coreen Costello, whom I talked about and will talk about some more, did not have this procedure. They think they know better than Coreen Costello and her doctor. Coreen Costello writes us just yesterday, ''Some who support this bill state I do not fit into the category of someone who had this so-called procedure. This is simply not true.''

So, I hope we could work together, craft a bill that makes a life and health exemption, and take this out of the political arena. For anyone who thinks it is not in the political arena, why did it take 5 months to bring this override right here, into the last week of this session? Let us be honest with one another. It is a political issue.

I yield to my colleague from Washington, Senator MURRAY, as much time as she may consume.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I have listened to my colleagues on the floor discussing this issue over the last several days, and over the last several months, as it has increasingly become an inflammatory issue both here and across this country. I found myself going home last night feeling more and more angry. I asked myself, why is it that I feel so angry listening to this debate? I realized it was because I feel that we have really offended the women and the families who have had to make this decision, and they probably are sitting at home watching this debate in tears. Because none of us were there when they had to face a horrendous decision, women and men, young families, who wanted very much to have a baby, who found themselves at the end of a long pregnancy, after months of people coming up to them and telling them, ''Oh, how exciting. When is your baby due?'' Of planning for that baby, of having the furniture ready in the baby's room. Only at the end of that pregnancy to find out there were tragic circumstances involved, that perhaps their baby's brain was not formed, that their baby would not survive. Not only that, but to be told by their doctor that if this baby were to be delivered at the end of 9 months, the woman's life would be in serious jeopardy, or perhaps her ability to have future children.

I feel so sorry for those families who have had to live through this tragic experience, who now have to watch an inflammatory and divisive debate on this floor in this Senate by people who are not medical doctors, who have not been there, who do not know the circumstances surrounding that horrendous decision they had to make, now try to make it a criminal offense for them to go through that. I apologize to those families. I apologize to them for having to listen to this debate. For us to be sitting here second-guessing them and their doctors—I find it offensive. Again, I thought about it—why am I so angry? Mr. President, I am angry at the arrogance of those who sit out here on this floor and describe to us the joys they have had in being with their wives when their babies were born under wonderful circumstances. And I have had that opportunity twice in my life. But there are some on this floor who have had to live through similar experiences, and I think it is arrogant of people to be on this floor talking about it who have not been through the same thing. It is extremely difficult to sit in a doctor's office, when you have been pregnant for many months, and be told that your baby is not going to live. It is a tragic, horrendous experience that no one can understand unless they have been there.

Mr. President, I am offended that Members of this body know, or think

they know, what that would be like. If you have not lived through it, you do not know. This Senate, this Congress, should not be deciding the lives of those women, their families, or their future. It should be up to the doctor and the husband and the wife, as it has in the past and it better well be in the future, for my daughter and the other women around this country.

Mr. President, this is an emotional, distorted debate. We are using the lives of a few women to create divisions across this country. I know that many women are offended, as I am. Again, I extend my apology to the women in this country who have been through this experience and who know. I commend our President for having had the strength and the courage to stand up and say that he will veto this bill. I commend my colleagues who have the courage as well, despite the often offensive comments that we have heard, and the horrendous articles that we have seen written, and the divided doctors' opinions we have read. If we can be smart today and not override this veto and have courage to vote what is right, we will leave it up to women in the future to make their own decisions. That is extremely important for us to do.

Mr. President, the New York Times today had an extremely important editorial. I hope my colleagues who are sitting back, thinking about this debate and what their vote will mean, will take the time to read it. It states the case very well, in a very cognizant manner. I remind my colleagues, despite what you hear, if we can save the life of one woman and we can save the tragedy of one family not being able to make the decision that is good for the mother's health, then we have done the right thing today.

I urge my colleagues to sustain the veto of the President of the United States, and I yield my time back to Senator BOXER from California.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I just need to restate, we have quoted physician after physician, obstetrician after obstetrician, pro-life, pro-choice, people who have performed abortions—this is not RICK SANTORUM or JAMES INHOFE or MIKE DEWINE or BOB SMITH—these are physicians, obstetricians, who are saying that this procedure is never, never, never medically necessary to save the health or life of the mother. Never. Never.

So, when we suggest we are doing this and we are denying something to women, let me also state that Dr. Hern, whom the Senator from Colorado quoted just yesterday, performs late-term abortions and will continue to perform late-term abortions if this bill passes. He believes that this is an unsafe procedure. It is not a medically recognized procedure. There is no literature on it, there is no peer review on it, there is nothing anywhere that says that this procedure is a proper procedure to use. This is not RICK SANTORUM talking. I wish the Members who argue would at least argue the facts. I am not speaking for me. I am quoting doctors.

So let me quote doctors and describe this, because no one has described this procedure. I know, I will warn people, this is not something that I want to do. But I think the American public has to know what this procedure is and who it is performed on and at what time in the pregnancy it is performed.

Guided by ultrasound, the abortionist grabs the baby's leg with forceps. This baby is anywhere from 20 weeks, into the third trimester, 30 weeks or more old. At 23 weeks, babies can survive with the new surfactant drugs and the like. It is not a high probability.

Just remember a couple of years ago when that young girl in Texas was down in that well, and for 80 hours the American public was just riveted on what was going to happen to that little girl. People cried and wept when we saved that little girl.

Well, these are little girls and little boys. They are not inch blobs of tissue. These are little girls and little boys. These are viable babies, not tissue—viable babies.

The doctor grabs the legs and pulls it into the birth canal feet first. That is a breech delivery. It is a dangerous delivery. No physician would ever deliver a baby deliberately breech if there was an alternative. So they deliver the baby breech. It is dangerous to the mother to deliver a breech baby.

The baby's entire body is delivered, with the exception of the head. Nurse Brenda Shafer, who testified here, talked about the arms and legs of the baby moving outside of the mother.

At that point, the abortionist takes a pair of scissors and, by feel, jams the scissors into the base of the skull for one purpose, to kill the baby, and creates a hole and takes a suction catheter, a powerful one, and suctions the baby's brains out until the head collapses, and then the rest of the baby is delivered.

This is the procedure that people say they are outraged that we are trying to stop? Can you imagine? Can you imagine that people are outraged that we want to stop this? It is outrageous that we want to stop this? I have seen many reasons for outrage, justifiable outrage. Stopping this, people are outraged? What have we become when we become outraged?

I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I regret that we are so short on time, that we have a time agreement. I had planned, as I announced yesterday when I spoke on this subject, to speak for at least 30 minutes. So I will not be able to use all the material I have. It is such a critical issue, I deeply regret that. I think it is probably appropriate that I speak, in that tomorrow at this time my daughter-in-law will be presenting me with my fourth grandchild. I plan to be there at the birth of that child. I am hoping to name it Perry Dyson INHOFE III. I don't know that will happen for sure.

I think if you just wrap up some of the things that were said here that are very significant, No. 1, we are not talking about abortion. We are talking about, in many cases, the normal birth process.

When I stood here before I spoke yesterday, I heard Senator HANK BROWN from Colorado, a guy who has always been pro-choice —I have disagreed with him; I have always been pro-life—but he stood up and recognized the fact that we are not talking about abortions. I wish they never named this ''partial-birth abortion.'' Maybe people would wake up. I agree with the senior Senator from New York who characterized it as ''infanticide.''

So we are talking about now a third-trimester type of a treatment. I was going to elaborate on some of the comments that were made. I have here with me 17,601 signatures on petitions that I got this weekend as I was doing town meetings. They were given to me from all over Oklahoma. I haven't heard from anyone on the other side of this issue.

One of the things that they fail to talk about, because it is painful to talk about, is the pain that a baby feels when the baby is eliminated using this partial-birth-abortion procedure.

There is a paper I was going to read, but I will paraphrase it. It is a paper that was produced by a British research group, that a Dr. White, a neurosurgeon in the United States, agrees with, where they say it is now proved that a child in the second trimester or third trimester feels the same type of pain that is felt by any of us in this room, in this Chamber.

So we are not talking about something that is painless for a child that is being aborted, being destroyed in the process that was described by the Senator from Pennsylvania.

I ask unanimous consent that this paper be printed in the RECORD.

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

FETAL PAIN AS IT RELATES TO THE PARTIAL-BIRTH ABORTION METHOD

Partial-birth abortions are most commonly performed on fetuses between the 20th and 24th weeks and beyond. Studies by British researchers and a Cleveland neurosurgeon have found that the fetus at this stage feels pain.

Dr. Robert White, Neurosurgeon, Case Western Reserve University School of Medicine, testimony given before the House Subcommittee on the Constitution, June 15, 1995:

1. The neuroanatomical pathways which carry the pain impulses are present in fetuses by the 20th week of gestation.

Also, the neurosystems which would modulate and suppress these pain impulses are either not present or immature during this stage of fetal development.

2. The classical cardiovascular responses associated with stress and pain are found in

fetuses of this age who experience painful incidents such as the introduction of a needle in the abdomen.

His summary: ''The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain.''

British study Journal: ''The Lancet''; ''Fetal Plasma Cortisol and Beta-Endorphin Response to Intrauterine Needling'' July 9, 1994:

Study: The study was on the effects of fetal blood sampling.

Conclusion: When the fetus is subjected to an abdominal injection, it reacts with a hormonal stress response, characteristic of a pain response.

Mr. INHOFE. Mr. President, I had occasion to talk to a Dr. Mary Ballenger this morning. Dr. Mary Ballenger was called to do a very unpleasant thing about a year ago. My kids' dog, a Labrador, was 16 years old. She came out and had to put it to sleep because the dog had cancer and was beyond any help and was in pain.

She described and wrote down the procedure that she used to destroy the dog. It was necessary. She first injected a drug into the dog, which puts the dog into a euphoric state and is completely relaxed, and then, of course, sodium pentothal to put the dog to sleep.

I thought it was ironic, when I look at this procedure. We are so humane in the procedure that we use in putting someone to death who has committed a heinous crime for which he must be destroyed. It is the same procedure, because we are so humane in this country. Yet, we have no concern over the pain that is inflicted on a small person who is a victim of this type of a termination.

If I were to suggest that the procedure that was described by the Senator from Pennsylvania were to be used on dogs or cats, the same people who are promoting this procedure would be out there picketing.

Something has happened. Perversion has taken place in this country where we put a higher value on critters than we do human life. In fact, under our laws, it is a criminal violation if you were to kill a gray bat that is endangered. It would be a $50,000 fine or 1 year in prison.

I have a testimonial from a young lady in my State of Oklahoma. I will only use her first name. This is the testimony of Nancy. I would like you to listen very carefully, Mr. President:

TESTIMONY OF NANCY, SENT TO FRANK PARONE OF PRIESTS FOR LIFE

I am twenty-one years old and a native of southwest Oklahoma. Five years ago, I had a partial birth abortion. I was 36 weeks pregnant.

I was sixteen at the time I got pregnant. I hid my pregnancy from my mother. It wasn't hard for me to do that because I was somewhat over weight and wearing large, baggy clothes was already in style. My mother had always told me that if I got pregnant, the baby would be gone. It was just as simple as that. I knew that I had to protect my baby.

One day, my mother accidentally saw me in the shower, and I think it was at that point, it dawned on her that I was pregnant. My mother took me to see a friend of hers who was a doctor. He said that the baby and I were both healthy and doing fine. We did a sonogram, and I got to see my little boy for the first and only time. It was so exciting. I had been able to feel him kick and turn in my belly for a long time, but it touched my heart to get to see him face to face. My heart melted as the doctor pointed out him sucking his thumb.

My mother didn't speak to me for two days. I knew that my mother was a very determined woman who would do anything to accomplish what she wanted. Her silence really frightened me.

Then we got the call from her friend. The doctor said that I had a hernia in my abdominal wall. If I wanted to have any chance for a normal delivery, I had to have surgery which wasn't easy for a pregnant woman. He recommended a doctor in Wichita, Kansas. Little did I know that my mother, through the doctor, had just handed my baby the death sentence.

We drove to Kansas the next day. The doctor said it wouldn't be too painful for me because I would be asleep. All I remember about the time just before going to sleep was a feeling that this wasn't right. Waves of fear kept washing over me. My mother sat there and kept saying that we had to do what we had to do. What comforting words.

I woke up several hours later. The first thing I did was reach for my belly. I remember screaming a lot and I couldn't stop. My belly was flat and my baby was gone. I ripped the IV out of my arm. The doctor ordered the nurse to restrain me. I then remember them giving me a shot to calm me down. To this day, I still remember the cold pain and horror I felt when I realized what had happened.

It took several months after the abortion for the fights to begin. Every time I wanted to talk about the situation, my mother just turned stone silent. When she did speak, she flipped off cliches like, ''What was done was done.'' and ''Don't cry over spilt milk.'' More comforting words.

After one major fight, she finally did tell me that the abortion procedure that was done was the D and X, dilation and extraction, a partial birth abortion. I just couldn't bear to look at my mother anymore. She had lied to me and killed her own grandson. I just don't see how anyone could have looked at that sweet face on the ultrasound screen and have that baby brutally and coldbloodedly murdered. I left my mother's house that day, and I have never been back.

Because of the damage of the abortion, I can no longer have any more children. I failed my children, I really failed my little boy, I failed to protect him. And he died.

My life hasn't been the same. I cry so much for my little boy. I never got to hold him in my arms. People made decisions for me and took him away. I am not sure that the hurt will ever go away.

Mr. President, this is not just someone who has talked about, third hand, the agony that is experienced by so many people. When I hear people say that this is a rare procedure, and it is not used very often, I remember the testimony of Dr. Haskell who has performed, he said, over 1,000 partial-birth abortions. And he said, ''In my particular case''—I don't know about all of them nationwide, but ''In my particular case probably 20 percent are for genetic reasons. And the other 80 percent are purely elective . . .''

Since my time is about up, I would like to repeat something that I heard this morning, Mr. President, that perhaps puts a sense of urgency on this. At a prayer breakfast this morning there were a number of people who prayed. One was Rev. Herb Lusk from Pennsylvania who described this procedure as ''an unrighteous act.'' The next was Cardinal Belivacqua. He said, ''If we don't respect life, then what is left to respect?'' Then Rabbi Daniel Lapin said, ''We must defy this monstrous evil.''

But it was when Dr. James Dobson said his prayer that it first occurred to me, when he said, ''You know, you folks on the floor are going to be speaking for those who are not here today and cannot speak for themselves. You will be speaking in their behalf.''

That is what we are looking at right now, Mr. President. I do agree with Charles Colson who said on his prison fellowship broadcast, ''The vote is the most significant of my lifetime, and is about life itself, about who will live and who will die.''

I honestly believe, Mr. President, this is the most significant character vote in the history of this institution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield to the Senator from Illinois and then the Senator from Massachusetts, as we have discussed with my colleagues on the other side. But first I will yield myself just 2 minutes to respond to some of the statements that have been made here.

I want to comment on the statement of my colleague, PATTY MURRAY. I think that every Senator should have been here to listen to her. She talked from the depths of her soul about what it is like for a family to be faced with this extraordinary circumstance. For a baby you have craved, you have wanted, you adore, is suddenly in grave danger with a severe anomaly, such as no brain or a cranium filled with fluid, putting the mother's life at risk. And here we are in the U.S. Senate with some of my colleagues in essence sounding like doctors, saying that the procedure that they want to ban in all cases is not necessary.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of statements by medical groups and doctors who oppose this bill and support the President's veto. They include the American College of Obstetricians and Gynecologists, the California Medical Association, the American Nurses Association, the American Medical Women's Association, the American Public Health Association, and numerous individual doctors who basically say that this politically motivated bill is going to lead to irreparable harm to women.

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

MEDICAL GROUPS AND DOCTORS OPPOSE H.R. 1833, SUPPORT PRESIDENT'S VETO

American College of Obstetricians and Gynecologists:

''The American College of Obstetricians and Gynecologists (ACOG), an organization representing more than 37,000 physicians dedicated to improving women's health care, does not support HR 1833, the Partial Birth Abortion Ban Act of 1995. The College finds very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of the woman.''

California Medical Association:

''When severe fetal anomalies are discovered late in pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilation and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits.''

American Nurses Association:

''It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider . . . The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses.''

American Medical Women's Association:

''On behalf of the 13,000 women physicians . . . we encourage the Senate to actively oppose S. 939 . . . this legislation represents a serious impingement on the rights of physicians to determine medical management for individual patients.''

American Public Health Association:

''APHA opposes [HR 1833] because it prevents women from receiving medical care which ensures their safety and well-being.''

Individual Doctors:

''[HR 1833] is not good public health policy, it is not good medical care, and it harms families.''—Philip G. Stubblefield, MD, Chairman, Department of Obstetrics and Gynecology, Boston University School of Medicine.

''This legislation represents an unprecedented intrusion into the practice of medicine and the doctor/patient relationship. The bill . . . eliminates a therapeutic choice for physicians and imposes a politically inspired risk to the health and safety of a pregnant woman.''—Allan Rosenfield, MD, Dean, Columbia University School of Public Health.

''One concept that seems to be lost on the general public is that these pregnancies can have a significant health risk to the mother. Often fetuses that have physical abnormalities will have increased amniotic fluid that can cause uterine agony and severe maternal bleeding at birth. Fetuses that have fluid in their lungs and bodies can cause mothers to experience 'mirror syndrome,' where they themselves become bloated and dangerously hypertensive. Abnormal fetuses often require operative deliveries, and this puts the mother at increased risk of infection and death. The usual type of termination of pregnancy is a traumatic stretching of the cervix that then increases a woman's chance for infertility in the future. The procedure that is up for 'banning' allows very passive dilation of the cervix and allows gentle manipulation to preserve the very much desired fertility of these distraught women.''—Dru Elaine Carlson, MD, Director, Reproductive Genetics, Department of Obstetrics and Gynecology, Cedars-Sinai Medical Center, Assistant Professor, UCLA.

''Sometimes, as any doctor will tell you, you begin a surgical procedure expecting that it will go one way, only to discover that the unique demands of the case require you to do something different. Telling a physician that it is illegal for him or her to adapt his or her surgical method for the safety of his patient is, in effect, legislating malpractice, and it flies in the face of standards for quality medical care.''—J. Courtland Robinson, MD, MPH, Division of Gynecologic Specialties, Johns Hopkins Medicine.

CALIFORNIA MEDICAL ASSOCIATION,
San Francisco, CA, October 24, 1995.

Re: H.R. 1833.

Representative SAM FARR,
Washington, DC.

DEAR REPRESENTATIVE FARR: The California Medical Association is writing to express its strong opposition to the above-referenced bill, which would ban ''partial-birth abortions.'' We believe that this bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Furthermore, it would impose an horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy to which the woman and her spouse are deeply committed.

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved, and CMA wishes to clarify that it is not advocating the performance of elective abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilarion and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several respects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. It also permits the parents to hold and mourn the fetus as a lost child, which may assist them in reaching closure on a tragic situation. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Thus, there are numerous reasons why the IDE procedure may be medically appropriate in a particular case, and there is virtually no scientific evidence supporting a ban on its use.

CMA recognizes that this type of abortion procedure performed late in a pregnancy is a very serious matter. However, political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. CMA opposes any legislation, state or federal, that denies a pregnant woman and her physician the ability to make medically appropriate decisions about the course of her medical care. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care. It would set a very undesirable precedent if Congress were by legislative fiat to decide such matters. The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge.

CMA urges you to defeat this bill. The patient who would seek the IDE procedure are already in great personal turmoil. Their physical and emotional trauma should not be compounded by an oppressive law that is devoid of scientific justification.

Sincerely,

EUGENE S. OGROD, II, M.D.,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, November 8, 1995.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to express the opposition of the American Nurses Association to H.R. 1833, the ''Partial-Birth Abortion Ban Act of 1995'', which is scheduled to be considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles.

Furthermore, very few of those late-term abortions are performed each year and they are usually necessary either to protect the life of the mother or because of severe fetal abnormalities. It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision. This procedure can mean the difference between life and death for a woman.

The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

The American Nurses Association respectfully urges you to vote against H.R. 1833 when it is brought before the Senate.

Sincerely,

GERI MARULLO, MSN, RN,
Executive Director.

AMERICAN MEDICAL WOMEN'S ASSOCIATION, INC.,
March 4, 1996.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: On behalf of the American Medical Women's Association, I would like to commend you for reiterating your support of Roe v. Wade in your letter to Congress dated February 28, 1996. However, we are dismayed that you have agreed to support H.R. 1833 if it is amended as you requested in your letter to Congress. Our association opposes any efforts to erode the constitutionally protected rights guaranteed by Roe v. Wade. AMWA objects to laws and court rulings that interfere with the doctor-patient relationship, either in requiring or proscribing specific medical advice to pregnant women. Further, we oppose any measures that limit access to medical care for pregnant women, particularly the poor or underserved and measures that involve spousal or parental interference with their personal decision to terminate pregnancy. This bill would not only restrict the reproductive rights of American women but also

impose legal requirements for medical care decisions.

The American Medical Women's Association strongly opposes H.R. 1833 in its current form on several grounds. We continue to support a woman's right to determine whether to continue or terminate her pregnancy without government restrictions placed on her physician's medical judgment and without spousal or parental interference. This bill would subject physicians to civil action and criminal prosecution for making a particular medical decision. We expect that the provisions for prosecutions of physicians would generate considerable litigation if this bill becomes law. We do not believe that the federal government should dictate the decisions of physicians and feel that passage of H.R. 1833 would in effect prescribe the medical procedures to be used by physicians rather than allow physicians to use their medical judgment in determining the most appropriate treatment for their patients. The passage of this bill would set a dangerous precedent—undermining the ability of physicians to make medical decisions. It is medical professionals, not the President or Congress, who should determine appropriate medical options.

We will continue to press the White House and Congress to protect the provisions of Roe v. Wade and support a woman's right to continue or terminate her pregnancy.

Sincerely,

JEAN L FOURCROY, M.D., Ph.D,
President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, April 10, 1996.

President CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: Thank you for expressing opposition to H.R. 1833, legislation banning certain late term abortion procedures, and for urging Congress to include legislative protections for the life and the health of the woman. The American Public Health Association urges you to veto this bill because of the potential deleterious effects it could have on the health of American women.

APHA opposes this legislation because it prevents women from receiving medical care which ensures their safety and well-being. APHA recognizes that in certain cases when a wanted pregnancy results in a tragic outcome for the fetus or places the woman in harms way the procedure banned by H.R. 1833 may be appropriate. This procedure is used rarely but should remain legal and available to ensure that women who face life and health threatening conditions due to their pregnancies are protected and that their health is preserved.

The bill passed by both chambers of Congress fails to include acceptable life exception language. As it reads, if any other procedure is available, regardless of the risks or injurious long-term effects it could have on the woman, a physician is required by law to utilize the other option. This precludes a physician from employing the dilation and extraction procedure when it would prove less harmful and be more likely to preserve a woman's life and health.

We urge you to veto this version of the legislation and return it to Congress with a request for the inclusion of broader life exception language which truly protects the lives and health of American women.

Sincerely,

FERNANDO M. TREVIÑO, Ph.D. MPH,
Executive Director.

BOSTON UNIVERSITY
MEDICAL CENTER HOSPITAL,
Boston, MA, July 22, 1996.

Representative OLVER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE OLVER: Thank you very much for your past opposition of H.R. 1833, the so called partial birth abortion bill. Please vote against the attempt to override President Clinton's veto of this legislation.

This attempt to prevent women with malformed pregnancies from obtaining late abortion services is not good public health policy, it is not good medical care, and it harms families. Please vote against the override attempt.

Sincerely,

PHILLIP G. STUBBLEFIELD, M.D.,
Chairman.

COLUMBIA UNIVERSITY SCHOOL
OF PUBLIC HEALTH,
New York, NY, June 26, 1996.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Oneata, NY.

DEAR SENATOR MOYNIHAN: I write to you to express my concern about an attempt to override President Clinton's veto of H.R. 1833, a bill that would allow for the criminal prosecution of physicians who perform certain kinds of abortions.

This legislation represents an unprecedented intrusion into the practice of medicine and the doctor/patient relationship. The bill targets an abortion method used only in rare and tragic circumstances, eliminates a therapeutic choice for physicians, and imposes a politically inspired risk to the health and safety of a pregnant woman.

I have attached a copy of the editorial I wrote for the New York Times that outlines my concerns. I went on record on this issue to respond to the overwhelming misinformation surrounding this legislation. As a physician, I am trying my best to counter the religious political extremists who are purposely distorting the facts.

I have also attached for your review a fact sheet compiled by the American College of Obstetricians and Gynecologists to outline some of the medical realities surrounding these medically necessary abortions. I hope you find it helpful, and that you will reconsider your intention to override President Clinton's veto of H.R. 1833.

I stand ready to provide any information you may need. I can be reached at (212) 305–3929.

Sincerely,

ALLAN ROSENFIELD, M.D.

CEDARS-SINAI MEDICAL CENTER,
Los Angeles, CA, June 27, 1995.

Hon. PATRICIA SCHROEDER,
Washington, DC.

DEAR——— ———: This is a letter to encourage you to defeat bills H.R. 1833 and S. 9392. These bills aim to ban the surgical procedure of second trimester abortion known as intact D & E.

I am the Director of Reproductive Genetics and a perinatologist and geneticist at Cedars-Sinai Medical Center in Los Angeles. My practice consists primarily of pregnant women who are referred to me by their Obstetrician for an ultrasound and/or genetic evaluation of their ongoing pregnancy. Sometimes I am asked to see women who have a possible abnormal finding on a prenatal ultrasound done by another practitioner. I am usually the final diagnostician in these cases and I spend a tremendous amount of my time counseling families about what I see, how we can approach this problem, how we can clarify what is wrong, and sometimes, how we can fix the fetal abnormality. Often nothing can be done and we are left with an abnormal fetus that is in the late second trimester and a devastated family. With the help of their private doctor, other geneticists, and genetic counselors, we advise parents that we will support them in whatever decision they choose. If they continue the pregnancy, we will be there with them. If they choose to end the pregnancy or wish to explore that option, I refer them to Dr. James McMahon, a practitioner of the type of abortion that is being singled out to be banned in H.R. 1833 and S. 9322.

Dr. McMahon provides an unusual expertise in the termination of late in gestation flawed pregnancies. Without his help, these women would have to go through a pregnancy knowing their child will be born dead, or worse, will live a horribly damaged life. One concept that seems to be lost on the general public is that these pregnancies can have a significant health risk to the mother. Often fetuses that have physical abnormalities will have increased amniotic fluid that can cause uterine atony and severe maternal bleeding at birth. Fetuses that have fluid in their lungs and bodies can cause mothers to experience the ''mirror syndrome'', where they themselves become bloated and dangerously hypertensive. Abnormal fetuses often require operative deliveries, and this puts the mother at increased risk of infection and death. The usual type of termination of pregnancy is a traumatic stretching of the cervix that then increases a woman's chance for infertility in the future. The procedure that is up for ''banning'' allows very passive dilatation of the cervix and allows gentle manipulation to preserve the very much desired fertility of these distraught women. To put it mildly, this is not just a ''fetal issue'', it is a health care issue for the mother as well.

Who is served by having malformed children born to families that cannot financially or emotionally support them? I know that these decisions are not taken lightly by these families. Some do continue; and they are always back in my office for prenatal diagnosis in their next pregnancy. Raising a damaged child is a sobering experience. Why should families have to go through this once, much less again and again? For those who believe this is ''God's will'' I would challenge them to be that child's caretaker for a day, a week, a month, a lifetime. Frankly, I have the religious conviction that fetal malformations are not ''God's will'' but the devil's work. I cannot believe the Good Lord wants little babies to suffer in this way. And I can't believe the United States of America's Congress is interested in causing families to undergo suffering and pain when they don't have to experience this nightmare. Undergoing a late gestation termination of pregnancy is a terribly heart-wrenching and soul-searching process. Since I refer Dr. McMahon a large number of families, I have gone to his facility and seen for myself what he does and how he does it. The emotional pain that these families suffer will be life-long. But they are comforted by the fact that Dr. McMahon is caring, and gentle, and ultimately life-affirming in his approach to the abortion procedure. Essentially he provides analgesia for the mother that removes anxiety and pain and as a result of this medication the fetus is also sedated. When the cervix is open enough for a safe delivery of the fetus he uses ultrasound guidance to gently deliver the fetal body up to the shoulders and then very quickly and expertly performs what is called a cephalocentesis. Essentially this is removal of cerebrospinal fluid from the brain causing instant brain herniation and death. There is no struggling of the fetus; quite the contrary, from my personal

observation I can tell you that the end is extremely humane and rapid. He provides dignity for all of his patients: the mothers, the fathers, the extended families and finally to the fetuses themselves. He does not ''mangle'' fetuses, rather they are delivered intact and that allows us (a team of physicians at Cedars) to evaluate them carefully, and for families to touch and acknowledge their baby in saying goodbye. We work with Dr. McMahon in evaluating many of the malformed fetuses with careful autopsy, molecular studies, and dysmorphological examinations to try and provide the clearest and most precise diagnosis we can for our families as to why this happened to them. Often we can reassure them that this won't happen again; too frequently we must advise them that they carry a genetic mutation that does have a risk of recurrence.

If Dr. McMahon did not exist I will assure you that most of these families would simply not have children. The divorce and emptiness that would bring is something that, thankfully, is not necessary now. Certainly we all pray that this does not occur again; but if it does the family knows that they can end that pregnancy and try again until finally they achieve what we all want: a healthy, happy, whole baby. That is the essence of family values and I implore each and every person to see beyond their own prejudices and walk in that family's shoes. What would you do if you, your wife, your daughter, or your son's wife had a fetus with half of a brain; a hole where its face should be; a heart malformation so complex that it will require years of painful and ultimately unsuccessful surgery; a lethal chromosome abnormality where your child would never recognize you or itself? Most people are thankful there is another option besides just enduring this.

My goal is for no family to have to experience abortion. I am working as hard as I know how to understand malformation and the wrong signals of our genes. But until my lofty goal is realized, we need individuals like Jim McMahon to provide the competent services to help these families. This is not just an individual freedom issue, it is a basic issue of society. There is enough tragedy in ordinary life; why make more of it if there are clear and safe alternatives? If you decide that Dr. McMahon and his colleagues should no longer be allowed to practice medicine as they know how, you will be denying women and their families the basic right of freedom of choice and the pursuit of happiness. And you will be condemning a generation of malformed newborns to a life of very expensive pain and suffering. The payment due on that bill is going to be very, very costly to the Government because eventually you and I are going to be maintaining these children. But the payment due on the personal grief this will cause can never be adequately paid. I can't imagine that any of you want to contribute to that debt and you don't have to. Just leave Dr. McMahon alone to do what he does best and let us all work toward the day when he isn't needed anymore.

Thank you for allowing me to express my opinion.

Sincerely,

DRU ELAINE CARLSON, M.D.,
Director, Reproductive Genetics.

Mrs. BOXER. Mr. President, the President of the United States has offered us today in his veto message a way to pass a bill that makes an exception for these narrow cases that Senator MURRAY talked about, for the cases of these families whose faces you will see on this floor. We could walk together and do this.

I made a unanimous-consent request that we set aside this veto message, that we pass the bill with a true Hyde life exception and an exception for serious adverse health consequences to the woman, and it was objected to by the Senator from Pennsylvania. I claim, Mr. President, this is politically motivated. Why would they hold this veto override for 5 months and bring it up on the last week?

I urge my colleagues to be courageous. We know what polls show, but I am convinced that when people understand that this bill as it is crafted will lead to the death of women, to the devastation of families, that the American people will side with this courageous decision of the President of the United States of America and those of us who are willing to stand up and fight for these women and their families. I pray to God that we will sustain. Yes, we may have a few people who change. That is inevitable in this controversial issue. But I think we have enough Democrats and Republicans to sustain this veto.

At this time I yield 10 minutes to my colleague from Illinois, Senator SIMON, immediately followed by Senator KENNEDY for 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague for yielding. One of the things I think all of us who are here ought to consider is the Members of the U.S. Senate who could face this problem are the female Members of this body. If the women in the U.S. Senate were to cast the decisive votes, this bill would never pass. I think that is just one thing to keep in mind.

But these are very practical problems. I would like to read to you, Mr. President, a letter from a woman in Naperville, IL. She and her family have their picture right in back of me.

My name is Vikki Stella. I am writing to thank you for opposing this bill, and courageously standing by families like ours. My husband Archer and I have two daughters, Lindsay and Natalie, as well as a beautiful baby boy named Nicholas Archer. Two years ago I had the procedure that H.R. 1833 would ban when I found out my unborn son Anthony was dying.

I was in the third trimester of a pregnancy my doctor called ''disgustingly normal'' when, at 32 weeks, our world turned upside-down. After amniocentesis and five ultrasounds, the sixth ultrasound found grave problems which had not been detected before. Ultimately, my son was diagnosed with at least nine major anomalies, including a fluid-filled cranium with no brain tissue at all; compacted, flattened vertebrae; congenital hip dysplasia; and skeletal dysplasia; and hypertoloric eyes. He would never have survived outside my womb.

My options were extremely limited because I am diabetic and don't heal as well as other people. Waiting for normal labor to occur, inducing labor early, or having a C-section would have put my life at risk. The only option that would ensure that my daughters would not grow up without their mother was a highly specialized, surgical abortion procedure developed for women with similar difficult conditions. Though we were distraught over losing our son, we knew the procedure was the right option (the very procedure that would be outlawed by H.R. 1833).

And, as promised, the surgery preserved my fertility. Our darling Nicholas was born in December of 1995.

Nicholas is the little boy that she is holding, in the picture.

In our joy over Nicholas' birth, my husband, my daughters and I remember Anthony. The way his short life ended made it possible for this new baby to be born. This beautiful child would not be here today if it were not for Dr. McMahon and the safe and legal surgical procedure he performed.

I have shared Anthony's story to help you understand that the procedure I underwent helped temper my family's sorrow. Thank you for listening to Anthony's story, for understanding the danger of H.R. 1833, and for supporting President Clinton in his veto of this horrible bill.

I think we have to listen to women like Vikki Stella. We are not talking about abstractions. We are talking about real people, people who do not take a baby to that third trimester without the expectation of delivering the baby, but something horrible happens like in this case.

I do not think the U.S. Senate or the Federal Government ought to sit in judgment. That is a decision for the Stella family, their physicians, their spiritual counselors to make. Some people, because of conviction, would not have made that decision.

What I am unwilling to say is the physician who helped them is a criminal and should be sent to prison for 2 years. I am unwilling to say that Vikki and her husband, Archer, are accessories to a crime. I think that decision ought to be made by women and their physicians and their spiritual advisers.

It is interesting that the National Association of Obstetricians and Gynecologists, who are interested in preserving life and having happy families, oppose this legislation.

I think we need to draw down the emotional temper that is here and say, what is happening and why do families feel they are in these desperate straits? The one woman I remember who testified, who faced a more horrible situation, who chairs her local Roman Catholic Church council, just told of her experience.

These are practical things. If this veto is overridden, this will have a practical effect on the lives of a great many people. If this bill had passed, little Nicholas, the happy little boy in this picture, would not be alive today. We are talking about saving lives. We are talking about saving lives like little Nicholas' life. I hope the President's veto is not overridden.

Mrs. BOXER. The Senator from Massachusetts is to immediately follow.

Mr. KENNEDY. Mr. President, I hope our colleagues listened very carefully to our friend and colleague from the State of Washington, Senator MURRAY. She gave one of the finest presentations I have heard in the Senate regarding this subject. She spoke about this issue in such moving terms.

Many of us have seen, over the course of the past days, the real appeal to emotionalism. Attempts to try and portray individual Senators as being more concerned about life or about children or about women's health or other issues than other Senators. I think—having listened to a good many of those statements and comments and being a member of the Judiciary Committee who attended the hearings—Senator MURRAY's very clear and eloquent statement powerfully summarized the very dramatic challenge this issue presents to the Senate. I hope her words and her recommendations and her support of the President's veto will be adhered to.

I thank the Senator from California for her leadership during this debate, her work on this issue, and all of her efforts with regard to women's and children's health issues and health care reform. Although others have shown leadership on these issues, I think no one is more concerned and more diligent in ensuring good health policy for expectant mothers, children, and all Americans, as our friend from California. When she addresses these issues, she brings enormous credibility to her argument. I commend her for it and for her leadership.

I oppose this legislation, and I urge the Senate to sustain the President's veto. The President was right to veto this bill, because it fails to include adequate safeguards for the life or the health of the mother.

It makes no sense to criminalize a medical procedure that has saved the lives and preserved the health of many women. If our Republican colleagues are serious about this difficult and complex issue, they would have included a full exception for the life of the mother instead of the inadequate exception in this bill. They would also have included an exception for serious threats to the health of the mother.

This bill is too harsh and too extreme in both of these areas. Without good faith exceptions for the life and health of the mother, the bill, in addition to being too harsh and too extreme, is unconstitutional under Roe versus Wade.

Because of these serious deficiencies, this bill imposes an unacceptable burden on women and their doctors. Congress should not criminalize a medical procedure needed to deal with cases that threaten the life or the health of the mother. In these difficult and traumatic and heart-rending cases, Congress should not second guess the judgment of the doctor, let alone threaten the doctor with prison.

Our actions on this issue are not abstract or theoretical as we have heard so eloquently from both Senator MURRAY and Senator BOXER. They have real consequences for real families. Listen to the words of Richard Ades. Richard and his wife Claudia were expecting a baby boy when they discovered the baby had a severe chromosomal abnormality and would not live. Claudia's health and life were at risk if the pregnancy continued, and their physician recommended this procedure. Now, Mr. Ades says,

> I have major concerns with this legislation and what it will mean to our wives, our sisters and our daughters. This is not a women's issue. This was my baby too. This is a family issue. This is not a choice issue. This is a health issue for everyone * * * The procedure under assault * * * protected my wife's health and possibly saved her life. It allowed my son's suffering to end. It allowed us to look forward to a growing family. It was the safest medical procedure available to us.

It is a fact that this procedure may well be the safest procedure for women whose pregnancies have gone tragically wrong and whose life or health is in danger. Women in this tragic situation may have other options, but those options involve alternative procedures that are permitted by this legislation yet are more dangerous for the mother. This bill does not stop late-term abortions. It does make such abortions more dangerous to the mother. As Prof. Louis Michael Seidman testified during the Judiciary Committee hearings, ''All this bill does is to channel women from one less risky abortion procedure to another more risky abortion procedure.''

Consider the case of Coreen Costello, who testified before the Senate Judiciary Committee. She told us that when she was 7 months pregnant, her doctor discovered that her baby had a lethal neurological disorder. She still wanted to have her baby. She consulted several specialists. She was told that natural birth or induced labor were impossible, and that a caesarean section would put her health and possibly her life in danger. As she said, ''There was no reason to risk leaving my children motherless if there was no hope of saving the baby.'' And so she had the procedure that this bill would criminalize.

Mrs. Costello's testimony was powerful and moving. In an attempt to undermine it, some of our Republican colleagues questioned whether Mrs. Costello actually had the procedure at issue in this legislation. As she and other women at our committee hearing testified,

> We are shocked and outraged at attempts by you and other members of the Senate to dismiss our significance as witnesses against the partial birth abortion bill. We are not doctors * * * but we do know that the surgical procedure we went through is the method that is insultingly parodied on your charts and in the ads of the Right-To-Life groups.

No major medical association supports this legislation. It is specifically opposed by many leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Public Health Association, the American Medical Women's Association, the American Nurses Association, and the California Medical Association.

The American College of Obstetricians and Gynecologists, which represents 35,000 physicians, opposes this legislation. According to their statement of opposition, they ''find it very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, H.R. 1833 employs terminology that is not even recognized in the medical community—demonstrating why congressional opinion should never be substituted for professional medical judgment.''

If this bill is enacted into law, Congress will be violating sound medical practice and adding to the pain and misery and tragedy of many women and their families.

I urge the Senate to vote to sustain the President's veto.

Mr. SANTORUM. Mr. President, I yield 10 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Does the Senator from Utah want to go forward first?

Mr. HATCH. If the Senator will yield briefly, yes.

Mr. SANTORUM. I yield, first, to the Senator from Utah.

Mr. HATCH. Mr. President, I rise today to express my disappointment at the President's decision to veto the Partial-Birth Abortion Ban Act. The President's veto was a shocking act. For this President, there are apparently no limits.

While I was very pleased that the House was able to override the President's veto, I know that it will be very difficult for the Senate to muster the two-thirds supermajority needed to override the veto.

That makes the President's veto all the more discouraging, because he has succeeded in preventing Congress from outlawing an indefensible late-term abortion procedure which is disturbingly close to infanticide.

The partial-birth abortion bill received thoughtful consideration in the House and the Senate and was the subject of an informative and in-depth hearing that I chaired in the Judiciary Committee last December.

The bill is a very limited measure and bans one particularly brutal method of late-term abortion that has been performed by only a handful of doctors and that is never medically necessary.

Frankly, I still find it very difficult to believe that anyone could oppose this bill. In fact, even pro-choice Members of Congress supported this bill. One need not be antiabortion to oppose this particularly gruesome procedure.

In the partial-birth abortion procedure, the doctor partially delivers a living fetus so that all but the baby's head remains outside the mother's uterus.

The doctor then uses scissors to make a hole in the baby's skull, inserts a suction catheter into the baby's head, and sucks out the brains. This kills the baby.

The doctor then completes what would otherwise have been a live delivery and removes the dead baby.

I find this procedure indefensible.

The President indicated that he would support this bill if it was amended to provide an exception for the health of the mother.

I would like to point out how illusory that exception is.

As testimony at our Judiciary Committee hearing demonstrated, this procedure is not performed primarily to save the life of the mother or to protect her from serious health consequences.

Instead, the evidence shows that this procedure is often performed in the late second and third trimesters for purely elective reasons.

I acknowledge that there may have been rare cases where this awful procedure was performed and where there was a possibility of serious, adverse health consequences to the mother.

However, even in those cases, a number of other procedures could have been performed. In fact, other procedures would have been performed had the mothers gone to any other doctor than one of the handful of doctors who perform these awful partial-birth abortions.

The former U.S. Surgeon General, C. Everett Koop, recently described his opposition to the partial-birth abortion procedure in an interview with the American Medical News, which was published in its August 19, 1996 issue. Dr. Koop stated:

> I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial birth abortion.

That is the view of one of this nation's most distinguished Surgeon Generals ever.

And the fact of the matter is—and this is something that the President has not acknowledged—this reprehensible procedure is being performed primarily where there are only minor problems with the fetus and for purely elective reasons.

It is not the worthy, necessary procedure the President paints it to be.

Dr. Martin Haskell, one of the few doctors who perform this procedure, admitted in testimony given under oath in Federal district court in Ohio that he performs the procedure on second trimester patients for ''some medical'' and ''some not so medical'' reasons.

Transcripts from a 1993 interview with the American Medical News reveal that Dr. Haskell stated ''most of my abortions are elective in the 20–24 week range * * * In my particular case, probably 20 percent are for genetic reasons [and] the other 80 percent are purely elective.''

Dr. Nancy Romer, who is a practicing ob-gyn, a professor in the department of obstetrics and gynecology at the Wright State University School of Medicine, and the vice-chair of the department of obstetrics and gynecology at Miami Valley Hospital, both in Dayton, OH, testified before the Senate Judiciary Committee that she has cared for patients who had received a partial-birth abortion from Dr. Haskell for reasons that were purely based on the woman not wanting a baby—as she put it, for social reasons.

This procedure is simply not being done to protect the health and safety of women. After reviewing all of the evidence that came out of the hearings in the House and Senate on this bill, I don't think there can be any question about that.

However, some of the doctors who perform this procedure disingenuously claim that they do it for the health of the mother.

That is why a health-of-the-mother exception—even one that is, as the President now characterizes it, for ''serious, adverse'' health consequences—would gut this bill and would be easily exploited by the few selected doctors who do this procedure.

Those doctors would be able to justify it under any circumstances—particularly since, under the President's suggestion, they would be the ones to determine what constituted a ''serious, adverse'' health consequence.

Just look at how the doctors who have performed this procedure have already mischaracterized essentially elective reasons for an abortion as health-related reasons.

Dr. McMahon—one of the other doctors who admitted performing this procedure—indicated in a 1995 letter submitted to Congress that although all of the third trimester abortions he performed were ''non-elective,'' approximately 80 percent of the abortions he performed after 20 weeks of pregnancy were ''therapeutic.''

But Dr. McMahon then provided the House Judiciary Committee with a listing of the so-called therapeutic indications for which he performed the procedure. That list is astonishing.

It shows that the single most common reason for which the partial-birth abortion was performed by him was maternal depression.

He also listed substance abuse on the part of the mother as a therapeutic reason for which he performed the procedure.

In terms of so-called fetal abnormalities, Dr. McMahon's own list indicates that he performed the procedure numerous times in cases in which the fetus had no more serious a problem than a cleft lip.

Dr. Haskell has similarly acknowledged that he is not performing the procedure in critical instances of maternal or fetal health.

In Dr. Haskell's testimony in Federal district court in Ohio, Dr. Haskell stated: ''Patients that are critically ill at the time they're referred for termination, I probably would not see. Most of the patients that are referred to me for termination are at least healthy enough to undergo an operation on an outpatient basis or else I would not undertake it.''

When asked about the specific health-related reasons for which he performed the partial-birth abortion procedure, Dr. Haskell specified that he has performed the procedure in cases involving high blood pressure, diabetes, and agoraphobia—fear of going outside—on the part of the mother.

Would we want to entrust these doctors with determining when a ''serious, adverse'' health consequence existed?

Is it any wonder that those who really want to see this horrifying procedure ended see the President's proposed exception for the giant loophole that it really is?

The evidence has shown that in no case is this particularly gruesome procedure necessary for the woman's life or health. Medical testimony in the committee's hearing record indicates that, even if an abortion were to be performed in late pregnancy for a variety of complications, a number of other procedures could be performed, such as the far more common classical D&E—or dilation and extraction procedure or an induction procedure.

When asked whether the exact procedure Dr. McMahon used would ever be medically necessary, several doctors at our hearing explained that it would not. Dr. Nancy Romer stated that she had never had to resort to that procedure and that none of the physicians that she worked with had ever had to use it.

Dr. Pamela Smith, the director of medical education in the department of obstetrics and gynecology at the Mount Sinai Medical Hospital Center in Chicago, stated that a doctor would never need to resort to the partial-birth abortion procedure.

Further, the hearing record refutes the claim that in some circumstances a partial-birth abortion will be the safest option available for a late-term abortion.

An article published in the November 20, 1995 issue of the American Medical News quoted Dr. Warren Hern as stating, ''I would dispute any statement that this is the safest procedure to use.'' Dr. Hern is the author of ''Abortion Practice,'' the Nation's most widely used textbook on abortion standards and procedures.

He also stated in that interview that he ''has very strong reservations'' about the partial-birth abortion procedure banned by this bill.

Indeed, referring to the procedure, he stated, ''You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it.''

In fairness to Dr. Hern, I note that he does not support this bill in part because he feels this is the beginning of legislative efforts to chip away at abortion rights. His opinion on the this procedure, however, is highly informative.

I think Dr. Nancy Romer's testimony explained it best. She said:

If this procedure were absolutely necessary, then I would ask you, why does no one that I work with do it? We have two high-risk obstetricians, and a medical department of about 40 obstetricians, and nobody does it. We care for and do second-trimester abortions, and we have peer review. We are watching each other, and if we truly were doing alternative procedures that were killing women left and right, we would be out there looking for something better. We would be going to Dr. Haskell and saying, please, come help us do this. And we are not. We are satisfied with what we do. We are watching each other and we know that the care that we provide is adequate and safe.

In short, this procedure cannot be justified as needed for the health or safety of women. The President's attempt to characterize it as such is misleading and disingenuous.

Let me be clear that this bill does not penalize the mother if a partial-birth abortion is performed in violation of the bill. Moreover, there is a life-of-the-mother exception in the bill.

President Clinton came into the White House pledging to take a moderate, mainstream course on the abortion issue. But his veto of this legislation reveals his extreme views for what they are.

This veto does not even represent the thoughtful pro-choice position. It represents the abortion anytime, anywhere, under any circumstances, position.

We should be very clear that this horrifying procedure, which is never medically necessary for the life or health of the mother, will continue because of the actions of the President.

He could have taken a compassionate position on this issue, determined that even as a pro-abortion President, this procedure is beyond the pale, and signed this legislation.

Instead, he chose to preserve this procedure. I agree with our colleague Senator MOYNIHAN, who observed that this procedure was ''as close to infanticide as anything I've ever seen.''

The victims of late-term partial birth abortions are children. There can be no question about that.

Thanks to this Presidential veto, if the Senate fails to override it, this procedure will continue to be performed in this country. And that is a sad commentary on just how immune we have become to blood and gore, even when it is performed on innocent babies.

I urge my colleagues to vote to override this veto.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I remember the first time I visited Washington. I was 18 years old and came here with my mother and father and my sister, Mary. It was in the spring and I was a young college student. I remember visiting the Capitol and seeing for the first time the Chamber that we are now in—a memory I have never lost. I came back here 3 years later as a law student.

During my years at Georgetown, I visited the Congress, especially the U.S. Senate, over and over again. I heard so many of the great debates, from civil rights, through Supreme Court nominations, to what the Senate would do following the tragic change of Presidents in 1963.

In those debates, the Senate upheld its role in the continuity of our country and the Senate helped shape the conscience of the Nation.

After law school I went back to Vermont and was fortunate to become a prosecutor in our State's largest county. To many, it may appear that a prosecutor faces cut-and-dried questions. One either broke the law or one didn't.

I quickly learned that it was not quite that easy a choice. The greatest thing a prosecutor possesses besides his or her integrity is prosecutorial discretion. The prosecutor always has to ask if the law is just and does the penalty fit the crime. In 1972 I was faced with a question about Vermont's abortion statute. I long felt that this was a case where the law, even if constitutional, carried a punishment that did not reflect the crime. The law said that there would be significant penalties of 10 years and not less than 3 years for anybody who brought about an abortion at any time during a pregnancy for any reason except to save the life of the mother. To me, such a statute was unrealistic, apparently unconstitutional, and far too strict. I felt this even as one who wished there never would be abortions.

This matter became a Vermont Supreme Court issue in the case of *Beechem* v. *Leahy* (130 VT 1164) decided on February 8, 1972.

The Vermont Supreme Court actually used my argument and said:

We hold that the legislature, having affirmed the right of a woman to abort, cannot simultaneously, by denying medical aid in all but the cases where it is necessary to preserve her life, prohibit its safe exercise. This is more than regulation, and an anomaly fatal to the application of this statute to medical practioners.

The court spoke of the statute being not regulative but prohibitive and in doing that they were a remarkable prelude to Roe versus Wade decided 11 months later.

We Vermonters said the question of having an abortion was a difficult and personal question and one to be decided between a woman and her doctor. The law stepped in only in extraordinary circumstances.

I am proud of the Vermont Supreme Court and proud of my role in their decision because it did protect a woman's right to choose. That has to be one of the most difficult decisions any woman can make.

Today, it is still the most difficult decision, and no legislator and no legislation should interfere, except in the most extreme cases, because a woman must make that decision for herself and for her conscience.

To this day, I recall the awe I felt walking on the Senate floor for the first time. I knew I walked where the giants of all parties who served here had walked. Today, like every day since, I remember the emotion of that first day in the Senate. I also recall the days as a young law student, sitting in the visitor's gallery, and thinking ''This truly is the body where our Nation's conscience resides.''

When I first ran for the Senate, I quoted Edmund Burke when I asked my fellow Vermonters to trust me with this office.

Burke said:

* * * it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs—and above all, ever, and in all cases, to prefer their interest to his own.

But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, * * * These he does not derive from your pleasure * * * no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

When the issue before us came up for a vote, I saw a poorly drafted statute; in fact, the suggestions contained in the letter from President Clinton to Senator DASCHLE demonstrate how much better the statute could have been drafted, and I wish this body had followed the suggestion of the distinguished Senator from California, Senator BOXER, who asked that we introduce and pass—as we would almost unanimously—legislation similar to what was suggested by the President. I was also offended by some—although not all—in the debate who looked only to politics and not the protection of a viable fetus. While President Clinton's veto may not be overridden today, I would ask both sides to put politics aside and consider writing legislation similar to what the President suggested. It would get broad bipartisan support.

As I have thought, and rethought that vote, I believe I reacted to a poorly drafted statute and a political debate. Instead, I should have asked, what for me is the ultimate question, what does the conscience of PATRICK LEAHY say?

The Senate can only be our Nation's conscience if we Senators follow ours on these matters. I respect all my constituents and all the Senators who will vote on this override. But on this issue my conscience, and my conscience alone, must determine my vote. I will vote to override.

Mr. President, I yield the floor.

Mr. SANTORUM. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, the issue before us is not about the right of a woman to choose. It is not even about the right to life for unborn children. This debate is about a repulsive procedure which should not be condoned in any civilized society. We are talking about banning a late-term abortion that is carried out through a gruesome procedure where a living baby is delivered through the birth canal feet first—everything except the head—and then the life of the child is terminated. The child is literally 3 inches away from the full constitutional protection of the law.

This is an issue about how civilized our society is and what practices we will allow to be conducted on human beings.

So I hope my colleagues, no matter where they stand on the issue of right to life or the right of a woman to choose, will recognize that this is a special case. This is a gruesome, uncivilized procedure, and this procedure should be banned.

I hope each of us will think through this issue and ponder it—not only in our minds but in our hearts. I believe, if Senators will do that, we will override this veto, and that we will ban this practice that no civilized society should condone.

I yield the remainder of my time.

Mr. SANTORUM. Mr. President, I yield to the Senator from Alaska 3 minutes.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Alaska.

Mr MURKOWSKI. Mr. President, on December 7, 1995, this body passed S. 939, a bill that would place a national ban on the partial-birth abortion procedures, except in cases in which the procedure is necessary to save the life of the mother. On April 10, 1996, President Clinton vetoed that bill. Mr. President, I rise today to urge my colleagues to override the Presidential veto and put an end to the tragic procedure known as a partial-birth abortion.

President Clinton defended his act of vetoing this bill by stating that a partial-birth abortion is a procedure that is medically necessary in certain ''compelling cases'' to protect the mother from ''serious injury to her health'' or to avoid the mother ''losing the ability to ever bear further children.''

President Clinton was misinformed. According to reputable medical testimony and evidence given before this Congress by partial-birth abortion practitioners, partial-birth abortions are: more widespread than its defenders admit; used predominantly for elective purposes; and are never necessary to safeguard the mother's health or fertility.

Mr. President, my Alaskan office has received more mail in the last week on this issue than any other issue this year—over 1,900 calls and letters—imploring the Senate's help to end this tragic procedure.

Mr. President, I note the extraordinary effort by many of our Members to try to take the emotion out of this procedure, and I was particularly moved by statements made by our colleague from Tennessee, who is a medical physician. In his statement, Senator FRIST was specific relative to the reality that this was not a necessary procedure. His statement certainly supports other experts.

Former Surgeon General C. Everett Koop stated that he ''believed that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions.'' Dr. Koop went on to say, ''In no way can I twist my mind to see that the late-term abortion as described as * * * partial birth * * * is a medical necessity for the mother.''

In an editorial in today's New York Times, C. Everett Koop, added,

> With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother * * *. Recent reports have concluded that a majority of partial-birth abortions are elective, involving a healthy woman and a normal fetus.

Mr. President, I ask that the remainder of Dr. Koop's editorial 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, Sept. 26, 1996]

WHY DEFEND PARTIAL-BIRTH ABORTION?

(By C. Everett Koop)

HANOVER, NH.—The debate in Congress about the procedure known as partial-birth abortion reveals a deep national uneasiness about abortion 23 years after the Supreme Court legalized it. As usual, each side in the debate shades the statistics and distorts the facts. But in this case, it is the abortion-rights advocates who seem inflexible and rigid.

The Senate is expected to vote today on whether to join the House in overriding President Clinton's veto of a bill last April banning partial-birth abortion. In this procedure, a doctor pulls out the baby's feet first, until the baby's head is lodged in the birth canal. Then, the doctor forces scissors through the base of the baby's skull, suctions out the brain, and crushes the skull to make extraction easier. Even some pro-choice advocates wince at this, as when Senator Daniel Patrick Moynihan termed it ''close to infanticide.''

The anti-abortion forces often imply that this procedure is usually performed in the third trimester on fully developed babies. Actually, most partial-birth abortions are performed late in the second trimester, around 26 weeks. Some of these would be viable babies.

But the misinformation campaign conducted by the advocates of partial-birth abortion is much more misleading. At first, abortion-rights activists claimed this procedure hardly ever took place. When pressed for figures, several pro-abortion groups came up with 500 a year, but later investigations revealed that in New Jersey alone 1,500 partial-birth abortions are performed each year. Obviously, the national annual figure is much higher.

The primary reason given for this procedure—that is often medically necessary to save the mother's life—is a false claim, though many people, including President Clinton, were misled into believing this. With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother, and the procedure's impact on a woman's cervix can put future pregnancies at risk. Recent reports have concluded that a majority of partial-birth abortions are elective, involving a healthy woman and normal fetus.

I'll admit to a personal bias: In my 30 years as a pediatric surgeon, I operated on newborns as tiny as some of these aborted babies, and we corrected congenital defects so the could live long and productive lives.

In their strident effort to protect partial-birth abortion, the pro-choice people remind me of the gun lobby. The gun lobby is so afraid of any effort to limit any guns that it opposes even a ban on assault weapons, though most gun owners think such a ban is justified.

In the same way, the pro-abortion people are so afraid of any limit on abortion that they have twisted the truth to protect partial-birth abortion, even though many pro-choice Americans find it reasonable to ban the procedure. Neither AK–47's nor partial-birth abortions have a place in civil society.

Both sides in the controversy need to straighten out their stance. The pro-life forces have done little to help prevent unwanted pregnancies, even though that is why most abortions are performed. They have also done little to provide for pregnant women in need.

On the other side, the pro-choice forces talk about medical necessity and under-represent abortion's prevalence: each year about 1.5 million babies have been aborted, very few of them for ''medical necessity.'' The current and necessarily graphic debate about partial-birth abortion should remind all of us that what some call a choice, others call a child.

Mr. MURKOWSKI. Mr. President, other physicians agree with the former Surgeon General: Three physicians, who treat pregnant women and their babies on a regular basis, submitted an editorial in a September 19, 1996, Wall Street Journal editorial and declared that ''Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility.''

A partial-birth abortion is not only tragic, it is violent. The procedure is one in which four-fifths of the child is delivered before the abhorrent process of killing the child begins. Sadly, throughout this procedure the majority of babies are alive and able to move and may actually feel pain during this ordeal.

Ms. Brenda Schafer, a nurse who observed a partial-birth abortion, made this moving statement before a congressional committee:

> The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall.
>
> The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.

Mr. President, we have heard much of the brutal reality associated with the

process, but let us not forget this reality: the child is within a few moments or a few inches from being protected by law. The suggestion is that this is a fetus; Mr. President, I suggest that this is a baby.

It is not a fetus. It is a baby.

Mr. President, it's not easy for any here to discuss this topic, but unfortunately, those are the true, stark, and brutal realities of a partial-birth abortion. And Mr. President, I must tell you that as a father of six, I am profoundly affected and disturbed by Ms. Schafer's statement.

I, and others who support this act, sympathize with a woman who is in a difficult and extreme circumstance, but no circumstance can justify the killing of an infant who is four-fifths born. My good friend and colleague Senator MOYNIHAN, who is a pro-choice Democrat declared that this practice of partial-birth abortions is just too close to infanticide.

That is why I hope that this is the one issue that can unite pro-life and pro-choice individuals. Because, Mr. President, the vote today is not an issue of pro-life or pro-choice—it's an issue of putting an end to an abhorrent and inhumane procedure.

Dr. Pamela Smith, in a House hearing on this issue, succinctly stated why Congress must act: ''The baby is literally inches from being declared a legal person by every state in the union. The urgency and seriousness of these matters therefore require appropriate legislative action.''

We are here with an obligation. Mr. President, this matter is urgent. This procedure cannot be defended medically and cannot be defended morally. I profoundly believe that it is a fitting and proper interest of the Government to protect human life—both of the mother and the child—healthy and disable. I strenuously urge my colleagues to vote in favor of overriding President Clinton's veto of the partial-birth abortion ban.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you, Mr. President. I am going to ask that the Senator from Illinois address us for up to 15 minutes, or as much time as she wishes. Before that, I yield myself 2 minutes to respond to a couple of the statements that have been made.

Mr. President, we could reach an agreement by unanimous consent to send a bill to the President that he would sign without all of this procedure but for the life and health of the woman. In fact, I have offered that by unanimous consent, and it was objected to by the Senator from Pennsylvania. He does not believe in that exemption, and he opposes it. He says it is a loophole. We say we can draw it in such a way that it could only be used to save precious lives. And instead of making this a political issue that goes into the election cycle, we could agree today to outlaw this procedure but for saving the life of the woman or to spare her long-term adverse health consequences.

I agree with the Senator from Texas when he says this is about how civilized our society is. And I would ask all Americans to decide for themselves. Is it civilized to outlaw a procedure that saved this woman's life, Coreen Costello? It is one example of many we will talk about. It ensured her fertility so she could have this little baby, Tucker. It seems to me it is uncivilized, indeed. It is cruel and inhumane to take away a tool from a doctor who feels it is, in fact, the only tool he or she may have to save this little life and to spare her husband and her children the tragedy of this situation.

My friend from Ohio says, ''Well, this woman does not know what she is talking about. She didn't have this procedure.'' Well, she just wrote us yesterday. How arrogant can we get? Some Senators down here think they know more than doctors. They think they know more than the American College of Obstetricians and Gynecologists and the American Nurses Association, the national organization representing 2.2 million registered nurses. They think they know more than the American Medical Women's Association. They think they know more than the American Public Health Association, and now they think they know more than this woman. They are telling this woman what procedure she had and didn't have when she and her doctor know very well that if this bill had been the law of the land, she may not be here.

I ask for order in the Chamber, please.

The PRESIDING OFFICER. The Senator from California may proceed.

Mrs. BOXER. Mr. President, I think this is a test of whether or not we are civilized. I think protecting mothers and babies and families is civilized. I think we can join hands here and outlaw this procedure unless the woman's life is at stake or her health is severely threatened.

I yield as much time as she may consume to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Senator from California.

Mr. President, the Senate's job is to be as rational as possible in our discussion of volatile issues like this one and to consider what is really at stake. There are many issues in this debate. What is at stake is a woman's personal liberty as guaranteed by our Constitution. What is at stake is the setting of a precedent by the Members of this Congress in making medical decisions and judgments that are better left to physicians.

What is at stake is a determination whether or not Congress should in good conscience prevent a woman from making decisions regarding her own difficult reproductive choices in consultation with her family, her doctor, and her God.

Personal liberty, Mr. President, is something that every American holds dear. It is woven into the fabric of our Nation and our beliefs and represented in our Declaration of Independence and our Constitution. There are certain aspects of our life in which we encourage Government intervention, where we, the people, wish to provide for the common defense and promote the general welfare as stated in the Constitution. We expect the police to come in when we are in trouble; we want our water to be clean and our medicine to be safe.

There are other aspects of our lives in which, however, we expect the Government to honor our inalienable rights and our personal liberty and to refrain from interfering. Who we vote for, what we believe in, where we live are all choices that we make free from Government intervention. We should hope that these decisions will always be private and personal ones without the dictates of the law telling us what we must do.

The ability of a woman to choose whether or not to terminate a pregnancy is, I believe, one of those instances where the Government must refrain—indeed, is required by our Constitution to refrain—from interfering in our personal lives. It is a central issue of a woman's citizenship and goes to the most private matter of her life. The U.S. Supreme Court in Roe versus Wade and Planned Parenthood v. Casey said a State may not prohibit postviability abortions to protect the life or health of a woman. It upheld the woman's equality under the law when such personal matters are concerned and said that a woman, in consultation with her physician, could make a decision about her health, about her life and about her pregnancy.

Women do not always have the luxury of making a popular decision regarding termination of a pregnancy. Indeed, it is probably one of the most difficult matters in anyone's family. But women should have the protection of the law in making a decision that is in the best interests of her health and of her family. I would point out that this is probably the most personal decision and should be one of the most private ones.

I also point out—and this is a point that somehow or other gets lost in this debate all the time—no Member of this Senate can face the trauma that is represented by the issue of late-term abortion—no Member of this Senate. The men of this Senate cannot be pregnant, and I daresay for the women of the Senate pregnancy is a hypothetical matter of nostalgia.

This theoretical debate we are having seems to ignore altogether the very personal issues for those who are of childbearing years. I believe that we have an obligation to consider their views even when those views may be unpopular and make certain that their liberties are not eroded by the passion of this debate.

This bill takes a personal decision and makes it a public one, and it provides for an exception in this instance only for life and then only for life as a way of affirmative defense. Reproductive choice is, in the final analysis, about the relationship of women citizens, of female citizens to their Government. Reproductive choice is central to their liberty.

We are charged in this democracy with doing what is right and not simply what is popular. There is no question but that abortion is a highly charged and volatile issue. Our Constitution guarantees the right to hold views and opinions that may not always be popular ones. Protection of those minority views is also central to our liberty. A family in crisis with a late-term pregnancy may not be able to consider the debate that we have here but they will very much consider what is going on in their family, what is going on with their life and the practical effect that it may have on not just the life but the health of the people involved.

I think it is very important for us to take a look at and to consider for a moment what is at stake with regard to those who have gone through the late-term abortion trauma that is reflected in this debate.

One of the issues that was raised by the senior Senator from Illinois had to do with an Illinois woman, Vikki Stella. This is her picture with her family. It has been on the floor for a while. Vikki Stella's story is one of tragedy and of courage. She and her husband were expecting their third child. At 32 weeks, she had her second sonogram. When the technician asked her to come upstairs and talk to the doctor, Vikki thought maybe it was because the baby was a breech. She is a diabetic, and she knew that any complications could be serious. After the second ultrasound, however, Vikki and her husband learned from the doctor that the child she was carrying had no brain. Vikki had to make the hardest decision of her life, and this is how she explains it. She said, I had to remove my son from life support and that was me.

Vikki did the hardest thing that a parent can do. She watched her child abort. She says in a letter which has been read on the floor but I want to have it accepted for the record, and I quote:

> My options were extremely limited because I am diabetic and don't heal as well as other people. Waiting for normal labor to occur, inducing labor early, or having a C-section would have put my life at risk. The only option that would ensure that my daughters would not grow up without their mother was a highly specialized, surgical abortion procedure developed for women with similar difficult conditions. Though we were distraught over losing our son, we knew the procedure was the right option (the very procedure that would be outlawed by H.R. 1833).

So I tell the story to my colleagues because it is a true story about a real woman, about a real family handling an awful situation in the best way that they knew how. This is exactly the kind of case where my colleagues who want to override this veto want to substitute their judgment for the judgment of the family and their doctor.

I have told the story before in the Chamber and I would point out that just yesterday—just yesterday—I had occasion to speak with another woman in my office, Claudia Ades, a woman who lived in Illinois at one point and she now lives in California. This woman described a situation in which she and her husband desperately wanted their baby and learned only at the late term that the baby could not live if born and she would give up any ability she might have to carry a subsequent child to term if she did not abort. So she had to make a similar difficult decision.

She sat in my office with tears in her eyes and she wondered why she had to go through this. She asked the Lord, ''Why me?'' She had come to the conclusion that she had had to go through that precisely so she could tell the story to help save the lives of other women who would be faced with the same situation, and that her child had been a sacrifice which she hoped would mean that other women would be able to hold on to their personal liberty, would be able to hold on to their right to make their own medical decision regarding a pregnancy.

We are with this attempt to override trying to substitute the judgment of a group of people who do not have to go through this, who do not have to go through this in life, or not have it even touch their lives, and yet we are becoming physicians and we are becoming experts and we are speaking about this issue in terms which frankly appeal to the popular consciousness because this procedure is not an easy one to look at, to hear about, to talk about.

It is almost embarrassing to stand on this floor and talk about the vaginal cavity and the procedure that is performed, but I daresay if we talked about the harm we may well do by stepping in where we have no right, by taking liberties away from people to make their own private decisions, we will do more harm to our country and to women who are faced with this decision and their families than anything else.

Mr. President, I have to tell you, I do not personally, and I have said this on the floor before as well, I do not favor abortion. My own religious beliefs hold life dear, and I would prefer that every potential child have a chance to be born. But the personal, fundamental right of freedom and liberty that we hold dear in this country dictates to me that we must not intervene with the most personal of all decisions, and that is a decision about whether or not to carry a traumatic pregnancy to term.

I am not prepared to substitute the Government's judgments for the judgments of women, of their families, and of their physicians in this decision. I am not prepared to say that a woman's life is worth less because she is carrying a pregnancy. I do not believe that the State has a right to intervene in the relationship between a woman and her body, her doctor, and her God. I urge my colleagues to vote to uphold this veto.

This difficult issue has a lot of aspects to it, but one that I hope that my colleagues will consider is the constitutional liberty that is at stake here today, the delicate balance between the rights of a woman to make decisions about her health and her body and the rights of the State.

At the end of the drafting of our Constitution there was a colloquy. At the close of the Constitutional Convention of 1787, Benjamin Franklin was asked, ''Well, Doctor. what have we got * * *?'' And Benjamin Franklin answered, ''A Republic, if you can keep it.''

I believe that our Republic stands for the inalienable rights that we enjoy as human beings and, as citizens of this great country, those include the right of a woman and her family to make a decision about her health and her body and whether or not she will carry a difficult pregnancy to term. I do not believe that it is consistent with our constitutional responsibilities, that it is consistent with the scope of our understanding, that we intervene in this very difficult and personal and private decision; that we take the liberty from women to make this decision. I encourage my colleagues to uphold the veto in this emotionally charged case.

I yield the floor to the Senator from California.

Mrs. BOXER. Mr. President, is there any time remaining on the 15 minutes of mine?

The PRESIDING OFFICER. The Senator used about 12 minutes.

Mrs. BOXER. Mr. President, I yield myself the 3 minutes that Senator MOSELEY-BRAUN did not use, to talk about her remarks for a moment. Then I intend to yield 5 minutes to the Senator from New Jersey, Senator LAUTENBERG.

Let me say, before my friend and colleague has to leave the floor, Senator MOSELEY-BRAUN, because I know she has people waiting in her office but I just want to thank her so much for participating at this point. I think both Senators from Illinois did a very special service to this body by bringing the issue out of theory, out of cartoon drawings of women's bodies which, frankly, many of us find offensive on the floor, to the reality of what happens in families today. The story she has told about Vikki Stella is a story that, unfortunately, too many of our families go through.

A loving family, a wanted and loved child, suddenly learning at the end of a pregnancy that something has gone terribly wrong, danger to the woman, danger to her family, and at that point I think what the Senator has put in

such good terms in this debate: Who do we want to make the decision of what is best for her? Do we want that family, that doctor, and their God to make this decision? Or do we want a U.S. Senator to make that decision and take a tool away from a physician, a physician who says he or she needs that tool to save that mother's life?

I think the answer is clearly, if we are a civilized society, we can walk down together on this bill. We can say this procedure should only be allowed in just those circumstances that the Senator described. The President has said that. The President has offered that. He has held out his hand. He has said he would sign such a bill that made a true life exception and a health exception. He, in fact, outlawed late-term abortion when he was the Governor of Arkansas, but for life and health. So I thank my colleague. Before she left, I wanted to thank her so much for her participation.

I also want to say that, again, it seems to me arrogant of some who would, in fact, substitute their own judgment for the judgment of families and physicians. I want to quickly quote, in the time I have remaining, from some of the finest doctors, from some of the finest medical schools in this United States of America.

From Boston University, a doctor says, ''This bill eliminates the therapeutic choice for physicians and imposes a politically inspired risk to the health and safety of a pregnant woman.''

From Cedar-Sinai Medical Center in Los Angeles, one of the most respected institutions in California. I am going to read this quote much later, but just in part it basically says if you outlaw this procedure you cannot help distraught women.

I yield myself an additional minute.

The PRESIDING OFFICER. The Chair informs the Senator there is a unanimous-consent order we would vacate the Chamber at 12:30.

Mrs. BOXER. I set this aside, and yield the floor to Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will be brief because I have listened to the debate as it has gone on. I must at the outset say that I hope we will support the President's veto. The case has been made by those with whom I disagree, obviously, I think very carefully, very articulately. I think there is one thing we can agree upon. That is, neither side accepts late-term abortions as something they would like to see done routinely; neither side. Not this side, for sure. I say, this side, I am not talking about the party side of the aisle. I am talking about those on this side of the debate. It is a terrible thing to contemplate. The problem is, this bill is a confrontation of a problem that is very serious, being judged, in my view, by the wrong folks in the wrong place. The decision has to be made in the privacy of a discussion between a woman, her conscience, and her physician.

President Clinton has, along with many of us here, argued that this bill should be modified to take account of women's health needs. One of the most extreme elements of this bill is the failure to include the exception in which the health of the mother is at risk. My friend and colleague, who is managing the support for the President, has so clearly said so many times: Give the doctors and families a chance to make the decision that includes an analysis of the mother's health requirements and you would not have any problem obtaining support for that legislation. I commend her for her courage, for her determination in leading this effort.

To try to cloak this in terms of whimsical or casual decisionmaking is really unfair. This is not something where a woman carries the fetus 6 months and then, in the later stage, would one think, anyone think, rationally, that she would just like to say, ''OK, it's time. I want to get rid of this. I am tired of carrying it.'' No. Those decisions are not casual or careless. Those decisions are very weighty decisions and they have to be taken in that context. They are about the life and health of women.

My youngest daughter, one of my three daughters, carried her first pregnancy 7 months. We were all elated at the prospect of her having a child. She would have been—all three daughters now have children, this one included. After 7 months she called me up and in very tearful terms said to me, ''Daddy, the baby died.'' Seven months—the child got twisted in the cord and expired.

I know from talking to physicians that there was always the worst possibility, that that child could wind up brain damaged and cause, in fact, a collateral risk to her health.

She has since had the most beautiful child in the whole world, and I know that. None of us who are defending the President's veto are casual about life. It is unfair to cast us that way.

The argument, Mr. President, I think, has unfairly been made in pictorial terms. The most simple operation, the simplest procedure is ugly to witness—ugly to witness—whether it is an appendectomy, or whatever have you. If you are not a professional, to see the blood, to see the tissue torn, et cetera, is a hideous sight to behold.

The picture that ought to be taken for the nonprofessional is the one that is postoperative, the one that shows a woman's health, the one that shows vibrancy, the one that shows the future. That is the picture that has to be taken.

I know time is limited, and we are forced by conditions here to conclude our debate momentarily. I will just say, for goodness sake, don't, in this room where politics dominates the discussion, take away the right of a woman, with her conscience fully included in her decision, to make this important decision in consultation with a physician. Let's not interfere in this difficult decision. This bill is not fair to American women and I hope we will stick with the President and his veto of this legislation.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask the Senator from New Jersey the question I asked the Senator from California.

Mrs. BOXER. Reserving the right to object. Was time to be up at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. If so, I ask unanimous consent that the Senator from Pennsylvania be given a minute and the Senator from California be given a minute and then we close down.

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

Mr. SANTORUM. Mr. President, if that baby at 24 weeks was delivered accidentally, just like that, but instead of the head being held in by the physician, the head was accidentally delivered by mistake, would the doctor and the mother have a right to kill that baby?

Mr. LAUTENBERG. My colleague from Pennsylvania can cloak it in any terms. What I support is a ban on late-term, healthy conditions.

Mr. SANTORUM. Answer the question.

Mr. LAUTENBERG. No, frame the question——

Mr. SANTORUM. If the baby was delivered and the head slipped out, would you allow the doctor to kill the baby?

Mr. LAUTENBERG. I am not making the decision.

Mr. SANTORUM. But that's what we are doing here, we are making decisions.

Mr. LAUTENBERG. You are making decisions that say a doctor doesn't——

Mr. SANTORUM. Three inches doesn't make the difference as to whether you answer the question?

Mr. LAUTENBERG. Someone has the knowledge, intelligence, and experience making the decision, as opposed to a graphic demonstration that says this is the way we are going to do it.

Mr. President, I would just like to make a few other comments about this bill. When the Senate originally considered this bill, it failed to pass the Boxer amendment. That amendment would have created an exception to the ban on late term abortions, where necessary to ''avert serious adverse health consequences to the woman.''

As a result, if a doctor expects that a woman would otherwise become permanently disabled, sterile, or seriously impaired, under this bill, the doctor would still be prohibited from performing this procedure. A doctor would have to feel absolutely certain that carrying a fetus to term would endanger the life of the mother, or the doctor

could not provide the medical services to avoid this consequence.

Mr. President, this issue is a question of trust. Do you trust politicians to make complicated medical decisions affecting women's lives? Or do you trust medical experts consulting with families? This bill says: politicians know best. I say: let's trust the doctors and the families.

Mr. President, let me say that I know there are many Americans who feel very strongly about the issue of abortion. It's a deeply personal and emotional issue, on both sides. I have the greatest respect for many of our citizens who hold different views on this matter. But I would not try to intrude on these complicated decisions, or tell a woman focusing on serious health or fertility risks how to make this difficult decision.

Mr. President, I urge my colleagues to oppose this intrusion into the doctor-patient relationship. Let's give families, not politicians, the right the choose.

Mr. President, during this debate some Members supporting this measure have been citing statistics that appeared in a recent Bergen Record article on late term abortions. I ask unanimous consent to insert a letter from Metropolitan Medical Associates of Englewood, NJ, that directly refutes the accuracy of those figures.

Mr. President, I yield the floor.

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

METROPOLITAN MEDICAL ASSOCIATES,
Englewood, NJ, September 23, 1996.

Mr. GLENN RITT,
Editor, The Record, Hackensack, NJ.

DEAR MR. RITT, We, the physicians and administration of Metropolitan Medical Associates, are deeply concerned about the many inaccuracies in the article printed in September 15, 1996 titled ''The Facts on Partial-Birth Abortions''.

The article incorrectly asserts that MMA ''performs 3,000 abortions a year on fetuses between 20 and 24 weeks, of which at least half are by intact dilation and evacuation.'' This claim is false as is shown in reports to the New Jersey Department of Health and documents submitted semiannually to the New Jersey State Board of Medical Examiners. These statistics show that the total annual number of abortions for the period between 12 and 23.3 weeks is about 4,000, with the majority of these procedures being between 12 and 16 weeks. The intact D&E procedure (erroneously labeled by abortion opponents as ''partial birth abortion'') is used only in a small percentage of cases between 20 and 23.3 weeks, when a physician determines that it is the safest method available for the woman involved. Certainly, the number of intact D&E procedures performed is nowhere near the 1,500 estimated in your article. MMA perform no third trimester abortions, where the State is permitted to ban abortions except in cases of life and health endangerment.

Second, the article erroneously states that most women undergoing intact D&E procedures have no medical reason for termination. The article then misquotes a physician from our clinic stating that ''most are Medicaid patients * * * and most are for elective, not medical, reasons * * * Most are teenagers.'' This is a misrepresentation of the information provided to the reporter. Consistent with Roe v. Wade and New Jersey State law, we do not record a woman's specific reason for having an abortion. However, all procedures for our Medicaid patients are certified as medically necessary as required by the New Jersey Department of Human Services.

Because of the sensitive and controversial nature of the abortion issue, we feel that it is critically important to set the record straight.

The Management of Metropolitan Medical Associates.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President. The Senator from New Jersey has spoken, as he always does, with intelligence and with compassion. He is the proudest grandfather I have ever met. A close second is my husband.

Mr. LAUTENBERG. You haven't seen my grandchildren.

Mrs. BOXER. And I say to my friend, his participation in this debate is welcome. It is a welcome part of this debate, because he went through the trauma that these women have gone through, as far as being in a family where such a circumstance occurred.

I say to my colleague from Pennsylvania who stands up and asks the same question, he got his answer. All of us on this side who support the President oppose late-term abortion. We could pass a bill that would ban this procedure but for life and health. I ask him again to do that. Clearly, he prefers this bill with no real exceptions.

I thank the President for his forbearance, and we will continue this debate after the lunch break.

RECESS

The PRESIDING OFFICER. Pursuant to a previous unanimous-consent agreement, the Senate will now stand in recess until 1:30 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 1:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMM).

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of Texas, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

OCTOBER 1966 QUARTERLY REPORTS

The mailing and filing date of the October quarterly report required by the Federal Election Campaign Act, as amended, is Tuesday, October 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 7 p.m. on October 15, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

TWELVE-DAY PRE-GENERAL REPORTS

The filing date of the 12-Day Pre-General Report required by the Federal Election Campaign Act, as amended, is Thursday, October 24, 1996. The mailing date for the aforementioned report is Monday, October 21, 1996, if postmarked by registered or certified mail. If this report is transmitted in any other manner it must be received by the filing date. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 7 p.m. on Thursday, October 24, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

THIRTY-DAY POST-GENERAL REPORTS

The mailing and filing date of the 30-Day Post-General Report required by the Federal Election Campaign Act, as amended, is Thursday, December 5, 1996. All principal campaign committee supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 9 a.m. until 5 p.m. on December 5, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

FORTY-EIGHT-HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12 noon until 4 p.m. for the purpose of accepting 48-hour notifications of contributions required by

the Federal Election Campaign Act, as amended. The dates are October 19 and 20, October 26 and 27, and November 2 and 3. All principal campaign committee supporting Senate candidates in 1996 must notify the Secretary of the Senate regarding contributions of $1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48-hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224–1851.

REGISTRATION OF MASS MAILINGS

The filing date for 1996 third quarter mass mailings is October 25, 1996. If a Senator's office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

THE RETURN OF STS–79 AND ASTRONAUT SHANNON LUCID

Mr. GLENN. Mr. President, earlier this morning, in fact, 8:13 this morning to be exact, the crew of the space shuttle *Atlantis* returned to Earth having completed another successful docking mission with the Russian *Mir* space station. I want to extend my heartiest congratulations to the *Atlantis* and the *Mir* crews, as well as the thousands of NASA employees and contractors who brought this mission to completion.

Mr. President, this mission is one for the record books. When docked with the *Mir,* the shuttle-*Mir* structure represented the largest manmade structure ever put in orbit. It weighed more than 240 tons. The *Atlantis* crew also set a record by transferring nearly 5,000 pounds of equipment and supplies and water to the *Mir,* and returning with more than 2,150 pounds of *Mir* equipment, along with the experiments and, of course, some of the things they did not want to toss overboard, some of the trash.

In addition, the return of STS–79 concludes a mission of experiments in a number of different fields. I think we too often lose sight of some of the things going on in the program. We think of the human experience up there, and we try to emote to that and think what it is like to be up there as long as some of the people were on this particular flight.

But these missions are all to do research. They are basic, fundamental research. The experiments that they had on this mission included things in the fields of advanced technology, Earth sciences, fundamental biology, human life sciences, microgravity, and space sciences. These are things largely that will be of benefit to people right here on Earth.

Data from this mission also will supply the insight for the planning and development of the international space station, Earth-based sciences of human and biological processes, and the advancement of commercial technology. In other words, this sets the stage for even more ambitious programs, and ones that I think will be even more productive.

However, by far, the most significant event is the return of Astronaut Shannon Lucid. Dr. Lucid now has more time in space than any other U.S. astronaut. She is a veteran of six shuttle missions, including the latest STS–79. She has logged, as a grand total, including this mission, a little over 223 days in space, including 188 days on this most recent mission. She has more cumulative time and more continuous time in space than any other U.S. astronaut.

Now, we have to put this in perspective. She traveled on this flight some 75 million miles, the same as 157 round trips to the Moon and back, and she has completed on this mission and the others she was on, a total of 3,008 orbits of the Earth.

Furthermore, when Dr. Lucid began her mission on *Mir,* she kicked off a 2-year period of continuous U.S. presence on the *Mir* spacecraft. This is a feat of a rather remarkable woman.

I would like to provide my colleagues with a little background. Shannon Lucid, Dr. Lucid, was born January 14, 1943, in Shanghai, China. I believe her parents were missionaries. She considers Bethany, OK, to be her hometown. She is married with three children. She graduated from Bethany High School, Bethany, OK, in 1960, and received a bachelor of science degree in chemistry from the University of Oklahoma in 1963, and a master of science and doctor of philosophy degrees in biochemistry from the University of Oklahoma in 1970 and 1973, respectively.

As I mentioned earlier, Lucid holds the endurance record for American astronauts in space. STS–79 is her sixth space shuttle mission, having flown previously on STS 51–G in 1985, STS–34 in 1989, STS–43 in 1991, STS–58 in 1993, and STS–74 in 1996.

Dr. Lucid began her record-setting mission when she joined the *Mir 21* crew with the March 24, 1996, docking of STS–76.

In a recent interview, Dr. Lucid was asked the following question: What motivated you to get involved in the space program? I thought her answer was very interesting and I think we all may be able to learn a little from it.

She said:

> You have to go way back to when I was a little girl. When I was a little girl I was very interested in being a pioneer like in the American West and I really liked those stories and I thought, ''Well, I was born in the wrong time.'' And then I thought, ''Well, I can just be an explorer,'' but then I thought, ''When I grow up all the Earth will be explored.'' And then I started reading about Robert Goddard and the rockets he had done and so I read a little about that. And then I started reading about science fiction. This was when I was in fourth and fifth grade and I thought, ''Well, that is what I can do when I grow up. I can grow up and explore space.'' And of course when I talked to people about this they thought that would be rather crazy because that was long before America even had a space program. So I just think it's pretty remarkable things turned out the way they did.

That is a quote from Shannon Lucid. I think it is pretty remarkable, too. I think Dr. Lucid is truly a space pioneer and a hero for our young people. I think she represents what is best about our space program. She demonstrates setting goals, pursuing them, thinking about them, studying them, and with hard work and education can bring about truly momentous results.

Mr. President, I welcome Dr. Lucid and the rest of the STS–79 crew back to Earth. In addition to Dr. Lucid, the STS–79 crew includes: Jay Apt, Terry Wilcutt, the pilot, William Readdy as the commander, Tom Akers, Carl Walz, John Blaha, who is replacing Dr. Lucid on *Mir.* Now, John Blaha will go ahead with the experiments that were left up there and some they took up just for him.

I read from Aviation Week and Space Technology of September 9:

> After *Atlantis* departs, Blaha on *Mir* will begin work on 38 science investigations, including 26 being continued from Lucid's mission. His major science topics and the number of investigations planned in each includes: Advanced technology (3); Earth remote sensing (8); biology (2); human life sciences (10); microgravity/biotechnology (9), and tests to reduce international station design risks (6).
>
> Blaha will also do significant *Mir* systems work, including piloting attitude maneuvers and changing solar array angles when his two Russian colleagues are working outside the station. He is to remain on board *Mir* until picked up by shuttle Mission 81 in mid-January.

Mr. President, this was indeed a great transfer and it sets the stage for the space station. Some of the hardware on the space station will begin to be put up by the end of next year by 1997 if everything remains on schedule, and we certainly hope it does.

All on this mission, and John Blaha, who is up there now, we wish him well, of course, and we welcome this whole crew back to Earth. Congratulations to them. From Dan Goldin at the top of NASA, the Administrator of NASA, to all the employees down the line, they all deserve a great round of applause from all of us. They deserve our thanks and congratulations on a job well done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GUN POSSESSION

Mr. LAUTENBERG. Mr. President, I want to talk about a piece of legislation that I have proposed that was approved here in this body by a vote of 97 to 2. They approved an amendment that I sponsored to ban wife beaters and child abusers from owning guns, from possessing guns. Yet, over the past couple of days, behind closed doors, there has been a determined effort to gut my proposal and to expose the battered woman and the abused child to an enraged man with a gun in his hand.

As I explained yesterday, there has been an attempt to undermine the proposal in four primary ways:

First, some sought to exclude child abusers from the ban by limiting its application only to ''intimate partners.''

Second, they sought to effectively give a waiver to every wife beater and child abuser who was convicted before this legislation goes into effect.

Third, they sought to render the ban entirely ineffective in the future by excusing anyone who did not get notice of the firearm ban when they were originally charged. So that includes all of those who committed domestic abuse, beat up their wives, beat up their kids who weren't told in advance there may be a serious penalty to take away their guns. What a pity. Instead, what they want to do, realistically, is make it prospective only. For those who didn't get notice, they can perhaps dodge out of a charge by saying, well, I did not get effective notice. It is a pity. Under my proposal—the language was in there very specifically, and we are going to insist it be retained.

Fourth, the watered-down language would excuse from the firearm ban anyone who was convicted in a trial heard by a judge only, as opposed to a jury. Now, this also, by itself, would render the gun ban largely meaningless, since most domestic violence cases are heard by judges and not juries.

Mr. President, faced with public criticism, opponents of a real ban have apparently retreated on one of these gutting provisions. They have agreed to language that ostensibly would put child abusers back within the ban.

Mr. President, it is critical to understand that this latest change is merely a figleaf. It is designed to obscure the fact that the watered-down proposal would leave virtually all wife beaters and child abusers with the ability to legally possess guns. It is purely a legislative sham, and no one should be fooled into believing otherwise.

Let me tell those who are within earshot what this sham is all about. First, under their proposed modifications of my legislation, no wife beater or child abuser would be prohibited from having firearms unless they had been told about the ban when they were originally charged. What a device for a clever defense—well, he didn't hear it, he didn't understand it, or his language wasn't up to snuff. My goodness.

The first effect of this language, Mr. President, is to completely excuse every wife beater and child abuser who has been convicted until this time. They would all be off the hook completely. We didn't know, we weren't aware, we weren't told; so, therefore, forget it. OK, be careful next time you hit your wife. Next time, don't have a gun present. They would all be off the hook completely. All of their battered wives and abused children would remain at risk of gun violence.

Mr. President, it would be bad enough if this extreme proposal only grandfathered in all currently convicted wife beaters and child abusers. But this notification language goes much further. It would also, in effect, leave most future wife beaters and child abusers free to have guns.

There is nothing in the watered-down language that requires anyone to tell the accused wife beaters and child abuser that they could lose their guns. As a matter of fact, with a wink of the eye, they can say, ''He isn't a bad guy.'' As a practical matter, most abusers are unlikely to get such advance notice. Under this latest proposal, they would, thus, remain entirely free to keep their guns.

Nor is there any reason to limit the ban to those who get advance notice, Mr. President. After all, we do not make a requirement for anyone else accused of a crime to have previous knowledge of the prospective penalty. Felons are prohibited from having guns, regardless of whether they have been officially given notice or not. For them, ignorance of the law is no excuse. But under this latest proposal, it would be an excuse for a wife beater.

Mr. President, in essence, what has happened here is we proposed that no wife beater, no child abuser, whether retrospectively, retroactively, or in the future, ought to be able to have a gun, because we learned one thing—that the difference between a murdered wife and a battered wife is often the presence of a gun. In the couple of million cases every year that are reported about domestic abuse, in 150,000 cases that we are aware of, a gun was present, a gun was held to the temple of a battered wife or perhaps a child. And if that isn't trauma enough, the prospect of the pulled trigger could finally complete the task.

So, Mr. President, when we proposed this, and it was voted 97 to 2 favorably on this floor, and a couple of months before, in July, it had gone through here 100 to 0. It was unanimous, and it was a voice vote.

I hope those who would defeat this legislation are willing to face the American public and tell the truth of what they are about. They are supporting the NRA, and not the families of America.

I thank the Chair.

CIVIL JUSTICE REFORM: STILL DESPERATELY NEEDED

Mr. HATCH. Mr. President, I rise today to speak about civil justice reform. Many of us had high hopes for tort reform in the 104th Congress, which has been desperately needed for so many years. Unfortunately, President Clinton has blocked our litigation reform efforts with his stubborn defense of the status quo.

I was deeply disappointed with President Clinton's decisions to veto the securities litigation reform bill and then the product liability reform bill. Fortunately, Congress was able to override the securities veto and those important reforms became law over the President's tenacious opposition.

That was not the case with product liability reform. Despite over 15 years of bipartisan work in the Congress and despite the tireless efforts of Democrats like Senators ROCKEFELLER and LIEBERMAN, along with Republicans like Senators GORTON and PRESSLER, we have not been able to make one iota of progress in addressing the product liability crisis facing Americans.

Unfortunately, we have learned that President Clinton is unalterably opposed to tort reform and other litigation reform measures, no matter how badly needed they may be and no matter how much litigation is costing American consumers.

We should all be very clear about what happens here: Each time President Clinton sides with America's extremely powerful trial lawyers, America's consumers lose. And once again, President Clinton's rhetoric dismally fails to match his actions.

Litigation reforms are no less needed now than at the start of the 104th Congress. We simply have got to take some steps forward to alleviate the litigation tax that burdens American consumers, workers, small businesses, and others who ultimately pay the price imposed by high-cost lawsuits.

Litigation reform continues to be supported by the overwhelming majority of Americans. They have indicated their frustration over crazy lawsuits, outrageous punitive damage awards, and abusive litigation. They want change from a status quo that has been unfair and that has encouraged irresponsible litigation in this country. But because of the President's actions, they will not get the meaningful litigation relief they need from this Congress.

The costs of lawsuits in this country are extreme and are eating up valuable resources. These costs are passed along to consumers in the form of higher prices and higher insurance premiums. They are passed along to workers in the form of fewer job opportunities, and fewer and lesser pay and benefit increases. They are passed along to shareholders in the form of lesser dividends. These costs stifle the development of new products. Everyone in America pays a steep price for President Clinton's stubborn defense of a

small but powerful group of trial lawyers.

When the product liability bill was on the floor last spring, we heard that 20 percent of the price of a ladder goes to pay for litigation and liability insurance, that one-half of the price of a football helmet goes to liability insurance, that needed medical devices are not on the market because of liability concerns and on and on. We heard about millions of dollars for spilled coffee and millions for a refinished paint job on a BMW.

I can go on and on about ridiculous liability cases that Americans are sick and tired of. I have spoken at length about such cases on the floor before.

What is frustrating to me is that little has changed. We pass legislation to deal with this abuse of our legal system, but the President vetoes it.

And it is not surprising that those who benefit from this litigation explosion—the trial lawyers—think they have found a safe harbor at 1600 Pennsylvania Avenue. They think they can get away with business as usual because President Clinton will veto any attempt to stop them.

They obviously don't get it.

Let me just mention a few examples of developments in the case law following the President's May 10 veto of product liability reform.

In June, a Pennsylvania appellate court upheld an absolutely outrageous punitive damage award. In the case, a former Kmart worker in Pennsylvania won $1.5 million in damages from Kmart after being fired for allegedly eating a bag of the store's potato chips without paying for them.

The plaintiff had sued for defamation of character based on her employer's telling her coworkers that she had eaten the potato chips without paying for them—which constituted stealing in violation of company policy. She was awarded $90,000 in compensatory damages, and an astonishing $1.4 million in punitive damages. That is absolutely outrageous and unjustified.

Even if the employer had said anything wrongfully about her and the potato chips—and I say even if, because I do not think it is clear that the employer did anything wrong—I submit that there is simply no way to justify an award of $1.5 million for saying that you thought someone ate a bag of potato chips without paying for it. That is just crazy.

On appeal, the court upheld the award. The dissenting judge, Judge Popovich, called the punitive damages award ''patently unreasonable given the facts before us.''

Judge Popovich got right to the heart of it when he wrote, ''I do not understand how appellant's act of informing appellee's co-workers that she was dismissed for misappropriating a bag of potato chips was sufficiently outrageous conduct to warrant a punitive damages award of $1.4 million.'' That judge is absolutely correct.

I wish that was it, but there are more cases.

In a case in Alabama in June, the Liberty National Life Insurance Co. was held liable in a case in which the plaintiff claimed that the company failed to pay her $20,000 in death benefits following her husband's death.

The company claimed that it was not liable to pay the $20,000 in benefits because the couple had not disclosed the husband's health problems when they obtained the life insurance policy about a year before the husband died.

The jury found the insurer liable and awarded the plaintiff $330,000 in compensatory damages, including emotional distress. There may be an argument that this may be a bit high on its own, but what happened in terms of punitive damages is truly astonishing.

The jury went on to award the plaintiff a mind-boggling $17.2 million in punitive damages.

Now, the insurance company in this case may have been right or it may have been wrong. My point is that even if the company was wrong and even if the company should have paid out the $20,000 in death benefits, an award of $17.2 million in punitive damages—17.2 million dollars—on the basis of these facts is outrageous and simply cannot be justified.

And people wonder why their insurance premiums are so high. Personally, I find it hard to swallow that even one dime of an individual's insurance premium is subsidizing court ordered windfalls like this one.

Take another case. This one came down in August.

A jury awarded a plaintiff $7 million in punitive damages on a claim that the defendant had sold the plaintiff unnecessary insurance on a mobile home; compensatory damages were $100,000.

Seven million dollars for selling unnecessary insurance and causing at most—at most—$100,000 worth of harm? How can that be?

In another highly publicized and widely criticized case, which also came down following the President's veto of product liability reform legislation, the largest damages verdict ever rendered against General Motors was handed down by an Alabama jury.

In that case, the plaintiff was seriously injured when he had an accident in his Chevy Blazer.

I do not dispute that the plaintiff's injuries were severe or that his accident was a tragedy.

However, there was evidence that the plaintiff had been drinking before the accident and was not wearing a seatbelt. The plaintiff told the first person on the scene and others that he had fallen asleep at the wheel. The plaintiff's lawyers' principal argument to the jury was that, even though the plaintiff was not wearing a seatbelt, the plaintiff was thrown out of the car because the door latch allegedly failed.

However, there was evidence that the door latch worked fine after the accident and that the plaintiff was actually thrown out through the car window. This is also a vehicle that had passed federal safety standards.

But let's say there was some sort of problem with the plaintiff's particular door latch. I am even willing to assume that. My problem is with the shocking amount of punitive damages that were awarded.

The jury awarded not only $50 million in compensatory damages, but went on to award $100 million—you heard it correctly—$100 million in punitive damages.

Punitive damages are designed to punish egregious conduct, and I just don't see the showing of egregious conduct here. The very equivocal evidence in that case just cannot warrant such a shocking amount of punitive damages. Where is the egregious conduct here?

I just don't see it. Instead, I see one more example of a punitive damage system that is out-of-control. And there are more examples like these, many of them in the past few months.

The sobering fact is that this problem isn't going away. Instead, it is snowballing out-of-control.

I know that it is too late during this Congress to do anything more about the litigation crisis. And, it is too futile given the President's commitment to vetoing civil justice reform.

But I implore my colleagues to come back next Congress committed to addressing the problem of out-of-control punitive damages and other abuses in our civil justice system.

Our large and small businesses and our consumers and workers are being overwhelmed with litigation abuse. The vice president of the Otis Elevator Corp. provided us with information indicating that his company is sued on the average of once a day. Once a day.

We cannot address these problems comprehensively without a uniform, nationwide solution to put a ceiling on at least the most abusive litigation tactics.

We need to protect citizens of some States from the litigation costs imposed on them by other States' legal systems.

In May, in the BMW versus Gore case, the U.S. Supreme Court recognized that excessive punitive damages ''implicate the Federal interest in preventing individual States from imposing undue burdens on interstate commerce.''

While that decision for the first time recognized some outside limits on punitive damage awards, legislative reforms are desperately needed to set up the appropriate boundaries.

The Supreme Court's decision in the BMW versus Gore case leaves ample room for legislative action. That case acknowledged that there are constitutional bounds beyond which extreme punitive damage awards will violate due process; at the same time, the decision reinforces the legitimacy and primacy of legislative decisionmaking in regulating the civil justice system.

The BMW versus Gore case was brought by a doctor who had purchased a BMW automobile for $40,000 and later discovered that the car had been partially refinished prior to sale. He sued

the manufacturer in Alabama State court on a theory of fraud, seeking compensatory and punitive damages.

The jury found BMW liable for $4,000 in compensatory damages and an astonishing $4 million in punitive damages. On appeal, the Alabama Supreme Court reduced the punitive damages award to $2 million.

The Supreme Court held, in a 5 to 4 decision, that the $2 million punitive damages award was grossly excessive and therefore violated the due process clause of the 14th amendment. The Court remanded the case. The majority opinion set out three guideposts for assessing the excessiveness of a punitive damages award: the reprehensibility of the conduct being punished; the ratio between compensatory and punitive damages; and the difference between the punitive award and criminal or civil sanctions that could be imposed for comparable conduct.

Justice Breyer, in a concurring opinion joined by Justices O'Connor and Souter, emphasized that, although constitutional due process protections generally cover purely procedural protections, the narrow circumstances of this case justify added protections to ensure that legal standards providing for discretion are adequately enforced so as to provide for the ''application of law, rather than a decisionmaker's caprice.''

Congress has a similar responsibility to ensure fairness in the litigation system and the application of law in that system. Notably, Justice Ginsburg's separate dissent, joined by the Chief Justice, argued not that the amount of punitive damages awarded in the case was proper, but suggested instead that the majority had intruded upon matters best left to State courts and legislatures.

Clearly, it is high time for Congress to provide specific guidance to courts on the appropriate level of damage awards and to address other issues in the civil litigation system.

We need to encourage common sense, responsible and fair litigation by reforming the system that leads to sky-high punitive damages in cases of little actual loss and by introducing fairness into the system.

These lawsuits-for-profit demean the lofty ideals of our judicial system. There are people out there with legitimate grievances that deserve the time and attention of judges and juries, but the courts are clogged up with these ridiculous cases and claims. That isn't fair.

The American people should know that we have been unable to enact meaningful civil justice reform because the President chooses to stand with this Nation's trial lawyers. His action is permitting litigation abuses and excesses to go on.

When the American people can't buy new products, can't get needed medical devices, lose jobs they might have had if companies were permitted to grow, or can't afford their insurance costs, they should know that the President chose to do nothing about the litigation explosion in this country.

Let me just close with an example of litigation reform that worked—and one that should have been a model this Congress. That example is the statute of repose for piston-driven aircraft.

In August 1994, Congress passed an 18-year statute of repose for small, general aviation aircraft. At that time, around 90 percent of employment in the piston-driven aircraft industry was gone; around 90 percent of production had disappeared due to product liability lawsuits.

Today, a striking recovery is already underway in that industry. Aircraft manufacturers are planning and constructing new plants, and production and employment have grown tremendously. Cessna alone has created about 3,000 new jobs due to the enactment of that one statue of repose.

When the American people consider the President's vetoes, they should ask themselves: How many new plants and factories will never open? How many new jobs has the President squandered? How many medical innovations won't we see? How much are insurance premiums going to go up?

The bottom line is that I just don't think we can take much more of the present system. I hope we won't have to. I expect litigation reform to be an important part of the agenda of the next Congress, and I want to repeat my commitment to work toward that end.

INSURANCE COVERAGE FOR DRUG TREATMENT

Mr. KENNEDY. Mr. President, Congress has passed and President Clinton will soon sign historic legislation to improve health insurance coverage for individuals with mental illness. This initiative represents a major step forward to eliminate unjustified discrimination between mental health and physical health in insurance coverage.

I especially commend my colleagues, Senator DOMENICI and Senator WELLSTONE, on their legislative success. Through tireless advocacy and effective leadership, they have convinced the Senate of the wisdom of ending insurance discrimination against the mentally ill.

Enactment of this measure is gratifying, but it is only a first step. Our work in this area is far from complete. When the Labor Committee reported a health insurance bill in 1994, our provision on mental health parity included coverage for the related disorder of substance abuse. Regrettably, that aspect of the earlier proposal was dropped in the recent compromise.

Every year, despite a desperate desire to overcome their addiction, a large number of Americans forgo needed treatment for substance abuse because their health insurance does not cover the cost of this treatment. Despite faithful and regular payment of their premiums, these citizens are denied coverage for this debilitating and chronic illness.

Ironically, such coverage was dropped, even though the war on drugs is once again the subject of intense media attention in this election year. Government surveys report that teenage drug use is on the rise. While resources for law enforcement efforts to reduce the supply of drugs have grown dramatically in recent years, resources for treatment have decreased. In 1996, Congress slashed substance abuse treatment and prevention programs by 60 percent, and attempted to cut the Safe and Drug Free Schools Program in half. The House has proposed only minimal increases for fiscal year 1997 over these drastically reduced levels.

Publicly supported treatment will never meet the needs of all those who would benefit from treatment. The private sector must play a significant role through insurance coverage for such treatment.

More than 70 percent of drug users are employed. Many of these drug users have private health insurance. Yet, treatment for their addiction is rarely covered. Even when private plans cover treatment for substance abuse, benefits are limited. Since drug use is a chronic, recurrent condition, like diabetes or hypertension, addicts quickly exceed their coverage limit. Due to the nature of substance abuse, those who do not obtain treatment often lose their jobs. They are then forced into the already over-burdened public treatment system.

Extending insurance coverage to those seeking to free themselves from substance abuse would improve productivity and decrease drug-related crime. That would constitute real progress in the war on drugs.

Parity for treatment of substance abuse would also be cost effective. A 1994 study by the State of California shows that for every $1 spent on treatment, $7 in costs are saved. Treatment reduces employer health care costs, because treated employees and members of their families use fewer health services.

Parity would also drive down non-health care costs to the employer by reducing absenteeism, disability payments and disciplinary problems.

These benefits come at a bargain price. According to the actuarial firm of Milliman and Robertson, substance abuse parity will increase overall health insurance premiums by only one-half of 1 percent.

Again, I congratulate my colleagues for passage of the mental health parity compromise. I look forward to working with them to build on this achievement. I hope that one of our highest priorities in the next Congress will be to take this needed step to fight drug abuse.

Mr. COVERDELL. Madam President, I ask unanimous consent that the period for morning business be extended for up to 4 minutes.

The PRESIDING OFFICER (Ms. SNOWE). Is there objection? Without objection, it is so ordered.

VALUJET

Mr. COVERDELL. Madam President, yesterday I came to the floor of the Senate to describe the predicament that faces a major corporation in my home State, ValuJet.

I will not repeat everything I said yesterday, but I pointed out we all have grieved over the tragedy, and we understand that safety in the air is a preeminent goal of the Federal Aviation Administration, and all of us. This corporation underwent the most exhaustive and thorough review possible and, in late August, was certified as flight-worthy by the FAA.

Subsequently, the airline had been confronted once again with bureaucratic delays and the like that are so typical of this city. Now it is the Department of Transportation.

I might point out that 4,000 families are not receiving their paychecks and can't make their mortgage payments. They can't make their car payments. They have been pushed out on the street. And we are about to fire 400 more even though the airline is now certified as worthy to fly.

Yesterday, I received a phone call—I want to add this to the RECORD—from Mr. Kent Sherman, who owns a company called Sky Clean, in College Park, right near the airport. This story illustrates and brings home the impact of this shutdown and how it goes beyond ValuJet itself. Sky Clean provides a cleaning service for airplanes cleaning the interior and exterior, and the largest client was ValuJet. If ValuJet is not in the air, this company will close and all of their employees are also put out on the street.

So there are peripheral companies that surround this corporation, all of whom are facing shutdowns and layoffs. This is an interesting story. It was founded 4½ years ago with $122. They spent most of it on fliers and business cards, and had $15 left to buy cleaning chemicals. They put their profits into more chemicals and rags and brushes, and went in there, and eventually had enough to buy a pressure washer. One year ago they got the breakthrough. They got a contract with ValuJet. Their motto is ''Just Plane Spotless.''

Today, they have 28 employees. Last year, they had $740,000 in revenues, up from $40,000 3 years ago. He said, ''We have been incredibly blessed. This has been the dream of a lifetime.''

In June, the company had $3 shy of $100,000 in their savings account. There are no savings today. They met their last payroll. If ValuJet shuts its doors, Sky Clean is finished.

It is absolute nonsense, Madam President. FAA has gone through that thing with a microscope. The airline is ready to fly. It is ready to get the paychecks going to those 4,000 families and, yes, to this small company in College Park, GA. It is time for the bureaucrats and their 9-to-5 attitude to get this job done and get that airline in the air.

I yield back whatever time I have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. SNOWE). The time for morning business has expired.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Madam President, I yield 7 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Madam President. I thank the Senator from Pennsylvania, who has been doing an outstanding job helping us to have an opportunity to express our views on the partial-birth abortion override measure which is before us. It is pretty important for us to understand this isn't a pro-choice or pro-life measure. This is not an argument against abortions generally. It is not even an argument against late-term abortions. It is merely an argument against the brutality which takes place in a specific type of abortion, which has been described adequately here on the floor of the Senate. But it is one of those things which, obviously, is uncomfortable for people to talk about.

It is a brutality that results when a child which is all but born is being killed in the process of birth. And there has been the side issue raised here, that somehow this has to do with the health of the mother, and that if we didn't kill the child at this point, the mother's health would be impaired.

This has been contradicted by the best medical experts—not the least of which is C. Everett Koop, the former Surgeon General of the United States, who basically says medical necessity does not come into these cases. Since the child is already born, really, we are talking about what happens to the child—virtually already born—not what happens to the mother.

But I would like to add something to the debate. I would like to a add a few questions that I think we ought to ask ourselves. One question is: What are we signaling? What are we telling the rest of the world when we say that we as a people are indifferent to this kind of brutality toward a child that is all but born, except for the last, say, 3 inches of its body? That since it has technically part of its body still in the mother, that it is subject to being killed? It is very difficult for me to understand what we are saying to the rest of the world when we are allowing this type of gruesome procedure to occur in this country.

What do we say to China when we try to shape their human rights policy? We say that you ought to have a high regard for your citizens; that you should not be oppressive; that you should not abuse people; that you should not persist in practices which are against human dignity. How do we say that to China when we enshrine or institutionalize this procedure and decide that the brutalization of children in this way is still acceptable when there are clear alternatives? How can we question the practice of child slavery in other nations around the world when our own Nation's lawmakers cast cavalier votes that really result in brutality?

Let me be clear. The signals we send as a world leader do not trouble me as much as the signals that we are sending to our young people. In our society, the biggest crime problem we have is violent crime among young people who seem to have no regard for the lives of victims, who seem to view dismemberment or brutality as a matter-of-fact thing. What are we telling our own youngsters? What values are we teaching them when we say that the difference between a partial-birth abortion and a homicide is merely whether the head is all the way out or just part of the way out? We have said that it is OK to be involved in a partial-birth abortion because the child isn't totally born, but if there were just another 3 or 4 seconds of process, the child would be born and then it would be homicide.

I do not think we are sending the right signals to our young people about tomorrow. What values do we send the young people when we suggest that there is more concern to be shown for animals and our environment than there is for young people?

For example, H.R. 3918 was introduced by a Member of this body when that Member was in the U.S. House of Representatives. The bill protects animals from acute toxic tests in laboratories. What are we saying when we are concerned about protecting animals from toxic tests designed to save lives and we are not willing to protect children from a brutal procedure designed to end their life?

What are we saying when another Member of this body introduces a measure which prescribes criminal penalties for the use of steel jaw leghold traps on animals, saying that it is brutal to catch an animal with a trap that clamps down on the leg of the animal? A sponsor of the bill stated in the Chamber, ''While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping.''

If we are willing to do that to protect animals from a kind of brutality and abuse, I have to ask myself, have we not missed something if we are unwilling to take a step to prohibit a kind of brutality against children that medical experts acknowledge is a brutality which is totally unnecessary?

There seems to be a blind spot in the Senate's conscience when it comes to things that are abortion related, but we cannot let the debate over abortion

generally obscure the fact that what we are trying to do here is just what the Senator from Rhode Island said he was trying to do with steel jaw traps. He was trying not to prohibit trapping but to prohibit a particularly savage method of trapping. This is not a bill to outlaw abortion, but it is a bill to curtail a practice of brutality committed against children under the guise of abortion, and abortions would still persist even if the bill were passed or if the override were to be undertaken.

This takes me back to the beginning. The emotion and strife of the abortion debate are blinding and confusing some of us as Members. The choice for us is clear. This is not a choice of pro-life or pro-choice. This is a choice about whether or not we as a culture are willing to say that we will be against brutality of infants in the same measure we have been against brutality of animals for experimentation, that we will have a kind of culture which we can recommend around the world and to our own children. That we will have respect for life and that brutality, especially when it is unnecessary, we will not tolerate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

Madam President, when President Clinton vetoed the Partial-Birth Abortion Ban Act on April 10, he said there are ''rare and tragic situations that can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health.''

The former Surgeon General of the United States, Dr. C. Everett Koop—a man who President Clinton singled out for praise on August 23 as someone trying ''to bring some sanity into the health policy of this country''—has said that ''partial-birth abortion is never medically necessary to protect a mother's health or future fertility.'' Let me say that again: it is never necessary.

That is consistent with testimony that the Judiciary Committee received from other medical experts last fall. Dr. Nancy Romer, a practicing OB-GYN from Ohio, testified that in her 13 years of experience, she has never felt compelled to recommend this procedure to save a woman's life. ''In fact,'' she said, ''if a woman has a serious, life threatening, medical condition this procedure has a significant disadvantage in that it takes 3 days.''

Dr. Pamela Smith asked during her testimony before the Committee:

> Why would a procedure that is considered to impose a significant risk to maternal health when it is used to deliver a baby alive, suddenly become the ''safe method of choice'' when the goal is to kill the baby? And if abortion providers wanted to demonstrate that somehow this procedure would be safe in later-pregnancy abortions, even though its use has routinely been discouraged in modern obstetrics, why didn't they go before institutional review boards, obtain consent to perform what amounts to human experimentation, and conduct adequately controlled, appropriately supervised studies that would insure accurate, informed consent of patients and the production of valid scientific information for the medical community?

Even Dr. Warren Hern, the author of the Nation's most widely used textbook on abortion standards and procedures, is quoted in the November 20, 1995 edition of American Medical News as saying that he would ''dispute any statement that this is the safest procedure to use.'' He called it ''potentially dangerous'' to a woman to turn a fetus to a breech position, as occurs during a partial-birth abortion.

Defending the indefensible is an understandably difficult task for President Clinton and other defenders of this procedure. What decent person does not get a shiver up the spine upon hearing a description of a partial-birth abortion, a procedure that was characterized by a member of the American Medical Association's legislative council as ''basically repulsive'' and ''not a recognized medical technique.'' I suspect that was why the council went on to vote unanimously to endorse the partial-birth abortion ban just over a year ago.

It is because the procedure is so difficult to defend that some have tried to suggest that it is used only in cases that threaten a mother's life or health. Let me note, then, the words of Dr. Martin Haskell, who authored a paper on the subject for the National Abortion Federation. In an interview with American Medical News, Dr. Haskell said, ''in my particular case, probably 20 percent (of the instances of this procedure) are for genetic reasons. And the other 80 percent are purely elective.'' Eighty percent are elective—not medically necessary—but elective.

Another doctor, Dr. James McMahon, who performed at least 2,000 of these procedures, told American Medical News that he used the method to perform elective abortions up to 26 weeks and non-elective abortions up to 40 weeks. His definition of ''non-elective'' was expansive, including ''depression'' as a maternal indication for the procedure. More than half of the partial-birth abortions he performed were on healthy babies.

And what did the Record of Bergen County, NJ, find when it published an investigative report on the issue just last week? It reported that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year, far more than the 450 to 500 such abortions that the National Abortion Federation claims occur across the entire country.

According to the Record, doctors it interviewed said that only a ''minuscule amount'' of these abortions are performed for medical reasons.

The medical experts tell us that this procedure is neither necessary nor safe. It is not done out of medical necessity, but largely for elective reasons. That is why so many people around this country are opposed to this procedure, and why even its most ardent defenders are uncomfortable discussing it.

In his recent book, Judge Robert Bork wrote about the squandering of our common cultural inheritance in the name of radical individualism. What could be more radical than suggesting that individuals can interrupt the birth process and suction the brains out of a healthy viable child, all in the name of free choice? Does not sanctioning the death of a child for no reason other than convenience denigrate the idea that there is inherrent value in every person?

Judge Bork wrote that ''security has become a religion.'' ''We demand it not only from government,'' he said, ''but from schools and employers. We demand to be protected, he goes on to say, ''not only from major catastrophe but from minor inconvenience.''

There are striking parallels here with the procedure we are discussing. In its report on partial-birth abortion, the New Jersey RECORD found that the procedure was performed mostly on people ''who didn't realize, or didn't care, how far along they were.'' Is choice, free of consequence or responsibility, truly free? Or are we simply putting government more in charge of our choice and freedom by protecting us from the consequences of our own actions?

It seems to me that people of good faith can debate when, during a pregnancy, life begins—whether it is at conception, at the end of the first trimester, or at some other point. But I think it is very difficult to make the case that life has not begun once a pregnancy is well along when a baby can be delivered either to be saved and live, or just before completely born to be brutally killed. If a doctor performing a partial-birth abortion happened to allow the child to completely clear the mother's body, it would have the same protections under our Constitution that any other human being would have. The difference between life and death here is literally a matter of inches. The hands and feet are in this world and are living and moving. The chest is visibly breathing. Only the head remains in the birth canal; and it is dismembered in this procedure.

Madam President, President Clinton has taken the position that abortion is justified for any reason, under any circumstance, no matter how far along the pregnancy. I intend to vote to override the veto. I encourage my colleagues to do the same, and put an end to this cruel and barbaric procedure.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mrs. BOXER. May I ask the Senator how much time he would like to have?

Mr. FEINGOLD. I ask the Senator from California to yield me up to 10 minutes.

Mrs. BOXER. The Senator is yielded 10 minutes, immediately followed by, if it is all right with my colleague, Senator ROBB for 15 minutes.

The PRESIDING OFFICER. Is there any objection?

Mrs. BOXER. I would amend that. Senator COVERDELL would like 2 minutes in between the two speakers on my side.

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

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, this is a difficult issue for everyone concerned. No one likes abortions, whatever procedure is used.

It is a difficult subject to discuss, perhaps most difficult for those who have had abortions or have had to face the choice of an abortion.

Madam President, I will vote to sustain the President's veto because I believe, fundamentally, that the decision about whether to choose an abortion should remain a personal, private decision by the woman involved, and the decision about what procedure is necessary to protect the health and life of a woman is one that should be made between the woman and her physician, not by the Federal Government.

Before I briefly address the specifics of this bill, I wish to take a moment to pay tribute to the Senator from California [Mrs. BOXER], who has been such a courageous leader on this issue, as have a number of other Members of the Senate.

I also praise the Senator from Washington [Mrs. MURRAY], who this morning expressed her outrage at the tenor of this debate where individual Senators talked about the joy of being in the delivery room with their wives, as if that gave them the authority to dictate to the women of this country what options should be available to them in a time of distress and urgency. I share that concern.

For that reason, I come to the floor this afternoon to take a little time to underscore why this legislation is wrong and why President Clinton was courageous and correct in his decision to veto it.

Madam President, let me say again, no one likes abortion. No one wants to talk about abortion or the procedure. We ought to clearly understand what the effort behind this legislation is. It is to ban abortions entirely, not just this one particular procedure. I know this firsthand from the Judiciary hearings on this bill where I had a chance to ask one of the proponents what the position of her organization was on a variety of other abortion procedures.

The response I received was very clear. The witness admitted that their goal was to outlaw and criminalize every single kind of procedure. That is why the underlying push behind this legislation is clear. It is not, and I repeat not, to ban just one form of abortion. It is to outlaw all forms of abortion, from taking a pill such as RU–486 within the first several weeks after conception to this rarely used procedure, the late-term abortion.

If proponents of this legislation wanted to ban only this form of abortion, they could have done so by accepting the amendment of the Senator from California which would allow a physician to use this technique only if necessary to protect the life of a woman or to avoid serious adverse health consequences to the woman.

The President said in his veto message that he was vetoing the bill because it ''does not allow women to protect themselves from serious threats to their health'' and because it refuses ''to permit women, in reliance on their doctor's best medical judgement, to use this procedure when their lives are threatened or when their health is put in serious jeopardy.''

The amendment offered by my friend from California, Senator BOXER, would actually impose an even stronger standard than contained in Roe versus Wade, which speaks only to the health of a woman. The Boxer amendment would have allowed this procedure to be banned unless it was necessary to avoid a serious adverse health consequence to the woman.

If the proponents of this legislation would accept that amendment, this bill could be passed and sent to the President, as the Senator from California has said, within hours, and he would sign it into law.

The fact that the proponents of this legislation refuse to accept an amendment to allow a physician to use this procedure if necessary to avoid a serious adverse health consequence reveals what this debate is really about: it is about scoring political points, confusing the public, and beginning a process aimed at outlawing all forms of abortion.

I want to respond briefly to the claims made that this procedure is never medically necessary.

I attended the Judiciary Committee hearings and what I heard was that different physicians have different opinions about whether this procedure is more or less safe for a woman than other procedures, whether the procedure may be necessary in a particular situation to protect a woman's future ability to bear children, and precisely what the procedure is that would be banned under this legislation.

So, what I heard was a professional disagreement among members of the medical community on the efficacy and risks associated with various abortion procedures.

Each side of this debate can quote from the medical expert they prefer as to the safety or necessity of the particular procedure. That medical professionals have different opinions on these issues is both understandable and expected.

But that, Mr. President, is precisely why trained physicians and their patients, not Members of Congress, should make the decisions about what course of treatment is appropriate in an individual situation.

Without going through a detailed description of the different opinions, some physicians told the committee that there were a number of situations where alternative abortion procedures had a higher risk to the woman.

For example, testimony was presented indicating that a woman was 14 times as likely to die from a cesarean hysterotomy than from a D&E procedure.

There was also testimony about certain alternative procedures that can cause a traumatic stretching of the cervix that increases a woman's chances for infertility in the future. Others disagreed.

Again, what this debate told me is that there is room for disagreement between physicians about specific medical procedures.

It should not be the role of Congress to decide or determine which side of this debate is right or wrong. These are medical questions that ought to be decided by medical professionals, not Members of Congress.

One woman who had made the difficult choice of choosing this procedure when a much wanted pregnancy had turned into a tragedy told our committee, as follows:

> It deeply saddens me that you are making a decision having never walked in our shoes. When families like ours are given this kind of tragic news, the last people we want to seek advice from are politicians. We talk to our doctors, lots of doctors. We talk to our families and other loved ones, and we ponder long and hard into the night with God.

We ought to listen to those words. These decisions are private, personal, painful decisions to be made by the families involved, guided by their physicians.

Congress ought to leave these decisions with the people involved.

To tell a woman and her family that Congress will not allow her doctor to use a procedure which will allow her a greater chance to be able to have another pregnancy and bear a child in the future is cruel and unconscionable.

To tell a woman and her family that Congress will not allow a physician to use this procedure if necessary to protect her from serious, adverse health consequences is just wrong.

Let me say one more time: If the aim of this legislation was simply to restrict the use of this particular procedure, they would have accepted the Boxer amendment.

But this is not the goal of the proponents of this bill.

The goal is to outlaw each and every abortion procedure, one by one. That is what is at stake. The President's veto should be sustained.

Mr. SANTORUM. Will the Senator from Wisconsin yield for a question?

Mr. FEINGOLD. I will.

Mr. SANTORUM. The Senator from Wisconsin says that this decision

should be left up to the mother and doctor, as if there is absolutely no limit that can be placed on what decision they make with respect to that.

The Senator from California is going to go up to advise you of what my question is going to be, and I will ask it anyway. My question is this: If that baby were delivered breech style and the head—everything was delivered except for the head, and for some reason that that baby's head would slip out so that the baby was completely delivered, would it then still be up to the doctor and the mother to decide whether to kill that baby?

Mr. FEINGOLD. I would simply answer the question by saying under the Boxer amendment the standard of saying it has to be a determination, by a doctor, of health of the mother, is a sufficient standard that would apply to the situation covered by this bill. That would be an adequate standard.

Mr. SANTORUM. That doesn't answer the question. Let's assume the procedure is being performed for the reason you stated.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. SANTORUM. Would you allow the doctor to kill the baby?

Mr. FEINGOLD. That's not the question. What this bill is about is a question that should be answered by a doctor and the woman who receives the advice of the doctor. Neither I nor is the Senator from Pennsylvania is truly competent to answer those questions. That is why we should not be making those decisions here on the floor of the Senate.

The PRESIDING OFFICER. The 10 minutes of the Senator has expired.

The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, the Senator from Wisconsin has asserted that proponents of this legislation are simply trying to ban every form of abortion. I rise as a classic example of that not being the case. I support Georgia law, which grants broad latitude in the first trimester, subject to changes in conditions as we go on through, and I supported that law.

I find this medical procedure repugnant almost to the point of unbelievable—I cannot even believe we are debating whether it should occur, here.

However, after learning about it, I did call a prominent doctor in my State, familiar with this aspect of medicine, and asked her. I gave her my instinct, but I said, ''Give me your professional judgment.'' I will report that for the debate before the Senate. She says:

> It is never necessary to do a partial-birth abortion of a live fetus. In the extremely rare case of a severe fetal abnormality which mechanically precludes normal vaginal delivery, the partial-birth method is justifiable but certainly not necessary, as C-section can be employed. Even when the life of the mother is endangered, the partial-birth method should not be used—

This is an exception, incidentally, to the partial-birth abortion ban—life of the mother.

> Because, if the mother's life is in danger you would want to deliver the baby as soon as possible. It does not make sense to use the more time consuming partial-birth abortion procedure when you can use a C-section to remove the infant quickly.

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. COVERDELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 15 minutes.

Mr. ROBB. Madam President, I will yield to the Senator from California for 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend for coming over to participate in this debate. I am looking forward to his remarks. I know he has given extensive thought to this.

I thank my friend, Senator FEINGOLD, for coming over to participate in this debate. We sent this issue to the Judiciary Committee, where he sat and listened intently to all of the testimony.

It is important to note that I made a unanimous-consent request—I will do so again—to ban this procedure except where the woman's life is at stake or if she faces serious adverse health consequences. The Senator from Pennsylvania said no.

We could walk down the aisle together, ban this procedure but for those circumstances. But I think what is behind all this is not the life of a woman, a woman like Vikki Stella, who could have been rendered sterile and not been able to have her latest little child, Nicholas, if this procedure was not available to her. We are putting a woman's face, a family's face on this issue.

We have drawings of parts of a woman's body that we have seen here before in the debate. We may see it again. Some of us find it offensive. We want to show the faces of the families who are in these very difficult situations. I thank my friend for partaking in this debate.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Virginia.

Mr. ROBB. Mr. President, the argument I'm about to make is not directed toward those who consistently vote what they believe to be the pro-life position on issues affecting reproductive rights. This is an easy vote for them—even though it might not be if they focused on the implications of the actual bill language rather than the emotions it has stirred. Instead, my argument is directed to those who had the courage to oppose this legislation originally, but have since been subjected to enormous pressure to change their vote and override the President's veto.

I know how tough this vote is for pro-choice Senators and I can't promise anyone there won't be a political price to pay. This issue was designed from the start to fracture the pro-choice coalition and undermine support for a woman's right to reproductive freedom. To that end, this veto override attempt was deliberately delayed until today for maximum voter impact before the election. But I urge you not to succumb. Our Forefathers envisioned a Senate with enough backbone to withstand the passions of the moment—and of the other body—and on this vote we're being put to the test.

Mr. President, let's be clear as to what this attempt to override the President's veto of the so-called partial birth abortion ban is all about—and what it's not about. It's not about whether to have an abortion. It's not about when to have an abortion. It's only about how to have an abortion—and whether the Government ought to intervene and restrict a physician's professional judgment.

As noted in yesterday's Philadelphia Inquirer, one critic of the bill, Georgetown University law professor Louis Michael Seidman, told the Senate Judiciary Committee last fall that the proposed law ''does nothing to discourage abortion per se. It does nothing to protect the rights of fetuses, nothing to protect potential life, and nothing to protect actual life.'' As long as there are other legal methods to obtain an abortion, Dr. Seidman says that the bill's only effect is to force women ''to choose a more risky abortion procedure over a less risky one.''

Even proponents ought to be troubled by the fact that nothing in this bill would prevent a woman from having an abortion. It wouldn't even prevent a woman from having a third trimester abortion. All it would do is prevent a doctor from using a procedure that might be necessary to protect the woman's health or future reproductive capacity. And I don't believe the Government ought to intervene in that decision, Mr. President. To me, decisions on how best to protect a woman's health are better left to physicians.

And while I strongly oppose third trimester abortions except to protect the life or health of the mother, this bill would make no exceptions for the health of the mother. In fact, the bill's proponents defeated an amendment to grant an exception to protect the health of the mother, claiming it would gut the bill. They did it knowing it would have made the bill acceptable to many more Members of this body—and to the President—therefore eliminating the bill's potency as a political issue. Pulitzer Prize winning author David Garrow made this point in yesterday's' Philadelphia Enquirer when he wrote: ''How could adding a 'serious health risks' exception 'gut' a measure intended to curtail supposedly 'elective' or unnecessary procedures?''

Mr. President, I have always been pro-choice, but I have never been pro-abortion. As far as I'm concerned, abortions ought to be safe, legal, and rare. While this bill wouldn't make late term abortions more rare—in fact, there's no evidence they constitute more than an infinitesimal percentage of abortions actually performed in the

United States—it could make them significantly less safe.

Mr. President, I respect the convictions of those who believe we ought to choose life over abortion, and I applaud those who remind us, lawfully and peacefully, of the consequences of our choice. And like the vast majority of our fellow citizens I find the graphics used to depict the procedure in question repulsive. But I doubt that many of us would find an explicit portrayal of any procedure to terminate a pregnancy any less disturbing.

I was not comfortable voting against this bill originally, because I don't want to encourage abortions at any stage of a pregnancy and I'd like to eliminate them altogether in the third trimester—except when the life or health of the mother is threatened. But this bill wouldn't prohibit a single abortion from taking place, even in the third trimester. It would only increase the risks for women who already have difficult and sometimes tragic circumstances to deal with—and I believe that when faced with those circumstances, the woman and not the Government should decide. On this bill, the President made a gutsy call, but he made the right call and I hope at least 34 of us have the courage to stick with him and uphold his veto.

With that, Madam President, I yield whatever time I have remaining back to the Senator from California.

Mrs. BOXER. Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. How much time is left in Senator ROBB's time?

The PRESIDING OFFICER. The Senator has 30 minutes, 30 seconds.

Mrs. BOXER. In Senator ROBB's 15 minutes, how much time is remaining?

The PRESIDING OFFICER. Eight minutes.

Mrs. BOXER. Madam President, I shall not take the 8 minutes. But before the Senator from West Virginia leaves, I want to thank him. I applaud him for his real courage, for him coming to this floor and saying the real truth, which is this: There is no reason that we are taking this bill up today in the last week of the session, or the last few days of the session, other than for strictly political reasons.

There is no reason why this Congress sat on this issue for 5 long months. If we had sat down and worked it out and the amendment which I offered, which got 47 votes in our last debate, could be worked on, we could have a bill, as my friend said, that we could all vote for, that would outlaw this procedure except where the woman's life is at stake or she faced serious adverse health consequences. The Senator would join me in that bill. The President would sign that bill.

I just want to say to my friend, it takes courage to come here and speak the truth. You have done so, and I thank you very much.

Further, I would like to say, again, that the President, before he wrote his veto message, thought long and hard about it. This is a President who will sign a law that outlaws late-term abortion except for cases where the life and health of the mother are endangered. This is a President who wants to sign a bill that would, in fact, outlaw this procedure except for those rare, tragic circumstances, circumstances like the one of Vikki Stella.

I want to point out, as we put the woman's face on this issue and we put the family face on this issue, Madam President—and I know you are aware of the face that we tried to put on this issue—we find out that these women and their families are not political people. For them it is not a partisan issue. Some are Republican, some are Democrat, some are pro-choice, some are anti-choice, some really never thought about it much.

They are American families. They want their babies. They find out in the end something went drastically wrong, and the shock and the pain and the horror of that seems to be overlooked by those who would look at this woman and say to her, say to her husband and say to her children, ''You know, it really doesn't matter about you. It doesn't matter about you.'' I do not understand how those holding that position can really look at this woman, in her eyes, and tell her that she did the wrong thing to follow her doctor's advice, to follow her God, to discuss it with her family, to preserve her life, her fertility, her health. I do not know how Senators could do it.

So now what we have here is, every time one of these stories is told, a Senator stands up and says, ''Oh, but not her. We didn't mean her. She didn't have that procedure.'' Then we have the letters from the women saying, ''Wrong, Senator. You don't know everything. I did have this procedure. I know the procedure I had.''

To me, Madam President, it is a portrayal—I do not know how else to put it—of arrogance. If I put the best light on it, I will call it well-meaning, but even that I wonder about, because why wait until the last week to make this point?

I share the feelings of Senator PATTY MURRAY, and I urge my colleagues, if they did not hear her, to talk to her, because I honestly feel that there is a certain arrogance in this debate, arrogance on the part of Senators who think they know more than doctors, arrogance on the part of Senators who think they know more than Vikki Stella and her husband and her kids.

We even had one case of a woman who consulted with her priest on the issue of what she and her husband should do. Her parish priest supported her decision to terminate the pregnancy. The priest told her to follow the advice of her physician, so she could live for her family and for her children.

So I just cannot understand how colleagues feel that they can outlaw a procedure, make no true life exception, as the New York Times said today, so narrow it could never be used, make absolutely no health exception, and think they are doing something to help life. It is not helping life if a woman like this dies in the prime of her life. These pregnancies are fatally flawed. They are dangerous to the women. If these babies were to survive, we know from testimony they would live moments, maybe seconds in agony.

So I think, my colleagues, as we come down to this vote and all its implications, we need to decide what is the role of a U.S. Senator? Is it to be a doctor? Is it to be God? What is it to be? I think there are certain things that are best left to these families in their anguish, to these doctors who know the facts. I hope and I do believe we will have enough colleagues to stand for these women and for their families.

Madam President, I ask unanimous consent that following the next Republican speaker, Senator LIEBERMAN be recognized to speak.

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

Mrs. BOXER. I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Pamela Smith describing Ms. Stella's condition as she knows it, and suggesting that this procedure was not appropriate for her to go through, that there was a safer medical procedure, and also to have printed in the RECORD a copy of ''Williams Obstetrics'' which is the authority on obstetrics, also describing what is medically recommended in cases where Mrs. Stella had her procedure. There were alternatives, safe alternatives, safer alternatives for her to go through.

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

PHYSICIANS' AD HOC
COALITION FOR TRUTH,
Alexandria, VA, September 23, 1996.

DEAR SENATOR SANTORUM: My name is Dr. Pamela E. Smith. I am founding member of PHACT (Physicians' Ad hoc Coalition for Truth). This coalition of over three hundred medical providers nationwide (which is open to everyone, irrespective of their political stance on abortion) was specifically formed to educate the public, as well as those involved in government, in regards to disseminating medical facts as they relate to the Partial-Birth Abortion procedure.

In this regard, it has come to my attention that an individual (Ms. Vicki Stella, a diabetic) who underwent this procedure, who is not medically trained, has appeared on television and in Roll Call proclaiming that it was necessary for her to have this particular form of abortion to enable her to bear children in the future. In response to these claims I would invite you to note the following:

1. Although Ms. Stella proclaims this procedure was the only thing that could be done to preserve her fertility, the fact of the matter is that the standard of care that is used by medical personnel to terminate a pregnancy in its later stages does not include

partial-birth abortion. Cesarean section, inducing labor with pitocin or protoglandins, or (if the baby has excess fluid in the head as I believe was the case with Ms. Stella) draining the fluid from the baby's head to allow a normal delivery are all techniques taught and used by obstetrical providers throughout this country. These are techniques for which we have safety statistics in regards to their impact on the health of both the woman and the child. In contrast, there are no safety statistics on partial-birth abortion, no reference of this technique in the national library of medicine database, and no long term studies published that prove it does not negatively affect a woman's capability of successfully carrying a pregnancy to term in the future. Ms. Stella may have been told this procedure was necessary and safe, but she was sorely misinformed.

2. Diabetes is a chronic medical condition that tends to get worse over time and that predisposes individuals to infections that can be harder to treat. If Ms. Stella was advised to have an abortion most likely this was secondary to the fact that her child was diagnosed with conditions that were incompatible with life. The fact that Ms. Stella is a diabetic, coupled with the fact that diabetics are prone to infection and the partial-birth abortion procedure requires manipulating a normally contaminated vagina over a course of three days (a technique that invites infection) medically I would contend of all the abortion techniques currently available to her this was the worse one that could have been recommended for her. The others are quicker, cheaper and do not place a diabetic at such extreme risks for life-threatening infections.

3. Partial-birth abortion is, in fact, a public health hazard in regards to women's health in that one employs techniques that have been demonstrated in the scientific literature to place women at increased risks for uterine rupture, infection, hemorrhage, inability to carry pregnancies to term in the future and maternal death. Such risks have even been acknowledged by abortion providers such as Dr. Warren Hern.

4. Dr. C. Everett Koop, the former Surgeon General, recently stated in the AMA News that he believes that people, including the President, have been misled as to ''fact and fiction'' in regards to third trimester pregnancy terminations. He said, and I quote, ''in no way can I twist my mind to see that the late term abortion described . . . is a medically necessity for the mother . . . I am opposed to partial-birth abortions.'' He later went on to describe a baby that he operated on who had some of the anomalies that babies of women who had partial-birth abortions had. His particular patient, however, went on to become the head nurse in his intensive care unit years later!

I realize that abortion continues to be an extremely divisive issue in our society. However, when considering public policy on such a matter that indeed has medical dimensions, it is of the utmost importance that decisions are based on facts as well as emotions and feelings. Banning this dangerous technique will not infringe on a woman's ability to obtain an abortion in the early stage of pregnancy or if a pregnancy truly needs to be ended to preserve the life or health of the mother. What a ban will do is insure that women will not have their lives jeopardized when they seek an abortion procedure.

Thank you for your time a consideration.

Sincerely,

PAMELA SMITH, M.D.,
Department of Obstetrics and Gynecology, Mt. Sinai Medical Center, Chicago, IL.

EXCERPT FROM WILLIAMS OBSTETRICS, 19TH EDITION

Method of Delivery. In the diabetic woman with an A or B White classification, cesarean section has commonly been used to avoid traumatic delivery of a large infant at or near term. In women with advanced classes of diabetes, especially those associated with vascular disease, the reduced likelihood of inducing labor safety, remote from term also has contributed appreciably to an increased cesarean delivery rate. Labor induction may be attempted when the fetus is not excessively large, and the cervix is considered favorable for induction. In the reports cited above with low perinatal mortality, the cesarean section rate was more than 50 percent in Melbourne (Martin and colleagues, 1987), 55 percent in Los Angeles (Gabbe and colleagues, 1977), 69 percent in Boston (Kitzmiller and associates, 1978), 70 percent in a midwestern multicenter study (Schneider and co-workers, 1980), and 81 percent in Dallas (Leveno and associates, 1979). At Parkland Hospital, the cesarean delivery rate for all diabetic women, including class A, was 45 percent from 1988 through 1991, but for overtly diabetic women, it has remained at about 80 percent for the past 20 years.

Mr. SANTORUM. Madam President, I also ask unanimous consent to have printed in the RECORD a letter from Bill and Teresa Heineman who had children who had severe abnormalities, fetal abnormalities, went through and had the children with abnormalities similar to the ones discussed here, and did so healthily and able to have children afterward.

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

WILLIAM J. & TERESA M. HEINEMAN,
Rockville, MD.

We have noted with concern statements made by several couples suggesting, from their very personal and very tragic experiences, that the partial birth abortion is the only procedure available to a woman when the child she is carrying is diagnosed with a severe abnormality.

We have had experiences that were very similar and yet so very different. We have had three children biologically and have adopted three more. Two of our children were born with a genetic abnormality—5-p Trisomy. One also had hydrocephalus. The medical prognosis for these children was that they would have at best a short life with minimal development. Some medical professionals recommended abortion; others were ready to help support their lives. We chose life. That decision carried some hardships. However, God blessed us immeasurably through their short lives.

Our first child, Elizabeth, was diagnosed after her birth. We were deeply saddened but desired to give her the best life we could. Though she never could say a word and could not sit up on her own, she clearly knew us. She learned to smile, laugh, and clap her hands. She was a joy to us for two and one half years. We clearly saw how many lives she had touched with over 200 people attended her Memorial Mass! One child was touched in a very personal way when he received Elizabeth's donated liver. Two others received sight through her eyes.

Our third child, Mary Ann, had been diagnosed with hydrocephalus in utero and shortly after birth with the same genetic abnormality that our oldest daughter had. (We could have known this during pregnancy via amniocentesis, but refused the procedure due to the risk to the baby). Terry's obstetrician said that we were fortunate, though, that Mary Ann would have the chance to go home with us. We learned to feed her through a gavage tube as she was unable to suck to receive nourishment. Our son, Andrew, developed a special bond with his sister. We spend the next five months as a family, learning, growing and caring for our children. When our precious daughter died, we celebrated her life at a Memorial Mass with family and friends.

Our belief in Jesus Christ and His gift of salvation provided comfort for us as our daughters entered their new home in heaven. They remain a part of our family and are always in our hearts. They enriched our lives and touched the lives of many others. Our Creator sent these children to us and we were privileged to love and care for them. What a tremendous loss to all of us who know them to terminate their lives because they were not physically perfect. We look forward to a joyous reunion with them in heaven.

It is so easy to see the half of the glass that is empty when we face difficult problems; will we have the courage to allow our children to have the half of the glass that is full? We pray for other mothers and fathers who are faced with agonizing decisions that they will remain open to the gift being entrusted to them. God's love is ever-present during our times of joy and sadness. He is with us now as well are parents to Andrew, now nine years old, and three children: Maria, Christina, and Joseph; ages 11, 9 and 7, who joined our family through adoption.

Mr. SANTORUM. I yield to the Senator from Michigan 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Senator from Pennsylvania.

I had hoped there would be a little more time today for me to address the Senate on this issue, but we have so many speakers we are all going to have to condense our remarks. I thought I would just highlight more of a personal experience of my own and my family's trying to put this in perspective and at least outline where my views are on this issue.

I have sort of an interesting distinction in that of all of the Members of this body, I am the parent with the youngest child as of this moment, a 3-week-old son who, of course, we are very excited about and love very much. He was born 3 weeks ago today. I was there for the delivery. While it was happening, my wife and I both thought a lot about the birth of our twin daughters who were born 3 years and 3 months ago.

They were born prematurely. They had to stay in a hospital for several weeks in a neonatal intensive care unit. We experienced firsthand the kinds of miracles that go on today all across this country with the births, at very early stages, of babies who survive. In that neonatal unit there were children who were born weeks and weeks, including months, early and had been born with birth weights slightly over a pound who were in the hospital for many months who survived.

The fact is, those were babies exactly like the babies who, in a partial-birth abortion, do not survive. We, I think, came away from that experience even more committed than ever before, both

my wife and I, to the notion that we cannot allow practices like the partial-birth abortion to occur in this country. It is a deplorable, deplorable practice. It seems to me that we have to take a stand as a matter of our moral faith and beliefs as a nation in opposition to it.

I have heard a lot of talk from people on all sides of this issue, none of which persuaded me in any sense that I should change the vote I cast some months ago.

I also say this in conclusion. For a lot of people who say they believe in the pro-choice side of this debate but also are not pro-abortion, I believe they are sincere in that feeling. But I also hear them say so often they want to make abortion rare. I cannot believe that if that is the case, if you truly want to make abortion rare, that you would stand in the way of this legislation. If you truly believe that there should be fewer abortions, it seems to me you begin with the ones that are the most deplorable and the least justifiable. Certainly partial-birth abortion is the exact definition of that category.

I hope our colleagues will join us today in overriding this veto. I thank you very much. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before I yield to Senator LIEBERMAN, I ask for one moment, 1 minute.

The Senator from Pennsylvania placed in the RECORD an analysis of a doctor's opinion on Vikki Stella's procedure. I really take offense at this. That doctor has never seen Vikki Stella's medical records. Vikki Stella never granted permission for her medical records to be seen by anyone other than her family and her physician.

Mr. DEWINE. Will the Senator yield?

Mr. SANTORUM. Yet you are to base your decision on this? You can't have it both ways. You can't argue with any——

Mrs. BOXER. I will not yield.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Thank you, Madam President.

Not one of these women who have courageously come forward to tell her story——

Mr. SANTORUM. Is a doctor.

Mrs. BOXER. To my knowledge, not one of these women who has come forward to tell her story has shared her medical records detailing one of the greatest tragedies that her family has ever faced with anyone other than her family, her God, and her own personal physician. I believe that to place in the RECORD testimony of a physician who never saw those records, which implies in many ways that these women are not telling the truth about——

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

Mrs. BOXER. No. I will not yield at this time.

Madam President, we have been debating this for a very long time. I think we have kept our emotions under control. I can personally tell you that there are emotions on both sides. I hope that we can respect each other. We have had hours of debate. We agreed to have hours of debate.

There were days when my colleagues were down here presenting what they said was my position, and that was not proper. I did not complain, I only asked them to stop it. I would like to make a point and then turn to my colleague from Connecticut.

My point is this, the women who have come forward from all over this great Nation of ours to tell their stories are reliving the most painful moments of their lives. To place into the RECORD medical opinions of doctors who never saw the women's medical records, I happen to think is absolutely wrong. It is one Senator's opinion and I just wanted to so state it.

The important thing, it seems to me, is this: All of us today could have a bill, we could have a bill, if we had a true life exception and a narrowly drawn health exception. We could pass a bill, we could send it to this President, who signed a law in Arkansas to outlaw late-term abortions with an exception only for endangerment to the life or health of the woman. We could do this together. I hope we would refrain from casting aspersions on the character and the truthfulness and the integrity of American families like this.

I yield to my colleague and I appreciate his forbearing.

Mr. LIEBERMAN. I thank my friend and colleague from California.

Madam President, the bill which is the subject of the Presidential veto that is before the Senate is limited to a particular medical procedure, but for me, and I guess for many other Members of the Senate, it raises once again the most difficult issues in the debate over abortion.

The opponents of this medical procedure have raised facts that all of us, whether generally pro-life or generally pro-choice, must acknowledge as relevant and troubling.

In protecting a woman's right to choose, a constitutionally protected woman's right to choose, we are for the most part presenting the right to have an abortion early in pregnancy. The fact is that over 90 percent of abortions are performed by the end of the first 12 weeks of pregnancy. A small portion of abortions, estimated by at least one authority as less than one-half of 1 percent, occur after 26 weeks of gestation.

This debate on this veto of this bill, H.R. 1833, involves an abortion procedure that is used later in pregnancies. Questions that are settled for the bulk of early-performed abortions, to me, are less clear for this small minority of later abortions.

In particular, I must say since the Senate adopted this legislation earlier, I have been reading a number of commentaries, studies, and articles, particularly one very long and thoughtful article by David Brown, of the Washington Post, who, I gather, is a doctor. Together, they call into question such basic facts as the number, timing, and motivations for abortions performed using this procedure.

The controversy over this matter has, of course, not been confined to the press. Like most of my colleagues in the Chamber, I have heard from many—including many constituents—who have said to me that partial-birth abortions are only performed in very rare situations where a woman's life is in danger. Others have said literally thousands of late-term partial-birth abortions are performed on a purely elective basis without medical necessity. The medical community itself has expressed conflicting opinions about the quantity, safety, and efficacy of this particular abortion procedure.

Madam President, these conflicting opinions and questions are crucial to our determination of whether and how we should legislate regarding late-term abortions. I, for one, believe, the record before the Senate raises sufficient concerns to compel not only further study but another attempt to legislate. I know that this effort will not be easy because it raises the various difficult questions of whether there are any limitations that we believe should be put on late-term abortions.

In Doe versus Bolton, which was decided together with Roe versus Wade, the Supreme Court acknowledged the right of the States to ''readjust its views and emphases in the light of the advanced knowledge and techniques of the day.'' These two historic Supreme Court decisions, Doe versus Bolton and Roe versus Wade, together, effectively prevented the States from limiting a woman's right to choose before fetal viability, but as I read them, permitted State intervention after viability.

The question, then, is whether and how we as lawmakers and our colleagues in State legislatures choose to intervene. Procedures that involve abortions, late into pregnancy, put our concern with the health and freedom of choice of the mother in conflict with the viability of the fetus which advances in medical science continue to move earlier in pregnancy.

Madam President, the evidence that some partial-birth abortions are being performed not only late in pregnancy but electively—which is to say, without medical necessity, let alone without life-threatening circumstances to the mother—make a hard case ultimately and profoundly unacceptable.

In the context of these very difficult questions that demand careful balancing and the most thoughtful and well-defined legislating, I continue to find the wording of the bill before the Senate much too broad, particularly since it imposes criminal penalties. It would subject doctors to jail for medical decisions they make. It would criminalize abortions performed using

this medical procedure at any time in a pregnancy under all circumstances except, ''When a partial-birth abortion * * * is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.''

Madam President, I repeat, I find that language too broad and too absolute to justify criminal penalties in the very difficult and complicated circumstances that reality provides in this case.

I will therefore vote to sustain the President's veto of H.R. 1833, the Partial-Birth Abortion Act of 1995.

However, I will do so with a growing personal anxiety that I know I share with Members of the Senate that something very wrong is happening in our country, that there are abortions being performed later in pregnancies that are not medically necessary, and that we all have an interest in working together, through the law, to stop this.

Whether we are pro-choice or pro-life, on this one I think we have to all reach for a common ground in the weeks and months ahead where we will lower our voices, find our common values and raise our sights so that we can find a way to better protect fetal life in the latter stages of pregnancy without unfairly denying the constitutional rights of pregnant women to choose.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. BOXER. Madam President, I yield 2 minutes to the Senator from Illinois. And then, after that, I will ask the Senator from Pennsylvania to use up as much time as he would like.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator from California. I rise really on a point of personal privileges. Vikki Stella, the person in this picture, is a constituent of mine. She is in Illinois. I spoke of her situation and the trauma that she experienced in having a late-term abortion of a child that she very much wanted to have and the trauma that it caused her. She, as well as her family, was traumatized. But the fact that she was able to preserve her fertility gave them a new baby in that family.

A point I touched on in my remarks this morning had to do with the issue of personal liberty and, as a subset of that, one's personal privacy. Here we have Vikki Stella, who expressed her own personal circumstance, something that happened in real life to her, something that wasn't theoretical, hypothetical, or conjecture, it was very real and traumatic for her and her family. Yet, we find, as part of this debate, her testimony and the privacy around her own health being debated by physicians who have never met her or saw her, never examined her, and her medical records being challenged on the floor of the U.S. Senate. I think that is extraordinary.

I, frankly, call attention to this notion. As we look at this debate, ask yourself if you really want to have the Government going as far as to a debate about your own personal medical records, in something as traumatic as, no doubt, this situation was for Vikki Stella and her family. If there is one thing about which we can have a consensus—and I refer to the statement of my colleague from Connecticut—I believe there is consensus that one's medical record and condition is about as private as you are going to get. That falls within the zone of privacy that is constitutionally protected for every American.

Yet, we have a letter introduced, as I understand it, into the RECORD today taking issue with the medical records and the medical history of Vikki Stella. I think that is extraordinary, and I think it falls outside of the purview of accepted practice and certainly outside the purview of the debate that should be taking place in this Senate.

I thank the Chair and I thank the Senator from California.

Mrs. BOXER. I thank my colleague.

Mr. SANTORUM. I yield the Senator from Idaho 2 minutes.

Mr. KEMPTHORNE. Madam President, a partial-birth abortion is exactly what its name implies—a baby that is inches from being born has its life terminated.

Many of the colleagues on the floor have said that in listening to the details of how the procedure is rendered, seeing the graphics, they find it offensive and grotesque. I agree, but, unfortunately, that is the procedure.

It is hard to recite these facts. I believe this statement made by Senator PATRICK MOYNIHAN perfectly reflects my own thinking:

> I think this is just too close to infanticide. A child has been born and it has exited the uterus, and what on Earth is this procedure?

''Just too close to infanticide.'' The truth is that a victim of this procedure is a baby who is mere inches, and literally seconds away from being born and, if born, would be entitled to all of the legal protections that govern the taking of human life.

What is this procedure and why would it ever be used? Proponents claim that it may be needed to protect the life and health of the mother. Proponents say that the bill's life-of-the-mother exception does not go far enough to protect the health of the mother. On this point I found persuasive the views of 300 physicians, most of whom are obstetricians, gynecologists, and pediatricians who wrote in their September 18 letter to Congress the following:

> There are simply no obstetrical situations which require a partially delivered human fetus to be destroyed to protect the life, health, or future fertility of the mother. The partial birth abortion procedure itself can pose both an immediate and significant risk to a woman's health.

It is also persuasive to me that those who are pro-choice and early supporters of partial birth abortions have now reversed their view. After reviewing additional facts made available, Washington Post Columnist Richard Cohen changed his mind and now urges the Senate to override the President's veto. Here is what he now says:

> I was led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed. I was wrong, my Washington Post colleague, David Brown—a physician himself—after interviewing doctors who performed late-term abortions and surveying the literature, wrote: ''These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not.''

Richard Cohen concludes with this statement: ''Society has certain rights, too, and one of them is to insist that late term abortions—what seems pretty close to infanticide—are severely restricted.''

We vote on this issue because majorities of the House and Senate approved this legislation. President Clinton vetoed it. The House of Representatives voted to override the President's veto.

The Senate will decide today whether this bill becomes law. The Senate will decide if this procedure is ''just too close to infanticide'' and should be restricted.

Because it is ''just too close to infanticide'' I will vote to override this veto. I will vote to restrict partial birth abortions out of concern that this procedure may adversely affect the health of women and out of conviction that we must protect innocent infants whose births are and should be imminent. Not their deaths. Death should not come seconds before birth.

On many issues all of us in the Senate must vote on issues of where to draw the line, of what is legally and morally right or wrong. In this case, my view is this bill draws the line where it should be. My vote will be to override the President's veto. My prayer will be for this bill to become law.

Mr. SANTORUM. Madam President, I yield 2 minutes to the Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong support for the override of President Bill Clinton's veto of the partial-birth abortion bill. Rarely have we seen a President so willing to ignore the wishes of the overwhelming majority of the American people. Having talked to and listened to the people of Missouri over the last few weeks, I can say that there is an overwhelming majority opposed to this heinous procedure.

The President has told us that the procedure is rare and only done to save the life of the mother. But that is not true. Surveys of practitioners of abortion in several States show that the procedure is often elective, not essential. Right in the bill is a provision that the procedure can be performed to save the life of the mother. So President Clinton cannot hide behind this reason in choosing to veto this bill.

Many reporters have asked me why we are holding a vote on this issue in

the Senate today when we are, unfortunately, likely to fall short of what is needed to override the veto.

Here is the reason: The American people are asking us to override the veto.

I have been home in Missouri these past weekends, and there is no issue I have heard more about where the feelings are strong. Since July, I have received more than 27,000 cards and letters from Missourians who are strongly opposed to this. So we are holding this vote because the President made a terrible mistake in vetoing this bill, and it is up to Congress, representing the people, to reverse it.

As has been stated, several Senators who have studied this issue since we first voted have already had a change of heart. The people want this bad decision by the President overturned. Now is the time to do it. It has to be done.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I oppose the override of the veto of H.R. 1833, a bill banning emergency late-term abortions.

This bill is unnecessary. It is an unprecedented intrusion by the Federal Government into medical decision-making and it represents a direct constitutional challenge to safe and legal abortion as protected under the Roe versus Wade Supreme Court decision which has been the law of the land for 23 years.

There are several reasons why this is a flawed bill.

First, this bill attempts to ban a specific medical procedure, called by opponents, partial-birth abortion, but there is no medical definition of ''partial-birth abortion.''

Second, the language in this bill is so vague that it could affect far more than the one particular procedure it seeks to ban. As such, it undermines Roe versus Wade.

Third, there is no exception to protect the health of the woman. This bill would be a blanket ban on the use of a type of medical procedure regardless of whether it is the safest procedure under a particular set of circumstances.

Fourth, this bill presumes guilt on the part of the doctor and forces physicians to prove that they did not violate the law.

Fifth, this bill is unnecessary Federal regulation, since 41 States have already outlawed postviability abortions except to save a woman's life or health.

Sixth, this is an ineffective bill because most cases not affected by it.

NO MEDICAL TERM FOR PARTIAL-BIRTH ABORTION; DOCTORS VULNERABLE TO PROSECUTION

H.R. 1833 seeks to outlaw a medical procedure called, by the bill, partial-birth abortion. This procedure does not appear in medical textbooks. It does not appear in the medical records of doctors who are said to have performed this procedure.

The doctors who testified before the Senate Judiciary Committee could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to.

For example, when asked to describe in medical terms what a ''partial-birth abortion'' is, Dr. Pamela Smith, director of ob/gyn medical education at Mt. Sinai Hospital in Chicago called it ''* * * a perversion of a breech extraction.''

Dr. Nancy Romer, a practicing ob/gyn and assistant professor at Wright State University School of Medicine, who said the doctors at her hospital had never performed the procedure, had to quote another doctor in describing it as ''a Dilation and Extraction, distinguished from dismemberment-type D&Es.''

When the same question was posed to legal experts in the Judiciary Committee hearings—to define exactly what medical procedure would be outlawed by this legislation—the responses were equally vague.

The vagueness of exactly what medical procedures would be criminalized under this bill is striking and it may be vague for very deliberate reasons.

By leaving the language vague every doctor that performs even a second trimester abortion could face the possibility of prosecution under this law.

Senator HATCH said in our previous debate that every woman testifying in the committee who thought they were testifying about a ''partial birth abortion,'' were not affected by this legislation.

This is evidence of the confusing and nonspecific nature of this so-called partial birth procedure.

THIS BILL COULD AFFECT OTHER LEGAL PROCEDURES

The language in this bill is so vague that, far from outlawing just one, particular abortion procedure, the way this bill is written virtually any abortion procedure could fall within its scope.

I asked the legal and medical experts who testified at the Judiciary Committee hearing if this legislation could affect abortion—not just late-term abortions—but earlier abortions of nonviable fetuses as well.

Dr. Louis Seidman, professor of law from Georgetown University, gave the following answer:

> As I read the language, in a second trimester pre-viability abortion where the fetus will in any event die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for 2 years.

Dr. Seidman continued his testimony concluding that:

> If I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure will eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact.

Dr. Courtland Richardson, associate professor of gynecology and obstetrics at Johns Hopkins University School of Medicine, in testimony before a House committee, said,

> [the language] ''partially vaginally delivers'' is vague, not medically oriented, and just not correct.
>
> In any normal 2nd trimester abortion procedure by any method, you may have a point at which a part, a one inch piece of [umbilical] cord for example, of the fetus passes out of the cervical [opening] before fetal demise has occurred.

So, contrary to proponents' claims, this bill could affect far more than just the few abortions performed in the third trimester, and far more than just the one procedure being described.

PRESUMES GUILT; AFFIRMATIVE DEFENSE

Another troubling aspect of this legislation to me is that it violates a fundamental tenet of our legal system—the presumption of innocence. This bill does exactly the opposite—it presumes guilt.

This legislation provides what is known as affirmative defense—whereby an accused physician could escape liability only by proving that he or she ''reasonably believed'' that the banned procedure—whatever that procedure proves to be—was necessary to save the woman's life and that no other procedure would have sufficed.

It also opens the door to prosecution of doctors for almost any abortion by forcing them to prove they did not violate a law that can be interpreted in many, many different ways.

NO HEALTH EXCEPTION

This legislation has no exemption or protection for the health of the mother and, as such, would directly eliminate that protection provided by the Supreme Court in Roe versus Wade and Planned Parenthood versus Casey.

If this legislation were law, a pregnant woman seriously ill with diabetes, cardiovascular problems, cancer, stroke, or other health-threatening illnesses would be forced to carry the pregnancy to term or run the risk that the physician could be challenged and have to prove in court what procedure he used, and whether or not the abortion ''partially vaginally-delivered'' a living fetus before death of that fetus.

It is also important to point out that, on the extremely rare occasions when a third trimester abortion is performed, it is virtually always in cases where there is severe fetal abnormality or a major health threat to the mother. This procedure is less risky for the mother than other procedures—such as a cesarean delivery, induced labor, or a saline abortion—because there is less maternal blood loss, less risk of uterine perforation, less operating time—thus cutting anesthesia needs—and less trauma to the mother. Trauma, for example, can lead to an incompetent cervix which can cause repeated pregnancy loss.

The sad fact is, while our technology allows many genetic disorders to be detected early in pregnancies, all cannot be detected.

While many women undergo sonograms and other routine medical examinations in the earliest weeks of pregnancy to monitor fetal development, and, if a woman is over 35 years

of age, she may undergo amniocentesis, these tests are not routine for women under 35 because of the potential risk to the fetus with amniocentesis, plus the additional cost involved.

Ultrasound testing would provide further early detection of fetal anomalies, but these tests also are not routinely used until late pregnancy. As a result, some women carry fetuses with severe birth defects late into the pregnancy without knowing it.

According to obstetricians, some of the severe fetal anomalies that would cause a woman to end a pregnancy at this late stage are tragic: Cases where the brain forms outside the skull; cases where the stomach and intestines form outside the body or do not form at all; fetuses with no eyes, ears, mouths, legs, or kidneys—sometimes, tragically, unrecognizable as human at all.

But even with advanced technology, many serious birth defects can only be identified later, often in the third trimester or when the fetus reaches a certain size.

Anomalies such as hydrocephaly may not even be detected with an early ultrasound examination.

Other abnormalities such as polyhydramnios—too much amniotic fluid—does not occur until the third trimester—and may require an abortion.

The delivery of these babies can often endanger the mother's life.

The families who face these unexpected tragedies do not make hasty or careless decisions about their options.

In addition to the obstetrician, they seek second and third opinions, often consulting specialists, including perinatalogists, genetic counselors, pediatric cardiologists, and pediatric neurosurgeons—who explore every available option to save this baby that they very much want.

The Federal Government has no place interfering, making this tragic situation any more difficult or complicated for these families.

ROE VERSUS WADE ALREADY ALLOWS STATES TO BAN LATE-TERM ABORTIONS

Why is this legislation even necessary?

Roe versus Wade unequivocally allows States to ban all postviability abortions unless they are necessary to protect a woman's life or health. Forty-one States have already done so.

The whole focus of this Congress has been to give power and control back to the States and getting the Federal Government out of people's lives.

Surely anyone who believes in States' rights must question the logic of imposing new Federal regulation on States in a case such as this, in areas where States have already legislated.

MOST CASES NOT AFFECTED

As drafted, this bill is meaningless under the Constitution's commerce clause, because it would only apply to patients or doctors who cross State lines in order to perform an abortion under these circumstances.

The vast majority of cases would even be affected by this law. So what is the point?

The point is that this legislation has little or nothing to do with stopping the use of some horrific and unnecessary medical procedure being performed by evil or inhumane doctors.

If that were the case we would all be opposed.

CONCLUSION

This is a vague, poorly constructed, badly intended bill.

It attempts to ban a medical procedure without properly identifying that procedure in medical terms.

It is so vague that it could affect far more than the procedure it seeks to ban.

It presumes guilt on the part of the doctor.

And it ignores the vital health interests of women who face tragic complications in their pregnancies.

But the strongest reason to vote against this bill, in my view, is that it is not the role of the Federal Government to make medical decisions.

I urge my colleagues to vote to sustain the President's veto.

Mr. SPECTER. Mr. President, this is among the most difficult of the 6,003 votes I have cast in the Senate because it involves a decision of life and death on the line between when a woman may choose abortion and what constitutes infanticide.

In my legal judgment, the issue is not over a woman's right to chose within the constitutional context of Roe versus Wade or Planned Parenthood versus Casey. If it were, Congress could not legislate. Congress is neither competent to micromanage doctors' decisions nor constitutionally permitted to legislate where the life or health of the mother is involved in an abortion.

In my legal judgment, the medical act or acts of commission or omission in interfering with, or not facilitating the completion of a live birth after a child is partially out of the mother's womb constitute infanticide. The line of the law is drawn, in my legal judgment, when the child is partially out of the womb of the mother. It is no longer abortion; it is infanticide.

This vote does not affect my basic views on the pro-choice/pro-life issue. While I am personally opposed to abortion, I do not believe it can be controlled by the Government. It is a matter for women and families with guidance from ministers, priests, and rabbis.

Having stated my core rationale, I think it appropriate to make a few related observations:

Regrettably, the issue has been badly politicized. It was first placed on the calendar for a vote without any hearing and now the vote on overriding the President's veto has been delayed until the final stages of the Presidential campaign.

We had only one hearing which was insufficient for consideration of the complex issues. After considerable study and reflection on many factors including the status of the child partly out of the womb, I have decided to vote for the bill and to override the President's veto. As I view it, it would have been vastly preferable to have scheduled the vote in the regular course of the Senate's business without delaying it as close to the election as possible.

From mail, town meetings and personal contacts, I have found widespread revulsion on the procedure on partial-birth abortions. This has been voiced by those who are pro-choice as well as pro-life. Whatever the specifics of the procedure, if it is permitted to continue, it may be sufficiently repugnant to create sufficient public pressure to pass a constitutional amendment to reverse Roe.

It has been hard to make a factual determination because of the conflicting medical claims on both sides of the issue.

Solomon would be hard pressed to decide between two beautiful children: First one whose mother had a prior partial-birth abortion and says that otherwise she would have been rendered sterile without the capability to have her later child; second, one born with a correctable birth defect where the mother had been counseled to abort because of indications of major abnormalities. Human judgment is incapable of saying which is right. We do see many children with significant birth defects surviving with a lesser quality and length of life, but with much love and affection between parents and children and much meaning and value to that life. No one can say how many children are on each side of that equation.

If partial-birth abortions are banned, women will retain the right to choose during most of pregnancy and doctors will retain the right to act to save the life of the mother.

After being deeply involved in the pro-life/pro-choice controversy for three decades as a district attorney and Senator, I believe we should find a better way to resolve these issues than through this legislative process.

Ms. MIKULSKI. Mr. President, I will vote to sustain the President's veto of H.R. 1833, the late term abortion ban bill. I do so recognizing the gravity of the issue.

I do so for a very basic reason. I believe that women, in consultation with their physicians, must make decisions on what is medically necessary in reproductive matters. It must be a medical decision not a political decision.

At the very core of this vote is a very basic question. Who decides? Who decides whether a difficult pregnancy threatens a woman's life? Who decides whether a woman's physical health will be seriously harmed if a pregnancy is continued? Who decides what is medically necessary for a particular woman in her unique circumstances? Who decides?

The answer must be that doctors decide. Doctors, not politicians, must make these decisions. The women

themselves must decide. But politicians should not be making these medical decisions.

If this bill is enacted, Congress will be shackling physicians. As one witness on this bill testified, Congress will be ''legislating malpractice.''

Doctors will be faced with an impossible choice. They can deny to their patients a procedure that they believe to be medically necessary. Or they will face criminal prosecution. We should not make criminals out of doctors acting in the best interests of their patients.

There are some significant misunderstandings about what this bill provides. Let me speak about two of them.

First of all, this bill does not provide a true exception for cases where the woman's life is endangered. It is not like the Hyde amendment, with which most of us are familiar.

The Hyde amendment, which deals with Federal funding of abortion, provides an exception where the life of the woman would be threatened if the fetus were carried to term. That is not what this bill does.

This bill provides an exception only when a woman's life is threatened by a physical disorder, illness or injury and no other medical procedure would suffice to save the woman's life.

In other words, where there is a preexisting condition which the pregnancy would aggravate. It does not provide a life exception when it is the very pregnancy itself that threatens the woman's life.

Let me name a few of those conditions. If carrying the fetus to term would result in a ruptured cervix, severe hemorrhaging, or the release of toxins from the dead fetus, the life exception in this bill would not apply.

But even in the case of a preexisting condition, the life exception only applies if no other medical procedure would suffice. This would require a physician to use an alternative procedure, so long as the woman would survive. Even though a safer procedure—the procedure this bill seeks to ban—might be the better medical decision.

Let me talk about a second misunderstanding about this bill. This bill provides no exception for cases where the woman's health would be seriously impaired by carrying the fetus to term.

A health amendment was offered during our debate. It provided an exception in cases where the physician acts to avert serious, adverse health consequences to the woman. That amendment was rejected.

And that is a shame. Many of us who oppose this bill would have supported it if there were a true life and health exception. President Clinton would have signed such a bill.

We would not be here today debating this if this health exception had been adopted. It is too bad that some decided they would rather have a political issue than a signable bill.

Why is this health exception so important? Because there are cases where women will suffer serious, long-term, dire consequences to their health if the procedure banned by this bill is not available to them.

Women with diabetes or other kidney related diseases could see their condition escalated by being denied the procedure that is medically necessary in their case. Women could suffer debilitating impairments of their reproductive systems, or the loss of their future fertility.

These are not minor medical considerations. These are not whims. These are cases where a woman's future physical well-being is seriously threatened. Where her life could be shortened because a serious medical condition like diabetes has been aggravated. The lack of a health exception in this bill for these women is unacceptable to me.

Mr. President, let me speak for a moment about the larger issue of abortion. Let me say plainly that I am appalled that there are some 1.5 million abortions every year. This troubles me. It should trouble every Member of this body.

We have to do a better job in preventing unplanned pregnancies. We can do better in educating young people and in teaching them about the importance of abstinence. We need to do more to give them a sense of hope for their futures, and an understanding of how a teenage pregnancy robs them of that future.

So yes, we should be appalled that there are over a million abortions every year. And each of us has an obligation to address that.

But let me get back to my original point and my original question. Who decides? Women, in consultation with their physicians, must make the decisions on reproductive matters. Physicians must be free to determine what is medically necessary. And politicians should not prevent them from acting in the best interests of their patients.

So I will vote to uphold the President's veto of this legislation.

Mr. MOYNIHAN. Mr. President, it happens I was ill on December 7, 1995, when the measure before us now was first voted on by the Senate. Had I been present, I would have voted in favor of the bill, and today I will vote to override the President's veto.

Some while later, I was asked about the matter. I referred to the particulars of the medical procedure, as best I understood them. In an article in this morning's New York Times, our former Surgeon General C. Everett Koop writes:

> In this procedure, a doctor pulls out the baby's feet first, until the baby's head is lodged in the birth canal. Then, the doctor forces scissors through the base of the baby's skull, suctions out the brain, and crushes the skull to make extraction easier. Even some pro-choice advocates wince at this, as when Senator Daniel Patrick Moynihan termed it ''close to infanticide.''

It is the terrible fact of our national debate over abortion that there has seemed no possibility of compromise as between opposing views; as if we are consigned to unceasing conflict. More than two centuries ago—270 years, to be precise—Dean Swift saw this as the condition of certain societies—that of the ''Big-Endians'' and the ''Little-Endians'' engaged in ''a most obstinate War for six and thirty Moons past''—and woe it was to them. Dr. Koop, however, argues that there are points that those of opposing views can concede without surrender of principle, and that there are measures which lend credence to those principles which are too often slighted. He writes:

> Both sides in the controversy need to straighten out their stance. The pro-life forces have done little to help prevent unwanted pregnancies, even though that is why most abortions are performed. They have also done little to provide for pregnant women in need.

I would suggest, for example, that there could be few measures more likely to encourage abortion than our decision just last month to impose severe time limits on eligibility for what had been title IV–A of the Social Security Act, aid to families with dependent children. Indeed, we repealed AFDC. It is the sorry fact, then, that of the 285 Members of the House of Representatives who voted to override the President's veto of H.R. 1833, all but 23 also voted to repeal aid to families with dependent children.

Once again, in my view, the honorable stance has been that of religious leaders who opposed both the welfare bill we have enacted and the procedure that we now seek to ban.

One notes that the present bill ''shall not apply to a partial-birth abortion that is necessary to save the life of a mother * * *.'' That said, however, the fact is that we are providing by statute for the possible imprisonment of medical doctors. This, surely, is deplorable. In a great age of medical discovery, far beyond the comprehension of all but a very few Members of Congress, it is supremely presumptuous of lawmakers to impose their divided judgment on the practice of a sworn profession whose first commitment is to preserve life. Can we not stop this ugliness before it begins to show on the national countenance? Is there no better way to resolve these issues? Surely, this wrenching experience should encourage us to seek one—or many.

Mr. FAIRCLOTH. Mr. President, I rise to urge my colleagues to vote to override President Clinton's veto of the Partial-Birth Abortion Ban. I do not believe this is simply an issue of a woman's right to choose whether or not to have a child. It is also an issue of protecting the life of an unborn child. It seems to me that, however much we may disagree about the issue of when life begins, when it comes to late-term abortions, we are clearly talking about a baby. And it is entirely reasonable to place restrictions on such abortions, especially when the procedure in question is as barbaric as

this one. I agree with my colleague from Pennsylvania that partial-birth abortion is infanticide.

The lead editorial in today's Wall Street Journal points out:

''Up till now the abortion debate, if you'll pardon the metaphor, has managed to ignore the 800-pound gorilla in the room. For the first time, people are also talking about the fetus, not about women alone. A fetus may or may not be human, but on the other hand, it's not nothing. At 20 weeks of gestation, when the partial-birth abortion debate begins, a fetus is about nine inches long and is clearly becoming human.''

Opposition to the effort to ban this procedure has been based largely on false claims about the relative safety and medical necessity of this procedure. Even former Surgeon General Everett Koop, an authority on the subject of fetal abnormalities, has stated in today's New York Times that, ''With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother * * *.''

Opponents of the ban have also claimed that this procedure is performed only in the rarest of circumstances and only in life-threatening situations. But those claims, too, have proven to be false. In fact, in the State of New Jersey alone, some 1,500 such abortions are performed yearly. And the doctor who invented the procedure has admitted that 80 percent of these procedures he has performed were purely elective.

Mr. President, the truth is that, in the name of so-called freedom of choice we have created a situation in which abortion on demand—at any time during pregnancy, for any reason—is the norm. It is time we decided where we are going to draw the line. This is a good place to draw it. I urge my colleagues to vote to override this veto.

Mr. HELMS. Mr. President, regardless of the outcome, when the Senate votes on the question of whether to override President Clinton's veto of the Partial-Birth Abortion Ban Act, the impact will have grave consequences. For those who care deeply about the most innocent and helpless human life imaginable, failure to override the Clinton veto will border on calamitous. But it will have focused the abortion debate on the baby.

The spotlight will no longer shine on the much-proclaimed right to choose. Senators have been required to consider whether an innocent, tiny baby—partially-born, just 3 inches from the protection of the law—deserves the right to live, and to love and to be loved. The baby is the center of debate in this matter.

On December 7, 1995, the Senate voted, 54 to 44, to outlaw the inhuman procedure known as a partial-birth abortion, as the House of Representatives had done the previous November 1. But the President, taking his cue from the radical feminists and the National Abortion Rights Action League, vetoed the bill.

President Clinton, and other opponents of the Partial-Birth Abortion Ban Act, have sought to explain the necessity of a procedure that allows a doctor to deliver a baby partially, feet-first from the womb, only to have his or her brains brutally removed by the doctor's instruments. The procedure has prompted revulsion across the land, even among many who previously had supported the freedom-of-choice rhetoric.

Many Americans view the President's veto in terms of a character lapse and a regrettable failure of moral judgment. Now Senators must stand up and be counted, for or against the President's veto, with him or against him, for or against the destruction of innocent human life in such a repugnant way.

In my view, the President was wrong, sadly wrong. His veto by any civilized standards, let alone by any measurement of decency and compassion, is wrong, wrong, wrong. The Senate must override the President's cruel error of judgment.

Mr. President, I ask unanimous consent that a September 24 Washington Post column by Richard Cohen, headed ''A New Look at Late-Term Abortion,'' be printed in the RECORD at the conclusion of my remarks. Likewise, I ask unanimous consent a Bergen County, NJ, Sunday Record article of September 15, 1996, headed ''The Facts on Partial-Birth Abortion'' be printed in the CONGRESSIONAL RECORD.

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

[From the Washington Post, Sept. 24, 1996]

A NEW LOOK AT LATE-TERM ABORTION

A RIGID REFUSAL EVEN TO CONSIDER SOCIETY'S INTEREST IN THE MATTER ENDANGERS ABORTION RIGHTS

(By Richard Cohen)

Back in June, I interviewed a woman—a rabbi, as it happens—who had one of those late-term abortions that Congress would have outlawed last spring had not President Clinton vetoed the bill. My reason for interviewing the rabbi was patently obvious: Here was a mature, ethical and religious woman who, because her fetus was deformed, concluded in her 17th week that she had no choice other than to terminate her pregnancy. Who was the government to second-guess her?

Now, though, I must second-guess my own column—although not the rabbi and not her husband (also a rabbi). Her abortion back in 1984 seemed justifiable to me last June, and it does to me now. But back then I also was led to believe that these late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed. I was wrong.

I didn't know it at the time, of course, and maybe the people who supplied my data—the usual pro-choice groups—were giving me what they thought was precise information. And precise I was, I wrote that ''just four one-hundredths of one percent of abortions are performed after 24 weeks'' and that ''most, if not all, are performed because the fetus is found to be severely damaged or because the life of the mother is clearly in danger.''

It turns out, though, that no one really knows what percentage of abortions are late-term. No one keeps figures. But my Washington Post colleague David Brown looked behind the purported figures and the purported rationale for these abortions and found something other than medical crises of one sort or another. After interviewing doctors who performed late-term abortions and surveying the literature, Brown—a physician himself—wrote: ''These doctors say that while a significant number of their patients have late abortions for medical reasons, many others—perhaps the majority—do not.''

Brown's findings brought me up short. If, in fact, most women seeking late-term abortions have just come to grips a bit late with their pregnancy, then the word ''choice'' has been stretched past a reasonable point. I realize that many of these women are dazed teenagers or rape victims and that their anguish is real and their decision probably not capricious. But I know, too, that the fetus being destroyed fits my personal definition of life. A 3-inch embryo (under 12 weeks) is one thing; but a nearly fully formed infant is something else.

It's true, of course, that many opponents of what are often called ''partial-birth abortions'' are opposed to any abortions whatever. And it also is true that many of them hope to use popular repugnance over late-term abortions as a foot in the door. First these, then others and then still others. This is the argument made by pro-choice groups: Give the antiabortion forces this one inch, and they'll take the next mile.

It is instructive to look at two other issues: gun control and welfare. The gun lobby also thinks that if it gives in just a little, its enemies will have it by the throat. That explains such public relations disasters as the fight to retain assault rifles. It also explains why the National Rifle Association has such an image problem. Sometimes it seems just plain nuts.

Welfare is another area where the indefensible was defended for so long that popular support for the program evaporated. In the 1960s, '70s and even later, it was almost impossible to get welfare advocates to concede that cheating was a problem and that welfare just might be financing generation after generation of households where no one works. This year, the program on the federal level was trashed. It had few defenders.

This must not happen with abortion. A woman really ought to have the right to choose. But society has certain rights, too, and one of them is to insist that late-term abortions—what seems pretty close to infanticide—are severely restricted, limited to women whose health is on the line or who are carrying severely deformed fetuses. In the latter stages of pregnancy, the word abortion does not quite suffice; we are talking about the killing of the fetus—and, too often, not for any urgent medical reason.

President Clinton, apparently as misinformed as I was about late-term abortions, now ought to look at the new data. So should, the Senate, which has been expected to sustain the president's veto. Late-term abortions once seemed to be the choice of women who, really, had no other choice. The facts now are different. If that's the case, then so should be the law.

[From the Sunday Record, Sept. 15, 1996]

THE FACTS ON PARTIAL-BIRTH ABORTION

BOTH SIDES HAVE MISLED THE PUBLIC

(By Ruth Padawer)

Even by the highly emotional standards of the abortion debate, the rhetoric on so-called ''partial-birth'' abortions has been exceptionally intense. But while indignation has been abundant, facts have not.

Pro-choice activists categorically insist that only 500 of the 1.5 million abortions performed each year in this country involve the

partial-birth method, in which a live fetus is pulled partway into the birth canal before it is aborted. They also contend that the procedure is reserved for pregnancies gone tragically awry, when the mother's life or health is endangered, or when the fetus is so defective that it won't survive after birth anyway.

The pro-choice claim has been passed on without question in several leading newspapers and by prominent commentators and politicians, including President Clinton.

But interviews with physicians who use the method reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year—three times the supposed national rate. Moreover, doctors say only a ''minuscule amount'' are for medical reasons.

Within two weeks, Congress is expected to decide whether to criminalize the procedure. The vote must override Clinton's recent veto. In anticipation of that showdown, lobbyists from both camps have orchestrated aggressive campaigns long on rhetoric and short on accuracy.

For their part, abortion foes have implied that the method is often used on healthy, full-term fetuses, an almost-born baby delivered whole. In the three years since they began their campaign against the procedure, they have distributed more than 9 million brochures graphically describing how doctors ''deliver'' the fetus except for its head, then puncture the back of the neck and aspirate brain tissue until the skull collapses and slips through the cervix—an image that prompted even pro-choice Sen. Daniel P. Moynihan, D–N.Y., to call it ''just too close to infanticide.''

But the vast majority of partial-birth abortions are not performed on almost-born babies. They occur in the middle of the second trimester, when the fetus is too young to survive outside the womb.

The reason for the fervor over partial birth is plain: The bill marks the first time the House has ever voted to criminalize an abortion procedure since the landmark Roe vs. Wade ruling. Both sides know an override could open the door to more severe abortion restrictions, a thought that comforts one side and horrifies the other.

HOW OFTEN IT'S DONE

No one keeps statistics on how many partial-birth abortions are done, but pro-choice advocates have argued that intact ''dilation and evacuation''—a common name for the method, for which no standard medical term exists—is very rare, ''an obstetrical non-entity,'' as one put it. And indeed, less than 1.5 percent of abortions occur after 20 weeks gestation, the earliest point at which this method can be used, according to estimates by the Alan Guttmacher Institute of New York, a respected source of data on reproductive health.

The National Abortion Federation, the professional association of abortion providers and the source of data and case histories of this pro-choice fight, estimates that the number of intact cases in the second and third trimesters is about 500 nationwide. The National Abortion and Reproductive Rights Action League says ''450 to 600'' are done annually.

But those estimates are belied by reports from abortion providers who use the method. Doctors at Metropolitan Medical in Englewood estimate that their clinic alone performs 3,000 abortions a year on fetuses between 20 and 24 weeks, of which at least half are by intact dilation and evacuation. They are the only physicians in the state authorized to perform abortions that late, according to the state Board of Medical Examiners, which governs physicians' practice.

The physicians' estimates jibe with state figures from the federal Centers for Disease Control, which collects data on the number of abortions performed.

''I always try an intact D&E first,'' said a Metropolitan Medical gynecologist, who, like every other provider interviewed for this article, spoke on condition of anonymity for fear of retribution. If the fetus isn't breech, or if the cervix isn't dilated enough, providers switch to traditional, or ''classic,'' D&E—in utero dismemberment.

Another metropolitan area doctor who works outside New Jersey said he does about 260 post-20-week abortions a year, of which half are by intact D&E. The doctor, who is also a professor at two prestigious teaching hospitals, said he has been teaching intact D&E since 1981, and he said he knows of two former students on Long Island and two in New York City who use the procedure. ''I do an intact D&E whenever I can, because it's far safer,'' he said.

The National Abortion Federation said 40 of its 300 member clinics perform abortions as late as 26 weeks, and although no one knows how many of them rely on intact D&E, the number performed nationwide is clearly more than the 500 estimated by pro-choice groups like the federation.

The federation's executive director, Vicki Saporta, said the group drew its 500-abortion estimate from the two doctors best known for using intact D&E, Dr. Martin Haskell in Ohio, who Saporta said does about 125 a year, and Dr. James McMahon in California, who did about 375 annually and has since died. Saporta said the federation has heard of more and more doctors using intact D&E, but never revised its estimate, figuring those doctors just picked up the slack following McMahon's death.

''We've made umpteen phone calls [to find intact D&E practioners],'' said Saporta, who said she was surprised by The Record's findings. ''We've been looking for spokespeople on this issue. . . . People do not want to come forward [to us] because they're concerned they'll become targets of violence and harassment.''

WHEN IT'S DONE

The pro-choice camp is not the only one promulgating misleading information. A key component of The National Right to Life Committee's campaign against the procedure is widely distributed illustration of a well-formed fetus being aborted by the partial-birth method. The committee's literature calls the aborted fetuses ''babies'' and asserts that the partial-birth method has ''often been performed'' in the third trimester.

The National Right to Life Committee and the National Conference of Catholic Bishops have highlighted cases in which the procedure has been performed well into the third trimester, and overlaid that on instances in which women have had less-than-compelling reasons for abortion. In a full-page ad in the Washington Post in March, the bishops' conference illustrated the procedure and said women would use it for reasons as frivolous as ''hates being fat,'' ''can't afford a baby and a new car,'' and ''won't fit into prom dress.''

''We were very concerned that if partial-birth abortion were allowed to continue, you could kill not just an unborn, but a mostly born. And that's not far from legitimizing actual infanticide,'' said Helen Alvare, the bishops' spokeswoman.

Forty-one states restrict third-trimester abortions, and even states that don't—such as New Jersey—may have no physicians or hospitals willing to do them for any reason. Metropolitan Medical's staff won't do abortions after 24 weeks of gestation. ''The nurses would stage a war,'' said a provider there. ''The law is one thing. Real life is something else.''

In reality, only about 600—or 0.04 percent—of abortions of any type are performed after 26 weeks, according to the latest figures from Guttmacher. Physicians who use the procedure say the vast majority are done in the second trimester, prior to fetal viability, generally thought to be 24 weeks. Full term is 40 weeks.

Right to Life legislative director Douglas Johnson denied that his group had focused on third-trimester abortions, adding, ''Even if our drawings did show a more developed baby, that would be defensible because 30-week fetuses have been aborted frequently by this method, and many of those were not flawed, even by-an expensive defintion.''

WHY IT'S DONE

Abortion rights advocates have consistently argued that intact D&Es are used under only the most compelling circumstances. In 1985, the Planned Parenthood Federation of America issued a press release asserting that the procedure ''is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fatal abnormality.''

In February, the Nation Abortion Federation issued a release saying, ''This procedure is most often performed when women discover late in wanted pregnancies that they are carrying fetuses with anomalies incompatible with life.''

Clinton offered the same message when he vetoed the Partial-Birth Abortion Ban Act in April, and surrounded himself with women who had wrenching testimony about why they needed abortions. One was an anti-abortion marcher whose health was compromised by her 7-month-old fetus' neuromuscular disorder.

The woman, Coreen Costello, wanted desperately to give birth naturally, even knowing her child would not survive. But because the fetus was paralyzed, her doctors told her a live vaginal delivery was impossible. Costello had two options, they said: abortion or a type of Caesarean section that might ruin her chances of ever having another child. She chose an intact D&E.

But most intact D&E cases are not like Coreen Costello's. Although many third-trimester abortions are for heart-wrenching medical reasons, most intact D&E patients have their abortions in the middle of the second trimester. And unlike Coreen Costello, they have no medical reason for termination.

''We have an occasional amnio abnormality, but it's a minuscule amount,'' said one of the doctors at Metropolitan Medical, an assessment confirmed by another doctor there. ''Most are Medicaid patients, black and white, and most are for elective, not medical, reasons; people who didn't realize, or didn't care, how far along they were. Most are teenagers.''

The physician who teaches said: ''In my private practice, 90 to 95 percent are medically indicated. Three of them today are Trisomy-21 [Down syndrome] with heart disease, and in another, the mother has brain cancer and needs chemo. But in the population I see at the teaching hospitals, which is mostly a clinic population, many, many fewer are medically indicated.''

Even the Abortion Federation's two prominent providers of intact D&E have showed documents that publicly contradict the federation's claims.

In a 1992 presentation at an Abortion Federation seminar, Haskell described intact D&E in detail and said be routinely used it on patients 20 to 24 weeks pregnant. Haskell went on to tell the American Medical News, the official paper of the American Medical Association, that 80 percent of those abortions wre ''purely elective.''

The federation's other leading provider, Dr. McMahon, released a chart to the House

Judiciary Committee listing ''depression'' as the most common maternal reason for his late-term non-elective abortions, and listing ''cleft lip'' several times as the fatal indication. Saporta said 85 percent of McMahon's abortions were for severe medical reasons.

Even using Saporta's figures, simple math shows 56 of McMahon's abortions and 100 of Haskell's each year were not associated with medical need. Thus, even if they were the only two doctors performing the procedures, more than 30 percent of their cases were not associated with health concerns.

Asked about the disparity, Saporta said the pro-choice movement focused on the compelling cases because those were the majority of McMahon's practice, which was mostly third-trimester abortions. Besides, Saporta said, ''When the Catholic bishops and Right to Life debate us on TV and radio, they say a woman at 40 weeks can walk in and get an abortion even if she and the fetus are healthy.'' Saporta said that claim is not true. ''That has been their focus, and we've been playing defense ever since.''

WHERE LOBBYING HAS LEFT US

Doctors who rely on the procedure say the way the debate has been framed obscures what they believe is the real issue. Banning the partial-birth method will not reduce the number of abortions performed. Instead, it will remove one of the safest options for mid-pregnancy termination.

''Look, abortion is abortion. Does it really matter if the fetus dies in utero or when half of it's already out? said one of the five doctors who regularly uses the method at Metropolitan Medical in Englewood. ''What matters is what's safest for the woman,'' and this procedure, he said, is safest for abortion patients 20 weeks pregnant or more. There is less risk of uterine perforation from sharp broken bones and destructive instruments, one reason the American College of Obstetricians and Gynecologists has opposed the ban.

Pro-choice activists have emphasized that nine of 10 abortions in the United States occur in the first trimester, and that these have nothing to do with the procedure abortion foes have drawn so much attention to. That's true, physicians say, but it ducks the broader issue.

By highlighting the tragic Coreen Costellos, they say, pro-choice forces have obscured the fact that criminalizing intact D&E would jettison the safest abortion not only for women like Costello, but for the far more common patient: a woman 4½ to 5 months pregnant with a less compelling reason—but still a legal right—to abort.

That strategy is no surprise, given Americans' queasiness about later-term abortions. Why reargue the morality of or the right to a second-trimester abortion when anguishing examples like Costello's can more compellingly make the case for intact D&E?

To get around the bill, abortion providers say they could inject poison into the amniotic fluid or fetal heart to induce death in utero, but that adds another level of complication and risk to the pregnant woman. Or they could use induction—poisoning the fetus and then ''delivering'' it dead after 12 to 48 hours of painful labor. That method is clearly more dangerous, and if it doesn't work, the patient must have a Caesarean section, major surgery with far more risks.

Ironically, the most likely response to the ban is that doctors will return to classic D&Es, arguably a far more gruesome method than the one currently under fire. And, pro-choice advocates now wonder how safe from attack that is, now that abortion foes have American's attention.

Congress is expected to call for the override vote this week or next, once again turning up the beat on Clinton, barely seven weeks from the election.

Legislative observers from both camps predict that the vote in the House will be close. If the override succeeds—a two-thirds majority is required—the measure will be sent to the Senate, where an override is less likely, given that the initial bill passed by 54 to 44, well short of the 67 votes needed.

Mr. DOMENICI. Mr. President, some time ago, the Congress passed a ban on the procedure known as the partial-birth abortion.

The President vetoed the bill on the grounds that it would threaten the lives and health of American women.

This, despite clear language in the bill allowing the procedure when the life of the mother was in danger.

Many voted against the ban because they thought the data showed that the partial-birth procedure was used sparingly, when no other procedure would suffice, and almost exclusively when the child was severely malformed or the life of the mother was in danger.

We heard that this procedure was used only in the most crucial and desperate situations, and should therefore be allowed to continue.

Since the veto, however, we have acquired much more data, and much more accurate data.

What we are finding is that this procedure is vastly more common than once thought—in fact, hundreds and perhaps thousands are performed each year.

In New Jersey alone, at least 1,500 of these are done each year.

The vast majority of these procedures are done electively, on normal fetuses—they are not performed to protect the life of the mother or because the fetus is profoundly disabled.

The doctors performing this procedure report that only a minuscule amount of these procedures are done for medical reasons—i.e. fetal malformation or concerns about a threat to the mother.

A group of physicians who state emphatically that the partial-birth procedure is never medically necessary.

Former Surgeon General C. Everett Koop was quoted as saying ''partial-birth abortion is never necessary to protect a mother's health or her future fertility.''

This procedure may actually increase the chances of harm to the mother, such as perforation of the uterus or long-term damage to the cervix.

So even though the bill still contains the exception for the life of the mother, it is highly doubtful this procedure is ever needed for medical reasons.

Had the Senate had this information, I believe the result of the vote might have been different.

Some in this body have come to reconsider their position in light of these facts.

My friend from New York, Senator MOYNIHAN, said ''I think this is just too close to infanticide. A child has been born and it has exited the uterus and, what on earth is this procedure?''

I share his opinion of this procedure, and I believe, in light of these facts, the proper and decent thing to do to override the President's veto.

Mr. MCCONNELL. Mr. President, the issue of abortion and the sanctity of life are matters of conscience for me. My views are well known, and deeply held, although I am not an individual known to wear my heart on my sleeve, as the saying goes. However, the vote we will soon take—on overriding the President's veto of the partial-birth abortion ban—presents a very compelling case for restricting a particular kind of abortion that offends our sensibilities as a civilized society.

I won't dwell on the kind of procedure it is. There are others who have described it in its horrific detail. I won't repeat it, but it is important that it be said. So, I commend Senator SMITH, as well as Senator SANTORUM and Senator NICKLES for their leadership in shining the bright light of public debate on the partial-birth abortion issue.

But I would like to speak briefly to explain the significance of this issue. In the Senate, we devote a great deal of time, energy and effort to debating and protecting the rights of those who are at the margins of society, the less fortunate, and the powerless. We do this because we are a caring nation of individuals, families and communities. And, we do this because we have a strong history and tradition of giving opportunity to the weakest in the world: the persecuted, the oppressed and the down-trodden. This uniquely American heritage has made us a strong and successful nation. And, it is the hallmark of our civilized society.

Now, we have before us a bill that would give protection to the most fragile and defenseless among us—the almost-born. What could be more American, than protecting those who have no voice or power?

Abortion steals human potential and possibility, the very definition of what America has meant to so many. On the eve of birth, this theft of the potential and possibility of life seems particularly cruel, inhumane, and even barbaric. It is the antithesis of what this Nation represents and what it stands for.

This is, no doubt, a matter of conscience for each Member of the Senate. But as we look into the depths of our souls, we should understand that unless we speak up on their behalf, those yet-to-be born, and all of the possibilities they represent, will be deprived—in a most inhumane way—of the basic right to begin life.

How many have come to this land, from every corner of the Earth, to begin their lives? Should we not now afford that same opportunity to the almost-born?

I will vote to override the President's veto, and I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, the American College of Obstetricians and Gynecologists have urged Congress to oppose the so-called partial birth abortion bill and the Michigan Section of the American College of Obstetricians

and Gynecologists has also written me to express their opposition to this bill and their support of President Clinton's veto.

The Michigan section's letter states that they ''find it very disturbing that Congress would take any action that would supersede the medical judgement of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman.'' I ask unanimous consent that the letter be printed in the RECORD.

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

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
Grand Rapids, MI, September 23, 1996.

Senator CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: The Michigan Section of the American College of Obstetricians and Gynecologists is made up of over 1200 physicians dedicated to improving women's health care. The Advisory Council for the Michigan Section met on September 10, 1996, and discussed H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. The Council does not support this bill, and does support President Clinton's veto. We find it very disturbing that Congress would take any action that would supersede the medical judgment of trained physicians and criminalize medical procedures that may be necessary to save the life of a woman. Moreover, in defining what medical procedures doctors may or may not perform, H.R. 1833 employs terminology that is not even recognized in the medical community.

Thank you for considering our views on this important matter.

Sincerely,

CHARLES W. NEWTON, MD,
Chair, Michigan Section.

Mr. LEVIN. The Supreme Court has held that the Constitution allows States to prohibit abortions during the third trimester, except to protect the life or health of the woman.

Many States have banned late term abortions, by whatever method, and included the constitutionally required exception allowing a physician to consider threats to a woman's life or health.

The vetoed bill prohibits one type of rarely used abortion procedure. But the bill doesn't allow consideration of serious health impairment. When this bill came before the Senate for consideration, I supported an amendment to the bill which would have banned this procedure except when a physician determines that a woman's life is at risk or is necessary to prevent serious adverse health consequences to the woman.

The amendment failed. And with it the chance of acting constitutionally and in accordance with the medical judgement of the American College of Obstetricians and Gynecologists.

Under these circumstances I will vote to sustain the President's veto of H.R. 1833.

Mr. DODD. Mr. President, I speak today with a very heavy heart about the vote on whether to override the President's veto of H.R. 1833, known as the Partial-Birth Abortion Ban Act.

First let me say, Mr. President, that the blatantly political nature of this bill during this year, and specifically this override vote at this time, escapes no one. It is very clear that we are having this debate at this time for purely political purposes.

Mr. President, I am deeply upset and greatly disturbed by this late-term abortion procedure. But the President has made clear, and I have made clear, that if this bill contained an appropriate, narrowly tailored exception for both the life and health of the mother, it would not be objectionable.

I am extremely distressed by the possibility that this procedure is not always performed to protect the health or life of the mother. In my view, when this late-term abortion procedure is performed for reasons other than to save the mother's life or avert serious health effects, it is inappropriate. And it is not just the method employed in this procedure that disturbs me. It is also the fact that it is often a third trimester abortion. I must say that I am bothered by any third trimester abortion that is not performed to save the life of the mother or to avert serious, adverse health consequences.

I am not one of those who believes, Mr. President, that abortions should be available at any time for any reason. I also don't think that all abortions should be banned. I have a long record supporting a woman's right, in consultation with her doctor, to choose. But I do believe that it is reasonable to restrict third trimester abortions to those necessary to save the mother's life or to avert serious health effects. This bill would allow third trimester abortions conducted by other methods to continue.

For the millions of Americans who neither favor abortion under all circumstances nor want to totally remove a woman's right to choose, we should be working together in a non-political way, along with the administration and the medical profession, to narrowly tailor medical exceptions to third trimester abortions. But we are not doing that in this political year, making the political motives of this bill's proponents crystal clear.

Still, Mr. President, sometimes this procedure is necessary to protect a woman's life or to avert serious health consequences, and an exception must be made for those cases. The Senate voted on such an exception—it was an exception for the life of the mother and for serious, adverse health consequences, only. I voted for that exception along with 46 other Senators, and if that exception had passed, I would have voted for the bill, and the President would have signed it. We would not be having this debate at all if that appropriate exception had been included.

Mr. President, there are some cases in which this is the safest, and in other cases only, medical procedure that will avert serious health consequences to a woman or even save her life. I sympathize with the women who find themselves in such tragic circumstances, I realize that their decisions are painful ones to have to make, and I believe that Congress must not supersede the medical judgement of the doctors who believe that this is the best way to treat these patients.

So I believe Mr. President, that there must be an exception to save a woman's life or avert serious health consequences. It must be a limited exception geared only toward serious medical circumstances, but a true exception nonetheless. And it is my hope that Congress and the administration, working with the medical profession, can work together to find a limited way to allow this procedure only to protect the life and health of the mother.

Mr. President, I say again that I am deeply disturbed by this procedure. And so Mr. President, this is not an easy vote for me to cast. But I remain hopeful that a limited exception for this and all third trimester abortions can be developed, and that we can come together and find some unity in this terribly troubling and divisive issue.

Mr. KERRY. Mr. President, today I will support the President in his veto of the late-term abortion bill. But I want to make several points about this debate.

Mr. President, this bill does not clearly define which procedures would be banned because the term ''partial birth'' is not a medical term. The bill defines ''partial birth'' abortion as ''an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.'' This vague definition in the bill would, for the first time, impose limits on the Roe versus Wade right of a woman to choose an abortion. This language easily could be interpreted to ban other medical procedures used in the second trimester which are—and should remain—completely legal. The bill would also ban procedures used in the third trimester to save the health or future fertility of the mother. This would overturn the Supreme Court ruling in Roe versus Wade that states in the third trimester can ban abortion procedures except those saving the life or protecting the health of the mother.

Mr. President, I am personally opposed to abortion in the third trimester—except when the life or health of the woman is at risk. But that is the law of the land today. There is no question that late-term abortion procedures are gruesome. But this procedure is considered safer and less traumatic in some cases than alternative late-term procedures. The bill that I voted against and the President vetoed failed to provide exceptions for cases in which a woman's health or future fertility are at risk. To ban a medical procedure that a trained physician concludes will best preserve a woman's chance to have a healthy pregnancy in the future is wrong.

Mr. President, there are only 600 third-term abortions performed in the entire country each year, according to the best statistics we have available from the Alan Guttmacher Institute. In fact, there are only two doctors in the entire United States, located in Colorado and Kansas, who are known to perform abortions during the last 3 months of pregnancy.

In April, President Clinton was joined by five women who had required late-term abortions. One of them described the serious risks to her health that she faced before she had the abortion: ''Our little boy had . . . hydrocephaly. All the doctors told us there was no hope. We asked about in utero surgery, about shunts to remove the fluid, but there was absolutely nothing we could do. I cannot express the pain we still feel.'' But she went on to say that having the late-term abortion ''was not our choice, for not only was our son going to die, but the complications of the pregnancy put my health in danger as well.'' In the haste of some in this chamber to substitute their medical judgement for that of licenced physicians, it appears to me that the anguished circumstances of women such as this and their families are being cavalierly shoved aside.

I support Roe versus Wade's ban of third trimester abortions except where a woman faces real, serious risks to her health. Although there is no evidence that this procedure is used in situations where a woman's health is not seriously at risk, I oppose this procedure if used in circumstances that do not meet that standard and would support appropriate legislation to ban them. At the same time, I believe it would be unacceptable to ban a procedure which competent medical doctors in some cases conclude represents the best hope for a woman to avoid serious risks to her health.

I will uphold the President's veto of this bill. I believe that it would be a major mistake for the Federal Government to try to practice medicine in order to make an ideological point. Trained doctors, after consulting with their patients, should make these decisions. I urge my colleagues to support the President on this difficult issue.

Ms. SNOWE. Mr. President, I rise to speak in opposition to this effort to override the President's veto of H.R. 1833.

Mr. President, this is our very last chance to ensure that this punitive legislation does not have the effect of putting women's lives and health on the line. For that is exactly what will happen if we override the President's veto today. Women's lives and health will be put at tragic risk. And Congress will be substituting its judgment for that of doctors, by outlawing a medical procedure for the first time since Roe versus Wade.

There is no question that any abortion is an emotional, wrenching decision for a woman. When a woman must confront this decision during the later stages of a pregnancy because she knows that the pregnancy presents a direct threat to her own life or health, such a decision becomes a nightmare.

Mr. President, 22 years ago, the Supreme Court issued a landmark decision in Roe versus Wade, carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions.

This decision held that women have a constitutional right to an abortion, but after viability, States could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

Let me repeat—as long as they allowed exceptions for cases in which a woman's life or health is endangered.

The Supreme Court has reaffirmed this decision time and time and time again. And to date, 41 States—including my home State of Maine—have exercised their right to impose restrictions on post-viability abortions. All, of course, provide exceptions for the life or health of the mother, as constitutionally required by Roe.

This legislation, as drafted, does not provide an exception for the health of the mother, and provides only a very narrow life exception. It is narrow because it only allows a doctor to perform this late term procedure to save a woman's life, and I quote, 'if no other procedure would suffice.'' So this means that if another procedure carries 4 times the risk of this procedure, but it might suffice, the doctor will be compelled to perform the more risky procedure. If a hysterectomy, rather than this procedure, will suffice, the doctor will be compelled to perform it instead.

Above all, both the Constitution and the health of women across this Nation demand that we add a health exception. But this Chamber rejected an amendment to do just that.

Without such a health exception, this legislation represents a direct, frontal assault on Roe and on the reproductive rights of women everywhere. And make no mistake, innocent women will suffer. We learned this at the Judiciary Committee hearing from women who underwent the procedure.

Make no mistake—this procedure is extremely rare, and, when performed in the third trimester, only when it is absolutely necessary to preserve the life or health of the woman, or when a fetus is incompatible with life. In his September 24, 1996, letter to Congress, Dr. Warren Hern of the Boulder Abortion Clinic said: ''I know of no physician who will provide an abortion in the seventh, eighth or ninth month of pregnancy, by any method, for any reason except when there is a risk to the woman's life or health, or a severe fetal anomaly.

Not since prior to Roe v. Wade have there been efforts to criminalize a medical procedure in this country. But that's exactly what this bill does.

This legislation is an unprecedented expansion of Government regulation of women's health care. Never before has Congress intruded directly into the practice of medicine by banning a safe and legal medical procedure that is absolutely vital in some cases to protect the health or life of women.

The supporters of this bill are substituting political judgment for that of a medical doctor regarding the appropriateness of a medical procedure. Regrettably, politicians are second-guessing medical science.

Mr. President, who are we here on this floor to say what a doctor should and should not do to save a woman's life or preserve her health? Who are we to legislate medicine?

The proponents of this legislation are willing to risk the lives and health of women facing medical emergencies. According to physicians—not politicians—this procedure is actually the safest and most appropriate alternative for women whose lives and health are endangered by a pregnancy. As Dr. Robinson testified during the hearing before the Judiciary Committee, telling a doctor that it is illegal for him or her to perform a procedure that is safest for a patient is tantamount to legislating malpractice.

I oppose this bill because I believe in protecting women's health and upholding the Constitution. For central to both Roe and Casey is the premise that the determination whether an abortion is necessary to preserve a woman's health must be made by a physician in consultation with his patient.

Without an exception which allows these late term procedures in order to save the health of the mother, doctors will be unwilling to take the safest and most appropriate steps to protect a woman's health.

As today's editorial in the New York Times states:

> The bill should be rejected as an unwarranted intrusion into the practice of medicine. It would mark the first time that Congress has outlawed a specific abortion procedure, thus usurping decisions about the best method to use that should properly be made by doctor and patient. The bill would actually force doctors to abandon a procedure that might be the safest for the patient and resort to a more risky technique.

We must never overlook the fact that women's lives and health are at stake. They hang in the balance. Women who undergo these procedures face the terrible tragedy of a later-stage pregnancy that has through no fault of their own gone terribly, tragically wrong. These women will face the horrible truth that carrying their pregnancy to term may actually threaten their own life and their own health.

Now, I want to say something in response to some of the graphics that you have seen on the floor today and in previous debates in this Chamber—graphics that my colleagues have displayed about this traumatic and difficult procedure.

They say a ''picture paints a thousand words.'' But the truth is, these pictures just don't tell the whole story.

They don't tell you the story of the mothers involved. They don't tell you

the woman's side of the story. They certainly don't tell you her family's story.

They don't show you the faces of the mothers who are devastated because they must undergo this procedure in order to save their own lives and health.

These pictures don't tell the story of Vikki Stella, who learned 32 weeks into her pregnancy that her fetus had nine severe abnormalities, including a fluid-filled skull with no brain tissue at all. However, Vikki is a diabetic, and this procedure was the safest option to protect her life and health. Without it, she could have died.

These pictures don't tell the story of Viki Wilson—a nurse who testified that she found out in her 8th month of pregnancy that her fetus suffered a fatal condition causing two-thirds of the brains to grow outside of the skull. Viki testified that carrying the pregnancy to term would have imperiled her life and health. The fetus' malformation would have caused her cervix or uterus to rupture if she went into labor. She described this legislation as a ''cruelty to families act''.

And let us not forget the poignant testimony of Colleen Costello, who described herself as a conservative pro-life Republican, and who found out when she was 7 months pregnant that her baby had a fatal neurological disorder, was rigid, and had been unable to move for 2 months. Although she wanted to carry the baby to term, it was stuck sideways in her uterus. Her doctors did not want to perform a C-section, because the risks to her health and life were too great. Due to the safety of this procedure, Ms. Costello has recently given birth to a healthy son.

And these pictures certainly don't show you the pictures of women who died in back alleys in the dark days before Roe versus Wade. They don't show what the consequences will be for women if this legislation is signed into law, for that very small group of women each year who desperately need a late-term abortion in order to save their own lives and health.

Congress should not be in the position of forcing doctors to perform more dangerous procedures on women than necessary. As Dr. Campbell testified, the alternatives are significantly more dangerous for women and far more traumatic. Dr. Campbell, an OBGYN, listed these alternatives, which include:

> C-sections, which cause twice as much bleeding and carry four times the risk of death as a vaginal delivery. In fact, a woman is 14 times more likely to die from a C-section than from the procedure that this legislation seeks to outlaw. . .
>
> Induced labor, which carries its own potentially life-threatening risks and threatens the future fertility of women by potentially causing cervical lacerations. . .
>
> And hysterectomies, which leave women unable to have any children for the rest of their lives. . .

In the end, this legislation would order doctors to set aside the paramount interests of the woman's health, and to trade-off her health and future fertility in order to avoid the possibility of criminal prosecution.

As Professor Seidman, a constitutional expert at Georgetown University, testified during the hearing, the only thing that this procedure does is to channel women from one less risky abortion procedure to another more risky abortion procedure. He argued that the Government does not have a legitimate interest in trying to discourage women from having abortions by deliberately risking their health. This view is supported by Dr. Allan Rosenfield, Dean of the Columbia School of Public Health, who stated the following in a September 25 letter to the Editor of the Washington Post:

> [The bill's] only effect will be to prohibit doctors from using what they determine, in their best medical judgment, to be the safest method available for the women involved. * * * In sum, this bill is bad medicine.

Is this the legacy that the 104th Congress will bequeath to American women?

I urge my colleagues to oppose this effort to override the President's veto. It is necessary not only to uphold the Constitution, but first and foremost, it is critical to actually save women's lives and protect their health.

Mr. SIMPSON. Mr. President, I would like to take a few minutes of the Senate's time to speak on this most contentious and divisive issue. I was one of the 44 Members of this body who voted ''no'' when the Senate approved the Partial Birth Abortion Ban Act back on December 7.

As a longtime supporter of the ''right to choose,'' I do not believe either the Congress or the Federal Government should interfere with the deeply personal and private decisions that women sometimes face regarding unintended or crisis pregnancies. In fact, I have always questioned why men in the legislative bodies even vote on these terribly anguishing and intimate issues.

I am deeply troubled that this legislation does not provide an exception from the proposed ban in situations where the health of a woman is ''at risk.'' It is perplexing to me that this Senate rejected an amendment last December that would have granted an exception when a woman's health is endangered. If it was really true—as so many of the anti-choice activists claim—that this procedure is ''hardly ever used'' for health-related reasons, I believe my colleagues would have been much more receptive to such an exception.

The reality is that women's health is at the very core of this issue. I was present when the Senate Judiciary Committee held hearings on this legislation last November. I entered that hearing room with an open mind, and I listened carefully to witnesses who spoke both for and against the bill. What I found most compelling was the testimony of two women who had been faced with the heart-wrenching decision to have late-term abortions because their own health and well-being was imperiled by severely deformed fetuses that had no possible chance of surviving. In both cases, their doctors used the procedures that would be banned by this legislation.

These women were devastated when they learned that the fetuses they carried had no ability to live outside the womb. They agonized and even grieved over their decisions. One of them—who spoke poignantly about her ''deeply held Christian beliefs''—went on to give birth to a healthy baby boy just 14 months later. Anyone who ever listened to her testimony would know that she was not someone who simply decided that having a baby would be inconvenient or ''too much trouble.''

Unfortunately, the bill before us would limit the options a woman has for dealing with a crisis pregnancy. It is a classic example of heavyhanded government intrusiveness. This legislation sharply collides with the rhetoric of those who continually profess a fierce commitment to making the government less meddlesome and less intrusive. It is the ultimate irony, in my mind, that this legislation is being advanced by a Congress that has distinguished itself again and again by rejecting the misguided notion that ''Government Knows Best.''

I am very proud to be a Member of the 104th Congress. Collectively, we have taken some gutsy and courageous stands on a wide range of issues. Sadly, on the singular issue of abortion, many of my good friends in both the Senate and the House seem to be taking the attitude that Government does know best and that individual Americans are somehow incapable of thinking and deciding for themselves. I do not share this attitude in any way.

I am well aware that the anti-abortion ''groups'' are fully energized on this issue. They have done a remarkable job of mobilizing their members to write letters and place phone calls in support of the bill. The flow of postcards and form letters is truly dizzying.

Yet, I am not convinced that the other 99 percent of the public I do not hear from would embrace this bill and its ''Government Knows Best'' mentality. Perhaps that is because I still have vivid memories of what occurred just 2 years ago when Wyoming voters were given the opportunity to vote on an anti-choice Ballot Initiative in the 1994 election.

On that particular Ballot Initiative, which would have criminalized most abortions, over 60 percent of Wyoming voters said ''no'' to this misguided proposal. The final vote tally was 78,978 voting ''yes'' and 118,760 voting ''no.'' Let me emphasize that this was not a ''poll'' or a ''focus group'' or the sentiment of some narrowly targeted group of respondents. We all know that polls can be cleverly structured to achieve the desired result—and there is certainly no shortage of polls with respect

to this issue. What I am talking about, however, was a statewide vote. Voters from all of Wyoming's 23 counties participated. Every single registered voter in Wyoming had the opportunity to cast a vote on this issue. No one was excluded.

In this same election in 1994, these same Wyoming voters elected conservative Republicans in every single statewide race and they elected an overwhelming majority of Republicans to the Wyoming State Legislature. So, at the same time Wyoming voters were voting decisively against a Ballot Initiative that would have restricted their individual freedoms, they were further expressing their distaste for ''Big Government'' by voting in large numbers for candidates—at the local, State and Federal levels—who reject the ''Government Knows Best'' philosophy.

I share this information with my colleagues not because I believe our actions should be driven solely by public sentiment; I just think we ought to pay clear attention to all of our constituents—and not just to a narrow group of those who seem ever determined to impose their own idea of ''moral purity'' on their fellow human beings. I have found that it is often true in life that those who demand perfection of others—or who try to control other people's lives—sometimes do so because of their own imperfections or because they are somehow often incapable of controlling their own lives. I do not direct this statement at any of my fine and able colleagues. I simply offer it as an observation.

Finally, I am reminded that last year I said this was a divisive bill that would only increase and elevate tensions between those who hold differing views on abortion. Those words ring true today because, regrettably, that is exactly what this legislation has accomplished. The dialog on abortion—on both sides—outside of this Chamber is increasingly ugly and uncivil. This legislation does nothing to reverse that. I urge my colleagues to reject it.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 15 minutes 34 seconds. The Senator from California controls 8 minutes 22 seconds.

Mr. DASCHLE. Mr. President, I will use my leader time for the statement I am about to make.

The PRESIDING OFFICER. The leader has that right.

Mr. DASCHLE. Mr. President, I will not be long. I know a number of others wish to be heard on this issue. I haven't had the opportunity to listen to all of the debate, but I know that it is a matter of great weight, great concern for each one of our colleagues.

I, frankly, question why we are debating and voting on this bill so close to the election. I would have hoped that we could have depoliticized this issue. But, obviously, it has taken on very major political overtones. Being this close to an election, I think it is probably impossible to keep it from being politicized. But it is a very important question that ultimately has to be resolved.

So much of the debate, in my view, was unnecessary. So much of the debate that I have heard on the Senate floor over the last couple of days has dealt with whether or not we can support the procedure that has been so graphically described, with depictions of all kinds, from charts to the language on the Senate floor, whether in some way we can condone that particular practice. Mr. President, I don't know of anybody in this Chamber that condones the practice. I am sure that my colleagues on this side of the aisle, and perhaps some on the other side, have made this point: No one condones the practice. No one stands here to defend the practice. No one, in any way, would want to encourage the practice. And so all of the talk and all of the graphic descriptions, in this Senator's view, are unnecessary, because we all know how abhorrent it is. We all know how extraordinarily detestable it is. The question is, as abhorrent and as difficult to witness it is, to hear described, is there ever a time when the procedure, regardless of whether it has been accurately described or not, should be used?

I am told that physicians differ substantially about that question. I am told that there are occasions, as rare as we might find them, that a mother's life and-or permanent health could be impaired if this procedure is not used.

I am lucky enough to be a husband and a father. I have had the good fortune to have a healthy wife and healthy daughters. Mr. President, I cannot tell my wife and I cannot tell my daughters that I am going to condemn you to permanent impairment, that I am going to condemn you to a life of permanent poor health, that I am going to condemn you because I find this procedure so wrenching, that you are going to have to subject yourself to permanent paralysis, or to a life that may never allow for another child as long as you live.

Mr. President, I cannot ask my daughter to do that. I cannot ask my wife to do that.

That is what this issue is about, Mr. President. It isn't whether or not we abhor the procedure. We do. It isn't whether or not we should allow this to be elective. It should not be elective. The question is: Are there occasions when, in order to save our daughter's health or our daughter's life, we find it necessary?

We ought to be reasonable people and able to come together to find some compromise in allowing for a lasting solution outlawing elective procedures, outlawing this detestable practice whenever it is done for convenience but recognizing at the same time that a daughter's life and a daughter's health is worth giving her the opportunity to use whatever measure necessary to protect her.

I have heard the argument that it is never necessary; that it is not necessary to do this. Well, if it is never necessary, this procedure will never be used. That is the logical conclusion one could make. If it is not necessary, don't worry. It will not be used.

Mr. President, I hope that once this veto is sustained, that we can sit down quietly without politics, without emotion, and recognize that somehow we have to come together on this issue. We have to deal with those rare circumstances that are not elective that allow us to save the life and the health of young women involved. I think we can do that. Unfortunately, it is not now possible this afternoon. But someday, somehow, working together it must happen.

I yield the floor.

Mr. SANTORUM. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. I have yielded the floor. But I would be happy to participate in a colloquy with my distinguished colleague.

Mr. SANTORUM. The question I have asked other Members who have argued your position—I have to ask it again—is that if this procedure were being done on a 24-week-old baby, which is often done, the procedure were done correctly, the baby was not taken out with the exception of the head, and for some reason the head slipped out and the baby was born, will the doctor and mother have a choice to kill the baby?

Mr. DASCHLE. Mr. President, I will say this, as I have said on many occasions. We abhor the practice. If we can save the life of a baby, we should do so. If in any way, as graphic as the distinguished Senator from Pennsylvania chooses to be with regard to this procedure, it impairs his wife, his daughter, my wife, my daughter, he and I would come to the same conclusion, I guarantee it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. I yield 1 minute to the Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in strong support of overriding President Clinton's veto of the Partial-birth Abortion Ban Act.

First, this legislation bans a gruesome, deadly procedure. When performing a partial-birth abortion, the abortionist first grabs the live baby's leg with forceps and pulls the baby's legs into the birth canal. He then delivers the baby's entire body, except for the head; jams scissors into the baby's skull and opens them to enlarge the hole.

Finally, the scissors are removed and a suction catheter is inserted to suck the baby's brains out. This causes the skull to collapse, at which point the

dead baby is delivered and discarded. No one interested in the welfare of children could ever approve of such a heinous act. President Clinton has put politics above life by trying to keep this procedure legal.

Second, his veto is extreme because this procedure has questionable medical value. In fact, the American Medical Association's Council on Legislation—which unanimously supports banning this procedure—stated that a partial-birth abortion is ''not a recognized medical technique'' and concluded that the procedure is basically repulsive.

Third, even though this procedure is not used to save the life of the mother, there is an explicit provision in the bill to protect any physician who feels that this procedure is necessary to save the life of the mother. Despite this safeguard, President Clinton continues to raise false arguments in bowing to the liberal wing of his party.

Mr. President, the President's own wife has written a book about the value of children, entitled ''It Takes a Village.'' I don't know what type of village the Clinton's believe children should be raised in, but it should not be a village where it is a crime to disturb the habitat of a kangaroo rat but it is perfectly acceptable to suck out the brains of a baby. That is barbaric. It should no longer be tolerated in our society, and I urge my colleagues to join me in standing up for helpless children by overriding the President's blatantly political veto.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I yield 5 minutes to the Senator from Tennessee, Dr. FRIST.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. FRIST. Thank you, Mr. President.

Mr. President, I rise to strongly support the override of the President's veto. Why? Because as a physician, as someone who has delivered babies, as someone who is a board-certified surgeon, as someone who has gone back to read and study the original literature describing this procedure, I know that there are no instances where this particular procedure would save the life of a daughter, of a spouse, or of a mother. It is a strong statement. But it is a statement that I feel strongly about.

Two nights ago I stood on this floor and went through a number of the myths that circulate, because it is hard, because most people in this body are lawyers or small business people or accountants, and people have come forward trying to interpret a specific medical procedure. I went through the myths because there is a lot of misinformation. But I come back and say that there are no instances where the life of a daughter, of a spouse, or of a mother would be saved by this procedure that could not be saved by another mainstream procedure today.

No. 1, this procedure is brutal, it is cruel, it is inhumane, and it offends the sensibilities we have heard on both sides of the U.S. Senate, of the Congress, and of our constituents of Americans.

No. 2, an issue that is a little more difficult—it really is not the one we have been talking about now—is that there are times during the third trimester that either an accelerated delivery or a termination of a pregnancy is necessary. Putting all the pro-life and pro-choice aside, there are probably some times—there are some times—when that is indicated.

So you need to push that aside. You need to look at the really fundamental question. You boil everything down, and is this specific procedure as described in literature, as described by its proponents, medically necessary? The answer is no, it is not medically necessary.

What does ''medically necessary'' mean? Does it mean that all late abortions need to be banned; should be? Again, that needs to be debated at another place another day. It has been debated here. But let us put that aside. What it means today in our argumentation is, are there alternative procedures that are accepted, that are safe, and I would argue safer, that are effective, and I would argue equally effective, that preserves the reproductive health? I would argue absolutely, yes, there are other mainstream procedures, which means this procedure is not to be used.

So why is this procedure used at all? Why are we even talking about this procedure? Why would doctors come forth and look people in the eye and say this is the proper procedure? We have to go back to the medical literature where it is prescribed. If you go back to the original paper of Martin Haskell on ''Dilation and Extraction for Late Second Trimester Abortion,'' which was entered into the RECORD three nights ago, when you look at the last page, he says regarding this procedure, ''In conclusion, dilation and extraction is an alternative method''—an alternative method. It is not even a definitive method. It is a fringe method. He said it is ''an alternative method for achieving late second trimester abortions to 26 weeks. It can be used in the third trimester.''

This is an alternative, as the original author, the proponent, says.

What is even more interesting is that he says in the next sentence—Why? What are the indications? Is it medically necessary? Basically he says, ''Among its advantages are that it is a quick, surgical, outpatient method that can be performed on a scheduled basis under local anesthesia.''

So the reason this procedure is used is not to preserve reproductive health—not for the many other reasons as if it is the only procedure—it is that it is a matter of convenience. You can do it quickly. You can do it as an outpatient. Is ''quick,'' ''outpatient,'' and ''convenient'' the sort of issues that we should use as indications for this procedure? I would say absolutely not.

This is a fringe procedure. It is not taught in our medical schools today to residents. It is a procedure that is not indicated for the hydrocephaly, nor trisomy, nor polyhydramnios. It is never indicated. There are alternative procedures.

In closing, I am hesitant to recommend that any medical procedure should be banned. Yet, for a procedure that is medically unnecessary for which there are alternatives that are used in mainstream medicine today, I support this ban and hope that we can override the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, after consulting with the majority leader, I ask unanimous consent to use 5 minutes of the majority leader's time.

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

Mr. NICKLES. Mr. President, I rise today, first, to congratulate and compliment a couple of my colleagues who I think have performed extraordinary service to the Senate. First, Senator SMITH, from New Hampshire, who brought this issue to our attention.

I will readily admit I have been involved in this abortion debate for 16 years, but I did not know this procedure happened—I am shocked by it, saddened by it, disturbed by it. And for some of our colleagues who insinuated that, well, the males in the Senate really should not be arguing on this because they have not been in the business of delivering babies, I have talked to my wife about it and she feels stronger about it even than I do. She thinks President Clinton was absolutely, totally, completely wrong in vetoing a bill that would have protected the lives of young babies that are three-fourths of the way delivered from their mother's birth canal. So I congratulate Senator SMITH for bringing this to the attention of the Senate.

I also congratulate Senator SANTORUM for his leadership as well.

President Clinton was wrong in vetoing this bill. Two-thirds of the House said that he was wrong. I hope that today two-thirds of the Senate will say he made a mistake. Maybe he had bad information. I notice in his veto message he said this is necessary in order to protect the health of the mother, but that is not true.

Dr. Koop—I think a lot of us, Democrat and Republican, give him a lot of credibility—said, and I quote—and this is Dr. Koop and also 300 medical specialists who are specialists in obstetrics and health care and delivery:

> Partial-birth abortion is never medically necessary to protect a mother's health or her fertility.

That is a quote. They said ''never.'' Dr. TOM COBURN, my colleague from the House, who has delivered over 3,000 babies, said it is never, never medically necessary. There are other alternatives. There are better, safer alternatives.

What is this? What is partial-birth abortion? This child is seconds away, is inches away from total birth—total birth. In some cases, the arms and the legs are kicking and moving, the fingers are squeezing. It is a live human being. This procedure is infanticide.

Dr. Pamela Smith, an obstetrician at Mount Sinai Hospital in Chicago, points out, and this is a quote:

> Partial-birth abortion is a surgical technique devised by abortionists in the unregulated abortion industry to save them the trouble of counting body parts that are produced in dismemberment procedures.

This quote is in a letter written to Senators on November 4, 1995. She says in the same letter:

> Opponents have said that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or the life of the mother. Such an assertion is deceptively and patently untrue.

Mr. President, lots of people, real experts who have studied this issue have said it is not necessary to protect the health of the mother and it is certainly not necessary to protect the health of the baby. This is destroying a baby.

Yes, this moves the abortion debate away from theoretical rights into talking about lives. We are talking about the life of an innocent, unborn human being. I know I heard my colleague, the minority leader of the Senate, say it is rare. How can it be rare when originally the proponents of maintaining the legality of this procedure said a few hundred are performed a year and then we find out in one city in New Jersey there were 1,500 done in 1 year. This was not discovered by the National Right to Life Committee; this was discovered by investigative writers at the Washington Post—1,500 in one clinic in New Jersey. There are thousands of these procedures performed annually now—thousands.

Mr. President, some of our colleagues made all kinds of remarks that people who are opposed to this procedure, they are just opposed to abortion. Yes; I am opposed to abortion, but I cannot remember ever having to vote on banning all abortions. Somebody said Republicans would like to ban all abortions; that is in your platform. It is not in our platform. It says, yes; we want to protect the sanctity of human life. I have only voted on one constitutional amendment that dealt with abortion in my 16 years in the Senate. That was not to ban abortion. So some people have tried to move this all over the field.

What we are trying to do is protect the lives of thousands of babies when they are three-fourths born, when they are three-fourths delivered, when they are a few inches away from being totally delivered, a few seconds away from their first breath. And it is particularly gruesome when you realize that some of these babies' heads are held in the mother, held in the mother so the brains can be sucked out and the baby killed while part of the baby is still in the mother, because they know if there is a couple inches' movement, then the abortionist would be liable for murder. Then there is no question that it is the taking of life. That is how close we are. What does that say about America's society today?

This is one of those defining moments that we have in the Senate. Will we stand up and say, enough is enough; this procedure is terrible; it is outlandish; it should be stopped? Are we going to allow this type of procedure to go on and on and say, no, we believe in abortion at any time for any reason at any cost?

Dr. Martin Haskell, one of the leading proponents of abortion, who has performed 1,000 of these, has stated that some 80 percent of those he performed were for purely elective reasons, purely elective reasons.

That alone is enough. We need to override the President's veto. He was wrong. We need to protect the lives of innocent, unborn children.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SANTORUM. I ask unanimous consent that we have 10 additional minutes equally divided. I am swamped with speakers and do not have enough time to even get my own statement in.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SANTORUM. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for up to 5 minutes.

Mr. COATS. I thank my friend for yielding. I thank him for his tireless work on what I think is one of the most defining issues of our time.

I am pleased to see the Senator from West Virginia in the Chamber. He is always in the Chamber during important debates. I regret that many others are not in the Chamber.

Mr. President, I had the opportunity to call a good friend of ours, Senator CAMPBELL, who, as we all know, was in a serious motorcycle accident just a few days ago in Colorado, and is hospitalized in a hospital in Cortez, CO. I called to ask his condition, and he told me he had undergone some 15 to 18 hours of surgery, but he was hoping to recover. He asked me, however, if I would deliver a message to our colleagues. I take the opportunity to read that message:

> Mr. President, I take this opportunity to thank my friend and colleague, Senator COATS, for submitting this statement on my behalf while I am absent from the Senate due to my accident. During this important debate on the override of the President's veto of the partial-birth abortion bill, I felt compelled to share my personal thoughts with my colleagues on this extremely emotional issue.
>
> During the past month, I have listened carefully to those who hold strong views on both sides of this difficult issue, and I have learned a great deal more about this procedure and its implications. I also have consulted with doctors and others in the medical profession who have discussed this procedure in graphic detail. It became clear to me the procedure which would be banned is an atrocity which is inflicted on a fetus so far along in its development, it is nearly an infant.
>
> Since last Saturday, I have spent the last six days straight in a hospital bed in Cortez, Colorado. Part of my decision-making process is based on watching the dedicated health professionals here in this hospital working so hard, day in and day out, to save lives. As the days went by, it became increasingly clear to me that a vote to override the veto also represents an effort to save lives, and not take lives. Those who know me, know that I am not one to bend with the political breeze.
>
> As my colleagues and my constituents will know, I am pro-choice! I always have been pro-choice, and will continue to be pro-choice. In fact, 1 have a 100 percent voting record with NARAL and other pro-choice organizations. However, in light of the medical evidence, I do not consider this specific vote to be a choice issue.
>
> Therefore, based on the compelling medical evidence and the insights I've gained, I would vote to override the President's veto were I able to be on the Senate floor today.

Mr. President, this is not just another skirmish in the running debate between left and right. This debate raises the most basic questions asked in any democracy: Who is my neighbor? Who is my brother? Who do I define as inferior, cast beyond my sympathy and protection? Who do I embrace and value, both embrace in law and embrace in love? It is not a matter of ideology; it is a matter of humanity. It is not a matter of what constituency we should side with; it is a matter of living with ourselves and sleeping at night. This is not just a matter of our Nation's politics, but it is a matter of our Nation's soul, and how this Nation will be judged by God and by history.

In this body, we can agree and disagree on many matters of social policy. Yet, surely we must agree on this, that a born child should not be subjected to violence and death. I believe that protection should be extended to the unborn as well. But at least in this body, should we not reject infanticide? At least can we refuse to cross that line.

Mr. President, I fear that we are sliding into a culture of death instead of a culture of life, a society that begins to retreat from inclusion, an ever widening circle of inclusion, to include people previously excluded on the basis of race, of ethnic background, of gender—the great civil rights battles to bring people into this wonderful American experiment of democracy, equality, and justice. I fear we are retreating from that with this vote, that we are beginning a differentiation between the healthy and the unhealthy, between the perfect and the not so perfect, between the beautiful and the not so beautiful.

So, today we have a choice, a choice between the beauty of life or the horror of death. I am pleading with my colleagues to reach out in love and compassion for the most innocent and the most defenseless in our society. God has imbued all of us with a capacity to love. Unfortunately, the great human

tendency is to turn that love inward and think of and love only ourselves, our possessions, our careers, our achievements; not to think of others.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COATS. I ask for 1 additional minute.

Mr. SANTORUM. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. COATS. But that is misdirected love. True love goes beyond ourselves. It reaches out in love of others.

This vote is an appeal to a higher purpose, what Lincoln said ''is the better angels of our nature.'' I appeal to my colleagues, for the sake of a larger question, of a higher purpose, to reach to the better angels, to the larger questions—life, liberty, equality, justice—for the sake of the future of this great experiment in democracy, to support us in this effort, to say that we will not promote a culture of death. We will not embrace the culture of death. We will embrace a culture of life. We will keep extending the circle of equality, justice, passion, and love for the least among us.

Clearly, today, at this defining moment, that issue is in great peril.

Mr. President, I thank the Senator from Pennsylvania for his efforts and for the time he yielded, and yield back the remaining time I have.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, may I inquire as to how much time each side has left?

The PRESIDING OFFICER. The Senator from California controls 13 minutes, 25 seconds; the Senator from Pennsylvania, 6 minutes, 48 seconds.

Mrs. BOXER. Mr. President, I yield myself 5 minutes.

Mr. President, we are winding down this debate. It has been a hard debate. In some ways, it has been a harsh debate.

I think the most important thing that I would like to do—if I do this, I will feel that I have done my best—is to put a family's face on this issue, put a woman's face on this issue, to make sure that the American people understand that when President Clinton vetoed this bill, he vetoed it with compassion in his heart for the families who had to face the kind of tragic circumstances I have discussed throughout this debate.

I think there has been some effort on the part of those who take an opposite view, there has been some effort to try and undermine or undercut some of these families, some of these women who have gone through this tragic experience. I hope that effort has failed.

I want to talk about Mary-Dorothy Line, a devoted Catholic who was 5 months pregnant with her first child when she learned her baby might have a very serious genetic problem. Mary-Dorothy writes:

> My husband and I talked about what we would do if there was something wrong. We quickly decided that we are strong people and that, while having a disabled child would be hard, it would not be too hard for us. We are Catholic, [she writes] we go to church every week. So we prayed, as did our parents and our grandparents.
>
> We sat there and watched as the doctor examined our baby and then told us that, in addition to the brain fluid problem, the baby's stomach had not developed and he could not swallow.

After being told that in-utero surgery would not help, Mary-Dorothy Line and her husband decided to use the procedure that is outlawed in this bill, because they were told it was the safest.

Mary-Dorothy says to us:

> The doctors knew that the late-term abortion was not easy for us, since we really wanted to have children in the future. This is the hardest thing I have ever been through. I pray that this will never happen to anyone again, but it will. And those of us unfortunate enough to have to live through this nightmare need a procedure that will give us hope for the future.

That is one story. Viki Wilson is another story. There are many more stories.

I thank the women who came forward to tell their stories. There are women standing outside this Chamber. I went out to see them—and they are crying. They are crying because they do not understand how Senators could take away an option that their doctor needed to save their lives. They are crying because they do not believe that those Senators truly understand what this meant for their families and what it meant to them—women and men and families who so wanted these babies, so wanted to hold them, so wanted to birth them, so wanted to love them, so wanted to raise them. But, because in science today sometimes serious abnormalities cannot always be known in the early stages, they did not learn until very late in the pregnancy.

They wanted those babies. They named those babies, Mr. President. They buried those babies with love. And they are crying because they cannot understand how a majority of Senators could put themselves inside the hospital room and tell them that they cannot have a procedure that could save their lives.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I yield myself 5 minutes.

Mr. President, I look and see the Senator from West Virginia, who represents as much the U.S. Senate to this country as probably any individual here, the dignity of this institution as the greatest deliberative body in the world. I have been saying for the last few days that I have tremendous faith that this body, as a deliberative body, will listen to the facts and live up to its reputation as a body that, when presented with all the evidence, can judge not only about this procedure, which is important, but what the consequence are of this action on the future of the nation, on the future of a civilization.

And so I ask Members, before they come down, to think and look inwardly as to their own conscience. Yes, to look outwardly around to this Chamber and remember that we have a standard to uphold and that today we are going to be making the decision about whether in this country it will be legal to allow a viable baby to be delivered outside of the mother and then killed inches before its first breath.

I have asked the question of almost every person who spoke on this issue opposing my position: What would be the case if the baby's head was to, for some reason, slip out? Would the doctor and the mother then have the right, the choice to kill that baby?

No one has ever answered that question. The Senator from Wisconsin came the closest. He said, ''I don't think we should interfere with that,'' which I guess means yes. How far do we go? Where do we draw the line? Have we stopped saying here in this body that there are no more lines, that everything is OK for anyone to do as long as you feel it's right, it's your right to do whatever you feel is right?

Don't we have any more lines? What are the facts? That is a factually accurate description of the procedure, as so stated by the person who performs it. Some have likened this chart to a depiction of an appendicitis operation. My God. Appendicitis. That is not an appendix. That is not a blob of tissue. It is a baby. It's a baby.

Did you ever really think that this could actually be happening on the floor of the U.S. Senate? When you came here, the people in the audience—maybe you are just visiting Washington or just wandered in—did you actually believe that we could be actually contemplating allowing thousands of these kinds of procedures to continue? I sometimes just have to sit here and pinch myself and wonder whether this is all real, whether this really is the United States of America.

The Senator from California said she hears the cries of the women outside this Chamber. We would be deafened by the cries of the children who are not here to cry because of this procedure.

I cry with these women. This is a difficult decision to make, but there are alternative measures available. No woman will be denied access to abortion, late-term as they are, if we ban this procedure. That is a fact. The leading writer on abortions, Dr. Hern from Colorado, says that he thinks this is a dangerous procedure and should not be done.

The Senator from Colorado—and my best wishes go out to him in his hospital bed in Colorado—made the most poignant statement today when he said he has been in a hospital looking at all that is being done to preserve life.

I have to hearken back to another Lincoln quote which is: ''A house divided against itself cannot stand.''

In one operating room when there is a baby being delivered and everything

is being done to save that baby; in the next room, one is being delivered to be killed. That cannot continue to happen in this country.

The Senator from Colorado is right. What are we to become? What will we be like if we allow this, and then maybe if the baby is born and it is not quite perfect enough for us, maybe it has some problems, that it won't live as long as we would like.

Cardinal Bevilacqua spoke today, and there are many religious leaders here. The cardinal is up in the gallery, and he said, ''If this procedure is allowed to continue, I fear that legal infanticide will not be far behind. If partial-birth abortion is allowed to continue, surely it will mark the beginning of the end of our Nation, of our civilization. No Nation, no civilization that abandons its moral foundations, its spiritual beliefs by legally destroying its own unborn children in this barbaric procedure can possibly survive.''

Please, I ask my colleagues, I plead with my colleagues, don't let this happen on our watch.

Mr. President, I have a series of newspaper articles and letters. I ask unanimous consent that they be printed in the RECORD.

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

STATEMENT AT PRESS CONFERENCE ON PARTIAL BIRTH ABORTION, THURSDAY, SEPTEMBER 26, 1996, BY ANTHONY CARDINAL BEVILACQUA, ARCHBISHOP OF PHILADELPHIA

I know that God will be present today in the U.S. Senate when it discusses and votes on an over-ride of the President's veto. I pray that the Senators will be conscious of God's presence among them and vote in accordance with His will which is will for human life.

I appeal to the Senators to override the veto on partial birth abortion. I pray that they will vote on principle. A vote for the over-ride is a vote for human life. A vote against the over-ride is a vote for the death of human beings made to the image and likeness of God.

This vote is critical for the preservation of this nation, of our civilization. Partial birth abortion is ⅘ birth and ⅕ abortion. The baby is but a few seconds, 2–3 inches from full birth. In this procedure, therefore, it is only a few seconds, 2–3 inches from being legal infanticide. If this procedure is allowed to continue, I fear that legal infanticide will not be far behind.

If partial birth abortion is allowed to continue, surely it will mark the beginning of the end of our nation, of our civilization. No nation, no civilization that abandons its moral foundations, its spiritual beliefs by legally destroying its own unborn children in this barbaric procedure can possibly survive.

This vote is not a vote for choice. It is a vote for the culture of life instead of a culture of death.

PITTSBURGH, PA,
June 30, 1996.

Hon. RICK SANTORUM,
Washington, DC.

DEAR SENATOR: I am a practicing Obstetrician-Gynecologist. I urge you to vote for the ''ban of partial birth abortion''.

I believe this to be the most cruel procedure of infanticide. During the last trimester of pregnancy, the infant is partially delivered and is alive and moving. At this time the infant is killed by stabbing it at the base of the skull. Then the brains are removed by suction. In a short period of time, a normal delivery of this infant could have ensued. Therefore, it cannot be stated ''the abortion is being done because the pregnancy is a threat to the Mother's life.''

I disapprove of this gross procedure for two additional reasons. This is not a routine practice in the field of obstetrics. Secondly, the forceful dilation of the cervix to make possible the premature delivery can tear the cervix. This creates a site for infection and excessive bleeding. Since the placenta is not ready for delivery it may deem necessary to manually deliver it (which is not a normal procedure). This may cause even more bleeding. Because of the forceful dilation, the cervix may be incompetent to hold future pregnancies.

Stated simply, the primary and strongest objection is the burden of a live infant. PLEASE, vote for the ''ban of partial birth abortion.''

Respectfully,

ALBERT W. CORCORAN, M.D.

PITTSBURGH, PA,
June 24, 1996.

Senator RICHARD SANTORUM,
Washington, DC.

DEAR SENATOR SANTORUM: I have never written anyone in the Congress a letter such as this one. However, I feel as a board certified obstetrician, who has practiced obstetrics and gynecology for 35 years, I must bring closure to my problem.

The words ''rip open a woman'' have disturbed me since they were uttered by our President. In all my years in the operating room, I have never seen even the weakest surgeon ''rip open'' any patient.

I would plead for you to urge your fellow Senators to override the President's veto of third trimester termination of a human being.

There are several reasons for doing this aside from an unprovoked attack on a human being. Namely, any of the six women he paraded before the American public on television could have been cared for by c-section. More importantly, since these women were all willing to have their pregnancies terminated in the third trimester, all could have resolved their personal dilemma with greater studies in the first trimester. Finally, this procedure is just another form of euthanasia.

I hope there are some fellow Senators who will divorce themselves from politics and truly vote their conscious.

Kindest regards,

E.A. SCIOSCIA, MD FACOG FACS,
Asst. Clinical Prof. of Obstetrics & Gynecology, Medical College of Pennsylvania.

HILTON HEAD ISLAND, SC,
June 21, 1996.

Senator RICK SANTORUM,
Washington, DC.

DEAR SENATOR SANTORUM: I am writing to you as an Obstetrician of thirty seven years and subsequently as Medical Director of Forbes Health System. During all that time my efforts were dedicated to the delivery of healthy born infants and on maintenance of good health by their mothers. The abortion deaths of more than a million a year in the richest country in the world will one day be looked on by history as the greatest slaughter of innocents in world history to date.

In the past the pro-abortionists hid from what they were doing by claiming that what was being aborted were non persons—simply protoplasm! How they can rationalize this is not understandable to me. It seems to me that a person is a human living, individual. Certainly the fetus is an ''individual''—no one exactly like him or her will be born again.—its genes are distinct. It is ''human'' not canine, or bovine or equine—it is ''human.'' And it is certainly ''living'' and there would be no need to abort it.

Nevertheless, the pro-abortionists do not wish to have the early fetus recognized as a person. But surely there can be no denying of the person of a 32 week fetus when greater than 90% if normal will survive if born at that gestation. The bill which was vetoed by President Clinton recognized that this forcing of the labor of an abnormal infant and then its destruction by invading its skull and collapsing the brain while it was still alive; in order to complete delivery is not only murder but unjustified. It is possible that the mother's reproductive organs may be permanently damaged in this rush to termination. However; if allowed to deliver in normal labor the grossly abnormal infant would probably not survive more than a matter of hours. This process of craneocleisis which was employed when cesarean section was so dangerous in the 19th century was done to save the life of the mother and still it was abhorrent even to those who did the procedure. Once cesarean section reached an improved degree of safety by the 1920's it was abandoned—now to be resurrected to force the premature delivery of an abnormal baby. I am not unmindful of the emotional stress that carrying such a baby, can cause a mother if she knows that it is not normal! But is the abrupt termination of the pregnancy worth the possible damage to the mothers reproductive capacity by this assault on a living human individual?

My best wishes for your success in addressing the presidential veto.

Sincerely yours,

RICHARD MCGARVEY.

CHEVY CHASE, MD.

During the weeks and months Congress was considering legislation to end partial birth abortion, I heard and read many news stories featuring women who said they had undergone the procedure because it was the only option they had to save their health and future fertility as a result of a pregnancy gone tragically wrong.

But based on my own personal experience, I am convinced that women and their families are tragically misled when they are informed that partial birth abortion is their only option. I believe many more women and their families would choose to give birth to their fatally ill babies and love and care for them as long as their short and meaningful lives might endure, if they were fully informed that they could let their babies live rather than aborting them.

Dr. James McMahon, who performed the partial birth abortions upon many of the women I heard about in the news, would have targeted our first child, Gerard, because he had Trisomy 18, a chromosomal abnormality incompatible with more than a few hours or weeks of life outside the uterus.

My husband, a pediatric neurologist and I, a pediatric nurse, learned via a routine sonogram halfway through our first pregnancy that our baby had a large abdominal defect. Our OB suggested an amniocentesis to confirm whether our son had Trisomy 18, since abdominal defects this large are frequently associated with Trisomy 18. If he did not have Trisomy 18, we would begin to research our son's need for abdominal surgery and the best pediatric surgeon available to us. The second half of the pregnancy was extremely painful emotionally. I felt that perhaps our hopes of having a large family were dying with Gerard.

We had a supportive OB and at each visit we also met with the OB clinical nurse specialist. She helped us with our grief and she

also helped us plan for Gerard's birth and death. We also met the neonatologist prior to birth who informed us about what to expect about Gerard's condition and we let him know that we didn't want Gerard to have any painful procedures.

We did not once consider an abortion, for this was our beloved child for whom we would do anything. We prayed that he would be born alive and live at least for a short period of time. My husband and I were drawn very close as we comforted each other and talked about our grief and our evolving plans for our child. At 40 weeks our OB decided he would induce labor; on the eve of the second day of induction, Gerard was delivered alive. We held him and gently talked to him. The priest who had married us ten months earlier was there to baptize him. Gradually, his vital signs slowed until he died 45 minutes after we met him in person. We took many beautiful pictures of him that are among our most cherished possessions.

We have since been blessed with 5 additional children, all healthy. Number 6 was 11½ lbs and the hospital staff marveled at how easily I delivered her. Delivering Gerard alive and giving him even a brief period of life in no way impaired my future fertility, as these 5 wonderful children can attest to. Our children have internalized our love and respect for Gerard and babies and others with disabilities.

We have never had any regrets about carrying Gerard to term, giving birth to him and loving him until he died naturally. In fact, it is the event I am most proud of in my life. Our only regret is that he did not live longer.

My hope is that since there is no medical reason for a woman to undergo a partial birth abortion, that each woman listen to her heart and her strong desire to protect her child and love him or her until that child's natural death.

MARGARET SHERIDAN.

OAK PARK, IL.

My name is Jeannie Wallace French. I am a 34 year old healthcare professional who holds a masters degree in public health. I am a diplomate of the American College of Healthcare Executives, and a member of the Chicago Health Executives Forum.

In the spring of 1993, my husband Paul and I were delighted to learn that we would be parents of twins. The pregnancy was the answer to many prayers and we excitedly prepared for our babies.

In June, five months into the pregnancy, doctors confirmed that one of our twins, our daughter Mary, was suffering form occipital encephalocele—a condition in which the majority of the brain develops outside of the skull. As she grew, sonograms revealed the progression of tissue maturing in the sack protruding from Mary's head.

We were devastated. Mary's prognosis for life was slim, and her chance for normal development nonexistent. Additionally, if Mary died in utero, it would threaten the life of her brother, Will.

Doctors recommended aborting Mary. But my husband and I felt that our baby girl was a member of our family, regardless of how ''imperfect'' she might be. We felt she was entitled to her God-given right to live her life, however short or difficult it might be, and if she was to leave this life, to leave it peacefully.

When we learned our daughter could not survive normal labor, we decided to go through with a cesarean delivery. Mary and her healthy brother Will were born a minute apart on December 13, 1993. Little Will let out a hearty cry and was moved to the nursery. Our quiet little Mary remained with us, cradled in my Paul's arms. Six hours later, wrapped in her delivery blanket, Mary Bernadette French slipped peacefully away.

Blessedly, our story does not end there. Three days after Mary died, on the day of her interment at the cemetery, Paul and I were notified that Mary's heart valves were a match for two Chicago infants in critical condition. We have learned that even anacephalic and meningomyelocele children like our Mary can give life, sight or strength to others. Her ability to save the lives of two other children proved to others that her life had value—far beyond what any of us could ever have imagined.

Mary's life lasted a total of 37 weeks 3 days and 6 hours. In effect, like a small percentage of children conceived in our country every year, Mary was born dying. What can partial birth abortion possibly do for children like Mary? This procedure is intended to hasten a dying baby's death. We do not need to help a dying child die. Not one moment of grief is circumvented by this procedure.

In Mary's memory, as a voice for severely disabled children now growing in the comfort of their mother's wombs, and for the parents whose dying children are relying on the donation of organs from other babies, I make this plea: Some children by their nature cannot live. If we are to call ourselves a civilized culture, we must allow that their deaths be natural, peaceful, and painless. And if other preborn children face a life of disability, let us welcome them into this society, with arms open in love. Who could possible need us more?

JEANNIE W. FRENCH.

[From Physicians' Ad Hoc Coalition for Truth]

THE CASE OF COREEN COSTELLO

PARTIAL-BIRTH ABORTION WAS NOT A MEDICAL NECESSITY FOR THE MOST VISIBLE ''PERSONAL CASE'' PROPONENT OF PROCEDURE.

Coreen Costello is one of five women who appeared with President Clinton when he vetoed the Partial-Birth Abortion Ban Act (4/10/96). She has probably been the most active and the most visible of those women who have chosen to share with the public the very tragic circumstances of their pregnancies which, they say, made the partial-birth abortion procedure their only medical option to protect their health and future fertility.

But based on what Ms. Costello has publicly said so far, her abortion was not, in fact, medically necessary.

In addition to appearing with the President at the veto ceremony, Ms. Costello has twice recounted her story in testimony before both the House and Senate; the New York Times published an op-ed by Ms. Costello based on this testimony; she was featured in a full page ad in the Washington Post sponsored by several abortion advocacy groups; and, most recently (7/29/96) she has recounted her story for a ''Dear Colleague'' letter being circulated to House members by Rep. Peter Deutsch (FL).

Unless she were to decide otherwise, Ms. Costello's full medical records remain, of course, unavailable to the public, being a matter between her and her doctors. However, Ms. Costello has voluntarily chosen to share significant parts of her very tragic story with the general public and in very highly visible venues. Based on what Ms. Costello has revealed of her medical history—of her own accord and for the stated purpose of defeating the Partial-Birth Abortion Ban Act—doctors with PHACT can only conclude that Ms. Costello and others who have publicly acknowledged undergoing this procedure ''are honest women who were sadly misinformed and whose decision to have a partial-birth abortion was based on a great deal of misinformation'' (Dr. Joseph DeCook, Ob/Gyn, PHACT Congressional Briefing, 7/24/96). Ms. Costello's experience does not change the reality that a partial birth abortion is never medically indicated—in fact, there are available several alternative, standard medical procedures to treat women confronting unfortunate situations like Ms. Costello had to face.

The following analysis is based on Ms. Costello's public statements regarding events leading up to her abortion performed by the late Dr. James McMahon. This analysis was done by Dr. Curtis Cook, a perinatologist with the Michigan State College of Human Medicine and member of PHACT.

''Ms. Costello's child suffered from 'polyhydramnios secondary to fetal swallowing defect.' In other words, the child could not swallow the amniotic fluid, and an excess of the fluid therefore collected in the mother's uterus. Because of the swallowing defect, the child's lungs were not properly stimulated, and an underdevelopment of the lungs would likely be the cause of death if abortion had not intervened. The child had no significant chance of survival, but also would not likely die as soon as the umbilical cord was cut.

''The usual approach in such a case would be to reduce the amount of amniotic fluid collecting in the mother's uterus by serial amniocentesis. Excess fluid in the fetal ventricles could also be drained. Ordinarily, the draining would occur 'transabdominally.' Then the child would be vaginally delivered, after attempts were made to move the child into the usual, head-down position. Dr. McMahon, who performed the draining of cerebral fluid on Ms. Costello's child, did so 'transvaginally,' most likely because he had no significant expertise in obstetrics/gynecology. In other words, he would not be able to do it well transabdominally—the standard method used by ob/gyns—because that takes a degree of expertise he did not possess.

Ms. Costello's statement that she was unable to have a vaginal delivery, or, as she called it, 'natural birth or an induced labor,' is contradicted by the fact that she did indeed have a vaginal delivery, conducted by Dr. McMahon. What Ms. Costello had was a breech vaginal delivery for purposes of aborting the child, however, as opposed to a vaginal delivery intended to result in a live birth. A caesarean section in this case would not be medically indicated—not because of any inherent danger—but because the baby could be safely delivered vaginally.''

The Physicians' Ad-hoc Coalition for Truth (PHACT), with over three hundred members drawn from the medical community nationwide, exists to bring the medical facts to bear on the public policy debate regarding partial birth abortions. Members of the coalition are available to speak to public policy makers and the media. If you would like to speak with a member of PHACT, please contact Gene Tarne or Michelle Powers at 703–683–5004.

The PRESIDING OFFICER. All time of the Senator from Pennsylvania has expired. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. BYRD. I ask the Senator to give me 30 seconds.

Mrs. BOXER. I yield 30 seconds to the Senator from West Virginia.

Mr. BYRD. Mr. President, I call attention to the rules of the Senate which preclude any reference to people

in the galleries, and one cannot, even by unanimous consent, change that rule, and the Chair is not even to entertain a unanimous-consent request that the rule be waived.

I hope Senators will abide by the rules regardless of what side of the question they are on.

Mr. SANTORUM. If the Senator will yield, I apologize for making such an error, and I appreciate the Senator pointing that out.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I understand I have 8 minutes remaining, or a little less than that?

The PRESIDING OFFICER. Approximately 7 minutes remaining.

Mrs. BOXER. Mr. President, I ask I be yielded 4 minutes of that time. At that time, I am going to turn to another Senator to close our debate.

Mr. President, I ask unanimous consent to set aside the pending veto message and proceed immediately to a bill that allows this procedure only in cases where the mother's life is at stake or she would suffer serious adverse health consequences without this procedure.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Reserving the right to object.

Mrs. BOXER. Mr. President, I ask for regular order and just ask if there is objection this time.

The PRESIDING OFFICER. Regular order, the Senator must object.

Mr. SANTORUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, the reason I asserted my parliamentary rights is because time is a wasting.

I would like to ask Senators to do me one favor as a colleague, and that favor is this: to simply visualize yourself in a circumstance where a person who you love maybe more than anyone else in the world, comes to you—it could be your wife, it could be your daughter, it could be a niece, it could be a grandchild, a granddaughter—and that woman who has been flushed with the thrill of a pregnancy, who was waiting with great anticipation with her family for the most blessed event any woman can have, and God has blessed me with two such events, and that loving woman looks in your eyes and says, ''Daddy,'' or ''Brother,'' or ''Mother, I have horrible news. I've been told by my doctor that there's a horrible turn of events that has happened in this pregnancy that we could not learn until the very late stages. And if I don't have this procedure''—the one that is outlawed in this bill, may I say—''my doctor says I might die or I might never be able to have another baby or I might be paralyzed for life. What should I do? Will you support me?''

I really think, if we are totally honest, as the distinguished Democratic leader has tried to put forward in his eloquence, I think every one of us would reach inside, and that love would overwhelm us and we would save that child, that wife, that granddaughter, and we would face this together with her doctor and our God, and we would not call a U.S. Senator, no matter how dignified, no matter how intelligent, no matter how popular at the moment, into that room. We would want to decide it with our family.

I beg my colleagues, I know this is such a difficult vote, but I believe in my heart when the American people understand that we have offered to ban this procedure but for life and serious health consequences and we were turned down by the other side, they will understand that not one of us is for a late-term abortion of a healthy pregnancy. Who could be? No one could be.

What we are talking about is preserving this procedure for cases like Viki Wilson and Vikki Stella and the women who have the courage to come forward and tell us their stories. I urge my colleagues, please, sustain the President's veto. I yield the balance of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes, 40 seconds.

Mr. BYRD. I thank the Chair, and I thank the distinguished Senator from California.

This is a very, very difficult question. I have been greatly troubled by it, as I am sure other Senators have been. Napoleon—who is not particularly one of my idols—and Josephine had a child on March 20, 1811. And when he was told by the doctors that the infant or the mother might have to be sacrificed, he revealed all the warmth of the human instincts and the instincts of family when he answered, ''Save the mother.''

Mr. President, as a father and as a grandfather, I would never want to be cast into that excruciating position. But if I were, I would answer as did Napoleon: ''Save the mother.''

Mr. COATS. Would the Senator yield at this time his time remaining?

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from California has 34 seconds remaining. That is the extent of all further debate.

Mr. COATS. May I ask the Senator from California if she would yield me—give me a chance to just make a 10-second response to the Senator from West Virginia?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield back all the time. We have debated this. I think it is time to vote. I ask that we go to the regular business and vote at this time.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—57

Abraham	Ford	Mack
Ashcroft	Frahm	McCain
Bennett	Frist	McConnell
Biden	Gorton	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Hatfield	Roth
Conrad	Heflin	Santorum
Coverdell	Helms	Shelby
Craig	Hutchison	Smith
D'Amato	Inhofe	Specter
DeWine	Johnston	Stevens
Domenici	Kempthorne	Thomas
Dorgan	Kyl	Thompson
Exon	Leahy	Thurmond
Faircloth	Lugar	Warner

NAYS—41

Akaka	Graham	Mikulski
Baucus	Harkin	Moseley-Braun
Bingaman	Hollings	Murray
Boxer	Inouye	Pell
Bradley	Jeffords	Pryor
Bryan	Kassebaum	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Chafee	Kerry	Simon
Daschle	Kohl	Simpson
Dodd	Lautenberg	Snowe
Feingold	Levin	Wellstone
Feinstein	Lieberman	Wyden
Glenn	Lott	

NOT VOTING—2

Campbell	Cohen

The PRESIDING OFFICER. The Chair would like to remind the visitors in gallery that demonstrations of approval or disapproval are prohibited under Senate rules and I ask the Sergeant at Arms to assist in maintaining order in the gallery. We appreciate your cooperation.

On this vote the ayes are 57, the nays are 41.

Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

Mr. LOTT. Mr. President, I previously voted ''aye.'' I changed my vote to ''no.'' I now enter a motion to reconsider the vote by which the veto message was sustained.

The PRESIDING OFFICER. The motion has been received.

Mr. GRASSLEY. Mr. President, this is a matter of such great importance that we will raise it again and again for votes until we prevail. In fact, we may even bring it up again for a vote this year.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask that there be a period for the transaction of routine morning business

with Senators permitted to speak therein for up to 5 minutes each.

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

SCHEDULE

Mr. LOTT. In the meantime, for the information of all Senators—and Senator DASCHLE is here—we will be talking about the schedule for the balance of the evening. We believe we are ready to move forward on the NIH reauthorization bill. We are still working to see if we can get an agreement on the pipeline safety bill which, although it is completed, still has the gag rule issue pending to be resolved. I understood they were making some progress, and now I understand that maybe they are not.

During the next few minutes, while we are having 5-minute speeches, we will work on this and make that information available to all Senators.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 10 minutes in morning business.

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

Mr. BYRD. Will the Senator yield briefly?

Mr. BROWN. I am happy to.

Mr. BYRD. Mr. President, the Senate is still not in order. There are entirely too many conversations going on in the back of the Chamber.

The PRESIDING OFFICER. The Senator's observations are entirely correct. Will the Senators to the Chair's right please take their conversations to the Cloakroom? The Senator from Alaska, the Senator from Arkansas.

I thank the Senator from West Virginia.

The Senator from Colorado is recognized.

EMERGENCY FUNDING FOR FISCAL YEAR 1996 AND FISCAL YEAR 1997

Mr. BROWN. Thank you, Mr. President. I thank the distinguished Senator from West Virginia for his courtesy for allowing me to be heard.

Mr. President, I want to draw Members' attention to the President's emergency funding request. Not so long ago the President sent up to Congress a communication requesting $1.1 billion in emergency funding for fiscal years 1996 and 1997. Members will find it in their offices. The communication of the President is dated September 17, 1996. Mr. President, I ask Members to review that communication because I have some concerns with it.

Mr. President, it is my hope that Members will give these requests some careful review. All of us are concerned about terrorism, but I hope in exhibiting our concern that we will also recognize that we have an obligation to the taxpayers when considering these requests.

I draw Members' attention to the fact that the President's original request in March of this year—not so long ago—was for exactly $27.9 million. That is increased 4,000 percent, in a few months, in this request. Obviously, terrorism is a matter that deserves careful and full scrutiny and strong action on the part of the Federal Government. But I would suggest to Members also that a 4000-percent increase in the request for funding also deserves our attention.

Mr. President, let me give some specific examples. In this enormous request under the banner of ''emergency,'' only 6 months after the original request, I think some questions need and should be asked. We looked through these requests and I hope Members will study them. We found huge increases in spending spread throughout the Federal Government.

For example, the request includes an additional $34,000 for additional facilities for security expenses at the Office of the Inspector General under the Department of the Treasury. When we inquired or looked in the report for how this $34,000 was to be spent, the report indicates, and I quote, ''No further details provided.''

So we ended up calling the Office of the Inspector General. We talked specifically to the budget officer who ends up coordinating these matters. Here is what he said and I'll quote this because I think it is imperative that his exact words be included in the RECORD. He said, ''This is the first I have heard of any emergency supplemental funding.'' Now, this is the officer who controls the budget for that office. He said, ''This is the first I have heard of any emergency supplemental funding. I am not aware of any request for extra funding. I do not know what we need it for.''

The OMB publication didn't spell out what it was for, and their budget director does not even know what it was for.

From the Bureau of Public Debt at the Department of the Treasury, we received a request of $161,000 ''for additional facilities security operating expenses.'' Once again, no further details were provided in the report. We called the Bureau of Public Debt and asked them what this request would be used for. We simply wanted a justification and some simple facts. The budget officer was unaware of the emergency supplemental request. This is what the budget officer said, ''I'll be real honest with you. This is the first I've heard of it. We have not made a request for supplemental funding.''

Now, this is an emergency funding request and the budget officer tells us that he has not even heard of it?

Mr. President, the dilemma goes on.

For the Federal Aviation Administration there is a $15.5-million request to acquire and install dual energy automated x-ray systems and quadruple resonance devices for screening checked baggage at U.S. airports. According to the FAA, these x-ray systems and resonance devices, and I quote, ''have not been certified by the FAA as meeting the U.S. national performance standards for explosives detection systems.'' We called the Financial Review Division at the FAA. We asked the manager of this division at the FAA why they needed emergency funding for x-ray systems and resonance devices that do not meet the U.S. performance standards and have not been FAA certified. Let me repeat that.

The request is for machines that do not meet the U.S. performance standards. These machines are not FAA certified. Here is what the manager said, ''I don't know why we are asking for safety equipment that is not FAA certified.''

Mr. President, the list goes on.

Mr. President, we have a responsibility to take care of the important business of the public, and we ought to fund serious antiterrorist efforts. But ''I don't know'' is not a good enough answer. The American citizen deserves more. It is irresponsible for the President to ask for money when they do not even know how they would spend it. It is even more irresponsible for this Congress to appropriate it.

My hope is that we give close attention to these requested matters and that we not fund matters where they have no clear idea how they are going to spend it, and that we take out of the emergency supplemental areas any clear waste out of areas where we, and they, simply don't have any idea where it will be spent.

Last, Mr. President, if you were going to identify an area of abuse in spending over the past years, it would surely be in the area where we come up with an emergency supplemental where it does not receive the full review and investigation of the Appropriations Committee.

I hope this Congress will not be derelict in its duty. I hope we will not write a blank check from the Public Treasury. Our responsibility and obligation to the American people is not to write blank checks for requests we know nothing about. Mr. President, I hope this Senate will act to make sure these ''I don't know'' requests from the President are denied.

Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank my colleague from Colorado. The Senate will surely miss his wise counsel. I rise to express similar concerns.

Mr. President, recent, tragic events have raised the fight against terrorism higher in the public consciousness. In response, President Clinton has submitted a request for $1.1 billion in emergency antiterrorism funding for fiscal year 1996 and fiscal year 1997.

While it is imperative that we act in a timely way to fight terrorism and to preserve the safety of our citizens, it is also important that we not simply throw money at a problem for efforts that do little more than make us feel a little better for a little while.

Indeed, it's important that we not let our actions be reduced to reactions.

Unless these programs make a difference, we will be wasting the taxpayer's money. And when terrorists strike again, we'll be standing here once more, asking ourselves what went wrong with the programs whose appropriations we are debating today.

I fear that the President's emergency request represents greatly increased spending without greatly increased thought.

Do we know that this $1.1 billion will go toward effective measures? The President's proposal represents an increase in spending on antiterrorism measures of about 4,000 percent, from his earlier proposal of something under $50 million. I am not yet convinced that this spending is anything more than an expensive way to make the public believe that the Government is doing something constructive.

I happen to think we have long since passed the day in this body when we can equate the expenditure of large amounts of public funds with results. It simply does not happen in too many respects.

There is a significant difference between doing things that look effective and doing things that are effective. For example, it may look good to expand wiretapping authority, but is it necessarily a positive way to deal with the problem? What kinds of terrorists are we fighting? Will wiretapping even be effective to combat what we are going to be facing in the future?

Would wiretapping have helped stop the Atlanta bombing? Would it have mattered in Oklahoma City?

And just as important as that question is considering the price we may pay in the infringement on our personal freedoms.

It is no small question to define what is a reasonable and acceptable infringement on our rights and privileges. Before we plunge into any cut back on our personal freedoms, we need to carefully consider what we are getting when we trade them away.

Obviously, the President's request has arrived so late that we can't give it the scrutiny and possible revision it seems to need. So we are moving ahead and appropriating the funds he has asked for, hoping that they will do some real good.

Mr. President, I submit that what we truly need is a thoughtful, coordinated, long-range plan about how to address the threat of terrorism. I fear that the administration's emergency request comes more out of reaction than it does from a careful examination of the problem.

Cobbling together afterthought reactions is not sufficient to address this matter. And $1.1 billion is a great deal of money to spend with such little consideration.

I don't take the matter of terrorism lightly. Indeed, none of us can. Everyone observing the proceedings from inside this Chamber has already gone through a metal detector to get in the Capitol, and then through another, stronger detector just be inside this room.

House and Senate staff members wear ID badges, and they pass by guards every day as they come in to work. We are all aware of the threat—it is a part of daily life.

Even so, extraordinary tragedy is always possible. I was in Atlanta this summer when the pipe bomb exploded at the Olympic games. It is profoundly disturbing to know that a determined individual can still penetrate even the most stringent security measures. So I appreciate the threat of terrorism and the need for swift action. At the same time, I submit that unless we carefully plan our tactics and strategy to counter this threat, we will have squandered our resources that could have made a real difference. Without planning, we will have nothing to show for our efforts.

The President's request comes in response to the Atlanta bombing and the downing of TWA Flight 800 off of Long Island. Has President Clinton merely scraped together whatever ideas were at hand in order to appear tough on terrorism? We need to move forward to combat terrorism from a position of leadership and not simply reaction. We should not simply expand the power of the Federal Government after every act of terrorism.

The proposal from 6 months ago for fiscal year 1997 was much different than the one we see now. It included a 40 percent cut in the Attorney General's counterterrorism fund. The new proposal calls for millions in security upgrades for Federal buildings. What are these upgrades? And, most important, will they make the people in those buildings any safer? And why were they not suggested in the original fiscal year 1997 proposal if they were needed?

It is difficult to turn down the President's request at this late date. I remind my colleagues that if in a year or two this $1.1 billion appropriation turns out to be no more than a quick gesture to allay public fears, if these proposals are ultimately ineffective and hollow to the core, then we will be faced with the unpleasant fact that we spent $1.1 billion for simply being safe, or feeling safe for a few days or a few weeks in order to be able to say that we just did something.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

The Senate is currently in a period of morning business. The Senator has the right to speak for 5 minutes.

Mr. CONRAD. I thank the Chair.

Mr. LOTT. Mr. President, will the distinguished Senator be kind enough to yield for a unanimous consent request that has been agreed to on both sides?

Mr. CONRAD. I will be pleased to.

Mr. LOTT. I thank the Senator for yielding. This is an issue we have been working on for quite some time. We finally got it done. We would like to get it done before it becomes unglued.

Mr. CONRAD. I am happy to yield to the majority leader.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 583, S. 1897.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, 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 which has been reported from the Committee on Labor and Human Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1897

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

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''National Institutes of Health Revitalization Act of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.
Sec. 102. Children's vaccine initiative.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

Sec. 201. Research on osteoporosis, Paget's disease, and related bone disorders.
Sec. 202. National Human Genome Research Institute.
Sec. 203. Increased amount of grant and other awards.
Sec. 204. Meetings of advisory committees and councils.
Sec. 205. Elimination or modification of reports.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

Sec. 301. Authorization of appropriations.
Sec. 302. DES study.

Subtitle B—National Heart Lung and Blood Institute

Sec. 311. Authorization of appropriations.

Subtitle C—National Institute of Allergy and Infectious Diseases

Sec. 321. Research and research training regarding tuberculosis.

Sec. 322. Terry Beirn community-based aids research initiative.

Subtitle D—National Institute of Child Health and Human Development

Sec. 331. Research centers for contraception and infertility.

Subtitle E—National Institute on Aging

Sec. 341. Authorization of appropriations.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

Sec. 351. Authorization of appropriations.
Sec. 352. National alcohol research center.

Subtitle G—National Institute on Drug Abuse

Sec. 361. Authorization of appropriations.
Sec. 362. Medication development program.
Sec. 363. Drug abuse research centers.

Subtitle H—National Institute of Mental Health

Sec. 371. Authorization of appropriations.

Subtitle I—National Center for Research Resources

Sec. 381. Authorization of appropriations.
Sec. 382. General clinical research centers.
Sec. 383. Enhancement awards.
Sec. 384. Waiver of limitations.

Subtitle J—National Library of Medicine

Sec. 391. Authorization of appropriations.
Sec. 392. Increasing the cap on grant amounts.

TITLE IV—AWARDS AND TRAINING

Sec. 401. Medical scientist training program.
Sec. 402. Raise in maximum level of loan repayments.
Sec. 403. General loan repayment program.
Sec. 404. Clinical research assistance.

TITLE V—RESEARCH WITH RESPECT TO AIDS

Sec. 501. Comprehensive plan for expenditure of AIDS appropriations.
Sec. 502. Emergency AIDS discretionary fund.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

Sec. 601. Authority of the director of NIH.

Subtitle B—Office of Rare Disease Research

Sec. 611. Establishment of office for rare disease research.

Subtitle C—Certain Reauthorizations

Sec. 621. National research service awards.
Sec. 622. National Foundation for Biomedical Research.

Subtitle D—Miscellaneous Provisions

Sec. 631. Establishment of national fund for health research.
Sec. 632. Definition of clinical research.
Sec. 633. Senior Biomedical Research Service.
Sec. 634. Establishment of a pediatric research initiative.
Sec. 635. Diabetes research.
Sec. 636. Parkinson's research.

Subtitle E—Repeals and Conforming Amendments

Sec. 641. Repeals and conforming amendments.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. DIRECTOR'S DISCRETIONARY FUND.

Section 402(i)(3) (42 U.S.C. 282(i)(3)) is amended by striking ''$25,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

SEC. 102. CHILDREN'S VACCINE INITIATIVE.

Section 404B(c) (42 U.S.C. 283d(c)) is amended by striking ''$20,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

SEC. 201. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) (42 U.S.C. 284e(d)) is amended by striking ''$40,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

SEC. 202. NATIONAL HUMAN GENOME RESEARCH INSTITUTE.

(a) IN GENERAL.—Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

''Subpart 18—National Human Genome Research Institute

''SEC. 464Z. PURPOSE OF THE INSTITUTE.

''(a) IN GENERAL.—The general purpose of the National Human Genome Research Institute is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

''(1) planning and coordinating the research goal of the genome project;

''(2) reviewing and funding research proposals;

''(3) conducting and supporting research training;

''(4) coordinating international genome research;

''(5) communicating advances in genome science to the public;

''(6) reviewing and funding proposals to address the ethical, legal, and social issues associated with the genome project (including legal issues regarding patents); and

''(7) planning and administering intramural, collaborative, and field research to study human genetic disease.

''(b) RESEARCH.—The Director of the Institute may conduct and support research training—

''(1) for which fellowship support is not provided under section 487; and

''(2) that is not residency training of physicians or other health professionals.

''(c) ETHICAL, LEGAL, AND SOCIAL ISSUES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent of amounts made available for extramural research for carrying out paragraph (6) of such subsection.

''(2) NONAPPLICATION.—With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

''(d) TRANSFER.—

''(1) IN GENERAL.—There are transferred to the National Human Genome Research Institute all functions which the National Center for Human Genome Research exercised before the date of enactment of this subpart, including all related functions of any officer or employee of the National Center for Human Genome Research. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this subsection shall be transferred to the National Human Genome Research Institute.

''(2) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, regulations, privileges, and other administrative actions which have been issued, made, granted, or allowed to become effective in the performance of functions which are transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

''(3) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the National Center for Human Genome Research shall be deemed to refer to the National Human Genome Research Institute.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end thereof the following new subparagraph:

''(R) The National Human Genome Research Institute.''; and

(B) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(2) Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is repealed.

SEC. 203. INCREASED AMOUNT OF GRANT AND OTHER AWARDS.

Section 405(b)(2)(B) (42 U.S.C. 284(b)(2)(B) is amended—

(1) in clause (i), by striking ''$50,000'' and inserting ''$100,000''; and

(2) in clause (ii), by striking ''$50,000'' and inserting ''$100,000''.

SEC. 204. MEETINGS OF ADVISORY COMMITTEES AND COUNCILS.

(a) IN GENERAL.—Section 406 (42 U.S.C. 284a) is amended—

(1) in subsection (e), by striking '', but at least three times each fiscal year''; and

(2) in subsection (h)(2)—

(A) in subparagraph (A)—

(i) in clause (iv), by adding ''and'' after the semicolon;

(ii) in clause (v), by striking ''; and'' and inserting a period; and

(iii) by striking clause (vi); and

(B) in subparagraph (B), by striking '', except'' and all that follows through ''year''.

(b) PRESIDENT'S CANCER PANEL.—Section 415(a)(3) (42 U.S.C. 285a–4(a)(3)) is amended by striking '', but not less often than four times a year''.

(c) INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking '', but not less often than four times a year''.

(d) INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking '', but not less often than four times a year''.

(e) INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS INTERAGENCY COORDINATING COMMITTEES.—Section 464E(d) (42 U.S.C. 285m–5(d)) is amended by striking '', but not less often than four times a year''.

(f) INSTITUTE OF NURSING RESEARCH ADVISORY COUNCIL.—Section 464X(e) (42 U.S.C. 285q–2(e)) is amended by striking '', but at least three times each fiscal year''.

(g) CENTER FOR RESEARCH RESOURCES ADVISORY COUNCIL.—Section 480(e) (42 U.S.C. 287a(e)) is amended by striking '', but at least three times each fiscal year''.

(h) APPLICATION OF FACA.—Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 409B. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.

''Notwithstanding any other provision of law, the provisions of the Federal Advisory Committee Act (5 U.S.C. Ap. 2) shall not apply to a scientific or technical peer review group, established under this title.''.

SEC. 205. ELIMINATION OR MODIFICATION OF REPORTS.

(a) PUBLIC HEALTH SERVICE ACT REPORTS.—The following provisions of the Public Health Service Act are repealed:

(1) Section 403 (42 U.S.C. 283) relating to the biennial report of the Director of the National Institutes of Health to Congress and the President.

(2) Subsection (c) of section 439 (42 U.S.C. 285d-4(c)) relating to the annual report of the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the annual report of the Skin Diseases Interagency Coordinating Committee.

(3) Subsection (j) of section 442 (42 U.S.C. 285d-7(j)) relating to the annual report of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board.

(4) Subsection (b) of section 494A (42 U.S.C. 289c–1(b)) relating to the annual report of the Secretary of Health and Human Services on health services research relating to alcohol abuse and alcoholism, drug abuse, and mental health.

(5) Subsection (b) of section 503 (42 U.S.C. 290aa–2(b)) relating to the triennial report of the Secretary of Health and Human Services to Congress.

(b) REPORT ON DISEASE PREVENTION.—Section 402(f)(3) (42 U.S.C. 282(f)(3)) is amended by striking ''annually'' and inserting ''biennially''.

(c) REPORTS OF THE COORDINATING COMMITTEES ON DIGESTIVE DISEASES, DIABETES MELLITUS, AND KIDNEY, UROLOGIC AND HEMATOLOGIC DISEASES.—Section 429 (42 U.S.C. 285c–3) is amended by striking subsection (c).

(d) REPORT OF THE TASK FORCE ON AGING RESEARCH.—Section 304 of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q–3) is repealed.

(e) SUDDEN INFANT DEATH SYNDROME RESEARCH.—Section 1122 (42 U.S.C. 300c–12) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading; and

(B) by striking ''of the type'' and all that follows through ''adequate,'' and insert '', such amounts each year as will be adequate for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, and to the relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome,''; and

(2) by striking subsections (b) and (c).

(f) U.S.-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM.—Subsection (h) of section 5 of the International Health Research Act of 1960 is repealed.

(g) BIOENGINEERING RESEARCH.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the report to Congress entitled ''Support for Bioengineering Research'' (submitted in August of 1995 in accordance with section 1912 of the National Institutes of Health Revitalization Act of 1993 (42 U.S.C. 282 note)).

[g] *(h)* CONFORMING AMENDMENTS.—Title IV is amended—

(1) in section 404C(c) (42 U.S.C. 283e(c)), by striking ''included'' and all that follows through the period and inserting ''made available to the committee established under subsection (e) and included in the official minutes of the committee'';

(2) in section 404E(d)(3)(B) (42 U.S.C. 283g(d)(3)(B)), by striking ''for inclusion in the biennial report under section 403'';

(3) in section 406(g) (42 U.S.C. 284a(g))—

(A) by striking ''for inclusion in the biennial report made under section 407'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(4) in section 407 (42 U.S.C. 284b)—

(A) in the section heading, to read as follows:

''REPORTS''; and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(5) in section 416(b) (42 U.S.C. 285a–5(b)) by striking ''407'' and inserting ''402(f)(3)'';

(6) in section 417 (42 U.S.C. 285a–6), by striking subsection (e);

(7) in section 423(b) (42 U.S.C. 285b–6(b)), by striking ''407'' and inserting ''402(f)(3)'';

(8) by striking section 433 (42 U.S.C. 285c–7);

(9) in section 451(b) (42 U.S.C. 285g–3(b)), by striking ''407'' and inserting ''402(f)(3)'';

(10) in section 452(d) (42 U.S.C. 285g–4(d))—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking ''(A) Not'' and inserting ''Not''; and

(ii) by striking subparagraph (B); and

(B) in the last sentence of paragraph (4), by striking ''contained'' and all that follows through the period and inserting ''transmitted to the Director of NIH.'';

(11) in section 464I(b) (42 U.S.C. 285n–1(b)), by striking ''407'' and inserting ''402(f)(3)'';

(12) in section 464M(b) (42 U.S.C. 285o–1)(b)), by striking ''407'' and inserting ''402(f)(3)'';

(13) in section 464S(b) (42 U.S.C. 285p–1(b)), by striking ''407'' and inserting ''402(f)(3)'';

(14) in section 464X(g) (42 U.S.C. 285q–2(g)) is amended—

(A) by striking ''for inclusion in the biennial report made under section 464Y'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(15) in section 464Y (42 U.S.C. 285q–3)—

(A) in the section heading, to read as follows:

''REPORTS''; and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(16) in section 480(g) (42 U.S.C. 287a(g))—

(A) by striking ''for inclusion in the biennial report made under section 481'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(17) in section 481 (42 U.S.C. 287a–1)—

(A) in the section heading, to read as follows:

''REPORTS''; and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(18) in section 486(d)(5)(B) (42 U.S.C. 287d(d)(5)(B)), by striking ''for inclusion in the report required in section 403'';

(19) in section 486B (42 U.S.C. 287d–2) by striking subsection (b) and inserting the following new subsection:

''(b) SUBMISSION.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH.''; and

(20) in section 492B(f) (42 U.S.C. 289a–2(f)), by striking ''for inclusion'' and all that follows through the period and inserting ''and the Director of NIH.''.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 417B (42 U.S.C. 286a–8) is amended—

(1) in subsection (a), by striking ''$2,728,000,000'' and all that follows through the period and inserting ''$3,000,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking ''$225,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''; and

(ii) in the first sentence of subparagraph (B), by striking ''$100,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''; and

(B) in the first sentence of paragraph (2), by striking ''$75,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''; and

(3) in the first sentence of subsection (c), by striking ''$72,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

SEC. 302. DES STUDY.

Section 403A(e) (42 U.S.C. 283a(e)) is amended by striking ''1996'' and inserting ''1999''.

Subtitle B—National Heart Lung and Blood Institute

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 425 (42 U.S.C. 285b–8) is amended by striking ''$1,500,000,000'' and all that follows through the period and inserting ''$1,600,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

Subtitle C—National Institute of Allergy and Infectious Diseases

SEC. 321. RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS.

Subpart 6 of part C of title IV is amended in the first section 447(b) (42 U.S.C. 285f–2(b)) by striking ''$50,000,000'' and all that follows through the first period 1998'' and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

SEC. 322. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.

Section 2313(e) (42 U.S.C. 300cc–13(e)) is amended—

(1) in paragraph (1), by striking ''1996'' and inserting ''1999''; and

(2) in paragraph (2), by striking ''1996'' and inserting ''1999''.

Subtitle D—National Institute of Child Health and Human Development

SEC. 331. RESEARCH CENTERS FOR CONTRACEPTION AND INFERTILITY.

Section 452A(g) (42 U.S.C. 285g–5(g)) is amended by striking ''$30,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

Subtitle E—National Institute on Aging

SEC. 341. AUTHORIZATION OF APPROPRIATIONS.

Section 445I (42 U.S.C. 285e–11) is amended by striking ''$500,000,000'' and all that follows through the period and inserting ''$550,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

SEC. 351. AUTHORIZATION OF APPROPRIATIONS.

Section 464H(d)(1) (42 U.S.C. 285n(d)(1)) is amended by striking ''300,000,000'' and all that follows through the period and inserting ''$330,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

SEC. 352. NATIONAL ALCOHOL RESEARCH CENTER.

Section 464J(b) (42 U.S.C. 285n–2(b)) is amended—

(1) by striking ''(b) The'' and inserting ''(b)(1) The'';

(2) by striking the third sentence; and

(3) by adding at the end thereof the following new paragraph:

''(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

''(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

''(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''.

Subtitle G—National Institute on Drug Abuse

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

Section 464L(d)(1) (42 U.S.C. 285o(d)(1)) is amended by striking ''$440,000,000'' and all that follows through the period and inserting ''$480,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

SEC. 362. MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) (42 U.S.C. 285o–4(e)) is amended by striking ''$85,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999''.

SEC. 363. DRUG ABUSE RESEARCH CENTERS.

Section 464N(b) (42 U.S.C. 285o–2(b)) is amended—

(1) by striking ''(b) The'' and inserting ''(b)(1) The'';

(2) by striking the last sentence; and

(3) by adding at the end thereof the following new paragraph:

''(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

''(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

''(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term does not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''.

Subtitle H—National Institute of Mental Health

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

Section 464R(f)(1) (42 U.S.C. 285p(f)(1)) is amended by striking ''$675,000,000'' and all that follows through the period and inserting ''$750,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

Subtitle I—National Center for Research Resources

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 481A(h) (42 U.S.C. 287a–2(h)) is amended by striking ''$150,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

(b) RESERVATION FOR CONSTRUCTION OF REGIONAL CENTERS.—Section 481B(a) (42 U.S.C. 287a–3(a)) is amended—

(1) by striking ''shall'' and inserting ''may'';

(2) by striking ''1994 through 1996'' and inserting ''1997 through 1999''; and

(3) by striking ''$5,000,000'' and inserting ''such sums as may be necessary for each such fiscal year''.

SEC. 382. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by section 205(h), is further amended by adding at the end thereof the following new section:

''SEC. 409C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under subsection (a), such sums as may be necessary for each of the fiscal years 1996 and 1999.''.

SEC. 383. ENHANCEMENT AWARDS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 205(h) and 382, is further amended by adding at the end thereof the following new section:

''SEC. 409D. ENHANCEMENT AWARDS.

''(a) CLINICAL RESEARCH CAREER ENHANCEMENT AWARD.—

''(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $130,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year in which grants are awarded under this subsection. The total number of grants awarded under this subsection for the first and second fiscal years in which grants such are awarded shall not exceed 40 grants.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for each of the fiscal years 1997 through 1999.

''(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

''(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $100,000 per year per grant.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for each of the fiscal years 1997 through 1999.

''(c) PEER REVIEW.—The Director of NIH, in cooperation with the Director of the National Center for Research Resources, shall establish peer review mechanisms to evaluate applications for clinical research fellowships, clinical research career enhancement awards, and innovative medical science award programs. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research trainees.''.

SEC. 384. WAIVER OF LIMITATIONS.

Section 481A (42 U.S.C. 287a–2) is amended—

(1) in subsection (b)(3)(A), by striking ''9'' and inserting ''12'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''50'' and inserting ''40''; and

(ii) in subparagraph (B), by striking ''40'' and inserting ''30''; and

(B) in paragraph (4), by striking ''for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c)''; and

(3) in subsection (h), by striking $150,000,000'' and all that follows through ''1996'' and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999''.

Subtitle J—National Library of Medicine

SEC. 391. AUTHORIZATION OF APPROPRIATIONS.

Section 468(a) (42 U.S.C. 286a–2(a)) is amended by striking ''$150,000,000'' and all that follows through the period and inserting ''$160,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

SEC. 392. INCREASING THE CAP ON GRANT AMOUNTS.

Section 474(b)(2) (42 U.S.C. 286b–5(b)(2)) is amended by striking ''$1,000,000'' and inserting ''$1,250,000''.

TITLE IV—AWARDS AND TRAINING

SEC. 401. MEDICAL SCIENTIST TRAINING PROGRAM.

(a) EXPANSION OF PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand the Medical Scientist Training Program to include fields that will contribute to training clinical investigators in the skills of performing patient-oriented clinical research.

(b) DESIGNATION OF SLOTS.—In carrying out subsection (a), the Director of the National Institutes of Health shall designate a specific percentage of positions under the Medical Scientist Training Program for use with respect to the pursuit of a Ph.D. degree in the disciplines of economics, epidemiology, public health, bioengineering, biostatistics and bioethics, and other fields determined appropriate by the Director.

SEC. 402. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in subsection (c), by striking ''1996'' and inserting ''1999''.

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) (42 U.S.C. 288–2(a)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) (42 U.S.C. 288–3(a)(1)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in paragraph (3), by striking ''338C'' and inserting ''338B, 338C''.

SEC. 403. GENERAL LOAN REPAYMENT PROGRAM.

Part G of title IV (42 U.S.C. 288 et seq.) is amended by inserting after section 487E, the following new section:

''SEC. 487F. GENERAL LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of NIH, shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research with respect to the areas identified under paragraph (2) in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(2) RESEARCH AREAS.—In carrying out the program under paragraph (1), the Director of NIH shall annually identify areas of research for which loan repayments made be awarded under paragraph (1).

''(3) TERM OF AGREEMENT.—A loan repayment agreement under paragraph (1) shall be for a minimum of two years.

''(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

SEC. 404. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(a)(1)(C) (42 U.S.C. 288(a)(1)(C)) is amended—

(1) by striking ''50 such'' and inserting ''100 such''; and

(2) by striking ''1996'' and inserting ''1999''.

(b) LOAN REPAYMENT PROGRAM.—Section 487E (42 U.S.C. 288–5) is amended—

(1) in the section heading, by striking ''FROM DISADVANTAGED BACKGROUNDS'';

(2) in subsection (a)(1), by striking ''who are from disadvantaged backgrounds'';

(3) in subsection (b)—

(A) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(B) by adding at the end thereof the following new paragraph:

''(2) DISADVANTAGED BACKGROUNDS SET-ASIDE.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the amounts appropriated for a fiscal year are used for contracts involving those appropriately qualified health professionals who are from disadvantaged backgrounds.''; and

(4) by adding at the end thereof the following new subsections:

''(c) CLINICAL RESEARCH TRAINING POSITION.—A position shall be considered a clinical research training position under subsection (a)(1) if such position involves an individual serving in a general clinical research center or other organizations and institutions determined to be appropriate by the Director of NIH, or a physician receiving a clinical research career enhancement award or NIH intramural research fellowship.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.''.

TITLE V—RESEARCH WITH RESPECT TO AIDS

SEC. 501. COMPREHENSIVE PLAN FOR EXPENDITURE OF AIDS APPROPRIATIONS.

Section 2353(d)(1) (42 U.S.C. 300cc–40b(d)(1)) is amended by striking ''through 1996'' and inserting ''through 1999''.

SEC. 502. EMERGENCY AIDS DISCRETIONARY FUND.

Section 2356(g)(1) (42 U.S.C. 300cc–43(g)(1)) is amended by striking ''$100,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999''.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

SEC. 601. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

''(13) may conduct and support research training—

''(A) for which fellowship support is not provided under section 487; and

''(B) which does not consist of residency training of physicians or other health professionals; and

''(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.''.

Subtitle B—Office of Rare Disease Research

SEC. 611. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

''(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

''(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

''(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

''(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

''(2) coordinate and disseminate information among the institutes and the public on rare diseases;

''(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

''(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

''(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

''(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

''(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.''.

Subtitle C—Certain Reauthorizations

SEC. 621. NATIONAL RESEARCH SERVICE AWARDS.

Section 487(d) (42 U.S.C. 288(d)) is amended by striking ''$400,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

SEC. 622. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499(m)(1) (42 U.S.C. 290b(m)(1)) is amended by striking ''an aggregate'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1997 through 1999.''.

Subtitle D—Miscellaneous Provisions

SEC. 631. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by section 611, is further amended by adding at the end thereof the following new section:

''SEC. 404G. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Fund for Health Research' (hereafter in this section referred to as the 'Fund'), consisting of such amounts as are transferred to the Fund and any interest earned on investment of amounts in the Fund.

''(b) OBLIGATIONS FROM FUND.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), with respect to the amounts made available in the Fund in a fiscal year, the Secretary shall distribute all of such amounts during any fiscal year to research institutes and centers of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all research institutes and centers of the National Institutes of Health for the fiscal year.

''(2) TRIGGER AND RELEASE OF MONIES.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.''.

SEC. 632. DEFINITION OF CLINICAL RESEARCH.

Part A of title [V] *IV* (42 U.S.C. 281 et seq.) as amended by sections 611 and 631, is further amended by adding at the end thereof the following new section:

"SEC. 404H. DEFINITION OF CLINICAL RESEARCH.

''As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations, or on material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease, epidemiologic or behavioral studies, outcomes research, or health services research.''.

SEC. 633. SENIOR BIOMEDICAL RESEARCH SERVICE.

Section 228 (42 U.S.C. 237) is amended by adding at the end thereof the following new subsection:

''(h) Notwithstanding any other provision of law, the Secretary shall be treated as a non-profit entity for the purposes of making contributions to the retirement systems of appointees under this section in a manner that will permit such appointees to continue to be fully covered under the retirement systems that such appointees were members of immediately prior to their appointment under this section.''.

SEC. 634. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by sections 611, 631, and 632, is further amended by adding at the end the following new section:

"SEC. 404I. PEDIATRIC RESEARCH INITIATIVE

''(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (hereafter in this section referred to as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

''(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

''(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

''(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising;

''(3) increased support for pediatric outcomes and medical effectiveness research to demonstrate how to improve the quality of children's health care while reducing cost;

''(4) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population; and

''(5) recognition of the special attention pediatric research deserves.

''(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

''(1) consult with the Institutes and other advisors as the Director determines appropriate when considering the role of the Institute for Child Health and Human Development;

''(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

''(A) assistance is directly related to the illnesses and diseases of children; and

''(B) assistance is extramural in nature; and

''(3) be responsible for the oversight of any newly appropriated Initiative funds and be accountable with respect to such funds to Congress and to the public.

''(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 1997 through 1999.

''(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated to any of the Institutes for a fiscal year to the Initiative to carry out this section.''.

SEC. 635. DIABETES RESEARCH.

(a) FINDINGS.—The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 16,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of more than 169,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness in adults over age 30.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transplantation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

(b) INCREASED FUNDING REGARDING DIABETES.—With respect to the conduct and support of diabetes-related research by the National Institutes of Health, there are authorized to be appropriated for such purpose—

(1) for each of the fiscal years 1997 through 1999, an amount equal to the amount appropriated for such purpose for fiscal year 1996; and

(2) for the 3-fiscal year period beginning with fiscal year 1997, an additional amount equal to 25 percent of the amount appropriated for such purpose for fiscal year 1996.

SEC. 636. PARKINSON'S RESEARCH.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 204, 382 and 383, is further amended by adding at the end the following section:

''PARKINSON'S DISEASE

''SEC. 409E. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease.

''(b) INTER-INSTITUTE COORDINATION.—

''(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

''(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research.

''(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conduct training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public;

''(iv) develop and maintain, where appropriate, a brain bank to collect specimens related to the research and treatment of Parkinson's;

''(v) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

''(vi) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

''(vii) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) MORRIS K. UDALL AWARDS FOR INNOVATION IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support innovative proposals leading to significant breakthroughs in Parkinson's research. Grants under this subsection shall be available to support outstanding neuroscientists and clinicians who bring innovative ideas to bear on the understanding of the pathogenesis, diagnosis and treatment of Parkinson's disease.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $80,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999.''.

Subtitle E—Repeals and Conforming Amendments

SEC. 641. REPEALS AND CONFORMING AMENDMENTS.

(a) RENAMING OF DIVISION OF RESEARCH RESOURCES.—Section 403(5) (42 U.S.C. 283(5)) is amended by striking ''Division of Research Resources'' and inserting ''National Center for Research Resources''.

(b) RENAMING OF NATIONAL CENTER FOR NURSING RESEARCH.—

(1) Section 403(5) (42 U.S.C. 283(5)) is amended by striking ''National Center for Nursing Research'' and inserting ''National Institute of Nursing Research''.

(2) Section 408(a)(2) (42 U.S.C. 284c(a)(2)) is amended by striking ''National Center for Nursing Research'' and inserting ''National Institute of Nursing Research''.

(c) RENAMING OF CHIEF MEDICAL DIRECTOR FOR VETERANS AFFAIRS.—

(1) Section 406 (42 U.S.C. 284a) is amended—

(A) in subsection (b)(2)(A), by striking ''Chief Medical Director of the Department of Veterans Affairs or the Chief Dental Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''; and

(B) in subsection (h)(2)(A)(v) by striking ''Chief Medical Director of the Department of Veterans Affairs,'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(2) Section 424(c)(3)(B)(x) (42 U.S.C. 285b–7(c)(3)(B)(x)) is amended by striking ''Chief Medical Director of the Veterans' Administration'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(3) Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking ''Chief Medical Director of the Veterans' Administration'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(4) Section 430(b)(2)(A)(i) (42 U.S.C. 285c–4(b)(2)(A)(i)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(5) Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(6) Section 452(f)(3)(B)**[**(ix)**]***(xi)* (42 U.S.C. 285g–4(f)(3)(B)**[**(ix)**]***(xi)*) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(7) Section 466(a)(1)(B) (42 U.S.C. 286a(a)(1)(B)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(8) Section 480(b)(2)(A) (42 U.S.C. 287a(b)(2)(A)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(b) ADVISORY COUNCILS.—Section 406(h) (42 U.S.C. 284a(h)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking ''(2)(A) The'' and inserting ''(1) The'';

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) through (vi) of paragraph (1) (as so redesignated) as subparagraphs (A) through (F), respectively.

(c) DIABETES AND DIGESTIVE AND KIDNEY DISORDERS ADVISORY BOARDS.—Section 430 (42 U.S.C. 285c–4) is repealed.

(d) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 (42 U.S.C. 285d–7) is repealed.

(e) RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.—Subpart 6 of part C of title IV (42 U.S.C. 285f et seq.) is amended by redesignating the second section 447 (42 U.S.C. 285f–1) as section 447A.

(f) NATIONAL INSTITUTE ON DEAFNESS ADVISORY BOARD.—Section 464D (42 U.S.C. 285m–4) is repealed.

(g) BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL STUDY.—Section 489 (42 U.S.C. 288b) is amended—

(1) by striking subsections (b); and

(2) by redesignating subsection (c) as subsection (b).

(h) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is repealed.

(i) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9660(a)) is amended—

(1) by striking paragraph (5); and

(2) in the last sentence of paragraph (6), by striking ''the relevant Federal agencies referred to in subparagraph (A) of paragraph (5)'' and inserting ''relevant Federal agencies''.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

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

The committee amendments were agreed to.

AMENDMENT NO. 5404

(Purpose: To provide for a substitute amendment)

Mr. LOTT. Senator KASSEBAUM has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mrs. KASSEBAUM, proposes an amendment numbered 5404.

Mr. LOTT. I ask unanimous consent that the amendment be considered as read.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mrs. KASSEBAUM. Mr. President, I am extremely pleased that the Senate is considering the National Institutes of Health [NIH].

All Americans can take great pride in the exceptional contributions that the NIH has made. It has compiled an astonishing record of biomedical research advances which have transformed all of our lives. Vaccines against conditions which once crippled and killed are now routine, and drugs hailed as miracles at their inception are as well known as aspirin.

The NIH has spawned and nurtured a level of scientific creativity which truly seems to have no bounds. Past successes against seemingly insurmountable odds have inspired confidence and offered hope to those who have nowhere else to turn. The legislation we are considering today will help support and improve these critical efforts.

In addition to reauthorizing the important work of the two largest institutes—the National Cancer Institute and the National Heart, Lung, and Blood Institute—this bill attempts to strengthen the ability of the NIH to respond to emerging issues in the biomedical research arena and in the larger health care environment in which it operates.

Certainly, one of the biggest future frontiers is that of the human genetic code. Among the recent discoveries is the BRCA–1 gene, a genetic marker for a form of breast cancer. In recognition of the significance of this area of inquiry, the bill authorizes the creation of the National Human Genome Research Institute. The elevation of the National Center for Genome Research to institute status will serve to better focus NIH resources for this important work.

The bill also recognizes a need to invest in the education and training of the next generation of clinical researchers—those biomedical scientists who perform research that directly involves patients. It provides for greater support for expert training of young biomedical scientists who have elected the difficult, and frequently less well-compensated, careers in scientific inquiry.

In addition, the bill makes substantial efforts to reduce excess and often duplicative infrastructure that has grown up over time in the NIH. It streamlines operations through steps such as eliminating redundant committees and reports. Every dollar saved from unnecessary administrative burdens is another dollar freed up for support of biomedical research.

By the very nature of ever-expanding new knowledge, it seems there is no end to the pressure on the limited resources for biomedical research support. Accordingly, the bill establishes a framework under which additional sources of funding could be tapped by creating a biomedical research trust fund within the Treasury. This trust fund is a small, but important, first step.

Academic health centers in the 21st century will be posed with an unprecedented challenge: how to maintain their research mission in the face of a fundamentally changed health care system. These changes are the consequence of dramatic market shifts that are taking place in health care in this country. Cost-competition has made it particularly difficult for the continuation of many of these important institutions that frequently care for the sickest as well as the poorest citizens of our communities.

Although additional action may be required as ongoing studies offer a better understanding of the ramifications of these changes, this bill offers support for the 75 general clinical research centers that exist in academic medical centers throughout the country.

Finally, this measure includes a significant initiative in the area of Parkinson's disease research. Based on separate legislation with broad bipartisan support in both the Senate and House, this initiative is designed to expand and improve Parkinson's research efforts. It establishes up to 20 Morris K.

Udall Centers for Research on Parkinson's disease and provides for awards to neuroscientists and clinicians to support innovative research.

This legislation offers hope to individuals with Parkinson's and their families, who have worked long and hard to assure that greater attention and emphasis is placed on pursuing promising research leads.

In fact, Mr. President, reauthorization of the important work of the National Institutes of Health offers hope to us all. Moreover, it reaffirms our commitment to approach the future frontiers of science with the same enthusiasm and dedication which has characterized our past. I urge my colleagues to support the adoption of the National Institutes of Health Revitalization Act of 1996.

Mr. GREGG. Mr. President, I am pleased to see that the Senate will pass a bill today, S. 1879, that reauthorizes funding for the National Institutes of Health [NIH]. The NIH is one of the few Federal Government agencies that truly receives bipartisan support as it works to respond to the challenges posed by the medical mysteries of our times. I share the overwhelming support for the work generally being done at, and funded by, the NIH with my constituents in New Hampshire who have contacted me about this legislation.

The NIH is composed of 24 separate Institutes that conduct basic biomedical research; our investment in the NIH represents over one-third of the total nondefense research and development funding in the Federal Government. Institutes like the National Center for Human Genome Research, which has recently received a tremendous amount of attention for its undertaking of mapping and sequencing human genes to find the genetic bases for disease, continue to change the way we look at science.

I think that we have to be aware, however, that each time the science improves, a number of the factors come into play: How to update the standard of ethics; how to manage the flow of information; how to ensure that coordination is being optimized between Centers and Institutes internally at the NIH; how to encourage public/private partnership in the funding of these developments; and how to best prioritize the Federal funding in relation to the pursuit of such critical medical discoveries. Mr. President, I am not certain that, in our role as the overseers of this important Federal agency, we have been as attentive as we need to be to these issue in the reauthorization process; and that is why I am especially pleased that the decision was make to make this a 1-year reauthorization. I believe we need to revisit a number of important items on the NIH agenda next session, and I look forward to being involved in those efforts.

For example, the last NIH reauthorization included authority for a foundation which NIH can use to raise funds. Its purposes was to increase coordination with universities and the private sector and make it possible to solicit funds for special projects. I remain uncertain that the foundation is being utilized. It is time to recognize that Federal dollars must function as a means to an end—the appropriations we are able to provide to the NIH will never be enough. But before we begin to craft new schemes to raise additional funds for the NIH, we need to be sure that the mechanisms we have already put in place are functioning as intended. Therefore, I believe the NIH must use their authority to appropriately levy additional funds, to maximize their available resources. In this way, a dedicated effort can be made to increase the awareness of, involvement in, and contributions to our premiere biomedical research facility, rather than continue to rely on the limited taxpayer funds were able to appropriate to the Institutes.

In other areas, the NIH receives very high marks. Their support of both intramural clinical research and extramural research funded through grants and is conducted outside NIH, at such premiere facilities as Dartmouth College and the University of New Hampshire, demonstrates their understanding of the need to utilize every resource we have in fighting the diseases which face Americans. I applaud the NIH's efforts to ensure that funding is provided to scientists conducting research beyond the NIH campus. Too often we see Federal agencies adopt the attitude that they have a lock on the science they practice; I believe our Government science administrators need to adopt the attitude of openness and the spirit of cooperation demonstrated at NIH toward their colleagues in academia and the private sector.

I am pleased to note that we have included a provision that has long been championed by Senator HATFIELD, who has demonstrated a devoted dedication to supporting the research and vision of the NIH. It is a program designed to ensure that young people are encouraged to enter the field of basic clinical research by providing needed financial assistance. It is the students of science who represent our hope for the future, and I am hopeful that this program will provide them the necessary support to take on a career in this critical field.

So I am pleased to offer my support for this legislation today, realizing that several outstanding issues remain before us in relation to this reauthorization. I am hopeful, Mr. President, that when we return in 1997, we will turn to this legislation early in the opening days of the 105th Congress, and make a bipartisan effort to further improve this agency that offers so much to so many.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, two mornings ago I spoke with a friend of mine in North Dakota named Olaf. He is 85 years old. He was to have open heart surgery that morning to repair a leaky heart valve.

I mention this because I want to talk just for a moment today about the reauthorization of the National Institutes of Health, which the Senate has just unanimously approved, and I was thinking about Olaf. When he underwent open heart surgery not too many hours ago at age 85, I thought it was kind of an unusual thing, to have open heart surgery at age 85. I asked some doctors about it, and they said this is not so unusual anymore.

This reminds me of the breathtaking advances that we have seen in medicine in recent years, many of which come as a result of the dedicated research of the National Institutes of Health and researchers from all around the country and the world who work on NIH-supported projects.

There is a wonderful exhibit at the National Institutes of Health that I encourage all those who visit Washington, DC, to go see. It is an exhibit called, ''The Healing Garden.'' The healing garden is a little garden exhibit showing the plants that researchers are now discovering have remarkable uses in modern medicine.

A lot of people think of medicine these days as doing some research to find some chemicals and compounds, putting these chemicals together in a pill, and giving somebody this pill that represents some sort of chemical response to an illness or disease. However, much of what we now are understanding about today's medicine begins with trees and shrubs and plants.

I just want to talk for a moment about what the healing garden at the National Institutes of Health demonstrates. The reason I want to do that is because we talk so often about what is wrong in Government, or what this agency does that is inappropriate, or what these bureaucrats do that is somehow improper. Today, I want everyone to know that there are wonderful researchers down at the National Institutes of Health doing extraordinary work in the field of medicine.

For instance, researchers at the National Institutes of Health, working with the Department of Agriculture, have collected more than 60,000 plant samples from all over the world, and preserved and stored them at National Institutes of Health facilities in Frederick, MD. These samples are then distributed to researchers for testing. Let me describe some of the testing.

Researchers have found that a tree that is commonly found in China, and often known there by the name of ''The Tree of Joy'' or ''The Tree of Love,'' is a source of a promising compound called CPT that works to kill cancer cells. Various derivatives of this compound from the Tree of Love in China are being tested in clinical trials right now at the National Institutes of Health, involving patients with lung cancer, ovarian cancer, breast cancer,

colon cancer, and leukemia. In the future, when these tests are complete, we may very well call the ''Tree of Joy'' the ''Tree of Life'' for cancer patients.

A researcher from Brigham Young University has consulted with traditional healers in Samoa, and other regions of Polynesia, about the local uses of medicinal plants. During the testing of these plants from Polynesia here at the National Cancer Institute of the National Institutes of Health, researchers have found that an extract of wood, which the healers were using to treat Yellow Fever, has showed significant promise in fighting the AIDS virus. This potential anti-AIDS drug is now in preclinical development at the National Cancer Institute at the NIH.

A plant found in Australia known as the Salt Bush has shown significant promise in combating AIDS as well. A compound from the Salt Bush from Australia is now also being studied in preclinical development.

A NIH researcher recently discovered that an alkaloid from the skin of an Ecuadorian poison frog may be a potent pain killer, 200 times more powerful than morphine, and potentially nonaddictive as well.

I could go on and on, but finally, the last example I'll share today: There is another poison from a frog that they have tested at the NIH that is so incredibly powerful that the slightest contact with it by a human being will stop the heart instantly. Researchers wondered then if this incredibly powerful poison that can stop the human heart instantly might also have wonderful powers that could be harnessed positively, and they are now researching that.

If you go to the National Institutes of Health and ask them to tell you about the healing garden, they will show you the exhibit that demonstrates that much of what we have now discovered about medicine involves the use of items living naturally all around us—plants, shrubs, trees—in ways that some might have known to use them long ago and that we are now learning how to use again to provide powerful treatment opportunities for those in our world who are sick.

The reason, again, I wanted to mention this wonderful work being done at NIH is my friend Olaf, who, as I said when I started, had open heart surgery recently at age 85. Incidentally, Olaf had the ventilator tubes removed 2 hours after the surgery and had all of the other tubes removed by suppertime that evening, and at age 85, he is doing wonderfully, I am told. He is a part of a health care system that really does provide close to miracles for many, with divine help, I might add. But these miracles come with a great deal of help from researchers at the National Institutes of Health.

When I was at the National Institutes of Health, I also talked to the researchers in cardiology. The research they are doing in the area of heart disease is quite remarkable. What they are doing in the areas of cancer treatment is extraordinary. What they are doing in the search for AIDS treatments is really quite amazing. Arthritis, diabetes, the list goes on.

I assume there are some who would call using Government money to pay for the scientists and the researchers and the doctors, for the clinical trials and for all of the basic and applied research that goes on at the National Institutes of Health, spending. I think rather than call it ''spending'' we ought to call it ''investment.'' The NIH is one of the most remarkably productive investments our country has made.

At the turn of this century, if you were an American, you were expected to live to perhaps age 47. The century is about to turn again, and 100 years later, you can likely expect to live to nearly age 77, a 30-year increase in your lifespan in this century.

There are a lot of reasons for that: people are healthier, they take better care of themselves, know more about nutrition. There are many reasons for this significant increase in life expectancy but included among those reasons are the breathtaking advances in health care.

At the root of those breathtaking advances in medical care is an investment in something called the National Institutes of Health which seldom gets the due it deserves here in this Congress. I just wanted to stand up and say a kind word about some awfully dedicated public servants all across this country; the doctors and nurses in the private sector and so many others who participate in these clinical trials, but especially about the folks here and around the country working for the NIH who spend their days looking at an abstract plant garnered from a region in China that might be called the ''Tree of Life,'' discovering that this tree might contain the secret to curing a cancer. Or researching a bush called the ''Salt Bush'' from Australia that might have promise to cure AIDS.

Someone might say in a magazine article some day, ''You know, we pay people to sit around and investigate ''Salt Bushes.'' Can you imagine anything more wasteful than that? We are paying people to sit around and cut up trees and ruminate about whether an obscure tree from China might be helpful to somebody, can you imagine anything more wasteful than that?''

I say, this is not wasteful at all. This is a wonderful, remarkable investment, and I am pleased that the Congress will, once again, reauthorize the National Institutes of Health for three more years. My only wish is that it were a longer reauthorization.

Let me also say, I would be willing to support a modest increase in the Federal tax on cigarettes, for example, if the money raised from that tax were to go exclusively to boost the funding for more research at the National Institutes of Health and for more investment in saving people's lives in this country.

Mr. President, thank you for the opportunity to speak, and I yield the floor.

Mr. HATCH. Mr. President, nurturing our biomedical research infrastructure is one of the most important roles Government can serve, and that is why S. 1897 is a significant piece of legislation.

I rise to express my support for the bill, and, in particular, to thank the chairman, Senator KASSEBAUM, for her cooperation in addressing the concerns that Senator FAIRCLOTH, Senator HARKIN, and I have expressed about the need to bolster the National Institutes of Health's research efforts on pain management.

Pain is a condition that each of us experiences during our lifetime, with millions suffering—perhaps needlessly.

After serious study of this issue, I have concluded there is insufficient knowledge about the causes and treatments of pain, despite its substantial impact on virtually every American. Inadequate resources are dedicated to the development and evaluation of pain treatment modalities, and there is an inadequate transfer of what knowledge and information we have to health care professionals.

It may surprise many of my colleagues to know that despite the impact of pain on our society, according to estimates NIH supplied to my office, the agency spent less than $60 million of its $11 billion appropriation on pain research last year, a number which, in fact, at best equal to the previous year's level of $59.5 million. For acute back pain, a condition which is estimated to affect 85 percent of the population at one time or another, NIH reports it currently spends only $2.5 million on research. An additional problem is that pain research is spread across many of the Institutes, yet there is little coordination of these research activities to make certain the resources are used effectively.

In fact, a December 1995 Workshop on Selected Chronic Pain Conditions: Clinical Spectrum, Frequency and Costs, held by the National Institutes of Health concluded:

> With respct to strategies for promoting research on chronic pain, the participants noted that the NIH components separately support pain research, but no organizational unit integrates or coordinates this research.

They strongly urged that the NIH establish a formal NIH Office of Pain Research, which would enable the NIH components to argue for pain research as a priority.

As an aside, I note that this workshop was not initiated at NIH's own behest, but rather, was held to comply with the 1993 NIH reauthorization law.

Indeed, there is a recent history of congressional support for enhancing the NIH's efforts on pain research. In the report accompany the fiscal year 1997 appropriations for the NIH, Senator SPECTER was very helpful by including the following language:

> The Committee is pleased that pain research is becoming an increasing part of the

NIH research agenda, and remains interested in the level of its overall growth and the need for better coordination. Pain is a major public health problem afflecting or disabling nearly 50 million Americans. The Committee encourages the NIH to quickly advance interdisciplanary coordination and support of the complex issues involved in pain research, including collaboration with chiropractic colleges and schools of nursing. The Committee is aware of the 1995 NIH-sponsored workshop on pain research, and requests the Director be prepared to report on the implrementation of the workshop's recommendations during the fiscal year 1998 budget hearing.

Earlier this year, Senators HARKIN, FAIRCLOTH, BENNETT, INOUYE, THURMOND, PRESSLER and I introduced S. 1955, to establish a pain center at NIH. That legislation forms the basis of the provision included in S. 1897. The provision that is included in S. 1897 today, however, differs from our original bill in that it requires NIH to establish a pain research consortium. The consortium, which will be comprised of experts in pain management from both the public and private sectors, will perform the advocacy and coordinating functions outlined in our original bill.

Specifically, the pain research consortium will: provide a structure for coordinating pain research activities; facilitate communications among Federal and State governmental agencies and private sector organizations concerned with pain; share information concerning pain-related research; encourage the recruitment and retention of individuals desiring to conduct pain research; avoid unnecessary duplication of pain research efforts; and achieve a more efficient use of Federal and private sector research funds.

The consortium will be composed of representatives from the NIH Institutes, and practitioners of pain management, including representatives from each of the following professions: physicians who practice pain management, psychologists, physical medicine and rehabilitation service representatives—including physical therapists and occupational therapists, nurses, dentists, and chiropractors. Finally, of course, patient advocacy organization representatives will be an integral part of the consortium.

Mr. President, the Congress needs to go on record in support of a stronger pain effort at the NIH. Today, we accomplish that goal. I urge adoption the bill, which now includes the Faircloth/Hatch amendment to establish a pain research consortium. I yield to my friend from North Carolina, Senator FAIRCLOTH.

Mr. FAIRCLOTH. I thank the distinguished Senator from Utah for yielding. I commend Senator HATCH and Senator HARKIN for their success in advancing the issue of pain research. I am absolutely convinced of the merits of S. 1955, and I am committed to moving ahead with the idea of establishing a formal entity at NIH to coordinate the current research effort and give greater priority within the overall NIH budget for research on back pain, cancer-related pain and the other focus areas addressed in S. 1955.

I also thank Senator KASSEBAUM for working with us to take an important step toward reaching our goal of increased emphasis on pain research. During the mark-up of S. 1897, Senator KASSEBAUM pledged to work with me to develop a provision relating to pain research. I appreciate her efforts and those of her staff in accommodating our concerns.

With regard to the consortium, I would like to clarify a point raised by Senator HATCH. It is our intention that the consortium established pursuant to S. 1897 shall include an equal number of representatives from each group of pain management practitioners defined under subparagraph (c)(4) of the section relating to the pain research consortium.

Finally, it is my sincere hope and intention that during the 105th Congress we will work again in a bipartisan manner toward establishing a more permanent entity at NIH for pain research.

Ms. MIKULSKI. Mr. President, I rise in strong support of the National Institutes of Health Revitalization Act. I support this bill for three reasons. It puts new emphasis on research into Parkinson's disease, a terribly debilitating and costly disease. It provides new incentives for physicians to do clinical research. It streamlines the NIH and makes it easier for NIH to do its job.

I want to thank Senator KASSEBAUM and her staff for their hard work on this bill. NIH is a national treasure. I'm proud that it's located in Maryland. I'm proud of its dedicated employees. Let's give them the tools they need to perform their jobs effectively and efficiently. Let's give hope to the American people that cures to dreaded diseases and conditions are on the horizon.

This bill honors our dear colleague, former Congressman Morris K. Udall. Mo was forced to retire from the House because of the disabling effects of Parkinson's disease. It includes language that has wide bipartisan support in both Chambers. The bill establishes up to 10 Morris K. Udall Centers for Research on Parkinson's Disease. It also provides awards to outstanding scientists and clinicians who bring innovative ideas to bear on Parkinson's research.

Great advances in brain research in the last few years create the potential for major treatments of this disease, possibly in this decade—the decade of the brain. Expanded focus on Parkinson's disease will bring hope to the 50,000 Americans diagnosed with this debilitating illness each year. And it will cut down on the estimated $25 billion a year in health-related costs and lost productivity due to Parkinson's.

The number of physician's entering careers in research is dwindling. This trend concerns me. Physicians who practice in academic medical centers face more pressure to bring in clinical revenue. They have less time to conduct research. I don't like the discouraging picture this paints for young investigators. Fewer and fewer physicians enter careers in biomedical research. They simply can't afford it. And as a nation, we can't afford it. We must provide incentives to our young people to enter careers in biomedical research.

Clinical research leads to interventions and cures for diseases. It improves the quality of life for many people. Obstacles to clinical research slow progress in medicine. Patients are kept waiting longer for the cure to their disease or condition. This bill helps turn this around.

Seventy-five General Clinical Research Centers [GCRC's] are authorized by this bill. I'm proud that three of these are located at Johns Hopkins. The bill increases investment and incentives for the education and training of the next generation of clinical researchers. It establishes new awards programs for clinical investigators and also recognizes the importance of basic medical research. It helps both basic and clinical investigators pay for their training by raising the loan repayment level.

The NIH has enjoyed significant support over the last few decades. But we all know that the days of unlimited Federal funding are gone. This bill recognizes that resources are dwindling. It reduces administrative excess. It repeals duplicative advisory boards and committees. Instead, it frees up money from these unecessary endeavors for important research.

Finally, this bill reauthorizes institutes carrying out important work in so many areas that affect our lives—cancer, heart, and aging research to name just a few. Let's not miss this important opportunity to pass this bill today. I urge my colleagues to vote for it.

Mr. LOTT. I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I shall not object, is this the reauthorization of the NIH?

Mr. LOTT. This is the reauthorization of the National Institutes of Health.

The PRESIDING OFFICER. Is there objection to the majority leader's request? The Chair hears none, and it is so ordered.

The amendment (No. 5404) was agreed to.

The bill (S. 1897), as amended, was deemed read for a third time and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

Mr. LOTT. I do wish to thank all Senators who have been involved in making this agreement possible—Senator KASSEBAUM, Senator HATCH. There has been cooperation on the Democratic side of the aisle. We appreciate it. It is the right thing to do. I am glad it has been accomplished.

I thank the Senator for yielding.

CENSUS INCOME AND POVERTY REPORT

Mr. CONRAD. Mr. President, today the Census Bureau has released a report on income and poverty in America in 1995. Here are some of the findings from that report.

Typical household income in America showed the largest increase in a decade: Household income up about $900 in 1995. It is the largest 1-year increase since 1986; typical family income since the President's economic plan has passed is up $1,631 in this country.

Mr. President, the report also indicated and demonstrated that we have had the largest decline in income inequality in 27 years. In 1995, household income inequality fell, as each income group, from the most well-off to the poorest, experienced an increase in their income for the second straight year. One measure of inequality, the Gini coefficient, dropped more in 1995 than in any year since 1968.

The number of people in poverty fell by 1.6 million—the largest drop in 27 years.

Mr. President, that is remarkably good news for the American economy. It is remarkably good news for American families. It is remarkably good news about what has happened since the President's economic plan passed in 1993.

The good news does not stop there. The poverty rate fell to 13.8 percent, the biggest drop in over a decade. The elderly poverty rate dropped to 10.5, the lowest level ever.

In 1966, 28.5 percent of America's elderly citizens lived in poverty. In 1995, the elderly poverty rate declined from 11.7 percent to 10.5. That is a new record low for the elderly poverty rate in America.

In addition, we saw the biggest drop in child poverty in 20 years. In 1995, the child poverty rate declined from 21.8 percent to 20.8 percent, a full 1 percentage point reduction, representing the largest 1-year drop since 1976.

These statistics, I think, again demonstrate that President Clinton's economic plan that passed in 1993 is working. Clearly, we are moving in the right direction. Not only do these statistics reveal substantial income gains, reduction in income inequality in this country, a reduction in the poverty rates across the board in America, but we know from other statistics as well that the indications and the evidence are now very clear that President Clinton's economic plan, which was passed here in 1993, has been remarkably successful.

We have 4 years in a row of deficit reduction. All we have to do is think back to 1992. The deficit was $290 billion. President Clinton came into office and every year since then the deficit has been reduced. This year we anticipate the deficit will be $116 billion, a 60-percent reduction.

The good news does not end there. Because in part the deficit reduction program was so successful, we have seen a resurgence in this economy. Not only do these statistics indicate it, but we know from previous indications the American economy is moving in the right direction. Looking at the misery index, that is the measure of unemployment and inflation, it is at a 28-year low. If we look at the rate of business investment, business investment is increasing at a rate that is the best in 30 years.

Again, I would say the good news does not stop there. This economy has created over 10 million new jobs since we passed the President's plan. The United States has now been rated the most competitive economy in the world for 2 years in a row, replacing Japan.

The evidence is overwhelming that the economic plan we passed in 1993 was the right medicine for the American economy. We can remember at that time the deficit was growing, the economy was dead in the water, virtually no new jobs were being produced, we had very weak levels of economic growth. But then, in 1993, President Clinton came with an economic plan that passed in this Chamber by a single vote, one vote. Our friends on the other side of the aisle said that plan would crater the economy. They said it would increase unemployment. They said it would increase the deficit. And they were wrong. They were dead wrong.

That economic plan has reduced the deficit every single year for 4 years in a row. It has reduced unemployment. We have the lowest unemployment in 7 years. It increased economic growth. And now, further evidence from the Census Bureau report, household income is up. It is the best increase in a decade. Poverty is down. We have a decline in income inequality that is the largest in 27 years. The number of people in poverty showed the biggest drop in 27 years. The poverty rate fell to 13.8 percent, the biggest drop in over a decade. The elderly poverty rate fell to the lowest level ever. Mr. President, more evidence, strong evidence the Clinton economic plan is working and that America is moving back on track.

I think everybody who participated in that plan can take special pride in the report that was released today, that indicates that we have finally got this economy moving in the right direction.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

THINGS TO BE PROUD OF

Mr. LEAHY. Mr. President, I hope Senators have listened to what the two Senators from North Dakota have said here, my two friends from North Dakota, first Senator CONRAD speaking about where the economy is today, defying all the predictions of doom and gloom that we heard when the President proposed his first budget plan.

I have served here now for over 20 years, but I remember during the eighties and into the early nineties, the deficits just kept blooming and blooming. We heard a lot of rhetoric about bringing deficits down, but every year the deficits were considerably higher, the national debt quadrupled.

President Clinton is the first President I served with, the first President of either party I served with in 22 years that actually brought the deficit down 3 years in a row. It is easy to talk about being in favor of a balanced budget and bringing down deficits. It is hard to do it.

The Senators from North Dakota are those who fought hard to bring about the tough questions of bringing down the deficit, but they can also take great pride in what was done for the American family. We have the typical family income up $1,631—that is adjusted for inflation—since the President's plan passed; household income up. The number of people in poverty is way down.

These are things of which to be proud.

I will say, in reference to what Senator DORGAN has said, he speaks of some of the wondrous things we do in our Government. It is so easy for people to go home and denigrate our Government as though they are not good men and women who work in it. Think of some of the remarkable—remarkable—advances in our ability to live and our health care, as the Senator from North Dakota referred to. These did not come out of the private sector. These did not come out of thin air. These came out of dedicated men and women working and working and working, sometimes going down a dead-end alley. I can imagine the number of dead-end alleys that Dr. Salk went down before developing the polio vaccine, or the number of dead alleys gone down before we found some of the advances in curing cancer, and on and on.

Last Christmastime, when part of this Government closed down, we had people who went on television and said, ''Well, who misses the Government? Who needs the Government?'' My phones were ringing off the hook from people who said, ''Why are you closing down the Government? I have a student loan that we are trying to process so that my child can go to college, the first one in our family to go to college, but that office is closed down.''

Someone who had a necessity to travel abroad because of a death in the family: ''I can't get a passport because that office is closed down.''

And the humiliation of good men and women in my State and everybody

else's State who have gone to work day after day after day doing the best for the greatest country on Earth and being talked about as though they were pawns on a political chess board.

It is time we wake up to the fact that we have the greatest democracy history has ever known. It is also a country of 260 million Americans. This country doesn't just run by itself. It runs because of a lot of very good men and women make it run. They are not helped by those who want to make political pawns of them.

So I probably am naive to assume that there will not be misstatements and distortions during the political season now upon us this fall. But I think some of those who go home and want to castigate the President or want to say, what are those Democrats doing in their spending plans? maybe somebody in the audience will stand up and say, let us be clear.

President Clinton and those who support him brought the deficit down 4 years in a row. Nobody else has done that in the 22 years I have been here. Under that watch, family incomes have gone up. The economy has improved. As my friend from North Dakota, Senator DORGAN, pointed out, a lot of us are going to live a lot longer and a lot better because of those dedicated men and women who put first and foremost the interests of their fellow Americans.

We ought to just think about that, and maybe we ought to lower the rhetoric and, instead of looking for people to attack, people to beat up on, let us start talking about what is right with this country, what is right about what we do here and maybe —maybe—we will find people will have more respect for those of us who serve them.

I think the two Senators from North Dakota have done this body and this country a service this afternoon in their statements. I hope more will do the same. Mr. President, 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. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE OMNIBUS PARKS LEGISLATION

Mr. MURKOWSKI. Mr. President, as I indicated in my conversation yesterday, we have an opportunity, a rare opportunity, to move the omnibus parks legislation, including some 126 individual titles. The sequence of events that has occurred since our conferees on the Senate side met and sent the package over to the House bears some examination at this time.

Let me recount the status of the Presidio omnibus parks legislation. When it went over to the House yesterday, we anticipated that the House would address it today. However, there was an error in the technical submission which resulted in an objection on technical language. As a consequence, in order to rectify that situation, it is necessary that it come back to this body and that the corrections be taken, which, again, are of a technical nature, and it be sent back to the House of Representatives for action, and then it would come over here, and the anticipated procedure would be that an objection would result and a vote to recommit the conference report, which would basically terminate the conference report and the Presidio omnibus parks legislation.

As chairman of the Energy and Natural Resources Committee, which reported out this package after working some 2 years, and recognizing that it affects the interests in some 41 individual States, and recognizing that we knew there were controversial issues in the package, including the Utah wilderness, which was withdrawn at the request of the administration, the grazing issue which was withdrawn at the request of the administration over a veto threat, the Tongass 15-year extension for the benefit of the Ketchikan pulp contract in my State of Alaska, which would enable a $200 million investment to go into a new facility, chlorine free, state-of-the-art, which was threatened by a Presidential veto, I assume because of objections from environmental groups, that, too, was withdrawn. We had the issue affecting the State of Minnesota known as the boundary wilderness waters. That, too, was withdrawn.

So, Mr. President, the point I am making here is that there was a genuine effort to respond to the administration's concern by withdrawing what was assumed to be the controversial issues.

Well, Mr. President, last night we were in for another surprise. The Office of Management and Budget came up with a letter indicating that they still were not satisfied. Mr. President, it is the observation of the Senator from Alaska that the White House has a goalpost on wheels. They simply move it around when it is convenient.

I am sure there are some legitimate concerns, but they were not expressed in the first letter from the White House relative to their concerns and objections. They include some new areas that we had not been advised were controversial in the last 2 years that we have held hearings. So I would like to go over those so my colleagues will know just where we are.

In the receipt of the second proposed veto letter, where it simply says that the Office of Management and Budget would recommend a veto either through the Secretary of Agriculture or to the Office of the President, the letter points out that there are procedures and provisions that are unacceptable to the administration that would warrant veto action.

These include, No. 1, unwarranted boundary restrictions to the Shenandoah and Richmond Battlefield National Parks in Virginia.

The second was special-interest benefits adversely affecting the management of the Sequoia National Park in California.

Three, an unfavorable modification of the Ketchikan pulp contract on the Tongass in my State of Alaska.

Four, erosion of the coastal barrier island protections in Florida.

Five, mandated changes that would significantly alter and delay completion of the Tongass land management plan.

And, six, permanent changes in process for regulating rights-of-way across national parks and other Federal lands.

Mr. President, the indication here is that this administration would hold up the omnibus parks package, including the Presidio, that magnificent jewel in the Pacific under the Golden Gate Bridge, that needs attention and needs attention badly. It needs attention now; it cannot wait. It is going to deteriorate.

We proposed to set up a trust of outstanding citizens in San Francisco to manage that like the Pennsylvania Redevelopment Corporation has done such an extraordinary job in Washington, DC, in renovating the areas along Pennsylvania Avenue.

The administration is implying, suggesting, recommending they are going to hold up this package as a consequence now of these issues after we took the controversial issues away.

Mr. President, let there be no mistake about it, the game plan—the game plan—of this administration is evidenced in its letter. That letter does not address the legislative package, which is the omnibus parks bill, as the vehicle. What it recommends is that we initiate further discussions so that the appropriations process can cherry pick, if you will, certain aspects, certain portions out of the omnibus package and put it in the appropriations process.

The committee chairman, Senator GORTON of Washington, indicated yesterday, in no uncertain terms, that the omnibus parks package was the only train leaving, the only bus leaving the station. This was it, because he was not going to entertain taking segments out of the omnibus parks package and putting it in the appropriations legislation that they are drafting. Mr. President, we are in a situation now where that bus has left.

The Senator from Washington is known for his outspokenness, his commitment, his word. I have communicated with Senator HATFIELD of the Appropriations Committee relative to the possibility that is the game plan now, to abandon the Presidio omnibus parks legislation, and selectively pull pieces out of there and put it, Mr. President, in the appropriation package.

Now, as we look at these issues specifically which I think need examination, since the White House brought

them up, one might say, ''Well, there must be something wrong with these.'' On the surface, it may be something bad. We must be out of our minds to even consider passing such provisions as objected to by the director of the Executive Office of the President.

Let me read the last sentence of the letter.

> The conference report does not meet the test. We remain willing to work with you to develop a compromise package that could be included in a bill to provide continuing appropriations for fiscal year 1997.

There it is, Mr. President. That is what the administration wants to do. They want to take the omnibus parks bill, the hours my committee has worked—as a matter of fact, the years—126 individual bills that are in that package, they want to cherry pick them out. Do you know what will happen if that is done? Some of the senior Members with long-term seniority in this body are going to try and prevail. They will try and prevail. We know how that works. But it is not something that I will stand and watch silently happen. I am prepared to take whatever means is necessary to keep this package together. If it starts coming apart, to take whatever means is necessary to block it if it is in an appropriations process, because this concept is simply wrong.

We have held the hearings. We participated in the public process. Now it is time to legislate on the package. I am not buying the excuse that, ''Well, the Senator from Alaska has put together this huge package. Why did we not pass these individually?'' Because every Member in this body knows why. There has been a hold on every 1 of the 126 individual bills that are in this package for over a year, in some cases a year and a half, nearly 2 years, by some individuals who wanted to use the whole process to force the House to initiate action on bills that were objected to in the House. That is why this package exists.

If there is going to be some political heat around here, Mr. President, that political heat goes right down to the White House for breaking up or attempting to break up a well put together package, by withdrawing Utah wilderness, grazing, Tongass, 15-year extension, as well as the Minnesota boundary waters. We have done our part. But, no, they want more.

Mr. President, this is a small item in passing. I am losing 1,000 jobs directly, 3,000 to 4,000 jobs indirectly. That means 25 percent of the economy of southeastern Alaska because this administration will not support a 15-year extension. I met the Secretary of the Office of the President on Environmental Quality Council, Ms. McGinty. She did not recommend the extension. She could not give me a reason.

I have in front of me a statement from the U.S. Forest Service and their consultants. In the summer of 1996 there were enough trees that died in my State of Alaska in south central and interior Alaska as a result of the infestation of the spruce bark beetle to run that Ketchikan pulp mill at full capacity for 8 years. So, there we have it, Mr. President. No sensitivity to the dead, dying timber, jobs, people out of work, unemployment, no tax base.

Mr. President, as we look at where we are today, we wonder if it is not precisely what the Framers of the Constitution of the United States had in mind when they created the three branches of Government. If one goes a little off, the other can bring some balance into the process.

I want to share and examine the issues concerning the permanent changes in the process for regulating right of ways across national parks and other Federal lands. The resolution of right of way claims, or RS 2477, which they suggest that they do not find suitable in this legislation, these claims as they are called, have been a complex, contentious process. The committee reported an amended bill that allows the Department to proceed with the development of new regulations while prohibiting their implementation until approved by Congress. That is what we did in committee, put the balance in there, so that, obviously, it would require the implementation by Congress, and the Department could proceed with the regulations while prohibiting the implementation until approved by Congress.

In other words, this legislation provided the ability to keep the process going, but Congress wants to act. This does not permanently change the process. It just provides a system of checks and balances. It is fairly difficult to argue with this logic unless, of course, the White House does not want to participate in the check and balance.

Mr. President, what is even more phenomenal is the fact that the original bill was significantly amended as requested by this administration. In other words, we have already responded to the administration, but clearly OMB does not know anything about it. The same bill that is in this package, let me repeat, the same bill is the administration's position, and actually relaxes the conditions of the moratorium currently in effect. The bill in this package was unanimously agreed to by all of the committee members. The Senator from Minnesota, Senator WELLSTONE, voted for it, Senator BRADLEY from New Jersey voted for it, Senator BUMPERS voted for it. Mr. President, I doubt that the President of the United States would seriously veto a legislative package of this magnitude over a bill they agreed to—agreed to it—last May.

Now, the threat of a veto on Shenandoah and Richmond Battlefield National Park in Virginia—well, let's cut to the quick. The Richmond Battlefield provision in this package is the same map, same boundaries as depicted on the National Park Service's newly released general management plan, dated August 1996. The reduction in acreage is the administration's initiative. I repeat. This is a plan from the administration. During the course of deliberations, a provision was added. The land could only be purchased from a willing seller. But, at the same time, the restriction to the purchase of lands by donated funds only was expanded to include appropriated funds.

In the case of the Shenandoah National Park, the park boundary was reduced from the original 1926 authorization of 521,000 acres to 196,500 acres, currently managed by the National Park Service.

The conferees also directed that the Secretary shall complete a boundary study, which would address the future needs of the park in the way of lands acquisition and give the Secretary authority to acquire those lands. The Park Service did not testify or make the case that the entire acreage, as envisioned in 1926, was required to complete the park. In fact, there are many areas within the original acreage that are already developed and no longer possess those qualities for inclusion as units for the National Park System.

The provisions in the package were worked out between the Virginia delegation over a period of months—bipartisan, Mr. President. Negotiations were intense when the delegation first addressed the problems at Shenandoah. They were all over the spectrum. Finally, they reached an agreement. The provision protects the park and rectifies the problems experienced by their constituents. In conversation with the White House staff last night, Mr. President, when asked what was the real problem, they allowed that they would probably reach the same conclusion, but the program needed more process. Well, it has been 2 years, Mr. President. Why does the administration object to this? They won't tell us. They just put it down.

Mr. President, they want more process. This comes from an administration who, in many cases, ignored any process. In declaring the 1.8 million acres in the State of Utah a national monument, there was no process, no NEPA, no FLPMA—no process. On one hand, they want process, and on the other hand, they make a decision based on political expediency. What happens? The President doesn't go to Utah. The President sits on the edge of the Grand Canyon and makes his pronouncement from the State of Arizona. Why didn't he go to Utah? It is clear. He wasn't welcome in Utah. Because of his land grab under the Antiquities Act, he would have been protested by children who were objecting to the revenue that would be lost to the school fund as a consequence of this designation.

The pathetic part of that action—and it was not the action of a work horse, Mr. President, it was the action of a show horse, because that legislation, the Antiquities Act had no business being invoked, and the administration uses the excuse, well, Teddy Roosevelt did it. It was necessary when Teddy

Roosevelt was around, but he did it right. There was a lot of discussion over it. The Antiquities Act was applied by President Carter in my State of Alaska, but there was a lot of discussion. There was absolutely no discussion in this case—none whatsoever. Check with the delegation from Utah, check with the Governor, check with the House Members. This came as a surprise. It was a photo opportunity, a crass effort to take advantage, if you will, of a designation land grab which some of the President's advisers suggested. I have even heard Dick Morris was in on the recommendation. So, on one hand, the administration talks about a public process. They want more process in this parks package. But they have no process in declaring 1.8 million acres of the State of Utah a national monument.

Mr. President, as late as, I believe, the 103d Congress, we had an extended debate over California desert wilderness. Not everybody was happy, but there was a process, a democratic process, where the people were heard. And we passed that legislation. Everybody wasn't happy. I wasn't particularly happy, but DIANNE FEINSTEIN was very happy. But it was a process. That was circumvented here. It was circumvented, and the media can't seem to see through it. They proclaim the merits. Nobody proclaims the loss of participation or the loss of the process by the people of Utah.

This is not an issue of the State of Alaska, but there is a principle involved here. This Senator is introducing legislation, along with Senator CRAIG and others, to take away the President's authority to invoke the Antiquities Act, because it has been abused. There is every reason that we could have continued the dialog in the next session of Congress on the Utah wilderness, to make legitimate designations of wilderness for Utah. But here we have a land grab. So when the President and the White House talks about process, I want to talk about their process. Their process is a land grab.

Mr. President, the administration has a problem with the extension of a few summer cabin leases at Sequoia National Park where they are going to develop a campground and other facilities. However, there are no definitive plans or moneys programmed at the current time.

They are ready to sacrifice the whole package on this issue. The original bill was heavily amended as a result of a veto threat by the Department. All of the erroneous provisions were removed, to our knowledge, at that time. Under this bill, the Secretary has total discretion to continue to lease it. The language does not direct the Secretary to do anything, but he may if he wants to. What is wrong with that? Full discretion.

Last year, we saw Senator FEINSTEIN, my good friend from California, as I indicated, prevail in the establishment of the largest park and wilderness package in quite a while, the California desert. Now, I can't believe my good friend, Senator FEINSTEIN, would support the destruction of the Sequoia National Park, nor would I suspect that Senator BOXER would allow anything inappropriate to take place. Both support this legislation. If the Secretary thinks it is a neat thing to do it, why, we have given him the authority to do it.

The administration cites ''unfavorable modifications'' of the Ketchikan pulp contract as a possible veto item. Is this a national issue for which the President would sacrifice a billion-dollar environmental program for the San Francisco Bay area to clean up the San Francisco Bay? I went to school down there, and I know it well. It needs cleaning up. This is a great piece of legislation. He sacrificed that and the establishment of the Tallgrass Prairie Preserve, the preservation of the Sterling Forest corridor, which is a federally funded purchase of land in New Jersey and land in New York, and a bipartisan solution for the management of the Presidio. ''Well, this is unfavorable.'' Unfavorable to whom?

The administration has made it perfectly clear that they would veto any timber concession that would allow for environmental investment and the continued operation of the only remaining pulp mill in my State, as I have stated. As a result, we pulled this provision and will have only the President to hold accountable for the jobs that we will lose.

It is rather interesting, because the President chooses to sacrifice, if you will, some of his own—or at least the administration does. Our Governor has worked very hard—a Democrat—to try to prevail upon the White House. First was ANWR and now the Tongass. Well, unfortunately, they have seen fit to disregard his recommendations. They have seen fit to disregard the recommendations of the congressional delegation from Utah. One can only conclude they have simply written off Alaska and Utah—at least politically.

What I left in this is one sentence that, in my State, would give the Forest Service the flexibility to work with the company that still holds an 8-year pulp contract, to simply transfer that over so it could be made available to the sawmills in the State of Alaska. We only have four—two are operating and one co-op, one marginally operation, and one in Wrangell is closed.

That is all I am proposing. Yet, they say this is ground for veto threat. After the administration scores a victory for the environmental lobby and closes our last pulp mill—our only year-round manufacturing facility—are we also to be denied the opportunity to try to salvage something? Which is what I propose —and that is allowing the transfer of the existing contract from pulp to sawmill because if the pulp mill continued to operate for the balance of this contract they would have the right to do that to the year 2004 when it would be terminated.

No. What we have here is a rhetorical reach for the symbol Tongass to raise fears about this conference report. Well, this does not sell with the Senator from Alaska.

The White House takes issue with the Coastal Barrier Resource Act amendments—in Florida—which appear in this package. The corrections remove roughly 40 acres of land in Florida from the 1.272 million acre Coastal Barrier Resource System. It has the support of the Florida delegation. I understand the Governor of Florida, Governor Chiles, has made a concerted effort to try to get the White House to change its mind. He strongly supports these changes. This is a bipartisan issue. The Florida House delegation are cosponsors of this specific legislation. The two Senators from Florida, as I indicated, support it.

One wonders what the motivation of the White House is. The answer perhaps is simple. In this case the bill removes developed lands—40 acres—from the 1.2 million acre system that is supposed to contain undeveloped land. So the executive branch is giving little consideration to the legislative branch.

The administration also cites ''mandated changes that would significantly alter and delay the completion of the Tongass Land Management Plan'' as a possible veto item. This conclusion represents probably the most gross, misleading of any language in the bill.

The provisions they are apparently referring to—though they are so off base it is hard to tell because they know nothing about the subject—is one that directs the Forest Service to make recommendations to the Congress about potential compensation for Alaska Natives unfairly left out of the Alaska Natives Claim Settlement Act. These are natives that unfortunately were left out. They were not included, and this is only the authority—the authorization—to include them; no mandate for land; no designation; just the authority that these people have a right as Alaska Natives and indigenous people to their claim because they were left out and the other natives shared in that claim.

This is an equity issue.

The provision also directs the Forest Service to incorporate these recommendations into the Tongass Land Management Plan so that Congress can properly evaluate the impact of any recommendation involving land status changes on management of the forest. Any proposed changes would have to be acted upon by Congress and approved by the President.

This is a safeguard. What is wrong with that?

One of the interesting things that Alaskans can understand is the significance of this so-called TLMP. No one can do anything in Alaska until the TLMP is finished. The purpose was to settle the harvest—sustainable yield—on 1.7 million acres out of the 17 million acre Tongass National Forest. The

only problem is that by the time the Forest Service completes it—which was initially going to be August and now is going to be the end of the year—we are not going to have any industry left.

So it is not going to be applicable, if you will, in any practical way because it was designed for an area and level of utilization. If we do not have industry, there is no utilization.

I would encourage my colleagues from other Western States to recognize what is happening here. This is a carefully contrived effort by extreme environmental groups who want to terminate timber harvesting on all Forest Service national land. What does that mean in any State? Unfortunately, we have no private timber with the exception of Native regional corporations which have been able to select under their indigenous selection opportunity. That is private timber. They can export it at a higher price. There is no State timber in southeastern Alaska. Our people lived in the forests—Ketchikan, Haines, Skagway, Wrangell—before the national forests were established. People were assured they would have an opportunity for a livelihood. And, since we, if you will, designated wilderness in the forests as national monuments and left only a small segment, we are faced with the reality of trying to continue a modest industry when others clearly are trying to terminate it. And it is going to move to other Western States. What are we going to do? I guess we are going to simply import our raw materials from nations who do not have the same sensitivity, forgetting the fact that we are much more environmentally sensitive, and do a better job. And we are dealing with a renewable resource here properly managed. We have 50-year-old second-growth timber; beautiful timber.

But in any event, we are faced with this reality associated with the general theme of this administration, whether it is timbering, oil and gas exploration, opening ANWR safely, whether it is grazing, or whether it is mining. There is no substantive support for resource development on public lands. They are selling America short, American technology short, American know-how short, exporting the jobs overseas, and exporting the dollars. And one only has to look at the increasing balance of payments deficit to recognize it's significance.

The cost of imported oil is over a third of our trade deficit. What are we doing? We are simply importing more. We tried to put Saddam Hussein in the cage not so long ago. He got out. Saddam Hussein is better off this week than he was 4 weeks ago. What are we doing about it?

Where is our energy policy? What are we subjecting ourselves to? Where is our national security interest? We are 51.1 percent dependent on imported oil. During the Arab oil embargo in 1973, we were 37 percent dependent. What do we do? We created SPR, the stretegic petroleum reserve. We created a fall back so we have a supply which we need. This administration has chosen to use it as a piggy bank. We paid some $27 or $28 a barrel for a 90-day supply. We have never achieved the 90-day supply. Now we are selling it at $18 to $19 a barrel to meet budget objectives. There is a huge increase in the President's budget in the year 2000. This is what they are doing.

Where are we going, Mr. President? We are sacrificing our national energy security. We are sacrificing it in this way. The Department of Energy has indicated by the year 2000 we will be 66 percent dependent on imported oil. And where does that come from? It come comes from the Mideast. Anybody that suggests that the Mideast is a stable area only has to recognize the troop buildup, and the fact that we were sharpening our missiles a few days ago and firing them a few weeks ago. So sooner or later, Mr. President, we are going to pay the piper.

And the reason for going into this rather extended dialog is simply to alert my colleagues of the inevitability that what goes around comes around, and history repeats itself. And it is going to repeat itself relative to our increased dependence on imported oil and the fact that we are losing our leverage with our Arab neighbors as evidenced by our effort to generate their physical support in the last go-round with Saddam Hussein.

Finally, Mr. President, as I get back to this analysis of the position of the administration, I conclude by saying, as the administration letter indicates, that mandated changes are required to significantly alter various aspects of this to make changes for the purpose of raising concerns that are not documented in any detail but seem to be raised as an excuse to find an excuse to initiate a veto threat.

Politics and rhetoric have overtaken substance and reality. It will be truly sad if the misleading statements and inferences and threats in the administration's recent statement bring down the largest parks bill since 1978, the largest environmental package in the last several decades. The President of the United States currently has on more than one occasion stated he would veto appropriation language that contained riders, so I am concluding from the statement from the Office of Management and Budget, ''We remain willing to work with you in developing a package that would include a bill to provide continuing appropriations for fiscal year 1997,'' there is your rider.

Now he wants the rider; he thinks that is a good idea. The reason is, one can avoid the legislative process. You just take what you want and trash the rest. I tell you, if that happens, there are going to be a lot of unhappy Members because some of you will have your bill selected and others will not.

I believe in the legislative process. That is why I am here. That is why I have accepted the responsibility of working with my members on the committee to bring this parks package before this body. I believe in the legislative process, working collectively, and I am proud of the fact that we have crafted a bipartisan package that serves to enhance our parks and our public lands.

I have answered the veto letter. I believe my colleagues see that there is very little substance, and the President is standing tall, perhaps, but standing in the mush.

So for those who have followed this debate, I would appeal to you that the parks package may, indeed, be in jeopardy from objections unidentified in detail from the White House—not based on their first series of objections, but based on, apparently, an afterthought. Maybe for some reason unknown to this Senator, there is a political reason at this late date prior to the election for a veto of this package, but I cannot imagine what it is. I think they are misreading it downtown. I do not think they recognize we have stripped it of its objectionable parts, and I encourage those who are out there and are concerned with these issues to notify the President, notify the Chief of Staff, Leon Panetta, notify their elected Representatives, Senator and Congressman, because it is getting late, and if this package, this omnibus parks package, is delayed or set aside because of pending business so there is not enough time to take it up, the White House and the President are going to have to bear that responsibility—not the Energy and Natural Resources Committee, not Congressman DON YOUNG from Alaska, not FRANK MURKOWSKI, Senator from Alaska, not Ted STEVENS, Senator from Alaska, not the members from my Energy and Resources Committee, not the professional staff, not Senator BENNETT JOHNSTON, but the White House for obstructing the most significant legislative package that has come before this body, as I have said, in several decades.

So I urge those out in California who are interested in the Presidio or interested in the portion of the legislation to clean up the San Francisco Bay or any of the other 126 titles in the other 41 States to get busy, because the countdown has begun. It is not going to go in the appropriations process. I have had that assurance over here. This is the right way to do it. This is the right time to do it. There is absolutely no excuse for further delay.

Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent I may proceed for up to a half-hour as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATOR CARL LEVIN

Mr. NUNN. Mr. President, serving in the Senate has given me the opportunity to work on many important issues with many talented Members on both sides of the aisle. When I leave the Senate, I will miss the professional and personal associations I have had working with my colleagues in the Senate and the House, none more than my association with my friend Senator CARL LEVIN of Michigan.

CARL LEVIN and I have served together on the same two committees for the past 18 years, the Armed Services Committee and the Governmental Affairs Committee. During those years I have gained a tremendous appreciation for his energy, his intelligence, his tenacity, his skill in the legislative process, and his total commitment to public service.

I trust and hope the voters of Michigan will return him to the Senate next year where, depending on the makeup of the Congress, whether Republicans or Democrats control, he will be either the chairman or ranking member of the Armed Services Committee, and he will certainly be a leader on the Permanent Subcommittee on Investigations and perhaps chairman of that subcommittee or ranking minority member on that subcommittee, a position that I have held now since the late 1970's.

Mr. President, one of the hallmarks that I associate with CARL LEVIN's service in the Senate is his passionate belief that Government should work and that it can work, and that Congress has a responsibility to the American people to make sure that it does work. On both the Armed Services Committee and Governmental Affairs Committee, I have watched with admiration as CARL LEVIN's tireless efforts developed into a substantial record of legislative accomplishments across a whole range of important issues.

When CARL LEVIN came to the Senate in 1979, he asked to serve on the Governmental Affairs Committee. I remember how glad the committee was to have someone with his background, eager to serve on this important committee. In that year, the chairman of the committee, Senator Abe Ribicoff, created a new subcommittee, the Subcommittee on Oversight of Government Management.

Oversight of Government Management. That is a subject that might strike some people as dry, and I assume that many days it was dry to Senator LEVIN, but it has been one of the passions of his Senate career. Senator LEVIN was appointed chairman of this new subcommittee in 1979, and my good friend and outstanding Senator from Maine, Senator BILL COHEN, was the ranking minority member. These two remarkable Senators have formed a partnership as chairman and ranking minority member of this subcommittee that has lasted through changes in the control of the Senate from Democrat to Republican to Democrat and Republican, and lasts to this day. In fact, Mr. President I would say that the relationship between Senator LEVIN and Senator COHEN on the Subcommittee on Oversight of Government Management serves as a textbook example of successful bipartisan cooperation in the pursuit of effective Government that other committees and subcommittees, indeed, other Senators and Congressmen, should look at very closely. When these two dedicated and outstanding leaders get together on an issue, good Government is almost always the result.

Over the years, CARL LEVIN has carried out oversight investigations and hearings on a broad range of Federal programs in the Subcommittee on Oversight, including Social Security disability, Internal Revenue Service operation, the Customs Service, and inventory management in the Department of Defense. The objective of these investigations was to improve the operation of important Federal programs. The results in each case demonstrate that thoughtful, careful, and constructive congressional oversight of Federal programs can often lead to improvements in performance more readily than legislation.

CARL LEVIN has also built an impressive legislative record on the Governmental Affairs Committee. He has been the driving force behind lobbying reform, the independent counsel legislation, whistle-blower protection, ethics reform, the Competition in Contracting Act, and the reform of the defense acquisition process. All of these initiatives have focused on a goal of making Government more open, more productive, and more effective.

Since the death of our colleague and great U.S. Senator, Senator Scoop Jackson, in 1983, I have served as the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee. While Senator Jackson was still in the Senate serving, I was the vice chairman of that committee and while he was running for President of the United States, I was the acting chairman of that committee, so he and I worked together on that committee, for many years. Over the years this has been one of the premier investigative subcommittees of the Congress, and I cannot think of anyone more qualified, by temperament and by experience, to provide leadership on the Permanent Subcommittee on Investigations than CARL LEVIN.

Senator JOHN GLENN is also on that committee and provides superb leadership as either the ranking Democrat or the chairman of the Governmental Affairs Committee, depending, again, on which party controls the Senate. Senator BILL ROTH and I have been partners on this subcommittee for many years, he serving sometimes as the ranking Republican when the Democrats are in control, sometimes as chairman, and he and I have reversed roles now, I believe, three times. So we have some outstanding members serving on that subcommittee with Senator LEVIN.

Senator LEVIN has also been an extraordinarily active and energetic member of the Armed Services Committee during the years we served together. I remember when he first came on the Committee in 1979, and chairman Stennis asked him to chair the committee's hearings on the legislation implementing the Panama Canal Treaty. This was one of those detailed, complicated, and important jobs that everyone knew had to be done and hoped someone else would do. In what we came to realize was typical fashion, CARL LEVIN rolled up his sleeves and did an excellent job in carrying out the committee's responsibilities on this important issue.

During our service together on the Armed Services Committee Senator LEVIN has served as the ranking minority member on the readiness Subcommittee and the chairman and ranking minority member on the Conventional Forces—now called the Airland Forces—Subcommittee. In that capacity he has made major contributions to maintaining the readiness of our forces and ensuring that they have the weapons and equipment they need to carry out their missions today and in the future.

In reality, though, Mr. President, Senator LEVIN's impact on our national security has extended far beyond the subcommittees which he led. In fact, it is hard to think of a major issue that the Armed Services Committee has dealt with over the past two decades in which CARL LEVIN has not made an important contribution. He has been involved in our discussions on the size and makeup of our military force structure; on the modernization of our conventional capability; and on the modernization of our strategic nuclear forces. He has been a key player over the years in our oversight of ongoing military operations, including Somalia; the Persian Gulf conflict and its aftermath; and Bosnia. As I indicated earlier, he has been one of the drivers behind the enactment of the recent landmark legislation on defense acquisition reform, which of course has been a top priority of Secretary of Defense Bill Perry.

As one of the most active members of the Senate's Arms Control Observer Group since its inception in 1985, Senator LEVIN has been heavily involved in keeping the Committee and the Senate informed on the progress of arms control negotiations. He has also made important contributions to the Senate's consideration of the Intermediate Range Nuclear Forces Treaty; the Treaty on Conventional Forces in Europe; and the START I and Start II Treaties. I know he shares my regret that the Senate has not been able to act on the Conventional Weapons Convention during this session, and my hope that the Senate will act on this important Treaty early next year.

Mr. President, Senator LEVIN and I have not agreed on every single issue

in the Armed Services Committee over the years. Sometimes our positions differed, sometimes our philosophies differed. In those cases where we disagreed, my respect for his knowledge and his intelligence always caused me to double-check my own thinking. When we agreed—particularly on complicated issues like the reinterpretation of the ABM Treaty—I was always grateful to have him standing shoulder-to-shoulder with me.

All of us know CARL LEVIN's tenacity and talent for negotiating. Now that I am leaving the Senate in just a few days, I don't mind revealing that while I was chairman of the Armed Services Committee, I used CARL LEVIN as one of my secret weapons when we went into conference with the House on the annual Defense authorization bill. Whenever the Conference got bogged down over a particularly difficult issue, I knew that I could assign CARL LEVIN to go off and work with the House and have a pretty high level of confidence that the outcome would be closer to the Senate than to the House position. CARL is a superb negotiator. I have to confess that the House conferees got wise to my strategy, because after a while I only had to threaten to turn an issue over to CARL LEVIN to break a conference deadlock.

They simply, many times, would rather concede than go off and know they were going to be subject to CARL's very tenacious negotiating capabilities.

Serving in the U.S. Senate has been the greatest privilege of my career, the highlight of my professional life. I will miss the Senate, and I will miss my colleagues. I will leave, however, with a great deal of confidence that the energy and creativity in the Armed Services Committee—and its unwavering commitment to our Nation's security and to the men and women in uniform—will continue under the extraordinarily capable leadership on the Democratic side of my good friend, Senator CARL LEVIN, of Michigan.

DAVID ALLAN HAMBURG

Mr. NUNN. Mr. President, I would like to pay tribute today to a remarkable man, a renaissance man for our times, Dr. David Allan Hamburg. I would also add that Dr. Hamburg has a wonderful wife, a remarkable and accomplished woman, Betty Hamburg. In her own right, she has been truly an outstanding leader in every field of endeavor she has entered, as she has stood side by side with David Hamburg all these years and helped him accomplish what he has accomplished in his own right. They have two wonderful children, very successful children, Peggy and Eric.

Mr. President, I have come to know and admire David Hamburg through my long association with the Carnegie Corporation of New York, of which he has been president since 1983. In that position, he has combined his unparalleled knowledge of and experience in science, psychiatry, and international affairs to produce a record of remarkable accomplishment.

A quick review of his past activities reveals a unique combination of intelligence and energy that has been applied unselfishly and with a remarkably positive effect to scholarship, to intellectual endeavors, and to public service. For example, Dr. Hamburg was professor and chairman of the Department of Psychiatry and Behavioral Sciences at Stanford University; then the Reed-Hodgson Professor of Human Biology at Stanford. He served as president of the Institute of Medicine of the National Academy of Sciences.

At Harvard University, he was the director of the Division of Health Policy Research and Education, as well as the John D. MacArthur Professor of Health Policy. He also has served as president and chairman of the board of the American Association for the Advancement of Science.

His many memberships on governing boards of nonprofit organizations and his numerous honorary degrees demonstrate clearly that he has been widely recognized all over the country and, indeed, around the world for his experience, his wisdom, and his public-minded spirit.

It has been my great honor and privilege to work closely with David Hamburg on three important projects in recent years. First, under his leadership, Carnegie sponsored, and David himself played an important role in, a project on nonproliferation in the early 1990's that provided much of the analytical basis for the original cooperative threat reduction legislation that became law in December of 1991.

Shortly thereafter, he accompanied Senators LUGAR, WARNER, BINGAMAN, and myself on an extensive study mission to the former Soviet Union, and shared with us his wisdom regarding the troubled conflicts, the ethnic problems, and the potential for further problems in that part of the world, as well as his expertise and concern about the overall issue of nonproliferation.

Second, in consultation with Senator LUGAR and with me, David Hamburg's leadership and Carnegie's sponsorship with Dick Clark, former Senator Dick Clark's leadership, working under Carnegie and under David Hamburg, created a special exchange program involving Members of the United States Congress and the Russian Parliament. Senators BIDEN, EXON, FEINGOLD, GRAHAM of Florida, HUTCHISON, JEFFORDS, JOHNSTON, LAUTENBERG, ROTH, SARBANES, and SIMPSON, plus numerous colleagues from the House, have joined me in this undertaking over the last several years.

Thanks to the leadership of Dick Clark and the vision of David Hamburg, and the sponsorship of Carnegie, this program has proved most rewarding for the American side and I believe also for the Russian side, and has made a significant contribution to mutual understanding of United States-Russian relations, and also relationships with Eastern Europe, because the Carnegie Corporation, under David's leadership, and again with Dick Clark taking the helm, has sponsored numerous conferences over the last 7 or 8 years with our colleagues in the Parliaments of Eastern Europe, and that, too, has been very successful.

Third, Dr. Hamburg, together with former Secretary of State Cyrus Vance and a distinguished group of international leaders, again, sponsored by Carnegie, have formed an international commission to study and make policy recommendations regarding conflict situations that have plagued the post-cold-war world.

This group has banded together with leaders from around the world to try to find ways and recommend methods and reform of certain institutions to help get out in front of and prevent deadly conflict throughout the globe.

I have been honored to serve on the advisory board of this commission. Dr. Hamburg and Cy Vance and his commission colleagues have asked me to head a task force of this commission upon my retirement from the Senate. That will be one of the public policy issues I look forward to staying involved in. It is a very important part of America's foreign policy and national security considerations.

I readily agreed to undertake this leadership under Dr. Hamburg and Cy Vance and am looking forward to continuing my close collaboration with Dr. Hamburg in that new capacity.

Mr. President, I could go on and on about the accomplishments of David Hamburg. I have just outlined the parts of his overall activities that I have personally been involved in. He has been a leader in writing papers and books on children, on education, on research, on environmental matters. He is truly a Renaissance man. I have known people who had great breadth, and I have known people who have had great depth on many issues. I never knew anyone with the breadth and depth that David Hamburg has on so many issues important to our Nation and, indeed, to humanity.

On September 9 of this year, David Hamburg will receive one of the highest honors our country can bestow: the Presidential Medal of Freedom. The citation that accompanies the award provides a fitting summary of this man's remarkable career to date. President Clinton presented that medal on September 9, and it reads as follows:

> As a physician, scientist, and educator, David Hamburg has devoted a boundless energy and deep intelligence to understanding human behavior, preventing violent conflict, and improving the health and well-being of our children. From Stanford to the Institute of Medicine and the Carnegie Corporation, he has worked to strengthen American families by teaching us about the challenges and difficulties of raising children in a rapidly transforming world. Known for emphasizing the importance of early childhood and early

adolescence, he has stressed the need for families, schools and communities to work together in our children's interest. In a life of wisdom, courage and purpose, David Hamburg has exemplified the finest tradition of humane, social engagement.

Mr. President, I am pleased and honored to pay tribute to David Allan Hamburg, a truly distinguished American.

RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION

Mr. NUNN. Mr. President, I rise to the floor today to speak in support of the ratification of the Chemical Weapons Convention as reported out of the Senate Foreign Relations Committee. Unfortunately, consideration of the Convention by the Senate has been postponed until next year. I will no longer be here when this important matter is undertaken, in terms of voting on this matter, before this body. In the closing days of this Congress, I want to put on the record today my strong support for the ratification of this important agreement.

Mr. President, now that the cold war is over, the single most important threat to our national security is the threat posed by the proliferation of weapons of mass destruction.

Over the last year a series of hearings have been held in both the Foreign Relations Committee and in the Permanent Subcommittee on Investigations that have clearly documented the threat posed to the United States by the proliferation of weapons of mass destruction.

During these hearings, representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, and foreign officials described a threat that we can not ignore, but for which we are unprepared.

For one, CIA Director John Deutch candidly observed, ''We've been lucky so far.''

In July, the Commission on America's National Interests, co-chaired by Andrew Goodpaster, Robert Ellsworth, and Rita Hauser, released a study that concluded that the number one ''vital U.S. national interest'' today is to prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. The report also identified containment of biological and chemical weapons proliferation as one of five ''cardinal challenges'' for the next U.S. President.

Mr. President, I firmly believe, based on a wide variety of testimony and other presentations from credible academics, government officials, and others, that the threat posed by proliferation of chemical and biological weapons and materials is more dangerous even than that posed by the spread of nuclear materials. In the case of nuclear materials, the Nuclear Non-Proliferation Treaty, or NPT, has erected barriers to proliferation that have become effective over time. In part as a result of this strengthened NPT regime, and in part because chemical precursors are widely available for commercial purposes, chemical and biological weapons and materials are much easier to acquire, store, and deploy than nuclear weaponry—as demonstrated by the Aum Shinrikyo disaster in Japan several years ago.

That cult conducted an enormous international effort to acquire, build, and deploy chemical weapons—without detection by any intelligence or law enforcement service—prior to releasing the deadly sarin gas in the Tokyo metro.

Mr. President, the judge at the World Trade Center bombing case believed strongly that the culprits had attempted to use a chemical weapon in that terrorist attack. He found that had those chemicals not been consumed by the fire of the explosion, thousands of World Trade Center workers might have been killed, greatly compounding that tragic episode.

Mr. President, Senator LUGAR and Senator DOMENICI joined me this year in introducing legislation—the Defense Against Weapons of Mass Destruction Act—that will provide over $150 million, starting next month, toward combating the threat posed to the United States by the proliferation of weapons of mass destruction. This legislation passed unanimously in the Senate, and was virtually unchanged in conference with the House. It is part of the National Defense Authorization Act for Fiscal Year 97, which has been sent to the President. I won't go into great detail here, but that legislation seeks to combat proliferation on essentially three fronts: enhance our domestic preparedness for dealing with an incident involving nuclear, radiological, chemical, or biological weapons or materials; improve our ability to detect and interdict these materials at our borders and before they can be deployed on our territory; and strengthen safeguards at facilities in the former Soviet Union that continue to store these materials to prevent their leakage onto the international grey markets and into the hands of proliferators, terrorists, and malcontents.

Mr. President, although Senator LUGAR, Senator DOMENICI, and I attempted to create a comprehensive program for addressing what we all believe is the No. 1 national security threat facing our Nation in the decades ahead, we also recognize that the enacted legislation is only a beginning, and that much more work needs to be done. We must combat this threat on all available fronts, and leave no available path untaken.

Mr. President, ratification of the CWC is an important step in the process of controlling the proliferation of chemical weapons and the technologies for their manufacture. The CWC requires all parties to undertake the following: to destroy all existing chemical weapons and bulk agents; to destroy all production facilities for chemical weapons agents; to deny cooperation in technology or supplies to nations not party to the treaty; and to forswear even military preparations for a chemical weapons program.

The Chemical Weapons Convention represents the culmination of some 15 years of negotiations supported by the last four Presidents of the United States. The agreement was concluded and signed by President George Bush near the end of his term. The Joint Chiefs of Staff support ratification. The major chemical manufacturer trade associations support ratification. The CWC has been open for signature and ratification since 1993. As of today, the CWC has enjoyed overwhelming worldwide support. It has been signed by 161 of the 184 member states of the United Nations, and 63 countries have already ratified the treaty. Those who have already ratified include all of our major industrial partners, and most of our NATO allies. The CWC will enter into force 180 days after the 65th country has ratified it. It will begin to enter into force after ratification by two additional countries, whether or not the United States chooses to ratify it.

Now, Mr. President, after years of bipartisan support, after the CWC was successfully negotiated by two Republican Presidents, after lying before the Senate for inspection for 3 years, literally at the eleventh hour, a small group of Senators has set about to defeat the ratification of this treaty. They claim to have identified a number of fatal flaws that have gone undiscovered during the 3 years and numerous hearings before the Senate, fatal flaws that have gone unnoticed by 161 nations, including all our major industrialized allies.

Those opposed to the CWC seem to view it through the same cold war lenses that have been applied to the consideration of numerous bilateral nuclear arms reduction treaties between the United States, and the Soviet Union, and between NATO and the Warsaw Pact. They insist that the kind of verification standard that we used to require in a bilateral treaty with the Soviet Union must now be applied to a convention intended to move the world community away from the scourge of chemical weapons. Mr. President, this is not a reasonable standard to apply. We insisted on parity of limitations and drawdowns with the Soviet Union because asymmetries in strategic weaponry would have been dangerous to the strategic balance. But the cold war is over; the CWC is not a bilateral treaty, and is not about the strategic balance.

In bilateral United States-Soviet arms reduction agreements, we were agreeing to reverse or forgo some weapons systems based on Soviet promises that they would undertake parallel actions. In the chemical weapons arena, we have already committed to do away

with chemical weapons and this treaty's purpose is to get other nations to do likewise.

Mr. President—to repeat, the cold war is over. The Soviet Union has dissolved. The world community now faces a serious threat from the proliferation of weapons of mass destruction, a threat that arises at least in part because of the disintegration of the Soviet Union and the loss of tight controls which that breakup entailed. The Chemical Weapons Convention is a broad treaty among many nations, intended to begin to control chemical weapons proliferation, in much the same way that the Nuclear Non-Proliferation Treaty, or NPT, set about to limit the proliferation of nuclear weapons materials and technology nearly three decades ago. When the NPT entered into force in 1970, barely 40 countries had ratified that treaty; today, well over 100 nations have joined, and the world community clearly serves to bring pressure to bear on both the nonadherent nations, and on countries like North Korea that have ratified but whose compliance is in very deep question. When the NPT was signed, a new inspection regime, under the International Atomic Energy Agency, was created to establish inspections to verify the compliance of those countries that had nuclear programs and activities.

Does the NPT guarantee that no nation will develop a nuclear weapon? Is it perfect? Is it 100 percent verifiable? The answer to each of these questions is clearly no.

There are no guarantees with NPT, nor are there guarantees with the Chemical Weapons Convention. On the other hand, does it help reduce nuclear proliferation and nuclear danger? The answer is clearly yes. The answer to those questions clearly is yes. The same will be true over a long period of time with the CWC.

Mr. President, one of the major complaints by the critics of the Chemical Weapons Convention is that it is not adequately verifiable. Clearly, a modest program to produce chemical agents can be accomplished inconspicuously. You can almost do it in the basement of your home. It can be done in a very small physical space. The CWC will impose only modest constraints, at best, on small groups of people like terrorists making small quantities of chemical weapons.

No treaty and, I might add, no domestic law, no law we could pass, could ever prevent a few people from making a small amount of chemical compounds. It could be very lethal in a small area when used in a terroristic way.

However, the fact that 160 countries have signed the Chemical Weapons Convention is bound to increase the international consciousness about the threat posed by the proliferation of these horrible weapons and materials and is bound to also heighten national concern and international cooperation in dealing both with the national threat, nation-state threat, as well as the terrorist threat.

So will it cure the problem? Will it stop terrorism? Will it eliminate chemical terrorism from being a potential threat? Absolutely not. Will it help? Yes, it will help.

As drawn, however, the CWC was not intended to primarily address the chemical weapons threat from terrorists. It is intended to eliminate national-level chemical weapons programs and to put world pressure on those nations that refuse to comply.

We need to recognize that the mere production of chemical agent is only the first step in a nation's military program to produce and have available militarily useful chemical weapons. To conduct all the subsequent steps to stockpiled, militarized weapons also in clandestine fashion is no easy feat. The critics seem to assume that every step is as concealable as a small lab required to produce some agent; this is certainly untrue.

The CWC is intended to begin a regime of data collection on the production and use of those chemicals that can readily be used in chemical weapons programs. This will be combined with a program of inspections to verify those data submissions and a system of challenging inspections to resolve ambiguities and suspicions. This will also no doubt be supplemented by what we call national technical means of verification.

We are going to have to do all this verification anyway. We do not solve any of our verification challenges in terms of terrorists, in terms of rogue nations, in terms of other nations; we do not solve a one of them by rejecting the CWC. If we are never a party to the CWC, we have all of these verification problems and challenges. Will the CWC solve them? No; it will not. Will it make it easier? Yes; it will.

Will this CWC inspection regime be ironclad from day one? Of course not. But then neither was the inspection and verification for the NPT when it first entered into force. It still is not perfect. But over the last 25 years technology has provided many new ways of safeguarding nuclear materials in peaceful nuclear energy programs around the world.

It has become much more difficult—but of course not impossible—to cheat on the NPT without running substantial risk of discovery. We should expect that the CWC will also develop more effective verification techniques once it is entered into force, techniques that one day might be more effective against the threat of terrorist use of chemical weapons and materials. But, Mr. President, if the United States does not ratify the CWC, we will not be allowed to participate in the development of the verification regime nor in the inspections themselves.

CWC safeguards are more likely to become effective faster if the United States is a party to the CWC and can bring our advanced technology to bear than if we have excluded ourselves from the administration and implementation of the CWC as the critics of this convention propose.

As former Secretary of State James Baker observed in testimony to the Senate Armed Services Committee on September 12, 1996:

> . . .[W]hen you have a lot of countries that have signed onto a treaty to eliminate these weapons, you have a much stronger political mass that you can bring to the table in any forum, whatever it is, to talk about restraints and restrictions and sanctions.

Moreover, Mr. President, to argue that we should refuse to ratify the CWC because it does not guarantee that Libya or North Korea or Iraq will be stripped of chemical weapons is to ensure that we will end up in the same category of nonparticipants with Libya, North Korea, and Iraq. Like those countries, if we do not ratify this convention, the United States will be a nonparty to the CWC. We will be subject to trade sanctions on chemical products and on technologies by all the other parties to CWC; trade sanctions, I might mention, that were proposed by our own Government under a Republican administration.

Some of the senatorial critics suggest that the negotiators should start over, that we should not enter into any limitations unless all the rogue states have been compelled to join, and unless the agreement is absolutely verifiable. Mr. President, this is mission impossible.

First, the CWC will enter into force whether the United States ratifies it or not, as I have said. It will take effect next year whether or not we are involved.

Second, the CWC itself imposes no new limits on the policy of the United States toward chemical weapons programs. By law, the United States is already committed to the elimination of all unitary chemical weapons and all unitary agent stocks by the end of 2004. By law, we are already moving in that direction. By policy decision taken by President Bush in 1991, we have forsworn the use of chemical weapons even in retaliation for their use against U.S. forces. Our Joint Chiefs also agree with that policy.

By a further policy decision by President Bush, we will eliminate our very small stockpile of binary chemical weapons as soon as the CWC enters into force, whether or not we are a party to the treaty. President Clinton has followed these same policies.

Mr. President, back in the cold war days, you could stand on the floor and say, let us reject this treaty because the Soviet Union may not comply; we may not be able to verify. Those were arguments that had great legitimacy and were very seriously important arguments because we were agreeing to draw down our weapons based on their drawing down their weapons. That was the cold war. If we were not confident we could verify it, then, of course, we

should reject that kind of treaty because we were depleting our military capability.

Here in this case, we have already decided to get rid of our chemical weapons, and the only question is whether we are going to participate in a treaty that gets other countries to get rid of their chemical weapons. It is not the same decision as cold war treaties with the Soviet Union. It is vastly different. To view it through that prism, as I think some of our colleagues are doing—I am sure in good faith from their perspective—is a profound mistake.

Mr. President, the bottom line is that the United States has already made a unilateral decision to eliminate all of its chemical weapons capabilities, whether or not we are party to the CWC. Our refusal to ratify this treaty does not help us one iota on verification. We still have all those verification challenges, and our refusal to ratify provides no bargaining leverage that I can identify against anyone whether it is Libya or North Korea or Russia, which still has large stocks of chemical weapons.

They all know that we are out of that business. Defeating the ratification of the CWC in no way restores or preserves a U.S. chemical weapons capability. To again quote former Secretary of State James Baker:

> We knew at the time that there would be rogue countries that would not participate. *** We have made a decision in this country that we're not going to have chemical weapons. We're getting rid of them. And we don't need them. We've made a policy decision that we don't need them in order to protect our national security interests. *** Whether we are able to get all countries on board or not, I think we have a critical mass of countries and I think the treaty makes sense, recognizing up front all the problems of verifying a Chemical Weapons Convention.

Finally, Mr. President, I have heard some of my colleagues argue that this treaty will pose an enormous burden and cost on U.S. industry. This argument is simply not true. If the costs and consequences to the American chemical and related industries were severe, as these critics suggest, why have the major chemical manufacturing associations not only endorsed, but also lobbied strongly in favor of ratification of the Chemical Weapons Convention? Why have 63 other nations, including most of our major industrial competitors, already ratified the CWC? Has this small group of CWC opponents discovered something that has been overlooked for the last 3 years by everyone else?

Mr. President, the truth of the matter is that the cost of implementing this regime to the vast majority of U.S. business is either negligible or nonexistent. There are two categories of chemicals made and consumed by businesses in the United States that are covered by this treaty. No more than 35 firms in the United States, all of them large corporations, produce or consume the direct precursors of chemical weapons agents that are on the first category and are subject to the strictest CWC controls.

The second category covers only large-volume producers of products that are in direct chemical weapon precursors. So no small businesses will be affected by the moderate requirements imposed by the CWC by this category.

Contrary to the argument being made by the opponents of this treaty, downstream consumers of this category of chemicals are specifically exempted from reporting and inspection requirements. While it is true that some 2,000 firms, including some small and medium-sized businesses, will be required to fill out one form per year, both private industry and the Department of Commerce estimates indicate that it will take a very small and minimal amount of time to fill out. No proprietary information whatsoever is required, and the reporting requirements are essentially the same as those already required of these businesses by the Environmental Protection Agency or other regulatory bodies.

In addition to the fact that only a small number of firms will actually be affected by the Chemical Weapons Convention, the Department of Commerce has worked very closely with the business community to develop a method of fulfilling both treaty requirements and industry requirements for protecting confidential business information. Again I would argue that if this were not the case, the American chemical manufacturing industry would not have endorsed ratification of the Chemical Weapons Convention.

Mr. President, I also point out that if the Senate continues to refuse to ratify the CWC—I am hoping the minds will be changed next year after the election is over—we are choosing to inflict international sanctions on foreign trade and one of our largest export industries, the $60 billion chemical industry. The CWC regime requires member states to impose trade sanctions against the chemical industries in nonmember states. While the entire $60 billion probably would not be immediately threatened, some $20 to $30 million would be threatened to begin with. Industry experts believe that over time U.S. interests would lose more and more business to foreign competitors who face no equivalent CWC trade sanctions from participating countries.

Mr. President, the basic bottom line which each Senator must ask him- or herself is as follows: Is the United States more likely to reduce the dangers of the proliferation of chemical weapons by joining the 63 countries that have already ratified the CWC—and the many others that will join after the 65th ratification occurs, or is America's security better served by remaining on the outside, by joining rogue regimes like Libya and North Korea in ignoring this pathbreaking effort by 161 nations to bring these terrible weapons under some degree of control?

Mr. President, I find this an easy question to answer. This is not a close question. This is not one of those questions that you can balance both sides and come out almost flipping a coin. We have many of those. This is an easy question to answer because no, it is not perfect, but yes, it does take steps in the right direction. We do enlist support from all the nations that will be signing, even those that we will have to watch very closely in terms of whether they comply.

Therefore, I would have voted to ratify the CWC had it been brought to the floor during this session. If I were here next year, I would certainly vote to ratify. I urge all of my colleagues to pursue the ratification of the CWC when it is brought up in the 105th Congress. Ratification of the Chemical Weapons Convention is in our national security interests, Mr. President, and I hope the Senate will ratify this convention next year.

I ask unanimous consent for 5 additional minutes.

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

PAYROLL TAX CREDIT PORTION OF THE USA TAX ACT OF 1995

Mr. NUNN. Mr. President, I rise today to discuss, again, another subject, the unlimited savings allowance tax legislation, USA tax, that Senators DOMENICI, KERREY, BENNETT, DODD, and I have cosponsored. I note the Senator, one of the great cosponsors here, Senator BENNETT, is in the chair today.

In previous remarks to the Senate, I addressed the issue of broader tax reform, which I will not repeat today, and, in particular, the need to make a careful review on the various tax reform proposals on an apples-to-apples basis rather than what has been done so far, which is basically comparing apples to oranges.

Today, I would like to address what I believe would be a critical component and what should be a critical component of any broad tax reform effort. That is integration of the income tax and the Social Security payroll tax.

Mr. President, the USA tax plan contains the most comprehensive solution to this issue of any tax reform proposal on the table in the form of a payroll tax. I believe no matter what emerges in tax reform, which I hope will be next year, I believe this payroll tax credit should be a central feature of that proposal. Certainly, it is a central feature and one of the strongest points in the USA tax proposal.

Mr. President, for individuals under the USA system, all income, regardless of source, forms the individual tax base. Unlike today's Income Tax Code, which is concerned about distinguishing the source of income, the USA tax proposal is more concerned about the use of that income. If your income is saved, your tax on that income is deferred. When your income is consumed, then it is taxed. In other words, you deduct your savings. From this broader

income tax base, the USA tax proposal provides a limited number of deductions, including net new savings, a family living allowance, higher education expenses, home mortgage interest, charitable contributions, and alimony.

After these deductions are made from gross income, a taxpayer would determine the amount of tax by applying progressive graduated rates to his or her taxable income. Once this calculation is made, which determines the total Federal income tax liability, the taxpayer would then subtract dollar for dollar from the income tax the amount withheld from your salary for the employee share of the Social Security payroll, or FICA tax. In other words, the amount paid in by the employee to the FICA tax, Social Security tax, is credited against income tax. It is credited dollar for dollar.

This payroll tax credit is an essential part of the USA tax system. It would reduce the regressive nature of the present payroll tax. It would reduce the disincentive to hire lower wage workers. This tax credit would be refundable so that if you had more withheld in payroll taxes than you owed in income taxes, as is the case for many people, the difference would be refunded to the taxpayer.

I believe my colleague would find it interesting that roughly 80 percent of Americans today pay more in non-income taxes than they do in income taxes. Payroll taxes make up the vast majority of non-income taxes.

We spend all of our time debating income tax. What that means is we hear from people in higher income groups, but the average American in today's society, 80 percent of Americans, pay more in non-income taxes than they do in income taxes. I hope that part of the debate will begin because it is long overdue.

Therefore, people with earned income, under our proposal, can, in effect, subtract 7.65 percent—the amount of pay withheld for the employee share of the Social Security-Medicare payroll taxes—from the USA tax base before the rates are applied. Thus, a 20 percent tax rate under the USA system is, in effect, equal to a marginal rate of 12.35 percent under today's system after you take into account the payroll tax credit.

Our proposal is often criticized because it has a 40 percent tax bracket. The first thing people ignore is that that is on assumed income. You have a right to deduct your savings before that rate is applied to a tax base. The second thing people overlook is you have to subtract the 7.65 percent from the 40 percent to get our effective tax rate because there is a credit back for the Social Security taxes paid. That is enormously important. If you are in a lower bracket, you would still subtract that.

The payroll tax is a perfect example of why fundamental tax reform is needed. As my colleague from New York, the ranking member of the Finance Committee, Senator MOYNIHAN, has so frequently and eloquently pointed out, the payroll tax is a very regressive tax. It discourages the hiring of additional workers, especially low-wage workers.

Nobody designed the system that way, of course. The payroll tax started out at a low rate, but that rate has grown considerably over the years. In 1950, the payroll tax was 1.5 percent of wage income. By 1960, it had grown to 3 percent of wage income. In 1970, it had risen to 4.8 percent of wage income. By 1980, it was 6.13 percent. By 1990, it had risen to 7.65 percent, where it remains today.

I repeat, Mr. President, 80 percent of the American people pay in non-income tax more than income tax. Of course, if you included the employer share, all of the percentages would be doubled. To state it another way, from 1960 to 1990, the Social Security tax has gone from 2 percent of our national income, or GNP, to 5 percent of our GNP. By comparison, receipts from individual income taxes have grown only slightly, from 8.1 percent to 8.5 percent over this same 30-year period.

Part of the reason for the increase in the payroll tax is due to fewer workers supporting a growing number of retirees. Another reason is that during the late 1960s and early 1970s the payroll tax working people paid grew considerably to finance large cost of living increases for retirees that were enacted in years of high inflation. Then in the late 1970s and early 1980s, payroll taxes increased again, ostensibly to build up a surplus for the retirement of the baby boomers. Unfortunately, as Senator MOYNIHAN has also pointed out, that is not what the surpluses are actually being used for. These surpluses are being used to finance Government spending and to mask the true size of the annual Federal deficit.

So we now find ourselves with a combined employer-employee payroll tax rate of 15.3 percent—a very high rate that adds significantly to the cost of labor. We set up a system for one purpose—to provide income security in retirement—that is actually hurting working people in ways that I am sure were never intended.

Our proposal does not abolish the payroll tax. It does not affect the operation of the Social Security System in any way. What it does attempt to do is to offset the negative, unintended, effects of the payroll tax by crediting the payroll tax against an individual or business's tax liability under the USA tax. Employees get a credit for their FICA tax against their individual income tax. Employers get a credit for their share against the business tax. So the same amount of revenue will continue to be deposited in the Social Security trust fund. But the payroll tax will now be integrated into the income tax in a way that offsets its regressive nature.

I know many tax reform proponents are now agreeing with the underlying wisdom of our payroll tax credit. The Kemp Tax Commission, led by the small business elements, recognized this fact and called for a payroll tax deduction in its recommendations. This deduction is a step in the right direction, a tax credit is a far better solution. I am hopeful that as others begin looking at components of sustainable tax reform they will reach a similar conclusion about the necessity of payroll tax credits.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

TRIBUTE TO SENATOR WILLIAM S. COHEN

Mr. BYRD. Mr. President, the State of Maine shares with my own beloved State of West Virginia a common character, a self-reliance born of long struggle with stony fields, harsh weather, and rich natural treasures that defy easy capture. As West Virginia coal miners daily confront the dangers below ground, battling to bring out the black compressed energy created eons and eons ago, the fishermen of Maine venture forth over the tempestuous seas to wrestle a living from the cold waters of the Atlantic. Farmers in both States work sloping fields of thin soils studded with loose rock to bring home their harvests. And emerging industries in both States must overcome the isolation of locations somewhat outside the main avenues of commerce. From these challenges comes a certain independence of judgment, and a mindset that addresses the merits of each decision before taking action.

The senior Senator from Maine exemplifies this independence of judgment. On January 3, 1979, WILLIAM S. COHEN became the 1,725th Member sworn in as a United States Senator. He joined the Senate after serving in the House of Representatives for three terms. Prior to his service in Congress, he had been a lawyer and member of the city council in Bangor, ME.

During his 18 years as a Senator from Maine, Senator COHEN's thoughtful, reasoned, and soft-spoken approach to policymaking has earned the respect and admiration of his colleagues. As a member, chairman, or subcommittee chairman on the Special Committee on Aging, the Armed Services Committee, the Governmental Affairs Committee, and the Select Committee on Intelligence, Senator COHEN has influenced a broad range of issues affecting our Nation. Always, he has attempted to keep the legislative process moving by being open to compromise and negotiation. He has been a key player in attempts to forge a bipartisan consensus on a number of difficult issues, from health care to missile defense programs. And he has always exercised his own judgment, relying on his own study and reflection rather than on party rhetoric, before taking action. He has been willing to cross party lines on contentious issues despite great pressure.

Himself a poet and author of eight books of fiction and history, Senator COHEN knows that it is as hard to accurately recount history and to draw lessons from it, as it is to create a complete and consistent fictitious history, which he does so well in his novels. His ability to draw upon the lessons of history and the possibilities of fiction is reflected in the diverse references from his reading that are found in his witty and pointed questions and statements.

One of Senator COHEN'S books, ''Men of Zeal,'' coauthored in a bipartisan effort with his former colleague from Maine, Senate Majority Leader George Mitchell, looked at the sorry Iran-Contra affair from the perspective of a man who played a critical role in upholding ethical standards in Government. Senator COHEN served on the special committee that investigated that scandal. A Republican Party member who held to a higher standard than party in order to keep the executive branch in check, as the Founding Fathers intended, Senator COHEN demonstrated the ethical toughness that has always been his most noteworthy and laudable characteristic.

Even before the Iran-Contra scandal, while a member of the Judiciary Committee in the House of Representatives in 1974, Senator Bill Cohen voted to bring impeachment charges against a Republican President. Later, he helped to create the independent counsel law, providing for special prosecutors to investigate Executive Branch wrongdoing. He worked to reauthorize the independent counsel law in 1992 and 1993, over the objections of some of the Members in his own party. Most recently, he joined with Senator LEVIN to sponsor the lobby disclosure and gift ban bill that was passed in the last session of this Congress. This effort was also marked by bipartisan negotiation and compromise that allowed the legislation to move forward.

Mr. President, Senator William Cohen has enriched the Senate with his presence here. Like his former colleague, Senator Mitchell, he brought to this floor and to these committee rooms some of the best that Maine has to offer the Nation—a willingness to work hard, to make tough and principled decisions, and a willingness to seek a common ground to serve the common good. And to that, he added his own unflappable good nature and his ability to see through partisan politics to the central policy compromise that could bring two embattled sides together. Having only just turned 56 this past August 28, he is someone about whom I can feel confident in predicting that his retirement from the Senate is only a prelude to future endeavors in new fields. Therefore, while I congratulate him for his work in the Senate, and thank him on behalf of the Senate and those of us who have been and are his colleagues in the Senate, I also wish for him and his new bride great happiness and success in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. WYDEN. I thank the Chair.

ACCESS TO PATIENT INFORMATION

Mr. WYDEN. Mr. President, I rise to take just a few moments to talk a bit about the gag clause that involves the right of patients across this country to know all the information about their medical condition and the treatments that are appropriate and ought to be made available. I wish to discuss it in the context of the pipeline safety bill.

In the beginning. I particularly wish to thank the bipartisan leadership of Senator DASCHLE and Senator LOTT who have worked closely with us on this also, the continued bipartisan effort of Senators KENNEDY and KYL who, in particular, have worked very hard to try to address this legislation in a responsible way and to demonstrate the bipartisan spirit of this effort. It really all began with Dr. GANSKE of Iowa and Congressman ED MARKEY on the House side, where both pursued this effort in a bipartisan way. Senators LOTT and DASCHLE, KYL, KENNEDY, and I and others have spent several days working to reach an agreement with respect to the legislation that I originally sought to offer several weeks ago with respect to the patient's right to know. These negotiations have been lengthy, they certainly have been difficult, and they are not yet concluded.

Because there has been much good faith on the part of a number of Members on both sides of the aisle, on both the Democratic and Republican side of the aisle, I think it is fair to say that we have made a considerable amount of progress, and I want to make it very clear to the Senate I intend to keep up this fight throughout the session because it is so fundamentally important that the patients of this country in the fastest growing sector of American health care, the health management organization sector, have all the information they need in order to make choices about their health care.

I do think it is important to say tonight that I do not think it is appropriate to withhold any longer a vote on the pipeline safety bill as these negotiations go forward. The pipeline safety bill, in my view, is a good bill. It is an important bill. It, too, has bipartisan support as a result of a great deal of effort, and I would like to put in a special word for the efforts of Senator EXON, of Nebraska, who has labored for a long time on this measure. He is, of course, retiring from the Senate. His leaving will be much felt, and it seems appropriate that this important and good bill to protect the safety of our energy pipelines go forward. And so I want to make it clear to the Senate tonight I do not think the Senate should withhold a vote on the pipeline safety bill any further as the negotiations go forward with respect to the gag clause in health maintenance organizations that is so often found in plans around this country.

If I might, I wish to take a few minutes to explain why this issue is so important in American health care. Most people say to themselves, what is a gag clause? What does this have to do with me? Why is it so important that it has generated all this attention in the Senate?

A gag clause is something that really keeps the patients in our country from full and complete information about the medical condition and the treatments that are available to them. I think it is fair to say—I know the Senator from Utah, Mr. BENNETT, has done a lot of work in the health care field—reasonable people have differences of opinion with respect to the health care issue. People can differ about the role of the Federal Government; they can differ about the role of the private sector, but it seems to me absolutely indisputable that patients ought to have access to all the information—not half of it, not three-quarters, but all the information—with respect to their medical condition.

What is happening around the country is some managed care plans—this is not all of them. There is good managed care in this country. My part of the Nation pioneered managed care. Too often managed care plans, the scofflaws in the managed care field are cutting corners, and so what they do either in writing or through a pattern of oral communication, these managed care plans tell their doctors, ''Don't fill those patients in on all the information about their medical condition.'' Or they say, ''There are some treatments that may be expensive and we think you shouldn't be telling everybody about them.'' Or maybe they say, ''We're watching the referrals that you're making and if you make a lot of referrals outside the health maintenance organization to other physicians, other providers, we're going to watch that. If you make too many of them, we're going to consider getting some other people to deliver our health services.''

So these are gag clauses in the literal sense. They get in the way of the doctor-patient relationship and either in writing in the contract established by the health maintenance organization or orally through a pattern of communications between the health maintenance plan and the physician, the doctor is told in very blunt, straightforward terms, ''Look, you're not supposed to tell those patients all the facts about their medical condition or all the treatments that might be available to them.'' I think these restrictions on access to patient information

care turn American health care on its head. The Hippocratic oath, for example, to physicians starts with, ''First do no harm.''

If you have these gag clauses, essentially, instead of ''First do no harm,'' in these health maintenance organizations the charge is, first, think about the bottom line. Think about the financial condition of the plan and that maybe the plan will have a little less revenue if physicians really tell their patients what is going on and tell them about referrals and the like. Trust, in my view, is the basis of the doctor-patient relationship. Without that trust, physicians cannot perform adequately as caregivers. The patients get short-changed, in terms of the quality of their health care. And I think that, when you limit straightforward and complete information between physicians and their patients, what you are doing is prescribing bad medicine.

Mr. President, there are a number of provisions that are central to this debate and there are two or three that have consumed most of our attention over the last few days, in terms of trying to work this legislation out on a bipartisan basis. Let me say, especially Senator KYL has done yeoman work, in terms of trying to bring all sides together. He has led the effort on the Republican side. He has worked particularly hard with me on a couple of the provisions that I would like to take just a minute or two of the Senate's time to discuss this evening.

The first is with respect to enforcement provisions in this bill. Senator KYL and I both share the view that the States should take the leadership role with respect to enforcement of these gag clause provisions. There is precedent for this in the medigap legislation, the legislation to protect older people from ripoffs in the supplemental policies sold in addition to their Medicare. We have looked at other approaches. In particular, the enforcement provisions that the Senate came together on in a bipartisan way in the maternity legislation looked attractive, but Senator KYL and I have spent a special effort, trying to work out the provisions with respect to ensuring that the States are given the lead in terms of enforcing the anti-gag clause legislation. I think we have made considerable progress. All Senator ought to know there is bipartisan interest in not having some Federal micromanagement, run-from-Washington kind of operation with respect to the enforcement provisions in this gag clause legislation.

The second area that has consumed considerable amount of time in our discussions involves matters of religious and moral expression. Here, the issue, as it does so often in the U.S. Senate, involves especially abortion. Senator KYL and I have worked hard to try to ensure that an individual physician who has religious or moral views with respect to abortion would not be required to express those views in a way that was contrary to deeply held religious or moral principles that that physician had. At the same time, I think it is understood that, if this is not carefully done, such provisions could become a new form of institutional gag, which would limit communication between doctors and patients. Senator KYL and I have, I think, been able to bring about an approach that does allow an individual physician who, for religious or moral reasons, desires not to discuss abortion issues to be able to do that. I think we will be able to resolve that in a way that is good health policy, is fair, and bipartisan.

Now, the continuing resolution, of course, is before us. The Senate will be dealing with this in the hours ahead. Some may consider it will be the days ahead—but certainly the hours ahead. I want the Senate to understand that I think, with respect to the future of American health care, making sure that patients have access to all information about their medical condition and the treatments that are available to them is about as important as it gets.

The Senator from Vermont also has done a great deal of work in the health care area over the years. We have had a chance to work together on ERISA legislation, and a variety of other matters.

I come back to the proposition that there are a lot of areas where people can differ in the health field. Health is a complex riddle by anybody's calculus. And these debates about the role of the Federal Government and the role of the private sector—these are areas where reasonable people do have differences of opinion. What I think is indisputable, however, is the importance of patients getting all the facts and the patients being in a position to know all of the matters that relate to their getting the best treatment for them, given the kind of medical problems that they face.

So, this ultimately, this question of how to deal with this issue, is not an issue about abortion. No abortions are being performed or referrals made. It is not a question of Federal micromanagement, because the States are put clearly in the lead position with respect to enforcement. It is not a regulatory paradigm, in the sense that Members may have different views with respect to the type of approach. Whether it is a medical savings account approach that some have favored, or single-payer approach that some have favored, this bill does not touch any of those issues. This bill gets to one question and that is: As we look to the decisions involving 21st century health care, are we going to put patients in the driver's seat with respect to their own health care so they can get information?

It seems almost absurd to me that, at a time when we look at how medical information may be exchanged in the future using the Internet, so that folks in rural Vermont and rural Oregon can tap all these exciting new technologies so as to get more information about their health care and about the treatments available to them, it seems almost fundamental to say that, when a patient and a doctor or a nurse or chiropractor at a health plan sits down with a patient and that patient's family, that provider, that doctor or nurse or chiropractor, is in a position to say to the family, ''Look, here are all the facts that you and your loved ones face with respect to your medical condition. You may want to pursue this particular treatment. Perhaps I should refer you to Dr. A or Dr. B, who is outside the health plan.'' But whatever the ultimate choice of the consumer is at that point, at least the consumer can make it in an informed way.

Right now, while there is good managed care in our country, and I have seen it in my part of the United States, in the Pacific Northwest, too often there have been managed care plans that do not meet those high standards. There are plans that have told their physicians, their nurses, their chiropractors and others: We are going to be watching you, with respect to making referrals.

We want you to know, we are looking over your shoulder with respect to expensive treatments, and those kinds of gag provisions are getting in the way of the doctor-patient relationship, and the trust that is so important.

So I want it understood, Mr. President, that I am going to use every ounce of my strength, working with Senator KYL and Senators on both sides of the aisle, to make sure that this legislation is part of the continuing resolution.

I want to, again, let the Senate know that we are very appreciative of Senators DASCHLE and LOTT and the bipartisan leadership that has worked cooperatively with us. We want to make sure that this legislation gets into the continuing resolution.

Managed care is the fastest growing part of American health care. Both Democrats and Republicans throughout this Congress have looked to managed care repeatedly as the discussions have gone forward on Medicare and other issues. So it is important that patients in these plans get all the facts, get all the information, and we are going to go forward in good faith, as we have done over the last week.

Senator KYL and I have put a big chunk of our waking hours into this effort to try to do it in a bipartisan way. I believe we can get it done. And in the spirit of the progress that has been made and to facilitate the passage of other important legislation, I would like to make it clear that I believe that the Senate should no longer withhold a vote on the pipeline safety bill.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Thank you, Mr. President. Mr. President, I would like to express

my appreciation to the distinguished Senator from Oregon for his comments. We have been working together in a cooperative fashion. I think progress has been made. It has been one of those things where I thought it was worked out, and it didn't seem to be quite worked out.

I know there is good faith all around. Senator DASCHLE and I have been following it closely. I thank the Senator for allowing this pipeline safety legislation to go forward. It is very important legislation, and if it expired, it certainly would pose problems for pipeline safety in the country. We will work with him to see if we can come to an agreement. There is at least one more vehicle it can be attached to if we can get it worked out.

So I thank the Senator for allowing this important legislation to go forward.

MORNING BUSINESS

Mr. LOTT. Mr. President, it is my pleasure to rise today in recognition of 100 years of significant accomplishments by the American Academy of Ophthalmology. Since 1896, the four major causes of blindness in the world have been identified and are now preventable, and Academy pioneers have led the way in the eradication of cataract blindness worldwide. The Academy's mission of helping the public maintain healthy eyes and good vision is a lasting tribute to its membership.

In April 1896, Dr. Hal Foster of Kansas City sent out more than 500 invitations to physicians practicing ophthalmology and otolaryngology, inviting them to Kansas City for organizational purposes. Several name changes of the nascent medical society resulted in what ultimately became known as the American Academy of Ophthalmology and Otolaryngology, and remained so until 1979 when the two medical disciplines split into separate academies.

Today, the American Academy of Ophthalmology is the largest national membership association of ophthalmologists—the medical doctors who provide comprehensive eye care, including medical, surgical and optical care. More than 90 percent of practicing U.S. ophthalmologists are Academy members—20,000 strong—and another 3,000 foreign ophthalmologists are international members.

Many principles and strategies that the American Academy of Ophthalmology founded over the years are still championed today. The Academy has fostered a culture of outstanding clinical and educational programs, cutting edge technologies, the latest ophthalmic practice support mechanisms, and highly effective public and government advocacy activities.

Education remains the primary focus of Academy activities. Academy members will celebrate the Centennial Annual meeting in Chicago, October 27–31, 1996. One of the largest and most important ophthalmological meetings in the world, this 5-day educational event will offer symposia, scientific papers, instructional courses, films, posters, and exhibits designed to educate ophthalmologists and others about practical applications of new advances in eye care.

In the coming years, it is my sincere hope that both the individual and collective efforts of ophthalmologists will continue to transform new knowledge into improved clinical care for the benefit of the American public.

On this centennial observance, I commend the American Academy of Ophthalmology for its steadfast dedication in helping the public maintain healthy eyes and good vision. I urge my colleagues to join with me in saluting the members of the American Academy of Ophthalmology for their many sight-saving accomplishments over the past 100 years.

WYDEN-KENNEDY AMENDMENT PROHIBITING GAG RULE IN HEALTH INSURANCE PLANS

Mr. KENNEDY. Mr. President, gag rules have no place in American medicine. Americans deserve straight talk from their physicians. Physicians deserve protection against insurance companies that abuse their economic power and compel doctors to pay more attention to the health of the company's bottom line than to the health of their patients.

You would think everyone would endorse that principle. But the insurance companies that profit from abusing their patients do not—and neither does the Republican leadership in the House and Senate. Senator WYDEN and I offered an amendment to the Treasury-Postal appropriations bill to end this outrageous practice. A 51–48 majority of the Senate voted with us. But the Republican leadership used a technicality of the budget process to raise a point of order requiring 60 votes for our proposal to pass. We have now revised our proposal so that there will be no point of order when we offer it again.

But the delaying tactics of our opponents still continue. We first offered our amendment on September 10. The point of order was raised against it on September 11. We tried to offer the revised version later that day. We waited on the Senate floor all afternoon and evening, and through the next day as well. We were ready to agree on a time limit to permit a prompt vote. Still the Republican leadership said, ''no.'' Finally, the Republican leadership abandoned the whole bill, rather than allow our amendment to pass.

Since September 12, we have waited for another bill on which to offer this proposal. We were prepared to offer it on the pipeline safety bill, but the Republican leadership will not allow that bill to move forward unless we agree to drop our amendment. The pipeline bill was first offered on September 19—and then abandoned in order to block our amendment.

Since September 19, we have also been attempting to negotiate a reasonable compromise with the Republicans that would achieve the goal of protecting doctor-patient communications, but each time agreement has seemed close, new demands have surfaced. Rolling holds were used to block the Kassebaum-Kennedy bill for months. A similar tactic is being used now.

This issue could be resolved in a few minutes of debate on the Senate floor. A stricter approach than the one we proposed was approved by a 25–0 bipartisan vote in the House Health Subcommittee last June, and the full House Commerce Committee approved it by a voice vote in July. The only thing that stands between the American people and ending these outrageous HMO gag rules is the insistence of the Republican leadership on putting the insurance companies first—and patients last.

The need for this proposal is urgent, which is why we are pressing this issue so strongly in the closing days of this session. Patients deserve this protection—and so do doctors. So why is the Republican leadership in Congress protecting the insurance industry?

One of the most dramatic changes in the health care system in recent years has been the growth of health maintenance organizations and other types of managed care. Today, more than half of all Americans with private insurance are enrolled in such plans. In businesses with more than ten employees the figure is 70 percent.

Between 1990 and 1995 alone, the proportion of Blue Cross and Blue Shield enrollees in managed care plans more than doubled—from 20 percent to almost 50 percent. Even conventional fee-for-service health insurance plans have increasingly adopted features of managed care, such as continuing medical review and case management.

In many ways, these are positive developments. Managed care offers the opportunity to extend the best medical practice to all medical practice. It emphasizes helping people to stay healthy, rather than just caring for them when they are sick. Managed care often means more coordinated care and more effective care for people with multiple medical needs. It offers a needed antidote to profit incentives in the current system to order unnecessary care. These incentives have contributed a great deal to the high cost of health care in recent years.

But the same financial incentives that enable HMOs and other managed care providers to practice more cost-effective medicine can also be abused. They can lead to under-treatment or arbitrary restrictions on care, especially when expensive treatments are involved or are likely to reduce HMO profits.

There is a delicate balance between the business side of medicine and the medical side of medicine, and Congress has an important role to play, especially in cases such as this, where doctors and patients are on one side and

the insurance industry is on the other side.

As Dr. Raymond Scalettar, speaking on behalf of the Joint Commission on Accreditation of Health Care Organizations, recently testified:

The relative comfort with which the fee-for-service sector has ordered and provided health care services has been replaced with strict priorities for limiting the volume of services, especially expensive specialty services, whenever possible * * * [T]hese realities are legitimate causes for concern, because no one can predict the precise point at which overall cost-cutting and quality care intersect. The American public wants to be assured that managed care is a good value, and that they will receive the quality of care they expect, regardless of age, type of disorder, existence of a chronic condition or other potential basis for discrimination.

It is easy for insurance companies to put their bottom line ahead of their patients' well-being—and to pressure physicians in their plans to do the same. Common abuses include failure to inform patients of particular treatment options; barriers to reduce referrals to specialists for evaluation and treatment; unwillingness to order needed diagnostic tests; and reluctance to pay for potentially life-saving treatments. It is hard to talk to a physician these days without hearing a story about insurance company behavior that raises questions about quality of care.

In some cases, insurance company behavior has had tragic consequences. The experience of Alan and Christy DeMeurers is a case in point. An HMO cancer specialist recommended—in violation of the HMO's rules—that Christy should obtain a bone marrow transplant. The doctor made the necessary referral. The DeMeurers then spent months trying to obtain this treatment. The HMO tried to deny the treatment. It also attempted to prevent the DeMeurers from obtaining information about the treatment. The delays they experienced may have cost Christy her life.

Alan DeMeurers made the trip to Washington from Oregon several weeks ago to speak out in support of our amendment. I had the opportunity to meet with him. His story is powerful support for ending abuse as soon as possible—now, this year, not next year.

Our amendment bans the most abusive types of gag rule—those that forbid physicians to discuss all possible treatment options with the patient and make the best medical recommendation, including recommendations for a service not covered by the HMO.

Specifically, our amendment forbids plans from ''prohibiting or restricting any medical communication'' with a patient with respect to the patient's physical or mental condition or treatment options.''

This is a basic rule which almost everyone endorses in theory, even though it is being violated in practice. The standards of the Joint Commission on Accreditation of Health Care Organizations require that ''Physicians cannot be restricted from sharing treatment options with their patients, whether or not the options are covered by the plan.''

As Dr. John Ludden of the Harvard Community Health Plan, testifying for the American Association of Health Plans has said, The AAHP firmly believes that there should be open communications between health professionals and their patients about health status, medical conditions, and treatment options.

But too often these days, that basic principle is being ignored.

The best HMO plans do not use gag rules. In our view, no plan should be allowed to use them. Most of us came to this debate with the assumption that HMOs which prevent physicians from giving the best possible medical advice to their patients are rare exceptions. But the vehemence with which the insurance industry opposes this simple, obvious rule—a rule which is entirely consistent with every ethical statement issued by the industry—leads us to wonder just how widespread this practice is.

Our amendment has strong support from both the American Medical Association and Consumer's Union—because it is a cause that unites the interests of patients and doctors. It has been strongly endorsed by President Clinton. It passed the House Commerce Committee by an overwhelming, bipartisan vote. It has already received a majority vote in the Senate. The only thing that stands between this bill and passage is the insurance industry and its allies in the Republican leadership in Congress.

These are the same groups that fought the Kassebaum-Kennedy insurance reform bill. They tried to defeat the Domenici mental health parity bill and the Bradley bill to protect mothers and newborn infants from being forced prematurely out of the hospital.

In each case, the Republican leadership knew it could not win the battle in the open. So they resorted to the tactic of delay in public and denial behind closed doors. That tactic failed on those bills, and it should fail on the gag rule bill. Unscrupulous insurance companies have no right to gag doctors and keep patients in the dark.

If this bill does not pass this year, the American people will have a chance in November to cast their votes for a Democratic Congress and a Democratic President that will make fair play for patients our first priority next year.

VA/HUD APPROPRIATIONS

Mr. KERRY. Mr. President, on the night of September 24, the Senate very quickly took up and passed by unanimous consent the Veterans Administration/Housing and Urban Development/Independent Agencies Appropriations Bill for Fiscal Year 1997. Because it was not possible for me to comment on the bill at that time, I would like to do so today.

Mr. President, there is much to commend this bill, but there are a few glaring faults. I will focus first on the positive features.

Part of the good news is that the bill provides level funding for the HOME and CDBG programs. These are two of HUD's model programs that provide an appropriate mix of local flexibility within federal priorities.

I am also particularly pleased that the final conference agreement includes a provision that I sponsored in the Senate with Senator DOMINICI to provide $50 million for vouchers for disabled individuals. These vouchers are a critical housing resource for those disabled people who are affected when public housing authorities designate certain buildings for elderly residents only when those buildings used to be available also to nonelderly disabled individuals. I thank the Chairman and the Ranking Member for including this provision in the final agreement.

The mental health parity provisions the Senate added by floor amendment were included in this bill, and I congratulate Senators DOMINICI AND WELLSTONE, who initially proposed this legislation, for their efforts. Many health plans now impose lifetime limits of $50,000 and annual caps of $10,000 for treatment of mental illness—far lower than comparable limits for physical treatments in most insurance policies. The mental health parity provision will require greater equality between the lifetime and annual limits for mental health coverage and the limits for physical health coverage. Millions of American families will now be able to get the therapy and other mental health treatment they need.

Mr. President, we have taken another very important step in this bill by including Senator BRADLEY's legislation to ban ''drive through deliveries.'' Health insurers will now be required to allow mothers and their newborns to remain in the hospital for a minimum of 48 hours after a normal vaginal delivery and 96 hours after a Caesarean section. By taking the decision of how long to stay in the hospital out of the hands of insurance companies and placing it in the hands of health care providers and mothers who have just given birth, we will have healthier babies during their first days and we will give the mothers the help and security they deserve.

Mr. President, I am also pleased that my colleagues have chosen to place the needs of children suffering from spina bifida, a serious neural tube defect, ahead of partisan politics. This conference report contains the Agent Orange Benefits Amendment, which extends health care and related benefits from the Department of Veterans Affairs to children of Vietnam veterans who suffer from spina bifida. In March, the National Academy of Sciences issued a report citing new evidence supporting the link between exposure of service men and women who served in Vietnam to Agent Orange, the chemical defoliant sprayed over much of Vietnam, and the occurrence of spina bifida in their children.

Mr. President, we in the Senate are legislators, not scientists. I believe it is entirely appropriate for us to accept the Academy's recommendations regarding the effects of Agent Orange as we did when we unanimously passed the Agent Orange Act of 1991, which I coauthored. The NAS has published its conclusions and President Clinton and Secretary of Veterans Affairs Jesse Brown both have asked that the Department of Veterans Affairs be given the authority to provide care for the children of Vietnam Veterans who suffer from spina bifida. I am proud that this legislation which I offered with Senators Tom DASCHLE and JOHN D. ROCKEFELLER IV provides that necessary authority.

By passing this legislation, we take another definitive step forward in repaying our debt to those who have honorably served their country and are still suffering as a result of their service in Vietnam many years ago. I am hopeful that the families in Massachusetts who will benefit from this legislation, as well as the families around the country, will find some comfort—knowing that their children will be guaranteed special care to address their specific needs.

Mr. President, I am also pleased that the appropriators have met the housing needs of people living with AIDS. The Housing Opportunities for People With AIDS (HOPWA) program is a vital component in our national response to the HIV-epidemic. As people with HIV-disease are living longer, services they require become more acute and public resources more strained. My colleagues know how important this program is to me and the city of Boston: I urged the appropriators to increase the HOPWA account by $25 million in order to provide housing for thousands of individuals and families who currently need shelter. The conferees responded favorably and increased the funding for HOPWA for FY 1997 to $196 million.

It is necessary that I also address the deficiencies in the bill, and I regret to say that there are several that are quite serious. The most distressing of these faults is the Republican effort to continue to reduce the federal assistance to clean up Boston Harbor. The VA/HUD conference report contains just $40 million of the $100 million requested by the President for fiscal year 1997. Senator KENNEDY and I have fought to retain the President's level during the appropriations process. Regrettably, the Republican-controlled House included funding for only half of this amount and the Republicans in the Senate refused to approve any funding for this worthy environmental protection program. The conference settled on the $40 million figure.

Believe it is in the national interest for the federal government to provide direct assistance to the Massachusetts Water Resources Authority (MWRA) for the Boston Harbor project. It is a massive undertaking which will provide water and sewer services to over 2.5 million people in 61 communities with a total cost, including the combined sewer overflow (CSO) and capital cost improvements, of more than $5 billion. The sewage treatment plant is being built under a federal court-ordered schedule that requires completion by 1999.

Mr. President, as many of my colleagues are well aware, when the Clean Water Act was originally enacted, Congress acknowledged the great importance of the federal role in cleaning the water we drink and use for so many other purposes. It did so by providing federal support equaling 50 to 90 percent of the costs of projects on the scale of the Boston Harbor project.

The goals of the federal Clean Water Act are laudable and the environmental benefits to Boston Harbor from the initial water infrastructure improvements are already being felt in the surrounding Bay area. However, while the goals and standards of the Clean Water Act have remained and should continue to remain intact, over the past 15 years we have seen the federal assistance for large water infrastructure projects decline. In the case of the Boston Harbor project, the share of the secondary sewerage treatment project costs to date that have been paid with federal funds is less then twenty percent, and this excludes the CSO and other improvements that will be required in the future.

Cleaning up Boston Harbor has been and should continue to be a bipartisan issue. Unfortunately, during the 104th Congress, it has turned into a partisan issue where the Democrats in Congress and the President are continuing to fight to protect the environment and the Republicans in the House and Senate are playing political games at the expense of the citizens of Massachusetts.

During the House-Senate conference on the VA/HUD bill, the Republicans would not yield to efforts of the White House and Congressional Democrats to support the full $100 million funding request. With much urging by the Democratic conferees, the Republicans yielded to $40 million. Senator MIKULSKI made one final effort to add back funding to reach the level appropriated in last year's budget: $50 million. That amendment was defeated on a party-line vote.

I thank the President and my colleagues in the House and Senate, in particular Senator MIKULSKI and Congressmen OBEY and STOKES, for their support during the conference. I greatly regret that Republicans killed the deal.

Mr. President, this bill also continues to underfund HUD and many of its key housing programs. There are more than 5 million Americans with severe housing needs. We are not doing enough to meet the housing and service needs of the homeless, the elderly, and the disabled. Moreover, I am concerned that the strict budget for HUD exposes the federal government to future liabilities if our payments for existing developments fail to provide for adequate maintenance or cuts in staffing lead to inadequate monitoring. It is very clear that the appropriations for core HUD programs like public housing operating subsidies, public housing modernization, homeless assistance, and incremental Section 8 assistance are inadequate.

The funding decision with respect to the low-income housing preservation program is one of my greatest disappointments in the bill. I cosponsored a successful amendment in the Senate with Senators CRAIG, MOSELEY-BRAUN, SARBANES, and MURRAY to provide $500 million for this program. Then I joined my distinguished colleague, Senator LARRY CRAIG, in sending a letter to the conferees requesting at least $900 million for the program. We were joined by 10 other members of the Senate from both sides of the aisle.

Instead, the conference committee provided only $350 million for the preservation program. After setting aside $100 million for vouchers and $75 million for projects affected by special problems, only $175 million remains for sales to residents and resident-supported nonprofits. This is stunning given a queue of projects awaiting funding with funding needs totaling over $900 million. Thousands of residents around the country have been working closely with nonprofits over several years to organize and to assemble financial packages to purchase these buildings. This bill dashes the hopes of many who have worked hard to preserve this housing and to empower its residents.

The conference committee also imposed new cost caps on preservation projects even though these projects already have HUD-approved plans of action. While the Congress should continue to consider reforms to the program to reduce its cost, changing the rules for projects that have reached this stage of processing is unfair. We have seen no analysis assessing the impact of the cost caps or comparing this approach to other alternatives. I believe that the Secretary should exercise the discretion granted him in the legislation to provide waivers to the cost caps as necessary to preserve affordable housing.

Further, I strongly urge the Department of Housing and Urban Development to consider the discretion it has within the appropriations language to fund as many of the developments awaiting sale as possible. There is strong evidence that the Department will not need anywhere near the entire $100 million for vouchers, for example. It should, therefore, make a large portion of the voucher amount available for sales early in the year. Likewise, the Administration should strongly consider using other legal authorities it has to recapture prior year funds and other balances available for sales under this program. The mission of this program—preserving affordable housing—is vital.

Mr. President, I also want to express my regret that the conference agreement did not follow the wisdom of the Senate in the funding level for the Youthbuild program. Although $30 million is provided, which is $10 million more than in fiscal year 1996, the Senate this year provided $40 million. The higher level was warranted by Youthbuild's proven success in giving young adults in our inner cities a chance to make something of their lives, while simultaneously adding to the low income housing stock in our cities. I do want to commend the Senate appropriations for including $40 million in the Senate bill, and especially Ranking Member BARBARA MIKULSKI for her assistance in this effort.

I also would like to offer my sincere congratulations to Ms. Dorothy Stoneman, the founder and President of Youthbuild USA, who was recently awarded the prestigious MacArthur Foundation award in recognition of her long fight to improve the lives of youths on the margins of poor communities. It is richly-deserved recognition of her work and commitment.

Mr. President, that is the good, the bad and the ugly of this legislation. There are many Americans who will be helped greatly by this bill, but it leaves out many others. It evidences vision in some respects, but myopia in others. And with respect to the latter, I plan to devote myself to correcting the bill's inequities when the 105th Congress convenes next year.

FOREIGN OIL CONSUMPTION: HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 20, the U.S. imported 7,296,000 barrels of oil each day, 16,000 more than the 7,280,000 imported during the same week a year ago.

Americans relied on foreign oil for 53 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,296,000 barrels a day.

TRIBUTE TO CONGRESSMAN GLEN BROWDER

Mr. HEFLIN. Mr. President, I want to pay tribute today to another of the many outstanding Members of Congress who will be leaving as the 104th Congress draws to a close. That Member is my good friend from Alabama's Third Congressional District, Representative GLEN BROWDER.

GLEN BROWDER has served in the House of Representatives since winning an April 4, 1989 special election to succeed long-time Congressman Bill Nichols, who had passed away unexpectedly on December 13, 1988. Throughout his seven and a half years in Congress, he has been a loyal friend to the people of his district and an outspoken leader on national defense issues. He approaches his job with a deliberative, studied, and professorial approach that has helped him make the right decisions for his constituents and for the nation as a whole.

This type of leadership is not surprising coming from GLEN BROWDER, who holds a doctoral degree in political science from Emory University in Atlanta. He also has a bachelor of arts in history from Presbyterian College in Clinton, South Carolina and a master of arts in political science, also from Emory.

Congressman BROWDER was born in Sumter, South Carolina on January 15, 1943. He attended the elementary schools in Sumter, where he graduated from Edmunds High School in 1961. He spent the next ten years or so earning all these academic credentials—his BA in 1965 and his MA and Ph.D. by 1971. He is married to Sara Rebecca (Becky) Browder and they have a daughter, Jenny Rebecca.

While he was in college, the future Congressman from Alabama worked as a public relations assistant at Presbyterian College, sportswriter for the Alabama Journal, and investigator for the Civil Service Commission in Atlanta. Since 1971, he has been a professor of political science at Jacksonville State University in his hometown, Jacksonville. He has been on a leave of absence from the university since coming to Congress.

Before his election to the House, he had served in the Alabama House of Representatives from 1982 through 1986 and as Alabama Secretary of State from 1987 through 1989.

Congressman BROWDER fought tenaciously to keep Fort McClellan open. He led two successful Base Closure Commission battles to defeat the ill-advised effort of the Army and the Department of Defense to close it. As the home of the chemical corps of the Army and of the only live-agent training facility in the world, Fort McClellan garnered his unyielding support. Senator SHELBY and I were totally supportive of Congressman BROWDER'S leadership, but his studied expertise in the field of defensive chemical warfare allowed him to make arguments on what was in the best interests of the nation, in addition to the one based on the anticipated detrimental effects to the local economy.

I will never forget his superb presentation to the Base Closure Commission in a classified hearing on the need for live-agent training as well as the threat of chemical warfare from terrorist nations around the world. The third BRAC round led to a decision to finally close Fort McClellan, since the vote was a tie vote and a majority was necessary to take action to keep a base open. He was an excellent field marshall throughout each of these battles.

GLEN BROWDER also won many battles for the Anniston Army Depot and Fort Benning, a portion of which is located in the southern part of his district.

Congressman BROWDER has done an excellent job of balancing the various needs of his diverse district and has looked after the interests of the entire State of Alabama. As a member of the House Armed Services and Science, Space, and Technology Committees, he has fought for our national security and for continued funding for the space program, which has a large presence in north Alabama.

He has also compiled a conservative legislative record, while at the same time supporting the Democratic party leadership on most crucial votes. His district contains the largest number of textile and apparel businesses in the nation, and he has always fought for the interests of this industry as well as its workers.

His district contains Tuskegee University, Jacksonville State University, and Auburn University. He has consistently and strongly supported both higher education in general and the particular interests of these outstanding institutions of higher learning.

I am proud to have been able to serve with Congressman BROWDER in the Alabama delegation over the last seven years. It has been a pleasure to work with him on base closure and other vital issues. He is a proven leader who will be sorely missed when the 105th Congress convenes early next year, but I am confident that we will see him in other leadership roles in the future. I congratulate him and wish him well.

GADSDEN, AL, CELEBRATES ITS 150TH ANNIVERSARY

Mr. HEFLIN. Mr. President, on October 12, 1996, Gadsden, AL, will celebrate its sesquicentennial. The city will mark its 150th birthday with a large parade, sidewalk sale, dedications, awards, ceremonies, fireworks, and other activities. The theme of Gadsden's celebration is ''Proud of Our Past, Confident of Our Future.'' Under the guidance of the Etowah County Historical Society, the Turrentine Avenue Historical District and the Aryle Circle Historical District have been established. Efforts are currently under way to designate downtown Gadsden a historical district.

Gadsden's rich and colorful history goes all the way back to the early 1800's, when the Cherokee Indians occupied most of the territory in what is today northeast Alabama. In 1825, John Riley and his Cherokee Indian wife

moved from Turkeytown, AL, to a place near the Coosa River called Double Springs where they built a log cabin. This structure, the first to be built in what is now the city of Gadsden, still stands near the intersection of Third Street and Tuscaloosa Avenue, its original wall enclosed in an outer frame structure. This house was later used as a stage coach stop and post office on the route from Huntsville, Alabama to Rome, Georgia.

After the Indians were pushed west of the Mississippi River in 1838, many pioneers began moving into the expansive Cherokee Country from North Carolina, Georgia, and Tennessee. One of the earliest of these, John S. Moragne, began buying property on the west side of the Coosa River. Another, Joel C. Lewis, settled with his family on the east side. General D.C. Turrentine and his wife moved into the area in 1842, purchased some land at the lower end of what is now Broad Street, and built a hotal called the Turrentine Inn. Surrounding this tract was the land which was to become the actual town site, owned by three of the earliest pioneers: Moragne, Joseph Hughes, and Lewis Rhea. On these 120 acres, the original survey of Gadsden was made in 1846, consisting of 260 lots. Its boundaries were First, Locust, Chestnut, and Sixth Streets.

Shortly before this, a steamboat landing had been located at the foot of Broad Street, then known as Railroad Street. The first steam boat to sail up the river into Gadsden was the Coosa, built by Captain Lafferty on the banks of the Ohio River in Cincinnati and brought to Gadsden on July 4, 1845. The city founders wanted to name their new town Lafferty, but the captain objected. The name Gadsden was instead chosen to honor General James Gadsden, a soldier and diplomat who negotiated the Gadsden Purchase from Mexico.

John Lay, who moved from Virginia to Cherokee Country, was a pioneer in flatboat commerce. His grandson, William Patrick Lay, was later the founder of the Alabama Power Company and the first hydroelectric plant in the world.

General Turrentine organized a group of children into the county's first Sunday School, and from this core grew the religious denominations of the growing town. The First Methodist Church was organized in 1845; the First Baptist Church in 1855; and the First Presbyterian Church in 1860.

By September 1857, the young village of Gadsden had a total of 150 residents. The young, energetic North Carolinian named Robert Benjamin Kyle was typical of those moving into the area round this time. He had already enjoyed a successful business career as a merchant and railroad contractor in Columbus, GA. When he came to Gadsden, his dynamic personal energy, resourcefulness, and capital made him a catalyst for the rapid growth to follow. He saw the need for a lumber business there and worked diligently to make Gadsden a railroad and steamboat center. At the outbreak of the Civil War, he was commissioned as the first recruiting agent for the Confederate Army. In 1862, he and Isaac P. Moragne organized a Gadsden volunteer infantry company which later became Company A, 31st Alabama Volunteers. During the war, the county furnished five companies of soldiers.

After the war and during the Reconstruction Period, Kyle continued to develop Gadsden's natural advantages through lumber manufacturing, railroad construction, and mercantile business. One of his proudest accomplishments was the opening of Kyle's Opera House in 1881. Other churches were established, including Catholic, Episcopalian, Jewish, Christian Scientist, and Lutheran congregations.

In 1867, Etowah County had been carved out of Cherokee, Saint Clair, Marshall, Calhoun, Blount, and DeKalb counties and given the name ''Baine,'' in honor of Colonel D.W. Baine, who had been killed in 1862 with the 14th Alabama Regiment. When the Reconstruction's military government was established in 1868, officials protested so vigorously that the county's name was changed to ''Etowah,'' which is a Cherokee word meaning ''good tree,'' in 1869.

Ten years after the war, Gadsden was no longer a small village: It had over 2,000 inhabitants. Nineteen businesses boasted a trade of more than one million dollars each and the first public school opened in 1877. The 1880's saw the organization of the first fire department, erection of street lamps, and a garbage department. It had become a center for coal, iron ore, timber, and cotton.

By the turn of the century, Gadsden was fast becoming the ''Queen City of the Coosa.'' Industry was looking at and coming its way. In 1895, the Dwight Manufacturing Co. opened a plant in nearby Alabama City. The first steel plant was erected in Gadsden in 1905, the Alabama Power Co. in 1906, and Goodyear in 1929.

During World War I, men from Gadsden fought with the famous ''Rainbow'' division from the area. Nearby Rainbow City, Rainbow Memorial Bridge, and Rainbow Drive were all named in honor of these servicemen. This division had been raised and coordinated by a young Douglas McArthur.

In 1925, East Gadsden merged with Gadsden, the same year the Alabama School of Trades was built. In 1926, the Noccalula Falls lands were purchased by the city. Today, these grounds are among the most popular and beautiful tourist attractions in Alabama. The Etowah County Memorial Bridge was built and dedicated in 1927. In 1932, Alabama City and Gadsden merged into one city. In 1937, the third largest steel company in the U.S., Republic, came to Gadsden. This plant has been in continuous operation since then.

During World War II, major construction occurred as the Gadsden Ordnance Plant was built and the Gadsden Air Force Depot was completed. It was closed in 1958.

During the Korean Conflict, the Congressional Medal of Honor was awarded to Gadsden native Ola Lee Mize for bravery during this war. He was later a Green Beret in Vietnam.

Gadsden Mall opened in 1974, the same year that the Nichols Library was added to the National Register. It was the first library in Alabama to issue books to the public. In 1986, Gadsden changed its form of government from a commission type to a mayor-council form.

Today, the city's factories, churches, businesses, schools, and tourism industry stand as testimonials to a heritage of which the citizens of modern Gadsden may be justifiably proud. As it celebrates its 150th anniversary, Gadsden will prove itself once again a ''City of Champions'' and an ''All-American City.''

TRIBUTE TO SENATOR JIM EXON

Mr. CONRAD. Mr. President, before Congress adjourns for the year, I wanted to take a moment to pay tribute to Senator JIM EXON, who is retiring this year.

For more than a quarter-century, JIM EXON has served the people of Nebraska as Governor and as United States Senator. He has represented his state well. JIM EXON has been a leader on budget issues, a good friend to agriculture and the needs of rural America, and an accomplished legislator in the areas of transportation and national defense policy.

I was privileged to serve on the Senate Budget Committee with JIM EXON. He joined the committee in 1979, and in 1995 became the ranking member. Senator EXON and I usually saw eye-to-eye on budget issues, probably because we share Midwestern values about the need to control spending and keep our Nation's fiscal house in order. Senator EXON worked hard for passage of the balanced budget amendment. But his support for the amendment did not stop him from speaking out frankly this year when he believed the issue had become a political football, rather than an honest effort by those who truly wanted to balance the budget. JIM EXON also worked for years to draw attention to our skyrocketing national debt, because he understands that this debt is not a legacy we want to leave for future generations.

Senator EXON has also been a good friend to our Nation's family farmers. Throughout his time in the Senate, he fought for sensible agricultural policies and a safety net for our Nation's producers. Senator EXON and I were a terrific team on the Senate Budget Committee, ensuring that deficit reduction efforts treated agriculture fairly. JIM EXON always understood the special needs of rural areas, and promoted programs like Essential Air Service, that are so important to smaller towns and cities.

During the last Congress Senator EXON chaired the Commerce Committee's Subcommittee on Surface Transportation. In 1994 he succeeded in ensuring the termination of the ICC would occur in a manner that still protected the needs of agricultural shippers who needed effective oversight of the rail industry. Senator EXON was also a champion of rail safety issues, and in 1994 led the fight to authorize rail safety programs and ensure minimum safety standards for railroad cars.

Senator EXON has also worked for some time on nuclear weapons testing issues, at one time chairing the Armed Services subcommittee with jurisdiction over this issue. He joined Senator HATFIELD and former Majority Leader George Mitchell in 1992 in support of a measure to restrict and eventually end U.S. testing of nuclear weapons. Just this week we have seen the fruits of those efforts, with the signing of a Comprehensive Nuclear Test Ban Treaty at the United Nations. Senator EXON attended that signing, and should be proud that through the efforts of many, the world will be a safer place for our children and grandchildren.

Senator EXON will soon return to his home in Lincoln. With more time for leisure activities, I am certain he won't miss many baseball games when the St. Louis Cardinals are playing. But Jim EXON's dedication and expertise on many issues will be missed greatly in the U.S. Senate, even as Nebraskans welcome him home. I will miss my good friend and colleague.

THE 35th ANNIVERSARY OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. PELL. Mr. President, today marks the 35th anniversary of the founding of the U.S. Arms Control and Disarmament Agency in the first year of John F. Kennedy's Presidency.

The groundwork had been laid earlier in the Eisenhower administration, and the effort reached fruition in 1961. I was privileged to be part of that process as a new Senator in his first year of service.

I had become quite interested in the new processes of arms control, and I went with my more veteran and most distinguished colleagues, Senator Hubert Humphrey of Minnesota and Senator Joseph Clark of Pennsylvania, to argue the case that the new agency would have more weight and authority if it were established not by Executive order, but by the Congress as a statutory agency of the Federal Government. Fortunately, our friends in the White House agreed, and, over the next several months, the agency was created.

The Agency was started with much hope and high expectations. Some even feared that the Director of the Agency would be too powerful and might take steps that endangered the national security by moving too precipitously to control arms. In the process of compromise, the statute was worked out so that the Agency could fulfill high expectations, but the nation would be protected from precipitous arms control.

As matters have worked out, it is clear that those who feared that ACDA would go too far have had their fears unrealized. Those who hoped that the Agency would soar to new heights of arms control have had their dreams only partially realized. Nonetheless, the 35 years have been marked by many solid arms control achievements that have helped to ensure the protection of the national interests of the United States and that have served to demonstrate to the rest of the world that the United States is willing to continue on the course of arms control.

The achievements during the period of ACDA's existence include: the Limited Test Ban Treaty, Outer Space Treaty, Protocols to the Latin American Nuclear-Free Zone Treaty, Non-Proliferation Treaty, Seabed Arms Control Treaty, Biological Weapons Convention, Incidents at Sea Agreement, the Anti-Ballistic Missile Treaty, the SALT I Interim Agreement, the Threshold Test Ban Treaty, Peaceful Nuclear Explosions Treaty, Environmental Modification Convention, Intermediate-Range Nuclear Forces Treaty, START I Treaty, START II Treaty, the Chemical Weapons Convention to be considered a-new by the Senate next year, and the recently signed Comprehensive Test Ban.

The ACDA involvement has varied among the treaties—some were achieved by Presidential envoys, and some by officials of the Department of State. In other cases, the Agency had the lead. But, in almost all cases of significant agreements, the Agency provided much of the necessary technical and legal expertise and provided the continuing backstopping that was necessary for success in negotiations year-in and year-out. The Arms Control Agency has provided an arms control perspective and expertise whenever needed by others in the executive branch. In the most successful times for the Agency as in this administration, the President and the Secretary of State have turned to the Director and to his staff as principal advisers on arms control and, often, nonproliferation. This experience has demonstrated the wisdom of President Kennedy and the Congress in their decision to give arms control a real boost by creating the only separate agency of its type in the world.

Now that the cold war is over, some question the continued need for an arms control and disarmament agency. Some ask whether the essential tasks of arms control and disarmament are not done. In recent rounds of budget cutting, the Agency has indeed become beleaguered. It is fighting even now for a budgetary level at which it can successfully accomplish the tasks assigned to it. I hope very much that the effort to have ACDA adequately funded will be successful. Should we not adequately fund ACDA—with a budgetary level equivalent to the cost of a single fighter aircraft—I believe that we will rue that decision when we come to realize that the Agency made a great difference to our true national security interests.

One can legitimately ask whether there are any truly significant challenges ahead. The able and dedicated current Director, John Holum, gave a chilling look at the challenges that truly face this country in the area of nonproliferation alone when he said in February at George Washington University:

> "Meanwhile, the Soviet-American arms race has been overshadowed by a danger perhaps even more ominous: proliferation of weapons of mass destruction—whether nuclear, chemical or biological, or the missiles to deliver them—to rogue regimes and terrorists around the world.
>
> By reputable estimates, more than 40 countries now would have the technical and material ability to develop nuclear weapons, if they decided to do so.
>
> More than 15 nations have at least short range ballistic missiles, and many of these are seeking to acquire, or already have, weapons of mass destruction.
>
> We believe that more than two dozen countries—many hostile to us—have chemical weapons programs.
>
> The deadly gas attack in Tokyo's subway last year crossed a fateful threshold: the first use of weapons of mass destruction not by governments but terrorists, against an urban civilian population.
>
> Revelations about Iraq have provided a chilling reminder that biological weapons are also attractive to outlaw governments and groups.
>
> And recalling the World Trade Center and Oklahoma City bombings, we must ponder how even more awful the suffering would be if even primitive nuclear, chemical or biological weapons ever fell into unrestrained and evil hands."

Mr. President, I commend the Arms Control Agency and its excellent staff. I hope very much that the Congress of the U.S. will have the wisdom to provide the necessary support and backing to the United States Arms Control and Disarmament Agency as it serves us and all Americans in the future in helping to find ways to deal with the threats to peace and security, the United States, its friends, and its allies will face in the period ahead.

RETIREMENT OF SENATOR HOWELL HEFLIN

Mr. CONRAD. Mr. President, I rise today to pay tribute to one of the most well-liked and respected members of the Senate. Judge HEFLIN has brought to this body a keen mind, a sharp wit, and a pleasant sense of humor that makes it a true pleasure to serve with him. His retirement this year is a tremendous loss to the Senate, his State, and the Nation.

I have come to know The Judge best through our work on the Senate Agriculture Committee. Since I joined the Senate in 1987, Judge HEFLIN and I have worked together to improve the quality of life for rural citizens. Senator

HEFLIN represents a rural State, Alabama, and he knows what's needed to maintain quality of life. He knows that everything which makes up the rural way of life—jobs, schools, hospitals, the rural infrastructure—depends on having a vibrant economic base.

As it is in North Dakota, agriculture is key to rural life in Alabama. Senator HEFLIN understands the need to preserve and protect the economic viability of American farmers in fiercely competitive global agricultural markets. He understands the complexities of world agricultural trade and has stood strongly behind U.S. farmers in their efforts to compete. A staunch defender of U.S. peanut growers, The Judge is always willing to go the extra mile to ensure their concerns are heard in the development of agricultural legislation. But more than that, he always works hard to convey to the nonagriculture community the importance of maintaining a strong, broad-based agricultural system in the United States.

Closely linked with agriculture is the rural infrastructure, and Senator HEFLIN knows perhaps better than anyone in this body that a strong infrastructure is absolutely crucial to preserving the economic base of rural areas. Rural electric and telephone cooperatives are the lifeblood of rural areas, and without them many citizens would receive poor service, expensive service, or no service at all. Senator HEFLIN fights off critics of Federal Government rural development efforts with stern determination, clear arguments and effective strategies. I truly admire him for it, and am glad to say I've joined him in that effort.

I'm sure every Member of this body has a favorite story about HOWELL HEFLIN. His character and personality have often brought easy smiles into what many times have been very difficult situations. One of my favorites occurred just last year in the Senate Agriculture Committee during negotiations on the 1996 farm bill. The Committee Democrats were present, waiting for our Republican counterparts to finish their caucus and enter the room. Suddenly, above the din of the Members, staff, and lobbyists came a bellowing call, ''Sound the pachyderm horns!'' The Judge had made it known he wasn't interested in waiting for the Republicans any longer. They promptly returned.

But it will not be for just his wit that I will miss Judge HEFLIN. He is a good friend, a great Senator, and a remarkable American. I admire him greatly for all that he has done. And knowing that this week he admitted himself into an Alabama hospital, I can only say that I wish him a speedy recovery, my sincerest appreciation for the years we've served together, and my best heart-felt wishes for a long, happy, and comfortable retirement.

RETIREMENT OF SENATOR HANK BROWN

Mr. CONRAD. Mr. President, I rise today to pay tribute and bid farewell to the distinguished Senator from Colorado, Senator HANK BROWN.

Senator BROWN has committed many years to the people of Colorado, spending 10 years in the House of Representatives and 6 here in the Senate. Though he has much to offer this body, Senator BROWN has chosen to limit his time in Washington. The Senate will certainly miss his leadership and commitment.

Senator BROWN and I share a common concern for getting this country's fiscal house in order, though, at times, that involves making difficult choices. I have had the great pleasure of working with Senator BROWN as a member of the Centrist Coalition, a bipartisan group of Senators. This group worked diligently to agree to an alternative budget plan. This plan incorporated the suggestions of the National Governors' Association on welfare and Medicaid issues, while preserving a safety net for our Nation's most vulnerable populations. Though our plan was narrowly defeated, it was the only bipartisan budget effort to receive strong support during the 104th Congress. I was honored to work with Senator BROWN on the effort.

Prior to his time in Congress, HANK BROWN served our country in Vietnam. A decorated veteran, he has maintained a commitment to ensuring that the United States dealings with Vietnam are appropriate and fair. His unique knowledge and perspective have made him an invaluable contributor to the debates on foreign policy and U.S. military involvement in the world community.

Senator BROWN has also exhibited leadership on behalf of ranchers; as a Senator from North Dakota, I fully appreciate his efforts in this area. During debate on the 1994 Interior appropriations bill, HANK BROWN led the fight against an amendment to raise grazing fees. I was proud to join him in this successful fight, and the ranchers of my State are thankful for his leadership.

Above all, it is Senator BROWN's integrity, thoughtfulness, and commitment to principles that make him a valued Member of the Senate. He will be greatly missed in this body, and I wish him well as he embarks on the next stage of his life.

HONORING THE TAFTS ON THEIR 65TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable:

Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Clarence and Ethel Taft of Springfield, MO, who on September 10, 1996, will celebrate their 65th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Clarence and Ethel's commitment to the principles and values of their marriage deserves to be saluted and recognized.

TRIBUTE TO RETIRING SENATOR DAVID PRYOR

Mr. CONRAD. Mr. President, today I salute one of my Democratic colleagues who is retiring at the end of this Congress, Senator DAVID PRYOR of Arkansas. I have been privileged to serve with David PRYOR not only in the Senate but also on the Finance and Agriculture Committees. Senator PRYOR is a true gentleman, a thoughtful statesman, and a champion for all taxpayers, farmers, and senior citizens. His presence in the United States Senate will be missed.

Senator PRYOR's service to his constituents in Arkansas and the Nation is remarkable. He was elected to the first of three terms as a U.S. Congressman for the Fourth District of Arkansas in 1966. He became Governor in 1974. In 1978, the people of Arkansas elected him to serve in the U.S. Senate. Senator PRYOR was elected to his third Senate term in 1990 without a challenger.

Through his service on the Senate Finance Committee, Senator PRYOR has made a difference in the day-to-day life of every American. The Taxpayer Bill of Rights will be considered as one of Senator PRYOR's lasting legacies. Thanks to his efforts in enacting this legislation, taxpayers are guaranteed certain basic rights when dealing with the Internal Revenue Service.

The Agriculture Committee provided Senator PRYOR with the perfect venue to improve the lives of America's farmers and ensure an abundant and safe food supply for this country and the world. He has been a watchdog for the interests of Arkansas farmers. His work on improving food quality and safety will be remembered by many future generations.

Senator PRYOR is probably best known for his work on behalf of our senior citizens. The Senate Special Committee on Aging was chaired by Senator PRYOR for 6 years and he currently serves as the ranking minority member. Senator PRYOR fought to save the Social Security system and reform the nursing home industry. He also focused the Nation's attention on the soaring prices of prescription drugs. His dedication to the issues facing our senior citizens is inspiring.

Mr. President, dedication, integrity, and humility are characteristics that best describe Senator PRYOR's presence in the Senate. He has worked tirelessly on behalf of his Arkansas constituents

and the Nation to achieve important goals in health care, aging issues, and agriculture. His accomplishments have been remarkable, and will be recognized for many years. I have been deeply honored to serve with my distinguished colleague Senator PRYOR, and wish him every happiness and good health in the years to come.

SENATOR SAM NUNN

Mr. CONRAD. Mr. President, I rise to pay tribute to one of the Senate's most respected and accomplished Senators, SAM NUNN of Georgia. Despite the counsel of Democrats, Republicans, and even the President to seek an assured and well deserved fifth term, Senator NUNN has decided to retire from the Senate at the end of the 104th Congress.

Clearly, Senator NUNN's departure is this Chamber's loss. As anyone who has attended or testified before a hearing of the Senate Armed Services Committee over the last 24 years is well aware, there is no member on Capitol Hill today who understands defense issues better than the Senior Senator from Georgia. Throughout his nearly two and a half decades on the Armed Services Committee and 10 years as its chairman or ranking member, Senator NUNN has been routinely consulted by Senators—including this one—when particularly difficult and complex issues have been before the Senate. With little doubt, few Senators in the history of this distinguished body have shown Senator NUNN's acumen for balancing Congress' prerogative to raise and support our Armed Forces with respect for the judgment of our military's leadership.

Mr. President, in his capacity as chairman and ranking member of the Armed Services Committee and as a member of this Chamber, my friend from Georgia has conducted his career in the best tradition of the Senate. The reputation of Senator NUNN's committee for bipartisanship is due in part to the leadership of the Georgia Senator. Better than most, SAM NUNN has understood that compromise is absolutely essential if the Senate is to function as effectively and fairly as the American people expect, and deserve.

Although I do not expect it to last, Senator NUNN's departure from the national stage will be the Nation's loss. His influence has been apparent in the policies of every administration since the senior Senator from Georgia was elected to this body in 1972, and has been especially evident over the last decade. Since the end of the cold war, Senator NUNN has guided the reorganization and reduction of our global military posture, effectively balancing the necessity to maintain forces appropriate for an increasingly complex threat environment, with the need to put our fiscal house in order. Senator NUNN's participation in a bipartisan budget coalition testifies to his commitment to the cause of responsible deficit reduction, and it has been my honor and privilege to work with him toward this important end.

Mr. President, Senator NUNN has established the benchmark for sound leadership, and I have no doubt that his influence will continue to be felt once he leaves the Senate. As my friend from Georgia is aware, there has been speculation for years that he would one day become Secretary of Defense or Secretary of State. But as many of his colleagues have knowingly observed, Senator NUNN has long exercised influence on defense matters worthy of the Secretary's job itself. I wish Senator NUNN the very best as he begins a new chapter of his life. As a Senator and citizen, I offer my sincere thanks to the Georgia Senator for his excellent service, for which we are all better off. I know that I speak for all Senators when I say that Senator SAM NUNN will be sorely missed, but never forgotten.

TRIBUTE TO ALAN SIMPSON

Mr. CONRAD. Mr. President, the Senate this year will lose a long-time friend, ALAN SIMPSON of Wyoming. Senator SIMPSON has served his state well for three decades, including 18 years in this chamber, and 12 years before that in Wyoming's House of Representatives. As many here know, he was raised in politics: his father Milward was a former governor and U.S. Senator.

While I congratulate Senator SIMPSON on his retirement, I also have to say I am sorry to see him go. As members of different parties, we have not always seen eye to eye. But even in those times I have disagreed strongly with him, I have always been impressed by his passion. He is a formidable opponent, and any Senator who challenges him better be fully versed on the issue and ready for a tough debate. Because ALAN SIMPSON is always ready. This smart, principled legislator also possesses a unique sense of humor that can inject laughter into even the most difficult situations. And on many issues, such as the current immigration debate which he has led in the Senate, he has shown a willingness to find a bipartisan solution to our mutual problems.

In a Congress that has become increasingly more partisan, many of Senator SIMPSON's colleagues in both chambers and on both sides of the aisle, would do well to heed his example. Compromise and cooperation are seen by some as a lack of leadership. But the ''my way or the highway'' attitude often short-changes the American people. Senator SIMPSON's willingness to achieve solutions for the greater good is the embodiment of leadership.

On the Senate Finance Committee, Senator SIMPSON and I have examined some of the most pressing issues before us; reduction of our national debt and the future of entitlement programs like Social Security, Medicare, Medicaid, and veterans' benefits. As colleagues on the bipartisan Centrist Coalition we worked together to find a fair and reasonable solution to reducing the deficit and controlling the growth of entitlements, when the White House and congressional leaders reached an impasse.

Anyone who works with him on these issues knows without a doubt that Senator SIMPSON cares as deeply about the future of our country as anyone in Congress. Federal spending on entitlement programs is growing at an alarming rate, but suggesting change to entitlement programs is considered political suicide by some. But that has never stopped Senator SIMPSON. His work on the Bipartisan Commission on Entitlement and Tax Reform confirms that he is willing to advocate tough solutions to these growing problems. I may disagree with some of his conclusions, but the fight to reform these programs, as well as the fight to reach a fair balanced budget, is ongoing. I am saddened that he is not staying on to help lead these fights. But perhaps in the coming years, all of us in Congress will learn to embody the virtues of courage and leadership that we have seen in ALAN SIMPSON.

RETIREMENT OF SENATOR NANCY KASSEBAUM

Mr. CONRAD. Mr. President, today, I offer tribute to my friend and colleague, Senator Nancy KASSEBAUM. The Senate will miss this respected and fair minded policy maker. While the distinguished Senator from Kansas may no longer physically be present on the floor of the Senate to fight the battles she believes in, she will leave a legacy of intelligence, honesty, and common sense that will always be respected and never forgotten.

Among her many accomplishments, Senator KASSEBAUM will go down in the textbooks of American history as the first woman to Chair a major Senate committee, the Senate Committee on Labor and Human Resources. This fact makes a statement about the strength of Nancy KASSEBAUM as a leader. Senator KASSEBAUM successfully challenged institutional gender biases, paving the way for other women who aspire to become powerful Members of the Senate. I compliment Senator KASSEBAUM for this significant accomplishment.

Throughout her 18 years of dedicated service as a member of the Senate and her tenure as Chair of the Senate Committee on Labor and Human Resources, Senator KASSEBAUM has fought to preserve the health and dignity of America's families, children, and the poor. She was a moderating force throughout the welfare debate. Her strong stance on issues such as ensuring abused and neglected children are protected, increasing the availability of child care for low-income families, and preserving child care health and safety standards was a key to the successful passage of

a welfare reform bill that received bipartisan support.

I had the recent privilege of working closely with Senator KASSEBAUM on a comprehensive budget proposal formulated by a bipartisan group of Senators. This proposal was based on compromise, fiscal responsibility, common sense, and fairness. It balanced the unified budget by 2002, while preserving important social safety nets for some of our most vulnerable citizens. My colleagues and I worked long hours on this proposal, which received substantial support on the Senate floor. I was proud to have the opportunity to work with Senator KASSEBAUM on this compromise agreement and was impressed by her diligence and thoughtfulness throughout the discussions.

Senator KASSEBAUM's spirit of fairness is exemplified by her work in the Foreign Relations Committee. As a member and Chair of the African Affairs Subcommittee, she fought to break down the barriers that oppress and divide people. She would not condone intolerance and took decisive action to suppress apartheid by supporting sanctions against the South African Government in 1986. She applauded the fall of apartheid in 1993 and the election of Nelson A. Mandela as President of South Africa in 1994. People and governments worldwide will thank Senator KASSEBAUM for her work on this issue.

In closing, I will look back on the long career of a great Senator, NANCY KASSEBAUM, with admiration and respect. I thank Senator KASSEBAUM for her honesty and fairness and wish her well in her future pursuits.

REPORT BY SENATOR PELL

Mr. THOMAS. Mr. President, yesterday—in my capacity as chairman of the Subcommittee on East Asian and Pacific Affairs—I introduced into the RECORD a portion of a report prepared by the very distinguished ranking minority member of the Foreign Relations Committee, Senator PELL.

The report, entitled ''Democracy: An Emerging Asian Value,'' details the Senator's recent trip to Asia. I was very interested in the distinguished Senator's observations because the countries he visited—Taiwan, Vietnam, and Indonesia—fall within the jurisdiction of my subcommittee. I thought my colleagues would benefit by having the report readily available to them, and had a portion of it reproduced in the RECORD yesterday. But because of space considerations, Mr. President, only a portion could be reprinted.

Consequently, today I ask unanimous consent to have the remainder of Senate Print 104–45 [pages 1 through 9] printed in the RECORD.

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

DEMOCRACY: AN EMERGING ASIAN VALUE

TAIWAN

A. Introduction

The political and economic development on Taiwan has been truly amazing. For 40 years after Chiang Kai-Shek led his defeated Nationalist Party (KMT) to Taiwan in 1948, the government in Taipei was controlled by Mainlanders to the exclusion and detriment of the native Taiwanese. The KMT's political control was absolute and oppressive. But in the economic sphere capitalism flourished. Taiwan became one of the world's fastest growing economies and its citizens enjoyed surging prosperity.

Political liberalization began in the late 1980s under President Chiang Ching-kuo, including the lifting of martial law in 1986 and the legalization of opposition parties in 1989. Contested elections to the Legislative Yuan, the government's main legislative body, took place in 1992.

This year, democratization reached a new level with the direct election of President Lee Teng-hui. Until this year, the president had been elected by the National Assembly. Lee himself had been a main proponent of this electoral change. Lee's election represented the first time in 5,000 years of Chinese history that the Chinese people directly chose their leader. Four candidates ran for the Presidency; the three losing candidates peacefully accepted the results of the election.

I have found these breathtaking political developments very satisfying. In the 1970s and 1980s I was one of a small number of American political figures who regularly criticized Taiwan's authoritarian regime and the dominating KMT Party for their political inflexibility, and I urged political liberalization and reform. That Taiwan has come so far in such a short time is truly impressive and is a great compliment to the people of Taiwan and to their current leaders.

Democratization has brought new problems as well as benefits to Taiwan. In the past the KMT had complete control over the government. Now the party has the presidency, but only a one-seat majority in the legislature, where three main parties are represented: the KMT, the Democratic Progressive Party (DPP) and the New Party. All politicians and government officials are learning new ways of interacting under these changed circumstances.

As freedom of speech has grown in Taiwan, so too have voices advocating a formal declaration of independence and separation from China. As Taiwain's identity as a democratic society has increased, President Lee has tried to raise its international identity as well. The government has called for Taiwan's membership in the UN and other international fora. Senior leaders, including the President, have made numerous visits abroad, some billed as private ''golf trips,'' in what has become known as ''vacation diplomacy.'' And some members of the DPP have openly called for a formal declaration of Taiwan's separateness from the Mainland.

The People's Republic of China has reacted strongly and negatively to the new internationally active Taiwan. Beijing has seemed particularly provoked both by the idea of an ''independent'' Taiwan and by the process of democratization itself. Tensions between China and Taiwan, and between China and the U.S., have risen in the last year to levels not seen since the 1950s. China has held four sets of military exercises clearly meant to intimidate Taiwan, the most serious of which was just before the presidential elections in March. One of Taiwan's greatest challenges in the next few years will be managing relations with its largest and most contentious neighbor.

b. Political development

I had a very warm meeting with President Lee Teng-hui, who spoke optimistically about the ''new history of China.'' Naturally pleased with Taiwan's recent democratic exercises, he made clear that he believes Taiwan's transition to a totally democratic society is not yet complete. He spoke of the work he feels must still be done, focusing not on political institutions but on the people's minds and expectations. He argued that the people of Taiwan still lack a truly democratic mind set, a sense that free will can shape their future. Arguing that he was following the philosophy of Dr. Sun Yat-sen to first change the public sphere, then focus on the private, he is now focusing on educational reform and cultural change, along with judicial reform. He recognizes that such changes take a long time—''maybe a hundred years''—but that they are important. He feels this mission is his personally, that if he, as the first directly-elected president, does not undertake to make these changes, then an opportunity for profound change will be missed.

Yet structural challenges remain and structural changes are continuing. Just before I arrived the Legislative Yuan, in an unprecedented exercise of budgetary control, rejected the Executive's request for funding of a fourth nuclear power plant. The role of the President vis-a-vis the Premier is also under discussion. Structurally, official power rests with the Premier's office, with the President's power coming as head of the KMT. In past practice, however, the President has wielded considerable influence and Lee's popularity may serve to increase that influence even more. President Lee and National Security Council Secretary-General Ting Mou-shi both mentioned that this was an on-going issue that would be discussed at the next National Assembly meeting, expected to take place this summer. Some opposition party members, members of the Legislative Yuan and constitutional scholars have questioned this trend and have recommended finding ways to check the power of the Presidency, such as by increasing the power of the legislative branch.

President Lee also expressed the need for continued economic liberalization and internationalization. He said that the government's new direction is toward changing local laws and regulations to be more open to foreign investment. President Lee said his first priority will be to take concrete steps toward this end, once his new Cabinet is formed.

President Lee sent his thanks to the U.S. Senate for its support for the world's ''youngest democratic country'' and especially for its support during the recent military threats from the Mainland. He said that the U.S. carrier groups sent to the Taiwan Strait helped to insure stability during the presidential election in March, and he thanked us for the many Congressional resolutions of support. Taiwan's gratitude for U.S. support was reiterated by all other government officials with whom I met in Taipei.

Finally, President Lee said that relations between the U.S. and Taiwan, while always good, would be particularly close now that Taiwan was a ''full-fledged democracy.'' He said he hoped that the U.S. would continue to ''support us under the wording and spirit'' of the Taiwan Relations Act (TRA), a request that National Security Council Secretary-General Ding also made to us. The TRA, passed by Congress in 1978, requires the U.S. to ''make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.'' Taiwan would very much like to increase its defense purchases from the U.S.

C. Taiwan-Mainland China relations

Beijing has accused President Lee of abandoning the long-standing ''one-China'' policy by seeking a higher international profile for Taiwan. President Lee assured us that this is not true, though he said his government's definition of a one-China policy is quite different from Beijing's. He said that the reality today is that there are two distinct political systems and that there would only be ''one China'' after the two sides reunified. His government, of course, wants to see one Republic of China, not one People's Republic of China.

In President Lee's vision, one China would also include a truly autonomous Tibet. While arguing that Tibet is a part of China, he said that there would be no problems there if Beijing allowed Tibet the freedom to make its own internal decisions. A truly ''autonomous'' region should expect no less. President Lee also voiced his respect and admiration for His Holiness, the Dalai Lama.

President Lee is, of course, carefully watching how Beijing manages the takeover of Hong Kong, seeing this transition as an indication of how Beijing would manage reunification with Taiwan. Beijing's recent threats to dismantle Hong Kong's legislature and its plans to garrison a larger number of troops in Hong Kong than are currently there make Lee pessimistic that a China-Taiwan reunification, under current circumstances, could go smoothly.

Beijing has particularly objected to Taiwan's quest for membership in international fora, especially the UN. Officials in Taipei told me, in what appears to be an attempt to defuse this contentious issue, that Taiwan is not asking for an actual seat in the UN, but only for a study on how Taiwan could participate in some UN agencies and meetings without actual membership. Officials stressed that the twenty-one million people of Taiwan deserve some sort of representation in the world body, but what form of representation is still an open question. Since I have returned, there have been news reports that the government is pulling back even more on this effort and may focus instead on attaining membership in the World Bank or the International Monetary Fund.

Officials in Taipei repeated their commitment to dialogue with the Mainland and to strengthening ties that could lead to a more easy co-existence. Government officials acknowledged support within Taiwan's business community for direct links that would facilitate trade, but argued that such links could only occur if Beijing recognized Taipei as an equal partner in negotiations. There was some talk, I was told, of opening representative offices along the lines of what Taiwan and the U.S. have in their respective capitals, but that idea, too, was conditioned on the Mainland's being ''realistic'' in dealing with Taiwan as a separate entity.

A meeting with two representatives of different factions of the DPP, Mark Chen and Trong Chai, highlighted the divisions within the DPP on how to handle relations with the P.R.C. Chai, from the ''Welfare State'' faction, believes that Taiwan should hold a plebiscite on the question of independence. Without independence, this faction believes, the rest of the world will recognize only the P.R.C. Eventually, they believe, Taiwan will be forcible incorporated into the mainland and lose the freedoms its people enjoy today.

Chen argued that democratization in Taiwan was complete in terms of its system (although he said the KMT still holds an unfair share of the resources necessary to win a presidential election or to gain the majority in the legislature). He argued that, with 21 million people and a democratic system, Taiwan has all the attributes of a full-fledged country and asked what more it takes for the international community to recognize it as one. Both men wanted to know how that community, and especially the U.S., would react if reunification were not handled peacefully. Neither accepted the thesis that a declaration of independence by Taiwan would precipitate a non-peaceful reaction, from the P.R.C.

I should note that I have known and worked closed with Dr. Chai and Dr. Chen since the late 1970s when they were expatriate native Taiwanese activists in the United States. As the political system liberalized, they sought to return to their native land. That they are now back and participating vigorously in Taiwan's newfound democracy is another remarkable sign of what has occurred in Taiwan in a few short years.

The exciting thing about Taiwan is that democracy, while still young, is functioning. It is clear from my discussions that officials are trying to work out new power arrangements within and between the different branches of government. The government in Taipei must now formulate domestic and foreign policies that reflect the often-conflicting views of the population at large. The three main parties—the KMT, the DPP and the New Party—all have different views as to how this should be done. But the process they are using to work through these differences and to develop new power arrangements is democracy in action.

VIETNAM

A. Introduction

It has been said of the Communist Party in Vietnam that, after winning the war with Western capitalists, it has now lost the peace. Economic reforms begun in the 1980s, known as doi moi, have brought tremendous change to Vietnam's level of economic development. There are also signs that these reforms could lead to some limited, but still important, changes in the country's politics as well. In the most recent Constitution of 1992, the Party is still specified as the leading force in both the State and in society at large while other parties are banned. Nonetheless, last year in elections for local, provincial, and then national assemblies, some candidates ran as independents.

The Communist leadership in Vietnam clearly aims to continue economic development, while tightly controlling the direction of that development and prohibiting political liberalization. Their role models for this seem to be the early years of economic transformation in Singapore, South Korea and Taiwan. The government's plan for implementing this goal will be a major topic of discussion at the next Party Congress meeting, being held this month. Other important issues to be considered at this meeting include legal reform and potential leadership changes.

Vietnam's economic changes have been dramatic since the government introduced market-liberalization policies in 1989. The industrial and services sectors, for example, have been growing at an average of 9% per year. Agriculture, which accounts for 73% of all employment, has grown at a much slower 3% per year. Yet here, too, reforms have had a profound effect; Vietnam has moved from an importer of rice to the world's third largest exporter (after Thailand and the U.S.) GNP per capita remains low, however, at roughly US$230 at given exchange rates (although real incomes may be higher because much of the economy involves non-cash transactions). The government's current goal is to double per capita GNP by the year 2000.

B. Political developments

The Vietnamese government remains under the control of the Communist Party. But the Vietnamese people appear to enjoy greater individual freedom than in most other Communist countries. Analysts have reported that people do not fear speaking up against certain policies. Local officials, while still mostly Communist effect on their daily operations and decisions.

This attitude was reflected in my meetings with top officials, who stressed repeatedly that they were aiming for a government ''of, for, and by the people.'' While final authority continues to rest with a small group of Politburo leaders who operate without scrutiny or accountability, much was made of the ability of individual citizens to complain to their National Assembly Committee representative or to have input at the local level on documents being prepared for the Party Congress.

When asked about individual rights, officials quickly said that, while they recognized the universality of human rights, the promotion of these rights has to take place within the context of Vietnam's circumstances today, which is different from that of the West. I was repeatedly told that an individual's fundamental right was to live in a free and independent country, which Vietnam had only achieved after a long and difficult struggle. Officials stressed that ''Asian values'' were most appropriate for their society, meaning that individuals can not exercise their rights at the expense of others or the law. In spite of these arguments, and the claim that it is not Vietnamese policy to jail political dissidents, officials admit that their legal system ''needs work.''

To the end, the government is considering several proposals to further develop the rule of law. Decisions on these proposals will be made at the June Party Congress.

It was also stressed to us that Vietnam is going through a period of great change, a process of ''nation-building.'' During this time, officials say, they will consider suggestions and ideas from other countries, but will apply any they adopt to Vietnam's specific conditions. The National Assembly President, Nong Duc Manh, said that there was a great interest in the National Assembly for more contact with the U.S. Congress. Aside from being able to learn about the technical aspects of our system, Manh said that he wanted both sides to gain a greater understanding of each other's legislative institutions and practices.

The decisions that will be made at the upcoming Party Congress about policy reforms and about the changes in—or retention of top Party officials will provide a critical roadmap for all Vietnamese development—economic, political and social—for the next 10 years. It will be an indication to ordinary Vietnamese and to the outside world were the leadership plan to move the country.

C. Economic development

An entrepreneurial spirit pervades the streets of Hanoi. Children and young women aggressively pursue foreigners hawking postcards and good-luck decorations, refusing to accept repeated ''No thank you's.'' Storefront shops offer a wide variety of goods and services, such as jewelry, linens, housewares, mufflers and mechanical repairs. I was told that most of these stores were probably ''illegal,'' meaning that their owners had likely not obtained the licenses or paid the taxes required to operate legally. As illegal operations, they were subject to random ''crackdowns'' by the police. As I was leaving Hanoi, I saw this practice at work. A police truck randomly stopped at street stalls and police got out to talk with store owners. I was told that the police in this case were most likely collecting their ''cut.'' Indeed, the truck was loaded with furniture which may well have been collected as payment.

Deputy Vice Foreign Minister Le Mai told me that the largest mistake Vietnam ever made was implementing a command economy. He said the laws of capitalism ''just are,'' which I took to mean that they are the natural order of things. He said the private sector is recognized in the 1992 Constitution as equally important to the State and Collective sectors. He acknowledged that private ownership of land has not yet been recognized and that this creates an incentive problem, especially in agriculture. Mai said that Vietnam was moving slowly in this sector to avoid the chaos it believes came to Eastern Europe after private ownership of land was allowed.

While Vietnamese officials repeatedly stressed their desire for increased foreign investment to stimulate further economic development, several barriers exist for foreign companies trying to operate in Vietnam today. I benefited immensely from a lengthy meeting with American business representatives struggling to do business in Hanoi today. One of the problems they cited is the requirement for a license for every aspect of a company's operation. Licenses are narrowly drawn, limiting a company's activities. Such a system naturally lends itself to corruption. Many companies make use of middlemen to deal with these headaches and such services add appreciably to costs.

Another problem arises from the lack of private ownership of property. Without private ownership of real estate, businesses cannot mortgage their property to raise capital for further investment. Foreign investors also lack direct access to a distribution system and are forbidden from holding inventory.

The heart of the problem for foreign investment, however, is the lack of a rule of law. No one can count on the government to honor a contract and there is no recourse to objective arbitration. Again, this leads to corruption ''from top to bottom'' because officials may demand a bribe to live up to what they have already promised. One U.S. businessman referred to contracts as ''water soluble glue.'' Unless or until government officials take significant steps toward creating a sound and transparent legal system, foreign investment will be hampered.

D. Relations with the U.S.

This visit was only my second to Vietnam and my first to Hanoi. My first trip was with Senator Mansfield in 1962 during the early stages of the war. What surprised me above all else was the friendliness of the people and their willingness, even eagerness to deal with Americans, even though it was only some 20 years ago that American bombs were raining down on their country. Other Americans I met there also noted their sense that the Vietnamese were eager for closer relations with the U.S., in spite of our two countries' recent history.

Vietnamese officials welcomed President Clinton's announcement, the week before I arrived, of his nomination of Congressman Douglas B. ''Pete'' Peterson to be Ambassador to Vietnam. They agreed that having a former prisoner of war as Ambassador symbolized the willingness of both countries to put the war behind them. They seemed to understand that the dynamics of U.S. electoral politics could delay his confirmation and actual posting to Hanoi.

All officials in Hanoi, both Vietnamese and U.S., went to great lengths to assure me that cooperation on the most contentious bilateral issue—POW/MIAs—was strong and productive. At a lunch at the Charge's residence, U.S. embassy officials were unanimous in their assessment of Vietnamese cooperation: it could not be better. The U.S. military official in charge of the issue in Hanoi described how his team was able to investigate every lead they received, to go where ever they wanted and to view all documents they requested. He emphasized that there were no roadblocks from the Vietnamese. I am convinced that the government of Vietnam is being fully cooperative with the U.S. on the POW/MIA issue and that, while this cooperation must continue, the issue should not in any way hamper further development of the bilateral relationship.

Le Mai raised an interesting point with us. He said that his government had tried to cooperate whenever and wherever it could, but that he and his colleagues often felt U.S. demands were unrealistic. He pointed out that only weeks before we arrived a U.S. commercial aircraft had crashed in the Everglades in Florida. Despite knowing exactly when and where the plane went down, and using the best equipment and best trained people to recover the remains of passengers, the U.S. had yet to recover a single identifiable remain. Yet if the Vietnamese government cannot produce finding of a crash that may have occurred 25 years ago, in a broadly-identified area, then critics in the U.S. will accuse them of stonewalling.

In discussing regional security issues, officials emphasized their desire for peace and stability to foster an environment conducive to economic growth for all. Deputy Foreign Minister Le Mai emphasized the need to have a ''balance'' between the various powers in the region, such as the U.S. and China, and U.S. and Japan, or Japan and China. While Mai did not name China as a threat regional stability, in the context of a discussion of recent Chinese military aggression in the Spratly Islands and the Taiwan Strait, he suggested that if ''any one country'' tried to increase its power, Vietnam would be open to an increasing U.S. presence to preserve the balance.

Government officials went to great lengths to stress the importance of continuing the normalization of relations between the U.S. and Vietnam. They also emphasized the ''great potential'' of improved economic ties. Specifically, Hanoi would like Washington to grant most-favored-nation (MFN) tariff treatment, Export-Import Bank financing, and Overseas Private Investment Corporation (OPIC) guarantees.

Perhaps the strongest argument for increased economic ties between the two countries came from U.S. business people living in Hanoi. They argued that through negotiating the trade agreement necessary to grant MFN and OPIC, Hanoi would be forced to address some of the more difficult problems facing U.S. investors, as described above. They further emphasized that by providing these trade preferences, the U.S. government would be helping U.S. businesses, not just the Vietnamese. Likewise, by denying them, the government hurts U.S. businesses and encourages the Vietnamese to shop elsewhere.

With both logic and passion, this business group argued that, despite the many structural problems they face daily in Vietnam and despite the fact that it is harder to do business there than in Russia or Mongolia, it was in both their personal interests and in our national interests to say. Over the next 20 years, Southeast Asia will be one of the fastest—and perhaps the fastest—growing regions in the world. Vietnam's geographic position makes it a natural hub for all types of trade and transportation. The question is not if Vietnam becomes another dynamic Asian market but when it does, will the U.S. be there? If our companies do not gain a presence there now, we risk losing market access later, possibly permanently. This is a problem the U.S. faces all over Asia where our experience and involvement is generally lacking.

This business group believes that Vietnamese leaders understand the problems in their legal system and are willing and able to correct them, albeit slowly. Vietnam's membership into ASEAN will help to guarantee the further development of a stable market attractive to even more foreign investment. American products, from consumer goods to elevators to computers, are popular in Vietnam. U.S. businesses have a tremendous advantage because the Vietnamese respect the quality of our products and would choose our companies if the financing were equal.

Finally, this group said that their working relationship with the U.S. Embassy in Hanoi could not have been better. In a centrally-planned economy, government-to-government relations are the only legitimate ones; these companies could not function without the Embassy. Even under these circumstances, they stressed that their relationship with the Embassy was better than in any other country they had worked. I, too, was very impressed with the Embassy staff, especially with Desaix Anderson, our Charge d'affaires there.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 25, the Federal debt stood at $5,198,780,826,934.47.

One year ago, September 25, 1995, the Federal debt stood at $4,949,969,000,000.

Five years ago, September 25, 1991, the Federal debt stood at $3,630,755,000,000.

Ten years ago, September 25, 1986, the Federal debt stood at $2,109,249,000,000.

Fifteen years ago, September 25, 1981, the Federal debt stood at $979,210,000,000. This reflects an increase of more than $4 trillion ($4,319,570,826,934.47) during the 15 years from 1981 to 1996.

MESSAGES FROM THE HOUSE

At 9:51 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes.

The message announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 868. An act to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies, and for other purposes.

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1499. An act to improve the criminal law relating to fraud against consumers.

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System.

H.R. 391. An act to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System.

H.R. 4036. An act to making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations.

H.R. 4167. An act to provide for the safety of journeymen boxers, and for other purposes.

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3116) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, with an amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2092. An act to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

H.R. 3497. An act to expand the boundary of the Snoqualmie National Forest, and for other purposes.

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress concerning economic development, environmental improvement, and stability in the Baltic region.

H. Con. Res. 180. Concurrent resolution commending the members of the Armed Forces and civilian personnel of the Government who served the United States faithfully during the Cold War.

The message also announced that the House has passed the following bills, without amendment:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992.

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2366. An act to repeal an unnecessary medical device reporting requirement.

H.R. 2504. An act to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the United States courthouse located on Otis Street, in Asheville, North Carolina, as the ''Veach-Baley Federal Complex''.

H.R. 2685. An act to repeal the Medicare and Medicaid Coverage Data Bank.

H.R. 3056. An act to permit a county-operated health insurance organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the ''Sammy L. Davis Federal Building.''

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the ''Roman L. Hruska Federal Building and United States Courthouse.''

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the ''Sam M. Gibbons United States Courthouse.''

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 5:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1970. An act to amend the national Museum of the American Indian Act to make improvements in the Act, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2660) to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

The message further announced that the House agrees to the amendment of the Senate to the bill (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.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2505. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2579. An act to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

H.R. 3700. An act to amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purposes of disseminating campaign information and enhancing public debate.

H.R. 3804. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 3852. An act to prevent the illegal manufacturing and use of methamphetamine.

H.R. 3973. An act to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

H.R. 4168. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 4134. An act to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 26, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 1834. An act to reauthorize the Indian Environmental General Assistance Program Act of 1992.

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–4179. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules including a rule entitled ''Solid Waste Disposal Facility Criteria,'' (RIN2050–AE24, FRL5607–3) received on September 24, 1996; to the Committee on Environment and Public Works.

EC–4180. A communication from the Chairman and Management Member of the U.S. Railroad Retirement Board, transmitting jointly, the notice of opposition to the proposed ''Railroad Retirement Amendment Act of 1996''; to the Committee on Labor and Human Resources.

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–676. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

''*Whereas,* there has been strong indication that Amtrak is seriously considering the elimination of trains 448 and 449, the New England States section of its Lake Shore limited passenger train operating between Boston, Massachusetts and Albany, New York; and

''*Whereas,* this train provides the only intercity rail passenger service to the city of Pittsfield and the County of Berkshire and interconnects this region to the Amtrak national hub at Chicago, Illinois and there is no commercial airline passenger service in Pittsfield, no interstate highway running through the city or a viable connection to a distant one, and extremely limited intercity bus service in Pittsfield or Berkshire County since the elimination of Greyhound Lines service several years ago; and

''*Whereas,* several thousand passengers per year use this service Amtrak provides both arriving and departing this city each year and over ⅓ million passengers per year use this train traveling to and from New England; and

''*Whereas,* the United States Postal Service uses this train to transport substantial amounts of mail generating healthy revenues for Amtrak that covers a large portion of the operating expenses of this train; and

''*Whereas,* this train provides needed transportation for persons from this area who have no other means of mobility and provides transportation to this area for persons arriving here for business, personal and tourism reasons it generates needed income for many businesses in the area: Therefore be it

''*Resolved,* That the Massachusetts House of Representatives opposes any discontinuance of this above mentioned rail passenger train service after having made substantial capital investments for Amtrak in improving the local rail passenger station over the last fifteen years and urges Amtrak to continue operating trains 448 and 449 making cost savings in the operation of the trains rather than eliminating them; and be it further

''*Resolved,* That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the United States Congress.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1359. A bill to amend title 38, United States Code, to revise certain authorities relating to management and contracting in the provision of health care services (Rept. No. 104–372).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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 Ms. MOSELEY-BRAUN:

S. 2132. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

By Mr. AKAKA:

S. 2133. A bill to authorize the establishment of the Center for American Cultural Heritage within the National Museum of American History of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. BIDEN (by request):

S. 2134. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all students who graduate in the top five percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

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

S. 2135. A bill to amend the Internal Revenue Code of 1986 to provide reductions in required contributions to the United Mine Workers of America Combined Benefit Fund, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SARBANES:

S. Res. 301. A resolution to designate October 13, 1996, as ''National Fallen Firefighters Memorial Day''; to the Committee on the Judiciary.

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

S. Res. 302. A resolution to authorize the production of records by the Committee on Indian Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN:

S. 2132. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

THE WOMEN'S PENSION EQUITY ACT OF 1996

Ms. MOSELEY-BRAUN. Mr. President, this legislation brings together some of the best ideas on women's pension legislation that have come before the House or the Senate. The legislation contains three new proposals to increase the security, the equity and the accessibility of our pension system. As the first permanent woman of the Senate Finance Committee, I have undertaken work in this area precisely because retirement security is so vitally important to all Americans, but especially to America's women.

Many of America's women face retirement without economic security. The majority of the elderly are women, and the retirement system in our country is, unfortunately, failing them. Younger women are not earning the pension benefits they think they are, and older women are losing the pension benefits they thought they had. To make certain that the ''golden years'' are not the ''disposable years,'' women need to take charge of their own retirement.

Last year, I introduced, and many of my colleagues cosponsored, the Women's Pension Equity Act of 1996 to begin to address one of the leading causes of poverty for the elderly—little or no pension benefits. Less than a third of all female retirees have pensions, and the majority of those who do earn less than $5,000 a year from them. The lack of pension benefits for many women means the difference between a comfortable retirement and a difficult one. Three of the six provisions of that bill, the Women's Pension Equity Act, are now law.

Today we have introduced the Comprehensive Women's Pension Protection Act to put Congress on notice that we will continue to push for pension reforms that enable women to achieve a secure retirement. Congress should expect to hear from American women in the coming months about the need for pension policy that allows women to retire with dignity. We are here today, and we will be back in the beginning of the 105th Congress, because addressing pension issues is an integral part of the solution to women's economic insecurity.

In addition, pension issues are critical to our Nation as a whole. In light of the demographic trends facing America, retirement security is increasingly important to the quality of life for all of our citizens. With regard to women's pensions, specifically, though, I believe the first step is for women to take charge of their own retirement.

Women should create their own pension checklist to prepare for economic security when their working days are over. There are eight items that should be on any such checklist. Women should, first, find out if they are earning now or if they have ever earned a pension; second, learn if their employer has a pension plan and how to be eligible for that plan; third, contribute to a pension plan if they have the chance; fourth, not spend pension earnings if given a one-time payment when leaving a job, which is very important, also; fifth, if married, find out if their husband has a pension; sixth, not sign away a future right to their husband's pension if he dies; seventh, during a divorce, if that unfortunately happens, consider the pension to be a valuable, jointly earned asset to be divided; and eighth, find out about their pension rights and fight for them.

Even when women take charge of their own retirement, however, and if they have gone through the steps, they often face a brick wall of pension law that prevent women from investing enough for the future.

The pension laws, when they were originally written, were not written to reflect the patterns of women's work or, frankly, women's lives. Women are more likely than not to move in and out of the work force, to work at home, to earn less for the work that they do, and to work in low-paying industries. These factors limit our ability to access or accrue pension benefits. Women are also more likely to be widowed, to divorce, to live alone, and to live longer in their retirement years without having adequate coverage for retirement.

The bill that we have introduced today, which is also being introduced in the House of Representatives by Congresswoman KENNELLY, a long-time champion of women pension rights, addresses the range of concerns that women face as they consider retirement.

This legislation preserves women's pensions by ending the practice of integration by the year 2000, the practice whereby pension benefits are reduced by a portion of Social Security benefits. It provides for the automatic division of pensions upon divorce if the divorce decree is silent on pension benefits. It allows a widow or divorced widow to collect her husband's civil service pension if he leaves his job and dies before collecting benefits. And it continues the payment of court ordered tier II railroad retirement benefits to a divorced widow.

This legislation protects women's pensions by prohibiting 401(k) plans, the fastest growing type of plans in the country, from investing in collectibles or the companies own stock. It requires annual benefits statements for plan participants. And it applies spousal consent rules governing pension fund withdrawals to 401(k) plans.

This legislation helps prepare women for retirement by creating a women's pension hotline, creating a real opportunity for women to get answers to their questions. Since introducing the Women's Pension Equity Act of 1996, my office has received hundreds of letters and calls from women just wanting information. The hotline is sorely needed.

By preserving and protecting women's pensions and preparing women for retirement, we in Congress can provide women with the tools they need to prepare for their own retirement. By introducing legislation today and again at the beginning of 1997, we are giving notice that pension policy will be at the top of the agenda for the 105th Congress.

Pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. With a baby boomer turning 50 every 9 seconds, we cannot ignore the problems facing people as they grow older. Now, more than ever all Americans need to consider the role that pensions play in determining they kind of life every American will lead.

In closing, Mr. President, I would like to add that pension policy retirement security has often been likened to a three-legged stool. There are three constituent parts of retirement security, one being Social Security, another being private savings, and the third being pensions.

First, with regard to Social Security, we are taking up in the Finance Committee and in this body a number of issues going to the protection of Social Security to make certain that that system remains viable.

Second, with regard to private savings, we are looking at the issue pertaining to encouraging people to save, particularly for their retirement, and making their savings plans more accessible to working people.

Third, with regard to the pensions specifically, this is an area in which there are a range of concerns which are being taken up. But, suffice it to say, I think it is vitally important that we begin the dialog now on the importance of retirement savings and the importance for retirement security. The graying of America will mean Americans will need more than ever to have in place the kind of protection for their retirement so we do not have a declining standard of living for retirees, but, as much to the point, so we do not have a diminished standard of living for all Americans.

So it is for those reasons that we have introduced this bill today in arguably the last week of the session of the 104th Congress. But it is done really as a place marker; that this is an area in which we intend to be active and in which we intend to spread the gospel of retirement security and that we intend to work in this Congress collaboratively.

I look forward to a bipartisan effort in this regard. I look forward to working with my colleagues on the Finance Committee as well as in this body—generally both in the House and in the Senate—so that we can put in place pension protections and the pension policy decisions that will allow people, in the first instance, to access pensions, to hold onto the pension rights they have, and not to alienate them, and to allow them to have pension protection that is real for them and that is actually there for them when they retire, avoiding retirement poverty.

I think this is a major aspect of policy that we need to look at given the demographic trends in this country, and I look forward very much to working with my colleagues in the Senate as well as in the House in behalf of the retirement security for Americans.

Mr. President, I ask unanimous consent that a summary of the bill, and a copy of the legislation be printed in the RECORD.

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

S. 2132

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Women's Pension Protection Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.

TITLE I—PENSION REFORM

Sec. 101. Pension integration rules.
Sec. 102. Application of minimum coverage requirements with respect to separate lines of business.
Sec. 103. Division of pension benefits upon divorce.
Sec. 104. Clarification of continued availability of remedies relating to matters treated in domestic relations orders entered before 1985.
Sec. 105. Entitlement of divorced spouses to railroad retirement annuities independent of actual entitlement of employee.
Sec. 106. Effective dates.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

Sec. 201. Extension of tier II railroad retirement benefits to surviving former spouses pursuant to divorce agreements.
Sec. 202. Survivor annuities for widows, widowers, and former spouses of Federal employees who die before attaining age for deferred annuity under civil service retirement system.
Sec. 203. Court orders relating to Federal retirement benefits for former spouses of Federal employees.
Sec. 204. Prevention of circumvention of court order by waiver of retired pay to enhance civil service retirement annuity.

TITLE III—REFORMS RELATED TO 401(K) PLANS

Sec. 301. 401(k) plans prohibited from investing in collectibles.
Sec. 302. Requirement of annual, detailed investment reports applied to certain 401(k) plans.
Sec. 303. 10-percent limitation on acquisition and holding of employer securities and employer real property applied to 401(k) plans.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Sec. 401. Modifications of joint and survivor annuity requirements.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Sec. 501. Spousal consent required for distributions from section 401(k) plans.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Sec. 601. Women's pension toll-free phone number.

TITLE VII—ANNUAL PENSION BENEFITS STATEMENTS

Sec. 701. Annual pension benefits statements.

TITLE I—PENSION REFORM

SEC. 101. PENSION INTEGRATION RULES.

(a) APPLICABILITY OF NEW INTEGRATION RULES EXTENDED TO ALL EXISTING ACCRUED

BENEFITS.—Notwithstanding subsection (c)(1) of section 1111 of the Tax Reform Act of 1986 (relating to effective date of application of nondiscrimination rules to integrated plans) (100 Stat. 2440), effective for plan years beginning after the date of the enactment of this Act, the amendments made by subsection (a) of such section 1111 shall also apply to benefits attributable to plan years beginning on or before December 31, 1988.

(b) INTEGRATION DISALLOWED FOR SIMPLIFIED EMPLOYEE PENSIONS.—

(1) IN GENERAL.—Subparagraph (D) of section 408(k)(3) of the Internal Revenue Code of 1986 (relating to permitted disparity under rules limiting discrimination under simplified employee pensions) is repealed.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 408(k)(3) is amended by striking ''and except as provided in subparagraph (D),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning on or after January 1, 1996.

(c) EVENTUAL REPEAL OF INTEGRATION RULES.—Effective for plan years beginning on or after January 1, 2003—

(1) subparagraphs (C) and (D) of section 401(a)(5) of the Internal Revenue Code of 1986 (relating to pension integration exceptions under nondiscrimination requirements for qualification) are repealed, and subparagraph (E) of such section 401(a)(5) is redesignated as subparagraph (C); and

(2) subsection (l) of section 401 of such Code (relating to nondiscriminatory coordination of defined contribution plans with OASDI) is repealed.

SEC. 102. APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS.

(a) IN GENERAL.—Subsection (b) of section 410 of the Internal Revenue Code of 1986 (relating to minimum coverage requirements) is amended—

(1) in paragraph (1), by striking ''A trust'' and inserting ''In any case in which the employer with respect to a plan is treated, under section 414(r), as operating separate lines of business for a plan year, a trust'', and by inserting ''for such plan year'' after ''requirements''; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE WHERE EMPLOYER OPERATES SINGLE LINE OF BUSINESS.—In any case in which the employer with respect to a plan is not treated, under section 414(r), as operating separate lines of business for a plan year, a trust shall not constitute a qualified trust under section 401(a) unless such trust is designated by the employer as part of a plan which benefits all employees of the employer.''.

(b) LIMITATION ON LINE OF BUSINESS EXCEPTION.—Paragraph (6) of section 410(b) of such Code (as redesignated by subsection (a)(2) of this section) is amended by inserting ''other than paragraph (1)(A)'' after ''this subsection''.

SEC. 103. DIVISION OF PENSION BENEFITS UPON DIVORCE.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended—

(A) by inserting after paragraph (31) the following new paragraph:

''(32) DIVISION OF PENSION BENEFITS UPON DIVORCE.—

''(A) IN GENERAL.—In the case of a divorce of a participant in a pension plan from a spouse who is, immediately before the divorce, a beneficiary under the plan, a trust forming a part of such plan shall not constitute a qualified trust under this section unless the plan provides that at least 50 percent of the marital share of the accrued benefit of the participant under the plan ceases to be an accrued benefit of such participant and becomes an accrued benefit of such divorced spouse, determined and payable upon the earlier of the retirement of the participant, the participant's death, or the termination of the plan, except to the extent that a qualified domestic relations order in connection with such divorce provides otherwise.

''(B) LIMITATION.—Subparagraph (A) shall not be construed—

''(i) to require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

''(ii) to require the plan to provide increased benefits (determined on the basis of actuarial value),

''(iii) to require the payment of benefits to the divorced spouse which are required to be paid to another individual in accordance with this paragraph or pursuant to a domestic relations order previously determined to be a qualified domestic relations order, or

''(iv) to require payment of benefits to the divorced spouse in the form of a qualified joint and survivor annuity to the divorced spouse and his or her subsequent spouse.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) DOMESTIC RELATIONS ORDER; QUALIFIED DOMESTIC RELATIONS ORDER.—The terms 'domestic relations order' and 'qualified domestic relations order' shall have the meanings provided in section 414(p).

''(ii) MARITAL SHARE.—The term 'marital share' means, in connection with an accrued benefit under a pension plan, the product derived by multiplying—

''(I) the actuarial present value of the accrued benefit, by

''(II) a fraction, the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

''(iii) QUALIFIED JOINT AND SURVIVOR ANNUITY.—The term 'qualified joint and survivor annuity' has the meaning provided in section 417(b).

''(D) REGULATIONS.—In prescribing regulations under this paragraph, the Secretary shall consult with the Secretary of Labor.''; and

(B) in the last sentence, by striking ''and (20)'' and inserting ''(20), and (32)''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 401(a)(13) of such Code (relating to special rules for domestic relations orders) is amended by inserting ''or if such creation, assignment, or recognition pursuant to such order is necessary for compliance with the requirements of paragraph (32)'' before the period.

(B) Subsection (p) of section 414 of such Code (defining qualified domestic relations orders) is amended—

(i) in paragraph (3)(C), by inserting ''or to a divorced spouse of the participant in connection with a previously occurring divorce as required under section 401(a)(32)'' before the period; and

(ii) in paragraph (7)(C), by striking ''if there had been no order'' and inserting ''in accordance with section 401(a)(32) as if there had been no qualified domestic relations order''.

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 206 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

''(e)(1) In the case of a divorce of a participant in a pension plan from a spouse who is, immediately before the divorce, a beneficiary under the plan, the plan shall provide that at least 50 percent of the marital share of the accrued benefit of the participant under the plan ceases to be an accrued benefit of such participant and becomes an accrued benefit of such divorced spouse, determined and payable upon the earlier of the retirement of the participant, the participant's death, or the termination of the plan, except to the extent that a qualified domestic relations order in connection with such divorce provides otherwise.

''(2) Paragraph (1) shall not be construed—

''(A) to require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

''(B) to require the plan to provide increased benefits (determined on the basis of actuarial value),

''(C) to require the payment of benefits to the divorced spouse which are required to be paid to another individual in accordance with this subsection or pursuant to a domestic relation order previously determined to be a qualified domestic relations order, or

''(D) to require payment of benefits to the divorced spouse in the form of a joint and survivor annuity to the divorced spouse and his or her subsequent spouse.

''(3) For purposes of this subsection—

''(A) The terms 'domestic relations order' and 'qualified domestic relations order' shall have the meanings provided in subsection (d)(3)(B).

''(B) The term 'marital share' means, in connection with an accrued benefit under a pension plan, the product derived by multiplying—

''(i) the actuarial present value of the accrued benefit, by

''(ii) a fraction—

''(I) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

''(II) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

''(C) The term 'qualified joint and survivor annuity' shall have the meaning provided in section 205(d).

''(4) In prescribing regulations under this subsection, the Secretary shall consult with the Secretary of the Treasury.''.

(2) CONFORMING AMENDMENTS.—Section 206(d) of such Act (29 U.S.C. 1056(d)) is amended—

(A) in the first sentence of paragraph (3)(A), by inserting ''or if such creation, assignment, or recognition pursuant to such order is necessary for compliance with the requirements of subsection (e)'' before the period;

(B) in paragraph (3)(D)(iii), by inserting ''or to a divorced spouse of the participant in connection with a previously occurring divorce as required under subsection (e)'' before the period; and

(C) in paragraph (3)(H)(iii), by striking ''if there had been no order'' and inserting ''in accordance with subsection (e) as if there had been no qualified domestic relations order''.

SEC. 104. CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED BEFORE 1985.

(a) IN GENERAL.—In any case in which—

(1) under a prior domestic relations order entered before January 1, 1985, in an action for divorce—

(A) the right of a spouse under a pension plan to an accrued benefit under such plan was not divided between spouses,

(B) any right of a spouse with respect to such an accrued benefit was waived without the informed consent of such spouse, or

(C) the right of a spouse as a participant under a pension plan to an accrued benefit under such plan was divided so that the other spouse received less than such other spouse's pro rata share of the accrued benefit under the plan, or

(2) a court of competent jurisdiction determines that any further action is appropriate with respect to any matter to which a prior domestic relations order entered before such date applies,

nothing in the provisions of section 104, 204, or 303 of the Retirement Equity Act of 1984 (Public Law 98–397) or the amendments made thereby shall be construed to require or permit the treatment, for purposes of such provisions, of a domestic relations order, which is entered on or after the date of the enactment of this Act and which supersedes, amends the terms of, or otherwise affects such prior domestic relations order, as other than a qualified domestic relations order solely because such prior domestic relations order was entered before January 1, 1985.

(b) DEFINITIONS.—For purposes of this section—

(1) IN GENERAL.—Terms used in this section which are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) shall have the meanings provided such terms by such section.

(2) PRO RATA SHARE.—The term ''pro rata share'' of a spouse means, in connection with an accrued benefit under a pension plan, 50 percent of the product derived by multiplying—

(A) the actuarial present value of the accrued benefit, by

(B) a fraction—

(i) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

(ii) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

(3) PLAN.—All pension plans in which a person has been a participant shall be treated as one plan with respect to such person.

SEC. 105. ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE.

Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended—

(1) in subsection (c)(4)(i), by striking ''(A) is entitled to an annuity under subsection (a)(1) and (B)''; and

(2) in subsection (e)(5), by striking ''or divorced wife'' the second place it appears.

SEC. 106. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title, other than section 101, shall apply with respect to plan years beginning on or after January 1, 1996, and the amendments made by section 103 shall apply only with respect to divorces becoming final in such plan years.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for ''January 1, 1996'' the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1996, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 1999.

(c) PLAN AMENDMENTS.—If any amendment made by this title requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(1) during the period after such amendment made by this title takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this title, and

(2) such plan amendment applies retroactively to the period after such amendment made by this title takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this subsection.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

SEC. 201. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

''(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree.''.

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

SEC. 202. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting ''a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if'' before ''a Member''; and

(B) by inserting ''of such former employee or Member'' after ''the surviving spouse'';

(2) in paragraph (1)—

(A) by inserting ''former employee or'' before ''Member commencing''; and

(B) by inserting ''former employee or'' before ''Member dies''; and

(3) in the undesignated sentence following paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting ''former employee or'' before ''Member''; and

(B) in subparagraph (B) by inserting ''former employee or'' before ''Member''.

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence ''Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking ''or annuitant,'' and inserting ''annuitant, or former employee''; and

(B) in subparagraph (B)(iii) by inserting ''former employee or'' before ''Member''.

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

''The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 203. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant.''.

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking ''Lump-sum benefits'' and inserting ''Subject to subsection (j), lump-sum benefits''; and

(B) in subsection (j)(1) by striking ''the lump-sum credit under subsection (a) of this section'' and inserting ''any lump-sum credit or lump-sum benefit under this section''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant.''.

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

SEC. 204. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking out ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking out ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997.

TITLE III—REFORMS RELATED TO 401(K) PLANS

SEC. 301. 401(k) PLANS PROHIBITED FROM INVESTING IN COLLECTIBLES.

(a) IN GENERAL.—Paragraph (4) of section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangements) is amended by adding at the end the following new subparagraph:

''(D) INVESTMENT IN COLLECTIBLES TREATED AS DISTRIBUTIONS.—The rules of section 408(m) shall apply to a cash or deferred arrangement of any employer.''

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

SEC. 302. REQUIREMENT OF ANNUAL, DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.

(a) IN GENERAL.—Paragraph (4) of section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangements), as amended by section 1, is amended by adding at the end the following new subparagraph:

''(E) ANNUAL, DETAILED INVESTMENT REPORTS REQUIRED.—

''(i) IN GENERAL.—A cash or deferred arrangement of any employer with less than 100 participants shall not be treated as a qualified cash or deferred arrangement unless the plan of which it is a part provides to each participant an annual investment report detailing the name of each investment acquired during such plan year and the date and cost of such acquisition, the name of each investment sold during such year and the date and net proceeds of such sale, and the overall rate of return for all investments for such year.

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to any participant described in section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)).''

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

SEC. 303. 10-PERCENT LIMITATION ON ACQUISITION AND HOLDING OF EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY APPLIED TO 401(K) PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 407(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)(3)) is amended by adding at the end the following new sentence: ''Such term also excludes an individual account plan that includes a qualified cash or deferred arrangement described in section 401(k) of the Internal Revenue Code of 1986, if such plan, together with all other individual account plans maintained by the employer, owns more than 10 percent of the assets owned by all pension plans maintained by the employer. For purposes of the preceding sentence, the assets of such plan subject to participant control (within the meaning of section 404(c)) shall not be taken into account.''.

(b) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by this section shall apply to plans on and after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—In the case of a plan which on the date of the enactment of this Act has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section shall apply to any acquisition of such securities and property on or after such date of enactment, but shall not apply to the specific holdings which constitute such excess during the period of such excess.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

SEC. 401. MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO ERISA.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Paragraph (1) of section 205(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(a)) is amended by inserting ''or, at the election of the participant, shall be provided in the form of a qualified joint and two-thirds survivor annuity'' after ''survivor annuity,''.

(B) DEFINITION.—Subsection (d) of section 205 of such Act (29 U.S.C. 1055) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by inserting ''(1)'' after ''(d)'', and

(iii) by adding at the end the following new paragraph:

''(2) For purposes of this section, the term ''qualified joint and two-thirds survivor annuity'' means an annuity—

''(A) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of the surviving individual (either the participant or the spouse) equal to 66⅔ percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

''(B) which is the actuarial equivalent of a single annuity for the life of the participant, and

''(C) which, for all other purposes of this Act, is treated as a qualified joint and survivor annuity.''.

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 205(c)(3)(A) of such Act (29 U.S.C. 1055(c)(3)(A)) is amended to read as follows:

''(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and two-thirds survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Clause (i) of section 401(a)(11)(A) of the Internal Revenue Code of 1986 (relating to requirement of joint and survivor annuity and preretirement survivor annuity) is amended by inserting ''or, at the election of the participant, shall be provided in the form of a qualified joint and two-thirds survivor annuity'' after ''survivor annuity,''.

(B) DEFINITION.—Section 417 of such Code (relating to definitions and special rules for purposes of minimum survivor annuity requirements) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) DEFINITION OF QUALIFIED JOINT AND TWO-THIRDS SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term ''qualified joint and two-thirds survivor annuity'' means an annuity—

''(1) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of the surviving individual (either the participant or the spouse) equal to 66⅔ percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

''(2) which is the actuarial equivalent of a single annuity for the life of the participant, and

''(3) which, for all other purposes of this title, is treated as a qualified joint and survivor annuity.''.

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 417(a)(3)(A) of such Code (relating to explanation of joint and survivor annuity) is amended to read as follows:

''(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and two-thirds survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers

ratified on or before the date of the enactment of this Act, the amendments made by this section shall apply to the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1997, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 1998.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 1998, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this paragraph.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

SEC. 501. SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS.

(a) IN GENERAL.—Paragraph (2) of section 401(k) of the Internal Revenue Code of 1986 (defining qualified cash or deferred arrangement) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) which provides that no distribution may be made unless—

''(i) the spouse of the employee (if any) consents in writing (during the 90-day period ending on the date of the distribution) to such distribution, and

''(ii) requirements comparable to the requirements of section 417(a)(2) are met with respect to such consent.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 1996.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

SEC. 601. WOMEN'S PENSION TOLL-FREE PHONE NUMBER.

(a) IN GENERAL.—The Secretary of Labor shall contract with an independent organization to create a women's pension toll-free telephone number and contact to serve as—

(1) a resource for women on pension questions and issues;

(2) a source for referrals to appropriate agencies; and

(3) a source for printed information.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of the fiscal years 1997, 1998, 1999, and 2000 to carry out subsection (a).

TITLE VII—ANNUAL PENSION BENEFITS STATEMENTS

SEC. 701. ANNUAL PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Subsection (a) of section 105 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking ''shall furnish to any plan participant or beneficiary who so requests in writing,'' and inserting ''shall annually furnish to any plan participant and shall furnish to any plan beneficiary who so requests,''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 105 of such Act (29 U.S.C. 1025) is amended by striking ''participant or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1996

TITLE I

Ends Social Security integration by the year 2000.

Divides pensions not divided at the time of divorce pursuant to a court order (effectively making the Retirement Equity Act retroactive).

Clarifies integration with regard to Simplified Employee Pensions (SEPs).

Provides for the division of pensions in divorce unless otherwise provided in a qualified domestic relations order.

TITLE II

Allows a widow or divorced widow to collect her husband's civil service pensions if he leaves his job and dies before collecting benefits.

Allows a court that awards a women part of her husband's civil service pension upon divorce, to extend that award to any lump sum payment made if the husband dies before collecting benefits.

Allows a spouse to continue receiving Tier II railroad retirement benefits awarded upon divorce upon the death of her husband.

TITLE III

Prohibits 401(k) plans from investing in collectibles.

Requires annual detailed investment reports of 401(k) plans.

Prevents employers from forcing employees to keep 401(k) contributions in stock of the employer.

TITLE IV

Provides equal survivor annuities to both husbands and wives.

TITLE V

Applies spousal consent rules to Retirement Equity Act to 401(k) plans, thereby requiring a spousal signature before 401(k) money could be withdrawn.

TITLE VI

Gives Labor Department authority to set up a women's pension hotline.

Authorizes appropriations of up to $500,000 in each of the next four years.

TITLE VII

Requires pension plans to provide participants with annual benefit statements.

By Mr. AKAKA:

S. 2133. A bill to authorize the establishment of the Center for American Cultural Heritage within the National Museum of American History of the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE CENTER FOR AMERICAN CULTURAL HERITAGE ACT

● Mr. AKAKA.

Mr. President, this year marks the 150th anniversary of the founding of the Smithsonian Institution, our premier educational institution dedicated to the ''increase and diffusion of knowledge among men.'' To mark this important anniversary, I am today introducing legislation to expand the scope of the Smithsonian's National Museum of American History to include a new entity, the Center for American Cultural Heritage.

The Center for American Cultural Heritage would be dedicated to presenting one of the most significant experiences in American history, the complex movement of people, ideas, and cultures across boundaries—whether voluntary or involuntary, internal or external—that resulted in the peopling of America and the development of a unique, pluralist society. In large measure, this experience defines who we are as individuals and ultimately binds us together as a nation.

Under my bill, the Center would serve as:

A location for permanent and temporary exhibits and programs depicting the history of America's diverse peoples and their interactions with each other. The exhibits would form a unified narrative of the historical processes by which the United States was developed.

A center for research and scholarship to ensure that future generations of scholars will have access to resources necessary for telling the story of American pluralism.

A repository for the collection of relevant artifacts, artworks, and documents to be preserved, studied, and interpreted.

A venue for integrated public education programs, including lectures, films, and seminars, based on the Center's collections and research.

A location for a standardized index of resources within the Smithsonian dealing with the heritages of all Americans. The Smithsonian holds millions of artifacts which have not been identified or classified for this purpose.

A clearinghouse for information on ethnic documents, artifacts, and artworks that may be available through non-Smithsonian sources, such as other federal agencies, museums, academic institutions, individuals, or foreign entities.

A folklife center highlighting the cultural expressions of the peoples of the United States. The current Smithsonian Center for Folklife Programs and Cultural Studies, which already performs this function, could be integrated with the Center.

A center to promote mutual understanding and tolerance. The Center would facilitate programs designed to encourage greater understanding of, and respect for, each of America's diverse ethnic and cultural heritages. The Center would also disseminate techniques of conflict resolution currently being developed by social scientists.

An oral history center developed through interviews with volunteers and visitors. The Center would also serve as an oral history repository and a clearinghouse for oral histories held by other institutions.

A user-friendly visitor center providing individually tailored orientation guides to Smithsonian visitors. Visitors would use the Center as an initial

orientation phase for ethnically or culturally related artifacts, artworks, or information that can be found throughout the Smithsonian.

A location for training museum professionals in museum practices relating to the life, history, art, and culture of the peoples of the United States. The Center would sponsor training programs for professionals or students involved in teaching, researching, and interpreting the heritages of America's peoples.

A location for testing and evaluating new museum-related technologies that could facilitate the operation of the Center. The Center could serve as a test bed for cutting-edge technologies that could later be used by other museums.

My legislation also calls for the Center to be organized as an arm of the National Museum of American History, not as a free-standing entity, with the director of the Center reporting to the director of the National Museum. In other words, the Center represents an expansion of an existing Smithsonian entity, National Museum, as opposed to the establishment of a new museum. My bill also stipulates that the Center be located in new or existing Smithsonian facilities on or near the National Mall. Finally, my bill establishes an Advisory Committee on American Cultural Heritage to provide guidance on the operation and direction of the proposed Center.

Mr. President, aside from the original Americans who have lived here for thousands of years, Americans are travellers from other lands. From the most recent immigrants from Southeast Asia to the first Europeans who came as explorers and conquerors, from the Africans who were forcibly brought over as slaves to the Mexicans of Nuevo Mexico and the French of the Louisiana Territory who, through treaty or land purchase or conquest were brought into the American fold through a change in political boundaries—all were once visitors to this great country.

America is thus defined by the movement of its peoples, both internally and externally. This complex journey has shaped our national character and determined who we are as a nation. The grand progress to and across the American landscape, via exploration, the slave trade, traditional immigration, or internal migration, gave rise to the interactions that make the American experience unique in history.

So much of who we are is bound to the cultures and traditions that our forebears brought from other shores, as well as by the new traditions and cultures that were created on arrival. Whether we settled in the agrarian West or the industrialized North, whether we lived in the small towns of the Midwest or the genteel cities of the South, we inevitably formed relationships with peoples of other backgrounds and cultures. It is therefore impossible to comprehend our joint heritage as Americans unless we know the history of our various American cultures, as they were brought over from other lands and as they were transformed by encounters with other cultures in America. As one eminent cultural scholar has noted:

> How can one learn about slavery, holocausts, immigration, ecological adaptation or ways of seeing the world without some type of comparative perspective, without some type of relationship between cultures and peoples. How can we understand the history of any one cultural group—for example, the Irish—without reference to other groups—for example, the British. How can we understand African American culture without placing it in some relationship to its diverse African cultural roots, the creolized cultures of the Caribbean, the Native American bases of Maroon and Black Seminole cultures, the religious, economic and linguistic cultures of the colonial Spanish in Columbia, the French in Haiti, the Dutch in Suriname, and the English in the United States?

The purpose of the Center for American Cultural Heritage is to explore the intercultural and interethnic dialogue of the American people, specifically by exploring our fundamental common experience, the process by which this land was peopled. This manifold experience is central to our appreciation of ourselves as individuals, as representatives of particular ethnic, racial, religious, or regional groups, and ultimately, as citizens of the United States. Understanding the peopling of America process is key to a fuller comprehension of our relationships with each other—past, present, and future.

Mr. President, it is strange and remarkable that the Smithsonian, our leading national educational institution, has never properly devoted itself to presenting this central experience in our history. Aside from occasional, temporary exhibits on a specific immigration or migration subject, such as the National Museum's current exhibit on the northern migration of African Americans, none of the Smithsonian's many museums and facilities has taken it upon itself to examine any aspect of the peopling of America phenomenon, much less offered a global review of the subject.

In part, this derives from the fact that the Smithsonian, for all its reputation as world-class research and educational organization, remains an institution rooted in 19th century intellectual taxonomy. For example, during the early years of the Smithsonian, the cultures of Northern and Western European Americans were originally represented at the Museum of Science and Industry, which eventually became the National Museum of American History. However, African Americans, Asian Americans, Native Americans, and others were treated ''ethnographically'' as part of the National Museum of Natural History. This artificial bifurcation of our cultural patrimonies is still in place today. Consequently, the collections of various ethnic and cultural groups have been fragmented among various Smithsonian entities, making it difficult to view these groups in relation to each other or as part of a larger whole.

Mr. President, the establishment of a Smithsonian Center of American Cultural Heritage is long overdue. The saga of the peopling of America deserves a national venue, a place where all Americans, regardless of ethnic origin, can come to discover and celebrate their many-branched roots. The Smithsonian, with its unequalled stature, reputation, resources, and, of course, location in the Nation's Capital, is the only institution capable of telling this magnificent story, one that transformed us from strangers from many different shores into neighbors unified in our inimitable diversity—Americans all.

Mr. President, in May 1995, the Commission on the Future of the Smithsonian Institution, a blue ribbon panel charged with pondering the future of the 150-year-old institution, issued its final report. In its preface, the Commission noted:

> The Smithsonian Institution is the principal repository of the nation's collective memory and the nation's largest public cultural space. It is dedicated to preserving, understanding, and displaying the land we inhabit and the diversity and depth of American civilization in all its timbres and color. It holds in common for all Americans that set of beliefs—in the form of artifacts—about our past that, taken together, comprise our collective history and symbolize the ideals to which we aspire as a polity. The Smithsonian—with its 140 million objects, 16 museums and galleries, the national Zoo, and 29 million annual visits—has been, for a century and a half, a place of wonder, a magical place where Americans are reminded of how much we have in common.
>
> The story of America is the story of a plural nation. As epitomized by our nation's motto, America is a composite of peoples. Our vast country was inhabited by various cultures long before the Pilgrims arrived. Slaves and immigrants built a new nation from ''sea to shining sea,'' across mountains, plains, deserts and great rivers, all rich in diverse climates, animals, and plants. One of the Smithsonian's essential tasks is to make the history of our country come alive for each new generation of American children.
>
> We cannot even imagine an ''American'' culture that is not multiple in its roots and in its branches. In a world fissured by differences of ethnicity and religion, we must all learn to live without the age-old dream of purity—whether of bloodlines or cultural inheritance—and learn to find comfort, solace, and even fulfillment in the rough magic of the cultural mix. And it is the challenge to preserve and embody that marvelous mix—the multi-various mosaic that is our history, culture, land, and the people who have made it—that the Smithsonian Institution, on the eve of the twenty-first century, must rededicate itself.

Mr. President, what more appropriate or compelling argument in favor of a Center for American Cultural Heritage can be found than in these words? What initiative other than the Center for American Cultural Heritage would more directly address the Smithsonian's role in presenting ''the diversity and depth of American civilizations in all its timbres and color,'' or

making ''the history of our country come alive for each new generation of American children,'' or preserving ''the multi-various mosaic that is our history, culture, land, and the people who have made it''?

Mr. President, I believe that the Center is a worthy initiative that is consistent with the mission of the Smithsonian. Nevertheless, I understand that my colleagues will need time to consider the merits of this major, new proposal. I am aware that the Smithsonian has a large number of costly projects already underway that require Congress's full attention. For this reason, I harbor no illusions that a Center for American Cultural Heritage can be established anytime soon, perhaps not until the next century. However, I hope that this legislation will initiate a national conversation about the role that the Smithsonian should play in preserving America's diverse cultural patrimony. I look forward to beginning this conversation with my colleagues, the academic community, and the interested public.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2133

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 ''Center for American Cultural Heritage Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The history of the United States is in large measure the history of how the United States was populated.

(2) The evolution of the American population is broadly termed the ''peopling of America'' and is characterized by the movement of groups of people across external and internal boundaries of the United States as well as by the interactions of such groups with each other.

(3) Each of these groups has made unique, important contributions to American history, culture, art, and life.

(4) The spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the population.

(5) The Smithsonian Institution operates 16 museums and galleries, a zoological park, and 5 major research facilities. None of these public entities is a national institution dedicated to presenting the history of the peopling of the United States as described in paragraph (2).

(6) The respective missions of the National Museum of American History of the Smithsonian Institution and the Ellis Island Immigration Museum of the National Park Service limit the ability of such museums to present fully and adequately the history of the diverse population and rich cultures of the United States.

(7) The absence of a national facility dedicated solely to presenting the history of the peopling of the United States restricts the ability of the citizens of the United States to fully understand the rich and varied heritage of the United States derived from the unique histories of many peoples from many lands.

(8) The establishment of a Center for American Cultural Heritage to conduct educational and interpretive programs on the history of the United States' multiethnic, multiracial character will help to inspire and better inform the citizens of the United States about the rich and diverse cultural heritage of the citizens of the United States.

SEC. 3. ESTABLISHMENT OF THE CENTER FOR AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT.—There is established within the National Museum of American History of the Smithsonian Institution a facility that shall be known as the ''Center for American Cultural Heritage''.

(b) PURPOSES OF THE CENTER.—The purposes of the Center are to—

(1) promote knowledge of the life, art, culture, and history of the many groups of people who comprise the United States;

(2) illustrate how such groups cooperated, competed, or otherwise interacted with each other; and

(3) explain how the diverse, individual experiences of each group collectively helped forge a unified national experience.

(c) COMPONENTS OF THE CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the historical process by which the United States was populated;

(2) a center for research and scholarship relating to the life, art, culture, and history of the groups of people of the United States;

(3) a repository for the collection, study, and preservation of artifacts, artworks, and documents relating to the diverse population of the United States;

(4) a venue for public education programs designed to explicate the multicultural past and present of the United States;

(5) a location for the development of a standardized index of documents, artifacts, and artworks in collections that are held by the Smithsonian Institution and classified in a manner consistent with the purposes of the Center;

(6) a clearinghouse for information on documents, artifacts, and artworks on the groups of people of the United States that may be available to researchers, scholars, or the general public through non-Smithsonian collections, such as documents, artifacts, and artworks of such groups held by other Federal agencies, museums, universities, individuals, and foreign institutions;

(7) a folklife center committed to highlighting the cultural expressions of various peoples within the United States;

(8) a center to promote mutual understanding and tolerance among the groups of people of the United States through exhibits, films, brochures, and other appropriate means;

(9) an oral history library developed through interviews with volunteers, including visitors;

(10) a location for a visitor center that shall provide individually tailored orientation guides for visitors to all Smithsonian Institution facilities;

(11) a location for the training of museum professionals and others in the arts, humanities, and sciences with respect to museum practices relating to the life, art, history, and culture of the various groups of people of the United States; and

(12) a location for developing, testing, demonstrating, evaluating, and implementing new museum-related technologies that assist to fulfill the purposes of the Center, enhance the operation of the Center, and improve accessibility of the Center.

SEC. 4. LOCATION AND CONSTRUCTION.

(a) LOCATION.—The Center shall be located in new or existing Smithsonian Institution facilities on or near the National Mall located in the District of Columbia.

(b) CONSTRUCTION.—The Board of Regents is authorized to plan, design, reconstruct, or construct appropriate facilities to house the Center.

SEC. 5. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution shall appoint and fix the compensation and duties of a Director, Assistant Director, Secretary, and Chief Curator of the Center and any other officers and employees necessary for the operation of the Center. The Director of the Center shall report to the Director of the National Museum of American History. The Director, Assistant Director, Secretary, and Chief Curator shall be qualified through experience and training to perform the duties of their offices.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees under subsection (a), without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 6. ADVISORY COMMITTEE ON AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee to be known as the ''Advisory Committee on American Cultural Heritage''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 15 members who shall—

(i) be appointed by the Secretary;

(ii) have expertise in immigration history, ethnic studies, museum science, or any other academic or professional field that involves matters relating to the cultural heritage of the citizens of the United States; and

(iii) reflect the diversity of the citizens of the United States.

(B) INITIAL APPOINTMENTS.—The initial appointments of the members of the Committee shall be made not later than 6 months after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet at the call of the Chairperson, but shall meet not less than 2 times each fiscal year.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMITTEE.—The Committee shall advise the Secretary, the Director of the National Museum of American History, and the Director of the Center on policies and programs affecting the Center.

(c) COMMITTEE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive

Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. DEFINITIONS.

As used in this Act:

(1) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the Smithsonian Institution.

(2) CENTER.—The term ''Center'' means the Center for American Cultural Heritage established under section 3(a).

(3) COMMITTEE.—The term ''Committee'' means the advisory Committee on American Cultural Heritage established under section 8(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Smithsonian Institution.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for each fiscal year.●

By Mr. BIDEN (by request):

S. 2134. A bill to amend the Higher Education Act of 1965 to authorize Presidential honors scholarships to be awarded to all students who graduate in the top 5 percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

THE PRESIDENTIAL HONORS SCHOLARSHIP ACT OF 1996

● Mr. BIDEN. Mr. President, I am pleased today to introduce on behalf of the Administration the Presidential Honors Scholarship Act of 1996. I want to commend President Clinton for this particular initiative and for his overall outstanding leadership on behalf of education.

Over the past 4 years, I have worked with President Clinton most closely on anti-crime and drug legislation. But, I have watched, admired, and tried to help his efforts on behalf of education as well. George Bush said he wanted to be the education president. Bill Clinton has been. And, this bill on merit scholarships is an important part of his agenda.

In August, I introduced comprehensive legislation to make college more affordable for middle-class families. The Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable Act—GET AHEAD for short—would provide tax cuts for the cost of college, encourage families to save for a college education, and award merit scholarships to high school students in the top of their classes academically.

I included merit scholarships in the Get Ahead Act and I have agreed—even though our proposals differ in a few minor details—to introduce the administration's bill today for one simple reason. We need to reward students who succeed in meeting high academic standards.

If we are going to reform education—I mean, really reform education so that our children will be an educated workforce able to compete in the international economy—then we must first set tough academic standards. Students must know what is expected of them. Parents must know what their children should be learning. Teachers must stay focused on the mission of educating children. And, we all should know that a high school diploma means something.

But, Mr. President, not only should States be setting high academic standards for our students—with support and assistance from the Federal Government—but we should be rewarding those students who meet the high standards. The best way to reward them is to make it just a little bit easier to go to college, which is by the way, another key incredient—in addition to tough standards—in ensuring a highly educated American workforce.

The Presidential Honors Scholarship Act would provide a $1,000 scholarship to all graduating seniors in public and private schools who finish in the top 5 percent of their class. These Presidential honors scholars could use the scholarship in their freshman year at the college of their choice, and the scholarship would not be used in determining eligibility for other financial aid.

Although $1,000 may not seem like a lot, it is about two-thirds of the cost of the average tuition at a community college. And, more importantly, it is the principle that counts. Those who work hard and succeed ought to be recognized and rewarded.

Now, there are some—and I have heard from them already—who believe that the money for merit scholarships would be better spent helping those in financial need. I do not disagree with the notion that we should help all students who are qualified to go to college get to college. But, of those who finish in the top 5 percent of their high school graduating class—those who would benefit from this bill—81 percent come from families with incomes under $75,000 per year. I suggest they are exactly the ones in need, given the high cost of college today—and there were reports in this morning's paper that tuition costs at public colleges have gone up another 6 percent, more than double the rate of inflation. But, regardless of who benefits, I also believe that we should start to reward excellence for excellence's sake.

I have no illusions—and the administration does not either—that this bill is going to pass here in the waning days of the 104th Congress. Our intent is merely to introduce the bill now, and to come back next year to try to see it become law as part of the reauthorization of the Higher Education Act. I encourage my colleagues to take a look at this legislation and to support the idea of merit scholarships.●

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 729

At the request of Mr. BAUCUS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as cosponsors of S. 729, a bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, and for other purposes.

S. 1660

At the request of Mr. GLENN, the names of the Senator from Kansas [Mrs. KASSENBAUM] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 2091

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as cosponsors of S. 2091, a bill to provide for

small business and agriculture regulatory relief.

S. 2123

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. CONRAD] was added as cosponsors of S. 2123, a bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes.

SENATE RESOLUTION 301—DESIGNATING NATIONAL FALLEN FIREFIGHTERS MEMORIAL DAY

Mr. SARBANES submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 301

Whereas children's eyes fill with wonderment when they announce that their life's ambition is to become a firefighter, and adults are inspired by the bravery of the men and women of the fire service;

Whereas the men and women of the fire service are advocates for preventing the great amount of injuries, death, and damage to property that fire causes in this Nation, as well as the first line of defense in preventing these problems;

Whereas career and volunteer firefighters of this Nation enrich the communities in which they live and work, and exemplify the highest standards of service, dedication, dependability, selfless determination, honor, and civic spirit;

Whereas twenty years ago, when thousands of individuals were dying as the result of fires, and men and women of the fire service helped to focus this Nation's attention on fire prevention and safety, thereby reducing by half the number of fire related deaths;

Whereas due to the commitment and support of the men and women of the fire service, this Nation continues to make fire prevention and safety a top priority;

Whereas by placing the safety and well-being of others above their own, firefighters confront grave dangers every day in order to protect this Nation from the devastation caused by fires and other emergencies;

Whereas 102 firefighters died in the line of duty in 1995 and more than 94,500 were injured;

Whereas on Sunday, October 13, 1996, at the National Fallen Firefighters Memorial in Emmitsburg, Maryland, this Nation will pay its respects to the firefighters who have given their lives to protect this Nation; and

Whereas the men and women of the fire service who have given their lives in order to protect this nation are truly American heroes: Now, therefore, be it

Resolved, That the Senate designates October 13, 1996, as ''National Fallen Firefighters Memorial Day''. The President is requested—

(1) to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, entities of each branch of the Federal Government, and interested organizations, groups, and individuals to fly the flag of the United States at half-staff on October 13, 1996, in honor of the individuals who have died as a result of their service as firefighters.

Mr. SARBANES. Mr. President, today I am submitting a resolution to designate October 13, 1996 as National Fallen Firefighters Memorial Day. At a time when we bemoan our Nation's lack of heroes, I contend that we can find them in every firehall across the country. The fire service, career and volunteers alike, confront grave dangers day in and day out in protecting lives and property against the devastation of fire. More than 100 firefighters die in the line of duty during the average year, making firefighting one of the world's most dangerous professions. As a cochairman of the Congressional Fire Services Caucus, it has always been one of my top priorities to ensure that our men and women in the fire service receive the recognition they deserve. While the National Fallen Fighters Memorial Service on the campus of the National Fire Academy in Emmitsburg, MD provides a deeply moving tribute and strong support for the friends and families of the fallen each year, I contend that as a nation we can always do more to recognize the sacrifice and commitment demonstrated by the fire service.

It is for that purpose that I have introduced this legislation. This resolution requests that the President issue a proclamation calling on the Nation as a whole to observe this day with appropriate ceremonies and activities along with all those gathered at the National Fallen Fire Fighters Memorial in Emmitsburg. This Presidential Proclamation would also urge all Federal agencies, entities of each branch of the Federal Government, and interested organizations, groups, and individuals to fly the flag of the United States at half-staff on October 13, 1996, in honor of the individuals who have died as a result of their service as firefighters. I urge my colleagues to support this resolution.

SENATE RESOLUTION 302—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 302

Whereas, the United States Department of Justice and counsel for the plaintiff-relators and defendant in the case of *United States of America ex rel. William I. Koch, et al.* v. *Koch Industries, Inc., et al.*, Case No. 91–CV–763–B, pending in the United States District Court for the Northern District of Oklahoma, have requested that the Committee on Indian Affairs provide them with copies of records of the former Special Committee on Investigations of the Committee on Indian Affairs for use in connection with the pending civil action;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Indian Affairs, acting jointly, are authorized to provide to the United States Department of Justice, counsel for the plaintiff-relators and defendant in *United States of America ex rel. William I. Koch, et al.* v. *Koch Industries, Inc., et al.*, and other requesting individuals and entities, copies of records of the Special Committee on Investigations for use in connection with pending legal proceedings, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED

THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5404

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''National Institutes of Health Revitalization Act of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.
Sec. 102. Children's vaccine initiative.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

Sec. 201. Research on osteoporosis, paget's disease, and related bone disorders.
Sec. 202. National Human Genome Research Institute.
Sec. 203. Increased amount of grant and other awards.
Sec. 204. Meetings of advisory committees and councils.
Sec. 205. Elimination or modification of reports.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

Sec. 301. Authorization of appropriations.
Sec. 302. DES study.

Subtitle B—National Heart Lung and Blood Institute

Sec. 311. Authorization of appropriations.

Subtitle C—National Institute of Allergy and Infectious Diseases

Sec. 321. Terry Beirn community-based AIDS research initiative.

Subtitle D—National Institute of Child Health and Human Development
Sec. 331. Research centers for contraception and infertility.
Subtitle E—National Institute on Aging
Sec. 341. Authorization of appropriations.
Subtitle F—National Institute on Alcohol Abuse and Alcoholism
Sec. 351. Authorization of appropriations.
Sec. 352. National Alcohol Research Center.
Subtitle G—National Institute on Drug Abuse
Sec. 361. Authorization of appropriations.
Sec. 362. Medication development program.
Sec. 363. Drug Abuse Research Centers.
Subtitle H—National Institute of Mental Health
Sec. 371. Authorization of appropriations.
Subtitle I—National Center for Research Resources
Sec. 381. Authorization of appropriations.
Sec. 382. General Clinical Research Centers.
Sec. 383. Enhancement awards.
Sec. 384. Waiver of limitations.
Subtitle J—National Library of Medicine
Sec. 391. Authorization of appropriations.
Sec. 392. Increasing the cap on grant amounts.
TITLE IV—AWARDS AND TRAINING
Sec. 401. Medical scientist training program.
Sec. 402. Raise in maximum level of loan repayments.
Sec. 403. General loan repayment program.
Sec. 404. Clinical research assistance.
TITLE V—RESEARCH WITH RESPECT TO AIDS
Sec. 501. Comprehensive plan for expenditure of AIDS appropriations.
Sec. 502. Emergency AIDS discretionary fund.
TITLE VI—GENERAL PROVISIONS
Subtitle A—Authority of the Director of NIH
Sec. 601. Authority of the Director of NIH.
Subtitle B—Office of Rare Disease Research
Sec. 611. Establishment of Office for Rare Disease Research.
Subtitle C—Certain Reauthorizations
Sec. 621. National Research Service Awards.
Sec. 622. National Foundation for Biomedical Research.
Subtitle D—Miscellaneous Provisions
Sec. 631. Establishment of National Fund for Health Research.
Sec. 632. Definition of clinical research.
Sec. 633. Establishment of a pediatric research initiative.
Sec. 634. Diabetes research.
Sec. 635. Parkinson's research.
Sec. 636. Pain research consortium.
Subtitle E—Repeals and Conforming Amendments
Sec. 641. Repeals and conforming amendments.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. DIRECTOR'S DISCRETIONARY FUND.

Section 402(i)(3) (42 U.S.C. 282(i)(3)) is amended by striking ''$25,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 102. CHILDREN'S VACCINE INITIATIVE.

Section 404B(c) (42 U.S.C. 283d(c)) is amended by striking ''$20,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

SEC. 201. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) (42 U.S.C. 284e(d)) is amended by striking ''$40,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 202. NATIONAL HUMAN GENOME RESEARCH INSTITUTE.

(a) IN GENERAL.—Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

''Subpart 18—National Human Genome Research Institute

''SEC. 464Z. PURPOSE OF THE INSTITUTE.

''(a) IN GENERAL.—The general purpose of the National Human Genome Research Institute is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

''(1) planning and coordinating the research goal of the genome project;

''(2) reviewing and funding research proposals;

''(3) conducting and supporting research training;

''(4) coordinating international genome research;

''(5) communicating advances in genome science to the public;

''(6) reviewing and funding proposals to address the ethical, legal, and social issues associated with the genome project (including legal issues regarding patents); and

''(7) planning and administering intramural, collaborative, and field research to study human genetic disease.

''(b) RESEARCH.—The Director of the Institute may conduct and support research training—

''(1) for which fellowship support is not provided under section 487; and

''(2) that is not residency training of physicians or other health professionals.

''(c) ETHICAL, LEGAL, AND SOCIAL ISSUES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent of amounts made available for extramural research for carrying out paragraph (6) of such subsection.

''(2) NONAPPLICATION.—With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

''(d) TRANSFER.—

''(1) IN GENERAL.—There are transferred to the National Human Genome Research Institute all functions which the National Center for Human Genome Research exercised before the date of enactment of this subpart, including all related functions of any officer or employee of the National Center for Human Genome Research. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this subsection shall be transferred to the National Human Genome Research Institute.

''(2) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, regulations, privileges, and other administrative actions which have been issued, made, granted, or allowed to become effective in the performance of functions which are transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

''(3) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the National Center for Human Genome Research shall be deemed to refer to the National Human Genome Research Institute.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 1997.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end thereof the following new subparagraph:

''(R) The National Human Genome Research Institute.''; and

(B) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(2) Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is repealed.

SEC. 203. INCREASED AMOUNT OF GRANT AND OTHER AWARDS.

Section 405(b)(2)(B) (42 U.S.C. 284(b)(2)(B) is amended—

(1) in clause (i), by striking ''$50,000'' and inserting ''$100,000''; and

(2) in clause (ii), by striking ''$50,000'' and inserting ''$100,000''.

SEC. 204. MEETINGS OF ADVISORY COMMITTEES AND COUNCILS.

(a) IN GENERAL.—Section 406 (42 U.S.C. 284a) is amended—

(1) in subsection (e), by striking '', but at least three times each fiscal year''; and

(2) in subsection (h)(2)—

(A) in subparagraph (A)—

(i) in clause (iv), by adding ''and'' after the semicolon;

(ii) in clause (v), by striking ''; and'' and inserting a period; and

(iii) by striking clause (vi); and

(B) in subparagraph (B), by striking '', except'' and all that follows through ''year''.

(b) PRESIDENT'S CANCER PANEL.—Section 415(a)(3) (42 U.S.C. 285a–4(a)(3)) is amended by striking '', but not less often than four times a year''.

(c) INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking '', but not less often than four times a year''.

(d) INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking '', but not less often than four times a year''.

(e) INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS INTERAGENCY COORDINATING COMMITTEES.—Section 464E(d) (42 U.S.C. 285m–5(d)) is amended by striking '', but not less often than four times a year''.

(f) INSTITUTE OF NURSING RESEARCH ADVISORY COUNCIL.—Section 464X(e) (42 U.S.C. 285q–2(e)) is amended by striking '', but at least three times each fiscal year''.

(g) CENTER FOR RESEARCH RESOURCES ADVISORY COUNCIL.—Section 480(e) (42 U.S.C. 287a(e)) is amended by striking '', but at least three times each fiscal year''.

(h) APPLICATION OF FACA.—Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 409B. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.

''Notwithstanding any other provision of law, the provisions of the Federal Advisory Committee Act (5 U.S.C. Ap. 2) shall not

apply to a scientific or technical peer review group, established under this title.''.

SEC. 205. ELIMINATION OR MODIFICATION OF REPORTS.

(a) PUBLIC HEALTH SERVICE ACT REPORTS.—The following provisions of the Public Health Service Act are repealed:

(1) Section 403 (42 U.S.C. 283) relating to the biennial report of the Director of the National Institutes of Health to Congress and the President.

(2) Subsection (c) of section 439 (42 U.S.C. 285d-4(c)) relating to the annual report of the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the annual report of the Skin Diseases Interagency Coordinating Committee.

(3) Subsection (j) of section 442 (42 U.S.C. 285d-7(j)) relating to the annual report of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board.

(4) Subsection (b) of section 494A (42 U.S.C. 289c–1(b)) relating to the annual report of the Secretary of Health and Human Services on health services research relating to alcohol abuse and alcoholism, drug abuse, and mental health.

(5) Subsection (b) of section 503 (42 U.S.C. 290aa–2(b)) relating to the triennial report of the Secretary of Health and Human Services to Congress.

(b) REPORT ON DISEASE PREVENTION.—Section 402(f)(3) (42 U.S.C. 282(f)(3)) is amended by striking ''annually'' and inserting ''biennially''.

(c) REPORTS OF THE COORDINATING COMMITTEES ON DIGESTIVE DISEASES, DIABETES MELLITUS, AND KIDNEY, UROLOGIC AND HEMATOLOGIC DISEASES.—Section 429 (42 U.S.C. 285c–3) is amended by striking subsection (c).

(d) REPORT OF THE TASK FORCE ON AGING RESEARCH.—Section 304 of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q–3) is repealed.

(e) SUDDEN INFANT DEATH SYNDROME RESEARCH.—Section 1122 (42 U.S.C. 300c–12) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading; and

(B) by striking ''of the type'' and all that follows through ''adequate,'' and insert '', such amounts each year as will be adequate for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, and to the relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome,''; and

(2) by striking subsections (b) and (c).

(f) U.S.-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM.—Subsection (h) of section 5 of the International Health Research Act of 1960 is repealed.

(g) BIOENGINEERING RESEARCH.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the report to Congress entitled ''Support for Bioengineering Research'' (submitted in August of 1995 in accordance with section 1912 of the National Institutes of Health Revitalization Act of 1993 (42 U.S.C. 282 note)).

(h) CONFORMING AMENDMENTS.—Title IV is amended—

(1) in section 404C(c) (42 U.S.C. 283e(c)), by striking ''included'' and all that follows through the period and inserting ''made available to the committee established under subsection (e) and included in the official minutes of the committee'';

(2) in section 404E(d)(3)(B) (42 U.S.C. 283g(d)(3)(B)), by striking ''for inclusion in the biennial report under section 403'';

(3) in section 406(g) (42 U.S.C. 284a(g))—

(A) by striking ''for inclusion in the biennial report made under section 407'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(4) in section 407 (42 U.S.C. 284b)—

(A) in the section heading, to read as follows:

''REPORTS''; and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(5) in section 416(b) (42 U.S.C. 285a–5(b)) by striking ''407'' and inserting ''402(f)(3)'';

(6) in section 417 (42 U.S.C. 285a–6), by striking subsection (e);

(7) in section 423(b) (42 U.S.C. 285b–6(b)), by striking ''407'' and inserting ''402(f)(3)'';

(8) by striking section 433 (42 U.S.C. 285c–7);

(9) in section 451(b) (42 U.S.C. 285g–3(b)), by striking ''407'' and inserting ''402(f)(3)'';

(10) in section 452(d) (42 U.S.C. 285g–4(d))—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking ''(A) Not'' and inserting ''Not''; and

(ii) by striking subparagraph (B); and

(B) in the last sentence of paragraph (4), by striking ''contained'' and all that follows through the period and inserting ''transmitted to the Director of NIH.'';

(11) in section 464I(b) (42 U.S.C. 285n–1(b)), by striking ''407'' and inserting ''402(f)(3)'';

(12) in section 464M(b) (42 U.S.C. 285o–1)(b)), by striking ''407'' and inserting ''402(f)(3)'';

(13) in section 464S(b) (42 U.S.C. 285p–1(b)), by striking ''407'' and inserting ''402(f)(3)'';

(14) in section 464X(g) (42 U.S.C. 285q–2(g)) is amended—

(A) by striking ''for inclusion in the biennial report made under section 464Y'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(15) in section 464Y (42 U.S.C. 285q–3)—

(A) in the section heading, to read as follows:

''REPORTS''; and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(16) in section 480(g) (42 U.S.C. 287a(g))—

(A) by striking ''for inclusion in the biennial report made under section 481'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(17) in section 481 (42 U.S.C. 287a–1)—

(A) in the section heading, to read as follows:

''REPORTS''; and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(18) in section 486(d)(5)(B) (42 U.S.C. 287d(d)(5)(B)), by striking ''for inclusion in the report required in section 403'';

(19) in section 486B (42 U.S.C. 287d–2) by striking subsection (b) and inserting the following new subsection:

''(b) SUBMISSION.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH.''; and

(20) in section 492B(f) (42 U.S.C. 289a–2(f)), by striking ''for inclusion'' and all that follows through the period and inserting ''and the Director of NIH.''.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 417B (42 U.S.C. 286a–8) is amended—

(1) in subsection (a), by striking ''$2,728,000,000'' and all that follows through the period and inserting ''$3,000,000,000 for fiscal year 1997.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking ''$225,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''; and

(ii) in the first sentence of subparagraph (B), by striking ''$100,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''; and

(B) in the first sentence of paragraph (2), by striking ''$75,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''; and

(3) in the first sentence of subsection (c), by striking ''$72,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 302. DES STUDY.

Section 403A(e) (42 U.S.C. 283a(e)) is amended by striking ''1996'' and inserting ''1997''.

Subtitle B—National Heart Lung and Blood Institute

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 425 (42 U.S.C. 285b–8) is amended by striking ''$1,500,000,000'' and all that follows through the period and inserting ''$1,600,000,000 for fiscal year 1997.''.

Subtitle C—National Institute of Allergy and Infectious Diseases

SEC. 321. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.

Section 2313(e) (42 U.S.C. 300cc–13(e)) is amended—

(1) in paragraph (1), by striking ''1996'' and inserting ''1997''; and

(2) in paragraph (2), by striking ''1996'' and inserting ''1997''.

Subtitle D—National Institute of Child Health and Human Development

SEC. 331. RESEARCH CENTERS FOR CONTRACEPTION AND INFERTILITY.

Section 452A(g) (42 U.S.C. 285g–5(g)) is amended by striking ''$30,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

Subtitle E—National Institute on Aging

SEC. 341. AUTHORIZATION OF APPROPRIATIONS.

Section 445I (42 U.S.C. 285e–11) is amended by striking ''$500,000,000'' and all that follows through the period and inserting ''$550,000,000 for fiscal year 1997.''.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

SEC. 351. AUTHORIZATION OF APPROPRIATIONS.

Section 464H(d)(1) (42 U.S.C. 285n(d)(1)) is amended by striking ''300,000,000'' and all that follows through the period and inserting ''$330,000,000 for fiscal year 1997.''.

SEC. 352. NATIONAL ALCOHOL RESEARCH CENTER.

Section 464J(b) (42 U.S.C. 285n–2(b)) is amended—

(1) by striking ''(b) The'' and inserting ''(b)(1) The'';

(2) by striking the third sentence; and

(3) by adding at the end thereof the following new paragraph:

''(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

''(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

''(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''.

Subtitle G—National Institute on Drug Abuse

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

Section 464L(d)(1) (42 U.S.C. 285o(d)(1)) is amended by striking ''$440,000,000'' and all that follows through the period and inserting ''$500,000,000 for fiscal year 1997.''.

SEC. 362. MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) (42 U.S.C. 285o–4(e)) is amended by striking ''$85,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997''.

SEC. 363. DRUG ABUSE RESEARCH CENTERS.

Section 464N(b) (42 U.S.C. 285o–2(b)) is amended—

(1) by striking ''(b) The'' and inserting ''(b)(1) The'';

(2) by striking the last sentence; and

(3) by adding at the end thereof the following new paragraph:

''(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

''(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

''(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term does not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''.

Subtitle H—National Institute of Mental Health

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

Section 464R(f)(1) (42 U.S.C. 285p(f)(1)) is amended by striking ''$675,000,000'' and all that follows through the period and inserting ''$750,000,000 for fiscal year 1997.''.

Subtitle I—National Center for Research Resources

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 481A(h) (42 U.S.C. 287a–2(h)) is amended by striking ''$150,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

(b) RESERVATION FOR CONSTRUCTION OF REGIONAL CENTERS.—Section 481B(a) (42 U.S.C. 287a–3(a)) is amended—

(1) by striking ''shall'' and inserting ''may'';

(2) by striking ''through 1996'' and inserting ''through 1997''; and

(3) by striking ''$5,000,000'' and inserting ''such sums as may be necessary for each such fiscal year''.

SEC. 382. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by section 205(h), is further amended by adding at the end thereof the following new section:

''SEC. 409C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under subsection (a), such sums as may be necessary for eahc of the fiscal years 1996 and 1997.''.

SEC. 383. ENHANCEMENT AWARDS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 205(h) and 382, is further amended by adding at the end thereof the following new section:

''SEC. 409D. ENHANCEMENT AWARDS.

''(a) CLINICAL RESEARCH CAREER ENHANCEMENT AWARD.—

''(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $130,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year in which grants are awarded under this subsection. The total number of grants awarded under this subsection for the first and second fiscal years in which grants such are awarded shall not exceed 40 grants.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

''(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

''(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $100,000 per year per grant.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

''(c) PEER REVIEW.—The Director of NIH, in cooperation with the Director of the National Center for Research Resources, shall establish peer review mechanisms to evaluate applications for clinical research fellowships, clinical research career enhancement awards, and innovative medical science award programs. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research trainees.''.

SEC. 384. WAIVER OF LIMITATIONS.

Section 481A (42 U.S.C. 287a–2) is amended—

(1) in subsection (b)(3)(A), by striking ''9'' and inserting ''12'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''50'' and inserting ''40''; and

(ii) in subparagraph (B), by striking ''40'' and inserting ''30''; and

(B) in paragraph (4), by striking ''for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c)''; and

(3) in subsection (h), by striking $150,000,000'' and all that follows through ''1996'' and inserting ''such sums as may be necessary for fiscal year 1997''.

Subtitle J—National Library of Medicine

SEC. 391. AUTHORIZATION OF APPROPRIATIONS.

Section 468(a) (42 U.S.C. 286a–2(a)) is amended by striking ''$150,000,000'' and all that follows through the period and inserting ''$160,000,000 for fiscal year 1997.''.

SEC. 392. INCREASING THE CAP ON GRANT AMOUNTS.

Section 474(b)(2) (42 U.S.C. 286b–5(b)(2)) is amended by striking ''$1,000,000'' and inserting ''$1,250,000''.

TITLE IV—AWARDS AND TRAINING

SEC. 401. MEDICAL SCIENTIST TRAINING PROGRAM.

(a) EXPANSION OF PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand the Medical Scientist Training Program to include fields that will contribute to training clinical investigators in the skills of performing patient-oriented clinical research.

(b) DESIGNATION OF SLOTS.—In carrying out subsection (a), the Director of the National Institutes of Health shall designate a specific percentage of positions under the Medical Scientist Training Program for use with respect to the pursuit of a Ph.D. degree in the disciplines of economics, epidemiology, public health, bioengineering, biostatistics and bioethics, and other fields determined appropriate by the Director.

SEC. 402. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in subsection (c), by striking ''1996'' and inserting ''1997''.

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) (42 U.S.C. 288–2(a)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) (42 U.S.C. 288–3(a)(1)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in paragraph (3), by striking ''338C'' and inserting ''338B, 338C''.

SEC. 403. GENERAL LOAN REPAYMENT PROGRAM.

Part G of title IV (42 U.S.C. 288 et seq.) is amended by inserting after section 487E, the following new section:

''SEC. 487F. GENERAL LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of NIH, shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research with respect to the areas

identified under paragraph (2) in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(2) RESEARCH AREAS.—In carrying out the program under paragraph (1), the Director of NIH shall annually identify areas of research for which loan repayments made be awarded under paragraph (1).

''(3) TERM OF AGREEMENT.—A loan repayment agreement under paragraph (1) shall be for a minimum of two years.

''(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1997.''.

SEC. 404. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(a)(1)(C) (42 U.S.C. 288(a)(1)(C)) is amended—

(1) by striking ''50 such'' and inserting ''100 such''; and

(2) by striking ''1996'' and inserting ''1997''.

(b) LOAN REPAYMENT PROGRAM.—Section 487E (42 U.S.C. 288–5) is amended—

(1) in the section heading, by striking ''FROM DISADVANTAGED BACKGROUNDS'';

(2) in subsection (a)(1), by striking ''who are from disadvantaged backgrounds'';

(3) in subsection (b)—

(A) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(B) by adding at the end thereof the following new paragraph:

''(2) DISADVANTAGED BACKGROUNDS SET-ASIDE.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the amounts appropriated for a fiscal year are used for contracts involving those appropriately qualified health professionals who are from disadvantaged backgrounds.''; and

(4) by adding at the end thereof the following new subsections:

''(c) CLINICAL RESEARCH TRAINING POSITION.—A position shall be considered a clinical research training position under subsection (a)(1) if such position involves an individual serving in a general clinical research center or other organizations and institutions determined to be appropriate by the Director of NIH, or a physician receiving a clinical research career enhancement award or NIH intramural research fellowship.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.''.

TITLE V—RESEARCH WITH RESPECT TO AIDS

SEC. 501. COMPREHENSIVE PLAN FOR EXPENDITURE OF AIDS APPROPRIATIONS.

Section 2353(d)(1) (42 U.S.C. 300cc–40b(d)(1)) is amended by striking ''through 1996'' and inserting ''through 1997''.

SEC. 502. EMERGENCY AIDS DISCRETIONARY FUND.

Section 2356(g)(1) (42 U.S.C. 300cc–43(g)(1)) is amended by striking ''$100,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997''.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

SEC. 601. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

''(13) may conduct and support research training—

''(A) for which fellowship support is not provided under section 487; and

''(B) which does not consist of residency training of physicians or other health professionals; and

''(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.''.

Subtitle B—Office of Rare Disease Research

SEC. 611. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

''(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

''(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

''(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

''(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

''(2) coordinate and disseminate information among the institutes and the public on rare diseases;

''(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

''(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

''(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

''(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

''(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.''.

Subtitle C—Certain Reauthorizations

SEC. 621. NATIONAL RESEARCH SERVICE AWARDS.

Section 487(d) (42 U.S.C. 288(d)) is amended by striking ''$400,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 622. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499(m)(1) (42 U.S.C. 290b(m)(1)) is amended by striking ''an aggregate'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

Subtitle D—Miscellaneous Provisions

SEC. 631. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by section 611, is further amended by adding at the end thereof the following new section:

''SEC. 404G. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Fund for Health Research' (hereafter in this section referred to as the 'Fund'), consisting of such amounts as are transferred to the Fund and any interest earned on investment of amounts in the Fund.

''(b) OBLIGATIONS FROM FUND.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), with respect to the amounts made available in the Fund in a fiscal year, the Secretary shall distribute all of such amounts during any fiscal year to research institutes and centers of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all research institutes and centers of the National Institutes of Health for the fiscal year.

''(2) TRIGGER AND RELEASE OF MONIES.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.''.

SEC. 632. DEFINITION OF CLINICAL RESEARCH.

Part A of titleIV (42 U.S.C. 281 et seq.) as amended by sections 611 and 631, is further amended by adding at the end thereof the following new section:

''SEC. 404H. DEFINITION OF CLINICAL RESEARCH.

''As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations, or on material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease, epidemiologic or behavioral studies, outcomes research, or health services research.''.

SEC. 633. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by sections 611, 631, and 632, is further amended by adding at the end the following new section:

''SEC. 404I. PEDIATRIC RESEARCH INITIATIVE

''(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (hereafter in this section referred to as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

''(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

''(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

''(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising;

''(3) increased support for pediatric outcomes and medical effectiveness research to demonstrate how to improve the quality of children's health care while reducing cost;

''(4) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population; and

''(5) recognition of the special attention pediatric research deserves.

''(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

''(1) consult with the Institutes and other advisors as the Director determines appropriate when considering the role of the Institute for Child Health and Human Development;

''(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

''(A) assistance is directly related to the illnesses and diseases of children; and

''(B) assistance is extramural in nature; and

''(3) be responsible for the oversight of any newly appropriated Initiative funds and be accountable with respect to such funds to Congress and to the public.

''(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 1997 through 1999.

''(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated to any of the Institutes for a fiscal year to the Initiative to carry out this section.''.

SEC. 634. DIABETES RESEARCH.

(a) FINDINGS.—The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 16,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of more than 169,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness in adults over age 30.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transplantation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

(b) INCREASED FUNDING REGARDING DIABETES.—With respect to the conduct and support of diabetes-related research by the National Institutes of Health, there are authorized to be appropriated for such purpose—

(1) for each of the fiscal years 1997 through 1999, an amount equal to the amount appropriated for such purpose for fiscal year 1996; and

(2) for the 3-fiscal year period beginning with fiscal year 1997, an additional amount equal to 25 percent of the amount appropriated for such purpose for fiscal year 1996.

SEC. 635. PARKINSON'S RESEARCH.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 204, 382 and 383, is further amended by adding at the end the following section:

''PARKINSON'S DISEASE

''SEC. 409E. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease.

''(b) INTER-INSTITUTE COORDINATION.—

''(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

''(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research.

''(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conduct training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public;

''(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

''(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

''(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) MORRIS K. UDALL AWARDS FOR INNOVATION IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support innovative proposals leading to significant breakthroughs in Parkinson's research. Grants under this subsection shall be available to support outstanding neuroscientists and clinicians who bring innovative ideas to bear on the understanding of the pathogenesis, diagnosis and treatment of Parkinson's disease.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $80,000,000 for fiscal year 1997.''.

SEC. 636. PAIN RESEARCH CONSORTIUM.

(a) SHORT TITLE.—This section may be cited as the ''Pain Research Consortium Act of 1996''.

(b) OPERATION.—Part E of title IV (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

''Subpart 5—Pain Research Consortium

''SEC. 485E. ESTABLISHMENT AND PURPOSE OF THE CONSORTIUM.

''(a) ESTABLISHMENT.—The Director of NIH shall, subject to the availability of appropriations, and acting in cooperation with appropriate Institutes and with leading experts in pain research and treatment, establish within the National Institutes of Health, a Pain Research Consortium (hereafter referred to in this subpart as the 'Consortium').

''(b) PURPOSE.—It is the purpose of the Pain Research Consortium to—

''(1) provide a structure for coordinating pain research activities;

''(2) facilitate communications among Federal and State governmental agencies and private sector organization (including extramural grantees) concerned with pain;

''(3) share information concerning research and related activities being conducted in the area of pain;

''(4) encourage the recruitment and retention of individuals desiring to conduct pain research;

''(5) develop collaborative pain research efforts;

''(6) avoid unnecessary duplication of pain research efforts; and

''(7) achieve a more efficient use of Federal and private sector research funds.

''(c) COMPOSITION.—The Consortium shall be composed of representatives of—

''(1) the National Institute of Neurological Disorders and Stroke;

''(2) the National Institute of Drug Abuse;

''(3) the National Institute of General Medical Sciences;

''(4) the National Institute of Dental Research;

''(5) the National Health, Lung, and Blood Institute;

''(6) the National Cancer Institute;

''(7) the National Institute of Mental Health;

''(8) the National Institute of Nursing Research;

''(9) the National Center for Research Resources;

''(10) the National Institute of Child Health and Human Development;

''(11) the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

''(12) the National Institute on Aging;

''(13) pain management practitioners, which may include physicians, psychologists, physical medicine and rehabilitation service representatives (including physical therapists and occupational therapists), nurses, dentists, and chiropractors; and

''(14) patient advocacy groups.

''(d) ACTIVITIES.—The Consortium shall coordinate and support research, training, health information dissemination and related activities with respect to—

''(1) acute pain;

''(2) cancer and HIV-related pain;

''(3) back pain, headache pain, and facial pain; and

''(4) other painful conditions.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1997.''.

Subtitle E—Repeals and Conforming Amendments

SEC. 641. REPEALS AND CONFORMING AMENDMENTS.

(a) RENAMING OF DIVISION OF RESEARCH RESOURCES.—Section 403(5) (42 U.S.C. 283(5)) is amended by striking ''Division of Research Resources'' and inserting ''National Center for Research Resources''.

(b) RENAMING OF NATIONAL CENTER FOR NURSING RESEARCH.—

(1) Section 403(5) (42 U.S.C. 283(5)) is amended by striking ''National Center for Nursing Research'' and inserting ''National Institute of Nursing Research''.

(2) Section 408(a)(2) (42 U.S.C. 284c(a)(2)) is amended by striking ''National Center for Nursing Research'' and inserting ''National Institute of Nursing Research''.

(c) RENAMING OF CHIEF MEDICAL DIRECTOR FOR VETERANS AFFAIRS.—

(1) Section 406 (42 U.S.C. 284a) is amended—

(A) in subsection (b)(2)(A), by striking ''Chief Medical Director of the Department of Veterans Affairs or the Chief Dental Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''; and

(B) in subsection (h)(2)(A)(v) by striking ''Chief Medical Director of the Department of Veterans Affairs,'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(2) Section 424(c)(3)(B)(x) (42 U.S.C. 285b–7(c)(3)(B)(x)) is amended by striking ''Chief Medical Director of the Veterans' Administration'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(3) Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking ''Chief Medical Director of the Veterans' Administration'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(4) Section 430(b)(2)(A)(i) (42 U.S.C. 285c–4(b)(2)(A)(i)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(5) Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(6) Section 452(f)(3)(B)(xi) (42 U.S.C. 285g–4(f)(3)(B)(xi)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(7) Section 466(a)(1)(B) (42 U.S.C. 286a(a)(1)(B)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(8) Section 480(b)(2)(A) (42 U.S.C. 287a(b)(2)(A)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(b) ADVISORY COUNCILS.—Section 406(h) (42 U.S.C. 284a(h)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking ''(2)(A) The'' and inserting ''(1) The'';

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) through (vi) of paragraph (1) (as so redesignated) as subparagraphs (A) through (F), respectively.

(c) DIABETES AND DIGESTIVE AND KIDNEY DISORDERS ADVISORY BOARDS.—Section 430 (42 U.S.C. 285c–4) is repealed.

(d) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 (42 U.S.C. 285d–7) is repealed.

(e) RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.—Subpart 6 of part C of title IV (42 U.S.C. 285f et seq.) is amended by redesignating the second section 447 (42 U.S.C. 285f–1) as section 447A.

(f) NATIONAL INSTITUTE ON DEAFNESS ADVISORY BOARD.—Section 464D (42 U.S.C. 285m–4) is repealed.

(g) BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL STUDY.—Section 489 (42 U.S.C. 288b) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(h) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is repealed.

(i) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9660(a)) is amended—

(1) by striking paragraph (5); and

(2) in the last sentence of paragraph (6), by striking ''the relevant Federal agencies referred to in subparagraph (A) of paragraph (5)'' and inserting ''relevant Federal agencies''.

THE INDIAN CHILD WELFARE ACT AMENDMENTS OF 1996

MCCAIN AMENDMENT NO. 5405

Mr. LOTT (for Mr. MCCAIN) proposed an amendment to the bill (S. 1962) to amend the Indian Child Welfare Act of 1978, and for other purposes; as follows:

On page 13, line 18, insert ''if in the best interests of an Indian child,'' after ''approve,''.

On page 14, lines 15 and 16, strike the dash and all that follows through the paragraph designation and adjust the margin accordingly.

On page 14, line 16, insert a dash after ''willfully''.

On page 14, line 16, insert '' '(1)'' before ''falsifies'' and adjust the margin accordingly.

THE WILDLIFE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 5406

Mr. LOTT (for Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. CRAIG, and Mr. KYL) proposed an amendment to the bill (S. 2078) to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the ''Wildfire Suppression Aircraft Transfer Act of 1996''.

SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) AUTHORITY.—(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning on October 1, 1996, and ending on September 30, 2000, sell the aircraft and aircraft parts referred to in paragraph (2) to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire.

(2) Paragraph (1) applies to aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for the provision of airtanker services for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes jointly approved by the Secretary of Defense and the Secretary of Agriculture in writing in advance.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Agriculture certifies to the Secretary of Defense, in writing, before the sale that the person or entity is capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

(d) REGULATIONS.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at fair market value (as determined by the Secretary of Defense) and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

THE NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

McCAIN AMENDMENTS NOS. 5407–5411

Mr. LOTT (for Mr. MCCAIN) proposed five amendments to the bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes; as follows:

AMENDMENT NO. 5407

On page 13, between lines 20 and 21, insert the following:

(8) NEWLY ACQUIRED TRUST LANDS.—The term ''newly acquired trust lands'' means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

AMENDMENT NO. 5408

On page 15, line 18, strike ''town (as that term is'' and insert ''town or city (as those terms are''.

AMENDMENT NO. 5409

On page 12, line 12, strike ''and''

On page 12, line 18, strike the period and insert ''; and ''.

on Page 12, between lines 18 and 19, insert the following:

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

AMENDMENT NO. 5410

On page 15, between lines 20 and 21, insert the following:

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

AMENDMENT NO. 5411.

On page 19, after line 15, add the following:

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exists when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 26, 1996, at 10 a.m. for a hearing on the annual report of the Postmaster General.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 26, 1996, at 2 p.m. to hold a hearing on annual refugee consultation.

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

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 26 at 9 a.m. to hold a hearing to discuss increasing funding for biomedical research.

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

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 26, 1996, for purposes of conducing a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to examine the NEPA decisionmaking process including the role of the Council on Environmental Quality.

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

ADDITIONAL STATEMENTS

REPUBLIC OF CHINA'S 85TH NATIONAL DAY

● Mr. HATFIELD. Mr. President, in the last few years, the Republic of China has continued to prosper and develop as a democratic model. It is our sixth largest trading partner and the world's 13th largest trading nation. Its per capita income of $12,000 is one of the highest in Asia.

Alongside its economic success, Taiwan has embarked upon a course of democratization, including political pluralism, press liberalization, island-wide elections, a first ever presidential election in March 1996, and full constitutional reform.

On the eve of the 85th anniversary of the founding of the Republic of China, I extend my best wishes to President Lee Teng-hui, Foreign Minister John H. Chang, and Ambassador Jason Hu. May they long continue to be a shining example of democracy in Asia.●

RETIREMENT OF AGENT JIM FREEMAN

● Mrs. FEINSTEIN. Mr. President. I rise today to recognize and honor a respected leader in the law enforcement community and a friend. Jim Freeman has graciously served our Nation for over 30 years as a Special Agent at the FBI.

Mr. Freeman began his career by receiving his appointment as a Special Agent of the Federal Bureau of Investigation [FBI] in July 1964, following his receipt of a bachelor of arts degree from San Francisco State University that same year. He has served as special agent in charge of the San Francisco Division of the FBI since August 1993, where he is responsible for approximately 650 employees and a territory that extends from Monterey to the Oregon border. The majority of his assignments in this area deal with organized crime and drugs, white collar crime, violent crimes, terrorism and foreign counterintelligence.

In 1995, Mr. Freeman was named as the FBI's official adviser to the Technology Theft Prevention Foundation, which is comprised of insurance and electronic industry executives with the mission of reducing high-technology crimes through a variety of initiatives awareness training and law enforcement support. During his tenure, the San Francisco Division of the FBI has created a high-tech crimes squad in San Jose which investigates crimes ranging from robbery of components and semiconductors, to the theft of intellectual property, as well as a computer intrusion squad in San Francisco which investigates serious computer hacking crimes. His other assignments have included the development of the Crimes Against Children Task Force in San Francisco in February 1994, and assuming the leadership of the UNABOM Task Force on April 1, 1994.

Mr. President, Mr. Freeman's previous postings were as a special agent in the Oklahoma City and Los Angeles bureau divisions; a supervisory special agent in Los Angeles; assistant special agent in charge in Miami; an inspector in FBI Headquarters' Inspection Division; and special agent in charge of Honolulu Division of the FBI.

In 1986, he was elected as the FBI's representative to the U.S. Department of State's Senior Seminar at the Foreign Service Institute in Rosslyn, VA, for the 1986–1987 session. On November 20, 1988, Mr. Freeman was selected as a member of the Senior Executive Service.

Mr. President, in conclusion, I want to commend Agent Freeman for his leadership and hard work he has demonstrated during his active years as law enforcement officer. His service to the State of California is greatly appreciated and will not be forgotten. I wish him all the best in years to come.●

COMMENDING RONALD A. SMITH

● Mr. LUGAR. Mr. President, I rise today to commend a fellow Hoosier, Ronald A. Smith of Rochester, Indiana who will be installed as president of the Nation's largest insurance association—the Independent Insurance Agents of America [IIAA]. Ron is President of Smith, Sawyer & Smith, Inc., an independent insurance agency located in Rochester.

Ron's career as an independent insurance agent has been marked with outstanding dedication to his clients, his community, IIAA, the Independent Insurance Agents of Indiana, his colleagues and his profession.

At the State level, Ron served as chairman of numerous committees and held several elective offices in the Independent Insurance Agents of Indiana, culminated by a term as president. In recognition of his contributions, his peers named Ron the 1992 Indiana Agent of the Year.

Ron began his service to the national organization by serving as Indiana's representative to IIAA's National Board of State Directors from 1987 to 1993. At the same time, he served the national association as chairman of its membership committee and dues study task force and as a member of the agency/company operating practices task force on solvency and McCarran-Ferguson.

Ron was elected to IIAA's executive committee in 1993. In the time since then, he has exhibited a spirit of dedication and concern for his 300,000 independent agent colleagues around the country.

Outside of IIAA, Ron has served the insurance industry as a member of the board of trustees of the American Institute for CPCU and the Insurance Institute of America and a member of the board of directors for the Insurance Education Foundation, Inc.

Ron's selfless attitude also extends to his involvement in Rochester-area community activities. He currently serves on the Rochester Telephone Co. board of directors and is a member of the Rochester Community School Building Corp. In the past, he served as chairman of the Fulton County United Way, president of the Rochester Kiwanis, president of the Rochester Chamber of Commerce, and chairman of the board of trustees of Grace United Methodist Church.

I am confident that Ron will serve with distinction and provide leadership as president of the Independent Insurance Agents of America over the next year. I wish Ron and his wife Maureen all the best as IIAA's president and first lady.●

AD HOC HEARING ON TOBACCO

● Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN,

WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the testimony of the witnesses from the first panel. Today I am entering the testimony of the witnesses from the second panel which included Minnesota Attorney General Hubert Humphrey III and Dr. Ian Uydess, a former research scientist for Philip Morris.

Mr. President, I ask that the testimony from the second panel of this ad hoc hearing be printed in the RECORD.

The material follows:

TESTIMONY AT THE AD HOC HEARING ON PROPOSED LEGISLATION TO HALT FDA REGULATIONS, AND GRANT TOBACCO INDUSTRY SPECIAL IMMUNITY FROM STATE LAW ENFORCEMENT ACTIONS, U.S. SENATE

STATEMENT OF MINNESOTA ATTORNEY GENERAL HUBERT H. HUMPHREY III

Thank you, Senator. I appreciate you holding these discussions today on the issue of proposed federal legislation to resolve all litigation and regulation affecting the tobacco industry.

Publicly airing these issues before any action is taken is absolutely critical. Clearly, any legislation to terminate state tobacco lawsuits and to half FDA's controls on marketing to kids will have a sweeping effect on the whole nation, and in fact would raise insurmountable constitutional concerns.

I would also encourage you to get direct input from health advocates. Clearly, their views must guide us in approaching this issue, because ultimately the public health issues at stake are monumental.

It's no secret that I am personally very skeptical about the legislation being discussed in news reports. While I cannot comment on the litigation discussions I have had with my colleagues from other states on this issue or specific terms of an acceptable resolution, I can reiterate the general concerns I have raised about this approach.

Specifically, these are a few of my major concerns.

Concern number one: As a general proposition, I am very skeptical about forcing these law enforcement matters out of state courts and into Congress. First, I do not believe that an attempt to preempt the pending legislation of sovereign states would be constitutional. Beyond the constitutional issue, reports this week indicating that the largest cigarette maker, Philip Morris, spent more money to influence Congress last year than did any other corporation or special interest group does not make me feel any more comfortable. Obviously, we would not feel comfortable presenting our case before any jury that had been the recipient of $15 million worth of ''persuasion.'' This is the bottom line: The tobacco industry believes it will never find a more favorable jury than the U.S. Congress.

Concern number two: I am very skeptical about any legislative deal to let the tobacco industry have special immunity from obeying the same state laws that every other industry must obey. Just last week, I enforced Minnesota antitrust laws against a pharmaceutical giant. A few weeks before, I enforced Minnesota consumer fraud laws against a small local auto dealer. These businesses, big and small, were held responsible for their lawbreaking. If these businesses—and hundreds of others—are held accountable for their lawbreaking, I ask you to consider whether it is fair and honorable to cut a backroom political deal that would grant the politically powerful tobacco industry blanket immunity from obeying the same consumer fraud and antitrust laws that every other business must obey.

At a minimum, it is essential that this deadly product, like every other product Americans eat or drink or ingest, be placed under the on-going jurisdiction of an appropriate federal agency, such as the FDA. Issues such as the addictiveness of nicotine, the hazards of tobacco's secret chemical additives, and possible technologies for making safer cigarettes must be considered.

My final concern: I am very skeptical about any legislation whose terms don't meet the three bottom line principles I have insisted on since we launched our case over two years ago.

(1) The first principle we have insisted on from the beginning is an ironclad guarantee that the tobacco industry stop marketing tobacco to kids. The legislative proposal's insistence that the FDA be cut out of the regulatory picture clearly is a major setback to attaining that all-important principle.

(2) Our second principle we have insisted all along is to recover taxpayer damages commensurate with the harm done by the tobacco industry's lawbreaking. Considering that we are talking about decades of lawbreaking and that the costs of tobacco-related health problems is estimated by the CDC to be about $50 billion per year, I have serious questions about whether the proposal is consistent with this important principle.

(3) The final principle we have insisted on from the very beginning is that the tobacco industry tell the whole truth about health and smoking. The public demands to know what the tobacco industry knew and when they knew it. But the proposal being discussed does not require the tobacco industry to open up its documents so that we learn things such as how to make safer cigarettes that can save lives. Allowing the tobacco industry to continue to cover-up this information from those who could benefit from it would be a huge step backward from this third important principle.

Senator Lautenberg and members of the Committee, in Minnesota we are two years and over 10 million documents down the road. We have spent tremendous time, energy, and resources preparing to go to trial with the strongest case the tobacco industry has ever seen. We still have far to go, but we have now come more than half the distance toward our goal. We ask Congress not to undercut us, but instead to support us.

Despite our unflagging determination to build our case and proceed to trial, we are always ready to talk settlement—with the defendants, that is. Settlement talks between the plaintiffs and defendants are one thing. We always are open to that. But federally-mandated global termination of all state law enforcement actions against the single industry—simply because that industry is politically powerful—is quite another.

Let me leave you with this final thought. Over 30 years ago, some in Congress undoubtedly thought they were doing the right thing when they passed legislation to require labeling of cigarettes. We now know, however, that the tobacco industry actually participated in the writing of the labeling legislation. As a Lorillard Tobacco company attorney now explains, the industry understood all along that the labeling law provided the industry with an argument against smoker's liability suits. The book Ashes to Ashes documents that, quote ''even the tobacco spokesman kept saying for the record that they opposed the warning label, 'privately'—the Lorillard attorney is quoted as saying—'we desperately needed it.' I suggest that this is an important lesson for us to keep in mind in 1996 as Congress contemplates its appropriate role in this matter.

I appreciate your invitation to share my concerns with you today. You are doing the country a great service by airing these issues. I would be pleased to answer any questions you might have.

STATEMENT OF I.L. UYDESS

Introduction & Background: My name is Ian Uydess and I worked as a Research Scientist at Philip Morris USA for more than 10 years (Dec. 1977 to Sept. 1989). During that time I headed-up a number of basic and applied research projects, developed a patented bioengineering process designed to produce a 'safer' cigarette, and conducted a variety of lab and field experiments on tobacco. I also learned a fair amount about what Philip Morris knew about its products and possibly a bit too much about some of the experimental work that it was conducting on cigarette smoke and nicotine both in the United States and in Europe. I also began to understand the basis for some of the company's fears. A rather extensive account of my work at Philip Morris is already on record in my February 1996 statement to the Food and Drug Administration and for that reason, is not discussed in great detail here.

While I was provided with a variety of opportunities an challenges at Philip Morris, I decided to leave the employment of that company in September 1989 as a result of a number of factors including my disillusionment and great disappointment with the decisions and direction of that company, my deep concern regarding the adverse consequences of smoking, and my conviction that the public had the right to know what the cigarette industry has known about tobacco and its products for a great many years.

I sincerely believe that there are many people who are either still working at Philip Morris or who have left that company over the past several years, who could be sitting beside me right now if only they had the formal support and protection of this Congress. Like myself, I think they would be willing to come forward with the hope that their testimony would in some small measure help this Congress to take a more formal and united stance on this critically important issue.

The apparent unwillingness of some of our congressional leaders to openly and effectively support an official hearing on these matters only makes it that much more difficult for other concerned individuals from within the cigarette companies to come forward to share their knowledge and information with us.

I sincerely hope that with your help, we can remedy this situation.

My concern regarding the adverse consequences of smoking is not new, but dates back to when I was a graduate student at Roswell Park in Buffalo, NY. This was when I first began to understand the magnitude of the real-world consequences of smoking since many of the patients at Roswell Park were victims of smoking-related cancers. It was no secret, even then, that Roswell Park had a position on this topic. Dr. George Moore, the director of the institute at that time (circa 1969), frequently voiced his concerns regarding the adverse consequences of smoking.

And he was not alone. Years before the institute had established a 'Rogues Gallery' that featured portraits of famous individuals who had lost their lives to smoking. Roswell Park was, and still is, one of the nation's most innovative centers for the study and treatment of neoplastic disease. Smoking is one of the principal reasons why many patients have gone there.

I think we all recognize that cancer is a frightening, unpredictable and devastating

disease that in one form or another can strike anyone, at anytime, even when all the recommended health precautions are taken. That is why it is still so hard for me to understand why anyone would knowingly subject themselves to such a known hazard that could increase their risk of contracting this terrible and debilitating disease (although the answer to this is one of the reasons why we are gathered here today).

The truth of the matter is that I am still haunted by the memories that I associate with my days at Roswell Park, although it is these very memories which, coupled to my recent experiences within the tobacco industry, that have compelled me to appear before you today.

What I didn't fully appreciate or understand at that time, were the varied and interwoven reasons why so many people continue to smoke even in the face of the known dangers of smoking. However, after working in the tobacco industry for more than a decade I have now come to understand this situation better.

To a large extent, smoking is a result of a complex system of events which first attract and then 'hook' the smoker. We now know that this includes a variety of physical, psychological and chemical factors and is perpetuated by the cigarette manufacturer's targeted advertising practices toward children and their historic lack of truthfulness and candor about what they have known about the adverse effects and addictive qualities of smoking for many years.

I, too, was once unsure of my position on many of these issues until I had a chance to work within, and learn about this industry. My education about tobacco was provided to me by Philip Morris. They taught me how tobacco was cultivated, purchased, blended and processed and how cigarettes are manufactured. I also learned about the extensive knowledge that Philip Morris had about tobacco, smoke and cigarette design and how it used its knowledge, experience and technical capabilities to formulate and manufacture its products. Over the years, Philip Morris invested a substantial amount of time and effort to make sure that I understood and could apply this knowledge to my job, and that's exactly what I did.

As my career at Philip Morris developed, I was asked to take on increased responsibilities and given broader access to the various departments and operating units of the company (both in the U.S. and Europe). I communicated regularly with the senior management and scientific staff of R&D and collaborated on numerous occasions with the engineers, chemists and product development scientists in Richmond. Between 1978 and 1989 my responsibilities included basic and applied research on the structure, biochemistry and microbiology of tobacco, as well as a number of efforts in support of process and/or product development. I was also responsible for setting up and conducting field experiments on tobacco using local Virginia tobacco farms contracted by Philip Morris.

During the 1980's, some of my highest priority efforts were targeted at developing new or improved methods to remove 'biologically-active' (toxic and/or mutagenic) materials from tobacco. This included developing a microbiological process to remove nitrate and nitrite from 'SEL' (the 'strong extract liquor' used by Philip Morris to manufacture its reconstituted tobacco sheet, 'RL', at Park 500), as well as conducting experiments to learn how to limit the uptake and distribution by the tobacco plant of toxic chemicals like cadmium. Although substantial progress was made in each of these areas (the denitrification process was successfully scaled-up to pilot plant/production levels, and the cadmium experiments were beginning to yield valuable information about the uptake and distribution of cadmium in lab-grown tobacco plants), both programs were unexpectedly and summarily shut down by PM management—the denitrification program because of what were alleged to be 'product quality' problems, and the cadmium program because PM management decided that it wanted this work to be continued 'outside' of the company.

My concern and disappointment over these decisions was largely due to the fact that both of these projects could have led to safer products for both the company and its customers. Instead, they became lost opportunities for everyone.

There have been other lost opportunities as well. Safer products could also have been produced by Philip Morris years ago, if it had only used the wealth of information that it had generated regarding the removal of other dangerous compounds from tobacco like the 'nitrosamines'. It may well have taken some additional work to get it into production, but wouldn't it have been worth it? A similar situation was encountered in the reduced alkaloid (reduced nicotine) program, 'ART', which like denitrification, was exhaustively researched in the lab, successfully scaled-up to pilot plant levels and then shut down for 'product quality' reasons.

It is interesting to note, however, that at least two of these 'failed' programs (denitrification and reduced alkaloids) are frequently cited by Philip Morris as legitimate attempts to improve their products (''We tried''). I've been told that one-ranking scientist at PM was even credited with saying that the reduced alkaloid (lowered nicotine) program was, the best $350 million dollars the company had ever spent! I'd hate to believe that this statement meant that Philip Morris was sometimes happy to spend millions of dollars on a successful technology which could have led to safer or less addictive products, with no real intent on using those technologies (unless it had to) just so that it could say 'it tried'.

The truth of the matter is, that some of these efforts both within Philip Morris as well as within some of its competitors (RJR and B&W) could well have led to the development of 'safer' and/or less addictive products that ultimately could have saved lives. But that didn't happen at least in part, because of the lack of responsibility and commitment of the cigarette industry to do something substantial to safeguard the health and well being of their customers.

But then again, why should they? They are still not regulated and therefore, are neither accountable nor liable for their actions (or lack of the same). So why should they spend their hard-earned cash just to safeguard the health and well being of the public when by doing so, they might lose a bit of their market share, particularly if they remove the very thing that keeps their smokers 'hooked'? Who'd want to explain that to their board of directors? It would be far better to do nothing, deny everything, and to keep on doing that for as long as they can. After all, what can anyone really do about it today? The lack of law means that the law is on their side.

We are very fortunate to live in a free and democratic society in which we each have the right to make our own, informed decisions about the products that we make and use. I, for one, do not want to change that. But the manufacturers of cigarettes should, like the manufacturers of other ingestible products, be accountable for the quality of what they make and market to the public, especially when it comes to safety.

We could, as the cigarette manufacturers have suggested, leave it up to them to police themselves in this matter. However, considering the cigarette manufacturers history up to this point, it seems unlikely that they would now do this responsibly. When it comes to the health and safety of the public, voluntary self-regulation by the cigarette industry is clearly unacceptable.

That's why our elected representatives created the FDA years ago to help set the standards by which the public would be protected from the accidental, negligent or irresponsible acts of the manufacturers of our foods, drugs and cosmetics. This wasn't a partisan effort or some sort of devious plot, but rather the result of our nation working together to create a new agency to help formulate, monitor and enforce regulations to protect the citizens of this country from unsafe products and the injury they may cause. And how did we do this? By working together to make sure that the manufacturers these products were accountable, by law, for their actions.

But somehow along the way, we left out tobacco. It was one of those 'historic' agricultural industries that escaped FDA regulation, even though their products were ingested like so many of the other goods that we wanted to have regulated by that agency. Allowing tobacco to go unregulated may have seemed reasonable back then given our cursory knowledge of nicotine's role in addition and our limited understanding of the cause-and-effect relationship between smoking and cancer. But that was then. Today we know much more. And as a research scientist who spent more than 10 years of his career working within Philip Morris, I can attest to the fact that at least this company knew more than it was willing to tell.

We can't change the fact that cigarettes weren't specifically addressed in the FDA guidelines of 1938 or, in the various amendments that have been enacted since then. But what is of concern to me today is the fact that until just recently, we haven't taken any formal action to correct this situation.

Don't we have enough scientific data regarding the adverse consequences of smoking? Aren't more than 400,000 of our family, friends, coworkers and neighbors dying each year from smoking-related diseases?

Haven't we seen and read enough to convince us that nicotine is additive and that the manufacturers of cigarettes are carefully controlling the design of these products to ensure that effect?

Haven't some of the cigarette industry's own internal documents, executives and research scientists attested to these very facts?

Can we think of any other industry in this nation that we allow to go so totally unchecked with regard to the safety and/or contents of its products?

And don't we, the public, deserve to be fully informed about, and protected from, the known hazards of inhaled tobacco smoke?

And yet it is only recently that the FDA with the support of the President, has begun to address this problem by mandating that the sale and marketing of cigarettes to children be regulated by that agency. But even that has been a battle.

So how as a society do we explain this? Is it all simply a matter of semantics, rhetoric and fruitless, circular discussions? Can we afford to have the final decision about regulation and compliance be left in the hands of the tobacco industry?

The cigarette manufacturers would like us to believe that they are unfairly and unjustly under attack by those whose specific intent it is to deprive them of their rights and to destroy their industry. They would also like us to believe that any attempt to

regulate them would result in the total collapse of state and local economies, the loss of countless jobs and the irrevocable loss of business to all those companies that are in any way dependent upon this industry. Maybe that's why the cigarette manufacturers find it advantageous to keep this topic partisan and adversarial ('us' against 'them') when the truth of the matter is, that it is not.

This is a 'we' issue that in all probability has, in one form or another, already touched the lives of each of us. How many of us have lost a parent, relative, friend or neighbor to a smoking-related illness like cancer or emphysema? How many of us know someone who has tried to quit smoking but has failed? Is smoking really 'an adult choice', or are there other factors involved in this 'habit' that make smoking less of a 'free choice' than the industry would like us to know?

I often wonder what the tobacco company CEOs, their board of directors and attorneys say to their families and especially to their children when they're asked about what they know about nicotine, addition or smoking and health?

Who is really being fooled by this, and why are we still arguing about it?

The only conclusion that I can reach, is that we are in the midst of a national tragedy; a crisis of indecision and lack of appropriate action that has crippled our nation for far too many years, although one hopes that the recent initiatives taken by President Clinton, Dr. Kessler and the FDA will mark the beginning of a new and more responsible era.

We cannot continue to allow ourselves to be repeatedly engaged in the fruitless, repetitive and transparent rhetoric of the tobacco industry given the extraordinary numbers of smoking-related deaths and illnesses that we know occur each year. Where else in the history of our society have we failed so thoroughly to act on such a critical and immediate topic of public health even when the data were far more scarce, the impact of the situation a mere fraction of what we see today, and the cause-and-effect relationships much more obscure? We've taken faster, more affirmative action in the past when we just thought that a red dye in our food might adversely affect our health or, when an artificial sweetener that was already on the market was suddenly suspected of being a big less safe than we had originally believed.

The bottom line is that we have allowed ourselves to be lulled into complacency and manipulated by the politics, semantics and financial wealth of this industry in much the same manner that it has manipulated information about smoking and the content of its products these past 20–30 years.

We've appealed to the cigarette manufacturers to become proactive partners to help implement solutions, but they have only further tightened their circle of resistance.

On top of that, the cigarette industry would like us to continue to believe that any attempt to regulate them would be illegal and if implemented, would result in certain ruin for tobacco workers, tobacco farmers, the tobacco states, the industry itself, its advertisers, the grocery store next door, the nation as a whole, everyone!

But once again, that is not true.

Regulation of tobacco products will be a difficult at first, but not impossible. It will also not be anywhere near as injurious to the nation as the tobacco manufacturers and their allies would have us believe. There are even those who think that it can be beneficial. To be successful, however, it will take a concerted effort on the part of each and every one of us and possibly for some, temporary sacrifices. It is not a personal agenda item or political issue, but one of the safety and well being of the public for generations to come.

Regulation of the tobacco industry by the FDA is totally consistent with what our country originally intended this agency to do—to protect us—and it is clearly in the best interests of this nation, its businesses and most importantly, its people.

The sad fact is, that much of the misery, frustration and fear that we are witnessing today could have been avoided if we had only acted earlier. I sincerely hope that the members of this congress can put aside their differences and join together if for no other reason than to save the lives of the children who have not yet begun to smoke.

Thank you.●

COMMENDING THE SENTEL CORP.

● Mr. WARNER. Mr. President, I rise today to congratulate the SENTEL Corporation of Alexandria, VA for its designation by the Small Business Administration as the Subcontractor of the Year for Region III, which encompasses the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.

Under the leadership of President James Garrett, SENTEL has become a leading firm providing software used to deconflict the electromagnetic spectrum in military operations. SENTEL was also selected by NASA to reengineer the space shuttle quality assurance inspection process to a paperless, wireless environment. Furthermore, SENTEL developed the Navy's first chemical-biological detection system and was one of the many small contractors whose systems performed so well during the Desert Storm operation in Iraq.

The SENTEL Corp. represents the best of what the Section 8(a) program was designed to achieve. Although SENTEL has 2 years remaining in the 8(a) program, SENTEL's services are contracted not because it is a minority organization but because it provides top-notch products and services. In fact, SENTEL is ranked by Technology Transfer Business Magazine as one of the top 500 fastest-growing technology companies in the United States and by Washington Technology Magazine as one of the 50 fastest-growing companies in the Washington metropolitan area for the fifth consecutive year.

To point out the growth of high technology industries in Virginia, Gov. George Allen has referred to Virginia as the Silicon Dominion. SENTEL represents the best of these great Virginia businesses. On behalf of the people of Virginia, I am proud to express my admiration and congratulations to SENTEL for its designation as Subcontractor of the Year.●

POSSESSIONS TAX CREDIT

● Mr. BREAUX. Mr. President, on July 9 the Senate passed H.R. 3448, the Small Business Job Protection Act of 1996. Before this bill was reported out of conference, I spoke concerning the provision relating to section 936 of the Internal Revenue Code, the possessions tax credit. The Senate passed version of this legislation had created a long-term wage credit for the 150,000 employees working in Puerto Rico. I supported this provision because it represented a major step forward for those working Americans in our poorest jurisdiction. Unfortunately, the House-passed bill contained no such long-term incentives for the economy of Puerto Rico and the conference agreement did not preserve the Senate position on section 936. Under the law as passed a wage credit for companies currently doing business in Puerto Rico was created. We need to carefully examine this wage credit to make sure it addresses the economic development needs of Puerto Rico. Mr. President, I am here today to express my interest in addressing the important issues of economic growth, new jobs, and new investments in Puerto Rico at the earliest opportunity. Growth in this region is very important and should be a concern to us all.●

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

● Mr. ROTH. Mr. President, I rise to notify my colleagues that, yesterday, the Committee on Finance completed a markup of H.R. 3815, respecting trade technical corrections and other miscellaneous trade measures. I'm pleased to inform the Senate that the committee favorably reported out the bill unanimously.

I want to emphasize to those Members who expressed concern about the inclusion of controversial items on this legislation, that we were careful to craft a non-controversial bill. Any items that turned out to be controversial, including items I strongly supported, were either not included in this bill or were removed from the draft markup document. What we have ended up with on this bill are many worthy miscellaneous trade items that are of interest to many of the Members on and off the Finance Committee.

Since time is obviously short, Senator MOYNIHAN and I will seek Senate passage of this bill by unanimous consent as quickly as possible. We have been working closely with the Ways and Means Committee, and hope that the House could accept the current version of the bill by unanimous consent. With a number of additional items, the Finance Committee version of the bill contains all of the provisions that were in the House version with the exception of the hand tools marking provision that had considerable opposition in the Senate.

Mr. President, in closing, I just want to emphasize that if Members seek to put any controversial provisions on this bill, we will not have time to get this bill done. Therefore, any help Members can offer to assure speedy passage of this meritorious, non-controversial, and bipartisan bill before

the end of this Congress will be greatly appreciated.●

NAHRO AWARDS OF MERIT

● Mr. HATFIELD. Mr. President, each year the National Association of Housing and Redevelopment Officials (NAHRO) honors low-income housing and community development agencies nationwide through the NAHRO Agency Awards of Merit in Housing and Community Development. This awards program recognizes the efforts of agencies that have demonstrated a clear commitment and ability to address the unique and special needs of their communities. I would like to take a moment to recognize the three recipients of this award from the State of Oregon for their dedicated efforts.

The first Oregon recipient is the Housing Authority of Washington County for their Claire Court project. Recently purchased and renovated by the Authority, Claire Court is an apartment residence that was built in 1945 with a substantial amount of war surplus materials. While the housing complex had an excellent framework, the extensive use of lead-base paint, asbestos insulation, and outdated plumbing and wiring had created a significant hazard for residents. The renovation of Claire Court not only removed and replaced hazardous materials with safe, energy-efficient products, but also maintained neighborhood architecture and adapted two of the eight units to ADA and UFAS accessible living standards.

The Housing Authority of Portland, for the Fairview Oaks and Woods Interpretive Nature Trail, is the second Oregon recipient of the NAHRO Award of Merit. This 3,000-foot trail was created as a part of the new 328-unit Fairview Oaks and Fairview Woods housing complex, and utilized the cooperative efforts of high school students, apartment residents, and other local agencies. The interpretive nature trail, which features detailed markings and is handicapped accessible, serves as an excellent example of an innovative solution to balancing the growing need for affordable housing, while also preserving natural wildlife areas.

The final award recipient from Oregon is the Housing Authority of the City of Salem for their Family Stabilization Program. While many agencies of this kind are successful in helping individuals in the community, the Salem Housing Authority devised this program in an attempt to bring community providers together and transfer their success with individuals into success for their families as well. The Family Stabilization Program has helped coordinate the efforts of programs dealing in drug prevention, family self-sufficiency, and parenting—among others—and has resulted in increased participation by families in all areas.

The State of Oregon is truly fortunate to have such dedicated and innovative housing and community development agencies working in our communities. I am honored to recognize these groups for their efforts, and to congratulate them on receiving the NAHRO Award of Merit.●

REAUTHORIZATION OF THE EPA LONG ISLAND SOUND OFFICE

● Mr. LIEBERMAN. Mr. President, I rise today to note the critical importance of this legislation, the Water Resources Development Act, to the future of Connecticut's most valuable natural resource, Long Island Sound.

Included in the bill is a provision reauthorizing the EPA's Long Island Sound Office [LISO], which was established by legislation I was proud to sponsor 6 years ago, and which is now responsible for coordinating the massive clean-up effort ongoing in the Sound. Quite simply, the LISO is the glue holding this project together, and I want to express my deep appreciation to the chairman and ranking member of the Environment and Public Works Committee—Senators CHAFEE and BAUCUS—for their help in making sure this Office stays open for business.

Mr. President, the Long Island Sound Office has been given a daunting task—orchestrating a multibillion dollar, decade-long initiative that requires the cooperation of nearly 150 different Federal, State, and municipal agents and offices. Despite the odds, and the limited resources it has had to work with, the LISO is succeeding. Over the last few years, the EPA office has developed strong working relationships with the State environmental protection agencies in Connecticut and New York, local government officials along the Sound coastline and a number of proactive citizen groups. Together, these many partners have made tremendous progress toward meeting the six key goals we identified in the Sound's long-term conservation and management plan.

The plan's top priority is fighting hypoxia, which is caused by the release of nutrients into the Sound's 1,300 square miles of water. Thanks in part to the LISO's efforts, nitrogen loads have dropped 5,000 pounds per day from the baseline levels of 1990, exceeding all expectations. In addition, all sewage treatment plants in Connecticut and in New York's Westchester, Suffolk and Nassau counties are now in compliance with the ''no net increase'' agreement brokered by the LISO, while the four New York City plants that discharge into the East River are expected to be in compliance by the end of this year. And the LISO is coordinating 15 different projects to retrofit treatment plants with new equipment that will help them reduce the amount of nitrogen reaching the Sound.

The LISO and its many partners have made great strides in other areas, such as cracking down on the pathogens, toxic substances, and litter that have been finding their way into the Sound watershed and onto area beaches. A major source of toxic substances are industrial plants, and over the last few years the LISO has helped arrange more than 30 ''pollution prevention'' assessments at manufacturing facilities in Connecticut that enable companies to reduce emissions and cut their costs. Also, New York City has recently reduced the amount of floatable debris it produces by 70%, thanks to the use of booms on many tributaries and efforts to improve the capture of combined sewer overflows.

With Congress's help, the LISO will soon be able to build on that progress and significantly broaden its efforts to bring the Sound back to life. This week the House and Senate approved an appropriation of the $700,000 for the Long Island Sound Office, doubling our commitment from the current fiscal year. These additional funds will be used in part to launch an ambitious habitat restoration project. The States of New York and Connecticut have been working with the LISO and the U.S. Fish and Wildlife Service to develop a long-term strategy in this area, and they have already identified 150 key sites. The next step is to provide grants to local partnerships with local towns and private groups such as the National Fish and Wildlife Foundation and The Nature Conservancy, which would focus on restoring tidal and freshwater wetlands, submerged aquatic vegetation, and areas supporting anadromous fish populations.

The funding will also be used for site-specific surveys to identify and correct local sources of non-point source pollution. This effort will focus on malfunctioning septic systems, stormwater management and illegal stormwater connections, improper vessel waste disposal, and riparian protection. All of these sources contribute in some way to the release of pathogens and toxic compounds into the Sound, a problem that is restricting the use of area beaches and shellfish beds and hurting our regional economy.

Finally, the LISO will continue to build on the successful public education and outreach campaign it initiated last year. In New York, the LISO has already been in contact with public leaders in 50 local communities, held follow-up meetings with officials in 15 key areas, and scheduled on-the-water workshops for this fall. The LISO is planning to conduct a similar effort to reach out to Connecticut communities in 1997.

All of this could have been put in jeopardy, however, if we had not acted to extend the LISO's authorization, which is set to expire next week. The clean-up project is a team effort, with many important contributors, but it would be extremely difficult for those many partners to work in concert and keep moving forward without the leadership and coordination that the LISO has supplied. So I want to thank my colleagues, especially my friends from Rhode Island and from Montana, for

passing this provision before the LISO's authorization lapsed.

The people of Connecticut care deeply about the fate of the Sound, not only because of its environmental importance but also because of its importance as one of our region's most valuable economic assets. With the steps we've taken this week, we have reassured them that we remained committed to preserving this great natural resource, and that we are not about to sell Long Island Sound short.

Mr. President, I ask that my statement be included in the RECORD along with the conference report on the Water Resources Development Act.●

THE 35TH ANNIVERSARY OF THE ARMS CONTROL AND DISARMAMENT AGENCY

● Mr. HATFIELD. Mr. President, today marks the 35th anniversary of the Arms Control and Disarmament Agency—the only Federal agency devoted solely to arms control, nonproliferation, and disarmament. This unique Agency has played a critical role in ensuring that arms control considerations are taken into account in formulating our Nation's national security policy.

Since the creation of ACDA, we have seen the realization of more than 10 major arms control treaties and significant progress on many others including the recently signed Comprehensive Nuclear Test Ban Treaty. Before ACDA was created, only one major arms control treaty was ratified in the period between 1945 and 1961.

Some of the major arms control accomplishments we have seen in the last 35 years include:

The elimination by the United States and Russia of two-thirds of their strategic nuclear forces, including more than 14,000 of their strategic nuclear warheads.

The ratification and permanent extension of the nuclear nonproliferation treaty by more than 181 countries, making it the most widely accepted arms control agreement in history.

The elimination of above ground nuclear tests through the Limited Test Ban Treaty, and the establishment of an international norm against underground testing through the Comprehensive Nuclear Test Ban Treaty signed earlier this week by the United States and the other declared nuclear weapons states.

We have accomplished much over the last 35 years. However, our work is not done. The United States must ratify the Chemical Weapons Convention to stop the production and use of these dangerous weapons. We must ensure that the Russian's ratify the START II Treaty and continue their commitment to reducing their nuclear arsenal. We must continue to pressure India to ratify the Comprehensive Nuclear Test Ban Treaty so the treaty will enter into force.

In the words of the current Director of ACDA, John Holum:

> [W]e have demonstrated in one hard-won agreement after another that when we control arms we control our fate . . . buttress our freedom . . . enhance our security and our prosperity.

I applaud ACDA and join in celebrating its 35 years of success. I hope we can continue this success for another 35 years for the hopes and lives of future generations of Americans depend on our ability to control the spread of weapons of mass destruction.●

ARMS CONTROL AND DISARMAMENT AGENCY'S 35TH ANNIVERSARY

● Mr. SIMON. Mr. President, today marks the 35th anniversary of the Arms Control and Disarmament Agency. Established in 1961, ACDA remains the only Government agency devoted entirely to arms control, disarmament and nonproliferation. In this Congress, ACDA was on the chopping block and threatened with elimination as an obsolete agency. Fortunately, ACDA survived. The historic signing of the Comprehensive Test Ban Treaty this week shows the worth of ACDA, and offers an example of the importance of maintaining an independent and robust ACDA.

ACDA was founded on a bipartisan basis to serve as the lead agency for U.S. disarmament and arms control activities, with its director as the principal advisor to the President on these matters. It was created not only to provide increased focus on arms control, but also to elevate these issues so that they wouldn't get lost in the bureaucracies of the State and Defense Departments.

The list of arms control agreements during the three and a half decades of ACDA is staggering: the 1963 Limited Test Ban Treaty, the 1968 Non-Proliferation Treaty, the 1972 Anti-Ballistic Missile Treaty, the 1987 Intermediate Nuclear Forces Treaty, the Strategic Arms Reduction Treaties and the 1993 Chemical Weapons Convention, as well as many others. These successes have immeasurably improved the security of the United States. During the cold war, we faced the persistent and ominous threat of nuclear warfare, and today we see the dangers of nuclear, chemical and biological terrorism. Would we be safer today without these treaties? Of course we wouldn't. Will we be safer tomorrow with continued pursuit of arms control? Yes, and this compels the continued existence of a strong and independent ACDA.

Considering the billions that have been saved through reductions in nuclear arsenals, the ending of the testing program and other arms control measures, ACDA's annual budget of around $40 million and its staff of 250 proves to be a real bargain. In the coming years ACDA responsibilities will include monitoring the START II nuclear arms reductions, verifying the Comprehensive Test Ban Treaty and implementing the Chemical Weapons Convention, provided these last two treaties are ratified in the next Congress, and I strongly believe that they should be.

I cannot comment on the importance of ACDA without mentioning my colleague, Senator CLAIBORNE PELL of Rhode Island, who has throughout his career been a tireless champion of ACDA, from its creation in 1961 to the revitalization legislation passed in 1994. His leadership on arms control and as an advocate for multilateral solutions to security problems will be sorely missed by the Senate and the Nation.

Arms control is not obsolete, and we need ACDA to make it happen. I commend Director John Holum and the rest of the staff of ACDA on the agency's 35th anniversary, and wish them the best of success in the future.●

UNITED STATES-JAPAN INSURANCE AGREEMENT

● Mr. ROTH. Mr. President, I rise today to express, once again, my profound concerns over the Japanese Ministry of Finance's [MOF] behavior regarding the United States-Japan Insurance Agreement. I have written several times to the Finance Minister of Japan and the President of the United States and spoken directly with the negotiators involved in this matter, yet Japan continues to fail to fulfill its obligations under the agreement to increase access to its insurance market for foreign competitors.

And now, according to reliable reports, MOF intends to take steps that would actually violate the agreement. On or soon after October 1, MOF apparently will allow Japanese companies to enter the third sector of Japan's insurance market, the only sector in which foreign companies have any consequential presence. If MOF takes this action, I believe Japan will have clearly violated the agreement.

I have particularly great concerns with the Ministry of Finance's behavior on this issue because it calls into question the entire Government of Japan's willingness to fulfill its written commitments. That is why I consider this the most serious trade matter facing our two countries.

Mr. President, our patience has been tested by the continuing refusal of Japan to honor its commitments. If MOF now chooses to violate the agreement, the United States will have no choice but to take appropriate actions in response. I want the Ministry of Finance and the Government of Japan to be under no illusions about how strongly I would view such a violation. I will be working closely with Chairman ARCHER of the House Ways and Means Committee in urging the White House, the USTR, the Treasury Department and the Department of State to take appropriate actions in response to any violation of the agreement.●

EXPANDING HEALTH CARE COVERAGE FOR CALIFORNIANS

● Mrs. FEINSTEIN. Mr. President, I commend the Senate for approving last night, at my urging, H.R. 3056, which makes a small change in Federal law to enable a California county that operates a Medicaid managed care plan to provide services to Medicaid beneficiaries in another county. This bill, introduced by Congressman FRANK RIGGS, is needed because the Health Care Financing Administration concluded that current law limits coverage under these county-operated plans solely to the county in which an organization operates.

This bill was requested by Solano and Napa Counties in California so that Solano County could expand its Health Partnership Plan to Napa County, thus providing care to 12,000 individuals. Currently, these Medicaid beneficiaries have ''hit or miss'' health care. Some are refused care by private physicians. The health care they do get is inconsistent and unreliable. Many end up in emergency rooms when illnesses are exacerbated and care is expensive. When Solano started its plan, emergency room visits were cut in half the first year because Medicaid beneficiaries were linked up with a primary care physician. This resulted in major savings.

In short, this bill will mean more access, more care and better health.

The Congressional Budget Office estimates that the bill could save up to $500,000 per year.

The bill is supported by Gov. Pete Wilson, the California Department of Health Services, and the Solano and Napa County Boards of Supervisors.

I thank Senators LOTT, DASCHLE, ROTH, and MOYNIHAN for their help in moving this legislation and I urge my colleagues to support it.●

A NATIONAL COMMISSION ON THE YEAR 2000 COMPUTER PROBLEM

● Mr. MOYNIHAN. Mr. President, yesterday I introduced S. 2131, a bill to establish a bipartisan National Commission on the Year 2000 Computer Problem. I ask that the permanent RECORD be changed to include the text of the bill at the beginning of my remarks. I further ask that the title of my remarks yesterday be corrected to read ''A National Commission on The Year 2000 Computer Problem.''

The text of the bill follows:

SEC. 1. SHORT TITLE.—(A) This title may be cited as the ''Commission on the Year 2000 Computer Problem Act.''

SEC. 2. FINDINGS.—The Congress makes the following findings:

(A) Whereas the Congress of the United States recognizes the existence of a severe computer problem that may have extreme negative economic and national security consequences in the year 2000 and beyond.

(B) Whereas most computer programs (particularly in mainframes) in both the public and private sector express dates with only two digits and assume the first two digits are ''19'', and that therefore most programs read 00–01–01 as January 1, 1900; and that these programs will not recognize the year 2000 or the 21st century without a massive rewriting of codes.

(C) Whereas the Congressional Research Service (CRS) has completed a report on the implications of the ''Year 2000 Computer Problem'' and according to CRS, each line of computer code will need to be analyzed and either passed on or be rewritten and this worldwide problem could cost as much as $600 billion to repair. We recognize that no small share of the American burden will fall on the shoulders of the Federal Government and on State and local governments.

(D) Whereas six issues need to be addressed:

(1) an analysis of the history and background concerning the reasons for the occurence of the Year 2000 problem;

(2) the cost of reviewing and rewriting codes for both the Federal and State governments over the next 3 years, including a legal analysis of responsibilities for such costs and possible equitable bases for sharing them;

(3) the time it will take to get the job done and, if not by 2000, what agencies are at risk of not being able to perform basic services;

(4) the development of balanced and sound contracts with the computer industry available for use by Federal agencies, and if such outside contractual assistance is needed, to assist such agencies in contracting for and effectuating Year 2000 compliance for current computer programs and systems as well to ensure Year 2000 compliance for all programs and systems acquired in the future;

(5) an analysis of what happens to the United States economy if the problem is not resolved by mid-1999;

(6) recommendations to the President and the Congress concerning lessons to be learned and policies and actions to be taken in the future to minimize the Year 2000 public and private sector costs and risks.

(E) Whereas the Congress recognizes that an Executive Branch Interagency Committee has been established to raise awareness of this problem and facilitate efforts at solving it; but that in order to best minimize the impact and cost of this problem, and recognizing the extreme urgency of this problem, this bipartisan commission will be established to both address these issues and take responsibility for assuring that all Federal agencies be computer compliant by January 1, 1999.

SEC. 3. ESTABLISHMENT OF COMMISSION.—(A) There is established a commission to be known as the ''National Commission on the Year 2000 Computer Problem'' (hereinafter in this section referred to as the ''Commission''). The Commission shall be composed of 15 members appointed or designated by the President and selected as follows:

(1) Five members selected by the President from among officers or employees of the Executive Branch, private citizens of the United States, or both. Not more than three of the members selected by the President shall be members of the same political party;

(2) Five members selected by the President Pro Tempore of the Senate, in consultation with the Majority and Minority Leaders, from among officers or employers of the Senate, private citizens of the United States, or both. Not more than three of the members selected by the President Pro Tempore shall be members of the same political party;

(3) Five members selected by the Speaker of the House of Representatives, in consultation with the Majority and Minority Leaders, from among members of the House, private citizens of the United States, or both. Not more than three of the members selected by the Speaker shall be members of the same political party.

(B) The President shall designate a Chairman from among the members of the Commission.

SEC. 4. FUNCTION OF COMMISSION.—(A) It shall be the function of the Commission to conduct a study on the historical, current and long term condition of computer programs as they relate to date fields and the year 2000; identify problems that threaten the proper functions of computers as the public and private sectors approach the 21st Century; analyze potential solutions to such problems that will address the brief time there remains to meet this problem, the substantial cost of reviewing and rewriting codes, and the shared responsibilities for such costs; and provide appropriate recommendations (including potential balanced and sound contracts with the computer industry available for use by Federal agencies) to the Secretary of Defense (as this is a matter of National Security), the President and the Congress.

(B) the Commission shall submit to Congress a final report containing such recommendations concerning the Year 2000 Computer problem; including proposing new procedures, rules, regulations, or legislation that is needed to ensure the proper transition of the computers of the Federal Government and local and State governments from the year 1999 to the year 2000.

(C) the Commission shall make its report to the President by December 31, 1997.

SEC. 5. ADMINISTRATION.—(A) The heads of Executive Agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(B) Members of the Commission shall serve without any additional compensation for their work on the Commission.

(C) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses including per diem in lieu of substance, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(D) The Commission shall have a staff headed by an Executive Director. Any expenses of the Commission shall be paid from such funds as may be available to the Secretary of Defense.

SEC. 6. TERMINATION.—(A) The Commission, and all the authorities of this title, shall terminate thirty days after submitting its report.●

SALUTE TO SYLVIA DAVIDSON LOTT BUCKLEY LOUISIANA POET LAUREATE

● Mr. BREAUX. Mr. President, I commend Mrs. Sylvia Davidson Lott Buckley, Louisiana State poet laureate, for achieving the distinction of writing the only poem recognized by the State of Louisiana.

Mrs. Buckley was inspired to write the poem, ''America, We the People,'' when she received a stick pin from her grandson, Hue Lott, inscribed with the words, ''We the people.'' Reflecting on the fact that justice is a most important word that all the rest of our government rests on, and that citizens are demanding freedom and justice for all, she wrote the poem within 25 minutes.

The Louisiana Legislature passed, and the Governor subsequently signed, legislation that makes ''America, We the People,'' the Official State Judicial Poem.

Mr. President, I would like to share Mrs. Buckley's poem with my colleagues and other readers of the CONGRESSIONAL RECORD. I ask that this poem be printed in the RECORD.

The poem follows:

''AMERICA, WE THE PEOPLE''

THE OFFICIAL LOUISIANA JUDICIAL POEM

America
We the people
Justice, the word most sought by all, seek God to bless the courts with truth, for through His wisdom we rise or fall.

America
We the people
Do honor this great lady fair, who with her mighty arms still holds, the scales of Justice for all to share.

America
We the people
Do offer threads of hope to all, for Justice covers everyone; she does not measure, short or tall.

America
We the people
Boldly make this pledge to thee that Justice will, in mind and heart, guide each destiny.

America
We . . . the . . . people.—Sylvia Davidson Lott Buckley, Louisiana State Poet Laureate.●

GONZAGA COLLEGE HIGH SCHOOL ANNIVERSARY

● Mr. HOLLINGS. Mr. President, this year Gonzaga College High School here in Washington, DC, is observing its 175th anniversary. This weekend, the Gonzaga community will celebrate this occasion with a block party at the school on Sunday, September 29.

I submit some additional information about the school and its long history and ask it be printed in the RECORD.

The material follows:

D.C.'S OLDEST SCHOOL MARKS 175TH ANNIVERSARY

Washington, D.C.—This year Gonzaga College High School located on North Capitol and Eye Street, N.W. is celebrating 175 years of service to the community. The oldest educational institution in the federal city of Washington, Gonzaga through the years has educated the sons of government leaders and the sons of janitors, teaching strong moral values interwoven with its rigorous academic disciplines, and producing graduates which the school fondly calls ''Men for Others.''

Founded by the Society of Jesus in 1821 and originally named the Washington Seminary, Gonzaga grew from a tiny school to a major inner-city presence by the turn of the century. Gonzaga prospered during that period and well into the 1900's, a reflection of the city of Washington at large. So, too, was the school a reflection of the city in the late 1960's when racial tensions began to ignite. Enrollment at the Eye Street, N.W. school began to decline. Immediately after the assassination of Martin Luther King, Jr. in April 1968, the community around Gonzaga literally caught fire and the riots destroyed some neighborhoods and made others uninhabitable.

This tense period (1968–1973) marked the turning point in the life of Gonzaga. The Jesuit community and its supporters then made the crucial decision to remain on North Capitol Street, rather than close down or flee to the suburbs. This decision to stay and help restore the inner-city, both physically and spiritually, makes possible this 175th anniversary celebration.

The arrival of Father Bernard Dooley in 1974 as Gonzaga's new president was the single most significant event in this turnaround. He discovered that the school had no endowment, that its buildings were old and inadequate, and the prospective students were going elsewhere to high school.

Father Dooley led the turnaround campaign to a stunning success. During his twenty years at the school (1974–1994) Dooley and his team built new buildings, increased the endowment and revived the spirit of the Gonzaga community. This fall, 820 students will be enrolled at Gonzaga, the largest enrollment in its history and a far cry from the dark days of the early 1970's.

During these 175 years, great leaders have visited Gonzaga. President John Quincy Adams put the students through their paces in Latin and Greek at one graduation ceremony, and President Zachary Taylor spoke at another. Much more recently, Mother Theresa of Calcutta reminded the 1988 graduating class of its duty to care for the poorest of the poor.

Gonzaga may be best known and best represented by its heroes who are not household names—such as Father Horace McKenna, S.J., Father Raymond Lelii, S.J., Joe Kozik and John Carmody. These men and others like them demonstrated by their example that community service is the primary mission of a Gonzaga man.

Father Allen Novotny is the current President of Gonzaga, succeeding Dooley in 1994. A member of the Society of Jesus, Father Novotny holds degrees from Loyola College in Baltimore (MS and MBA), and the Weston School of Theology (M.Div.)●

GARRET LAVELLE RECEIVES THEODORE ROOSEVELT ASSOCIATION AWARD

● Mr. MOYNIHAN. Mr. President, On Wednesday, May 8, 1996, New York Police officer Garret Lavelle was awarded the Fourteenth Annual Theodore Roosevelt Association Award. Each year the Theodore Roosevelt Association honors one member of the New York City Police Department who has overcome a handicap and contributed outstanding service to the New York community with this prestigious award.

Garret Lavelle has been a police officer with the Brooklyn South Narcotics Unit for 14 years. Mr. Lavelle has received three Meritorious Police Duty Citations, one Commendation, and three Excellent Police Duty Citations. In addition, he has been active in the Patrolmen's Benevolence Association.

Five years ago Officer Lavelle was diagnosed with a chronic form of leukemia, and has since undergone chemotherapy, a bone marrow transplant, suffered from pneumonia, hepatitis, a complete muscular breakdown, and hypertension.

While Officer Lavelle could have taken a disability pension, he courageously chose to return to active duty. Although currently serving desk duty, Officer Lavelle looks forward to returning to the streets where he excels at serving his community. Furthermore, Mr. and Mrs. Lavelle now take time to counsel people diagnosed with leukemia. It is this kind of service which sets a standard for public servants across the nation, and it is only fitting that such heroism is rewarded with this great honor in Theodore Roosevelt's name.●

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the conference report accompanying the immigration bill, H.R. 2202.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2202) 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 1996.)

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate the conference report to accompany H.R. 2202, the illegal immigration reform bill.

Trent Lott, Richard Shelby, Jon Kyl, Craig Thomas, Bob Bennett, Slade Gorton, Mark O. Hatfield, Sheila Frahm, Orrin Hatch, Hank Brown, Dan Coats, Judd Gregg, Rod Grams, Frank H. Murkowski, Al Simpson, and Don Nickles.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, September 30, at a time to be determined by the majority leader, after consultation with the Democratic leader, and that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. Mr. President, in view of this agreement that has been worked out, I would like to announce there will be no further votes tonight. I know that there are a number of very important events occurring. I wanted to give that notice to the Senators as early as possible.

I have worked with Senator DASCHLE and Senator KENNEDY to get an agreement to get this illegal immigration conference report considered. This will guarantee that we will get to a cloture vote on Monday, if necessary, and to final passage at a time after that, either Monday night or certainly not later than next Tuesday.

In the meantime, we continue to hope, and, I believe, maybe agreement can be reached to work out a compromise so that the illegal immigration legislation can be included in the continuing resolution which will be connected to the Department of Defense conference report.

There will be a meeting tonight, I think, at 9:30 of the Senators and Congressmen and administration officials who are interested in this area. We hope they can get it worked out and maybe it can be included in an agreed-to package tomorrow night just in case that doesn't happen. Illegal immigration is such an important issue in this country and people expect us to act on it.

After the effort was made and agreement was reached to take out one provision that had been objected to by the President and others, we thought this legislation would move forward. It should. But there are some problems that are being expressed by the administration. We will work on those. If we don't get it worked out, we will have a cloture vote on Monday.

ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1505, the pipeline safety bill; that the committee substitute be agreed to, the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without intervening action or debate.

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

The committee amendment was agreed to.

The bill (S. 1505), as amended, was deemed read the third time and passed, as follows:

S. 1505

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 ''Accountable Pipeline Safety and Partnership Act of 1996''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 60101(a) is amended—

(1) by striking the periods at the end of paragraphs (1) through (22) and inserting semicolons;

(2) by striking paragraph (21)(B) and inserting the following:

''(B) does not include the gathering of gas, other than gathering through regulated gathering lines, in those rural locations that are located outside the limits of any incorporated or unincorporated city, town, or village, or any other designated residential or commercial area (including a subdivision, business, shopping center, or community development) or any similar populated area that the Secretary of Transportation determines to be a nonrural area, except that the term 'transporting gas' includes the movement of gas through regulated gathering lines;''; and

(3) by adding at the end the following:

''(23) 'risk management' means the systematic application, by the owner or operator of a pipeline facility, of management policies, procedures, finite resources, and practices to the tasks of identifying, analyzing, assessing, reducing, and controlling risk in order to protect employees, the general public, the environment, and pipeline facilities;

''(24) 'risk management plan' means a management plan utilized by a gas or hazardous liquid pipeline facility owner or operator that encompasses risk management; and

''(25) 'Secretary' means the Secretary of Transportation.''.

(b) GATHERING LINES.—Section 60101(b)(2) is amended by inserting '', if appropriate,'' after ''Secretary'' the first place it appears.

SEC. 4. GENERAL AUTHORITY.

(a) MINIMUM SAFETY STANDARDS.—Section 60102(a) is amended—

(1) by striking ''transporters of gas and hazardous liquid and to'' in paragraph (1)(A);

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

''(C) shall include a requirement that all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities.''; and

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

''(2) The qualifications applicable to an individual who operates and maintains a pipeline facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities.''.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—Section 60102(b) is amended to read as follows:

''(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—

''(1) IN GENERAL.—A standard prescribed under subsection (a) shall be—

''(A) practicable; and

''(B) designed to meet the need for—

''(i) gas pipeline safety, or safely transporting hazardous liquids, as appropriate; and

''(ii) protecting the environment.

''(2) FACTORS FOR CONSIDERATION.—When prescribing any standard under this section or section 60101(b), 60103, 60108, 60109, 60110, or 60113, the Secretary shall consider—

''(A) relevant available—

''(i) gas pipeline safety information;

''(ii) hazardous liquid pipeline safety information; and

''(iii) environmental information;

''(B) the appropriateness of the standard for the particular type of pipeline transportation or facility;

''(C) the reasonableness of the standard;

''(D) based on a risk assessment, the reasonably identifiable or estimated benefits expected to result from implementation or compliance with the standard;

''(E) based on a risk assessment, the reasonably identifiable or estimated costs expected to result from implementation or compliance with the standard;

''(F) comments and information received from the public; and

''(G) the comments and recommendations of the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate.

''(3) RISK ASSESSMENT.—In conducting a risk assessment referred to in subparagraphs (D) and (E) of paragraph (2), the Secretary shall—

''(A) identify the regulatory and nonregulatory options that the Secretary considered in prescribing a proposed standard;

''(B) identify the costs and benefits associated with the proposed standard;

''(C) include—

''(i) an explanation of the reasons for the selection of the proposed standard in lieu of the other options identified; and

''(ii) with respect to each of those other options, a brief explanation of the reasons that the Secretary did not select the option; and

''(D) identify technical data or other information upon which the risk assessment information and proposed standard is based.

''(4) REVIEW.—

''(A) IN GENERAL.—The Secretary shall—

''(i) submit any risk assessment information prepared under paragraph (3) of this subsection to the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as appropriate; and

''(ii) make that risk assessment information available to the general public.

''(B) PEER REVIEW PANELS.—The committees referred to in subparagraph (A) shall serve as peer review panels to review risk assessment information prepared under this section. Not later than 90 days after receiving risk assessment information for review

pursuant to subparagraph (A), each committee that receives that risk assessment information shall prepare and submit to the Secretary a report that includes—

''(i) an evaluation of the merit of the data and methods used; and

''(ii) any recommended options relating to that risk assessment information and the associated standard that the committee determines to be appropriate.

''(C) REVIEW BY SECRETARY.—Not later than 90 days after receiving a report submitted by a committee under subparagraph (B), the Secretary—

''(i) shall review the report;

''(ii) shall provide a written response to the committee that is the author of the report concerning all significant peer review comments and recommended alternatives contained in the report; and

''(iii) may revise the risk assessment and the proposed standard before promulgating the final standard.

''(5) SECRETARIAL DECISIONMAKING.—Except where otherwise required by statute, the Secretary shall propose or issue a standard under this Chapter only upon a reasoned determination that the benefits of the intended standard justify its costs.

''(6) EXCEPTIONS FROM APPLICATION.—The requirements of subparagraphs (D) and (E) of paragraph (2) do not apply when—

''(A) the standard is the product of a negotiated rulemaking, or other rulemaking including the adoption of industry standards that receives no significant adverse comment within 60 days of notice in the Federal Register;

''(B) based on a recommendation (in which three-fourths of the members voting concur) by the Technical Pipeline Safety Standards Committee, the Technical Hazardous Liquid Pipeline Safety Standards Committee, or both, as applicable, the Secretary waives the requirements; or

''(C) the Secretary finds, pursuant to section 553(b)(3)(B) of title 5, United States Code, that notice and public procedure are not required.

''(7) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report that—

''(A) describes the implementation of the risk assessment requirements of this section, including the extent to which those requirements have affected regulatory decisionmaking and pipeline safety; and

''(B) includes any recommendations that the Secretary determines would make the risk assessment process conducted pursuant to the requirements under this chapter a more effective means of assessing the benefits and costs associated with alternative regulatory and nonregulatory options in prescribing standards under the Federal pipeline safety regulatory program under this chapter.''.

(c) FACILITY OPERATION INFORMATION STANDARDS.—The first sentence of section 60102(d) is amended—

(1) by inserting ''as required by the standards prescribed under this chapter'' after ''operating the facility'';

(2) by striking ''to provide the information'' and inserting ''to make the information available''; and

(3) by inserting ''as determined by the Secretary'' after ''to the Secretary and an appropriate State official''.

(d) PIPE INVENTORY STANDARDS.—The first sentence of section 60102(e) is amended—

(1) by striking ''and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gather line (as defined under section 60101(b)(2) of this title),''; and

(2) by striking ''transmission'' and inserting ''transportation''.

(e) SMART PIGS.—

(1) MINIMUM SAFETY STANDARDS.—Section 60102(f) is amended by striking paragraph (1) and inserting the following:

''(1) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards requiring that—

''(A) the design and construction of new natural gas transmission pipeline or hazardous liquid pipeline facilities, and

''(B) when the replacement of existing natural gas transmission pipeline or hazardous liquid pipeline facilities or equipment is required, the replacement of such existing facilities be carried out, to the extent practicable, in a manner so as to accommodate the passage through such natural gas transmission pipeline or hazardous liquid pipeline facilities of instrumented internal inspection devices (commonly referred to as 'smart pigs'). The Secretary may extend such standards to require existing natural gas transmission pipeline or hazardous liquid pipeline facilities, whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices.''.

(2) PERIODIC INSPECTIONS.—Section 60102(f)(2) is amended—

(A) by striking ''(2) Not later than'' and inserting the following:

''(2) PERIODIC INSPECTIONS.—Not later than''; and

(B) by inserting '', if necessary, additional'' after ''the Secretary shall prescribe''.

(f) UPDATING STANDARDS.—Section 60102 is amended by adding at the end the following:

''(l) UPDATING STANDARDS.—The Secretary shall, to the extent appropriate and practicable, update incorporated industry standards that have been adopted as part of the Federal pipeline safety regulatory program under this chapter.''.

(g) MAPPING.—Section 60102(c) is amended by adding at the end thereof the following:

''(4) PROMOTING PUBLIC AWARENESS.—

''(A) Not later than one year after the date of enactment of the Accountable Pipeline Safety and Accountability Act of 1996, and annually thereafter, the owner or operator of each interstate gas pipeline facility shall provide to the governing body of each municipality in which the interstate gas pipeline facility is located, a map identifying the location of such facility.

''(B)(i) Not later than June 1, 1998, the Secretary shall survey and assess the public education programs under section 60116 and the public safety programs under section 60102(c) and determine their effectiveness and applicability as components of a model program. In particular, the survey shall include the methods by which operators notify residents of the location of the facility and its right of way, public information regarding existing One-Call programs, and appropriate procedures to be followed by residents of affected municipalities in the event of accidents involving interstate gas pipeline facilities.

''(ii) Not later than one year after the survey and assessment are completed, the Secretary shall institute a rulemaking to determine the most effective public safety and education program components and promulgate if appropriate, standards implementing those components on a nationwide basis. In the event that the Secretary finds that promulgation of such standards are not appropriate, the Secretary shall report to Congress the reasons for that finding.''.

(h) REMOTE CONTROL.—Section 60102(j) is amended by adding at the end thereof the following:

''(3) REMOTELY CONTROLLED VALVES.—(A) Not later than June 1, 1998, the Secretary shall survey and assess the effectiveness of remotely controlled valves to shut off the flow of natural gas in the event of a rupture of an interstate natural gas pipeline facility and shall make a determination about whether the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility.

''(B) Not later than one year after the survey and assessment are completed, if the Secretary has determined that the use of remotely controlled valves is technically and economically feasible and would reduce risks associated with a rupture of an interstate natural gas pipeline facility, the Secretary shall prescribe standards under which an operator of an interstate natural gas pipeline facility must use a remotely controlled valve. These standards shall include, but not be limited to, requirements for high-density population areas.''.

SEC. 5. RISK MANAGEMENT.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60126. Risk management

''(a) RISK MANAGEMENT PROGRAM DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall establish risk management demonstration projects—

''(A) to demonstrate, through the voluntary participation by owners and operators of gas pipeline facilities and hazardous liquid pipeline facilities, the application of risk management; and

''(B) to evaluate the safety and cost-effectiveness of the program.

''(2) EXEMPTIONS.—In carrying out a demonstration project under this subsection, the Secretary, by order—

''(A) may exempt an owner or operator of the pipeline facility covered under the project (referred to in this subsection as a 'covered pipeline facility'), from the applicability of all or a portion of the requirements under this chapter that would otherwise apply to the covered pipeline facility; and

''(B) shall exempt, for the period of the project, an owner or operator of the covered pipeline facility, from the applicability of any new standard that the Secretary promulgates under this chapter during the period of that participation, with respect to the covered facility.

''(b) REQUIREMENTS.—In carrying out a demonstration project under this section, the Secretary shall—

''(1) invite owners and operators of pipeline facilities to submit risk management plans for timely approval by the Secretary;

''(2) require, as a condition of approval, that a risk management plan submitted under this subsection contain measures that are designed to achieve an equivalent or greater overall level of safety than would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

''(3) provide for—

''(A) collaborative government and industry training;

''(B) methods to measure the safety performance of risk management plans;

''(C) the development and application of new technologies;

''(D) the promotion of community awareness concerning how the overall level of safety will be maintained or enhanced by the demonstration project;

''(E) the development of models that categorize the risks inherent to each covered pipeline facility, taking into consideration the location, volume, pressure, and material transported or stored by that pipeline facility;

''(F) the application of risk assessment and risk management methodologies that are suitable to the inherent risks that are determined to exist through the use of models developed under subparagraph (E);

''(G) the development of project elements that are necessary to ensure that—

''(i) the owners and operators that participate in the demonstration project demonstrate that they are effectively managing the risks referred to in subparagraph (E); and

''(ii) the risk management plans carried out under the demonstration project under this subsection can be audited;

''(H) a process whereby an owner or operator of a pipeline facility is able to terminate a risk management plan or, with the approval of the Secretary, to amend, modify, or otherwise adjust a risk management plan referred to in paragraph (1) that has been approved by the Secretary pursuant to that paragraph to respond to—

''(i) changed circumstances; or

''(ii) a determination by the Secretary that the owner or operator is not achieving an overall level of safety that is at least equivalent to the level that would otherwise be achieved through compliance with the standards contained in this chapter or promulgated by the Secretary under this chapter;

''(I) such other elements as the Secretary, with the agreement of the owners and operators that participate in the demonstration project under this section, determines to further the purposes of this section; and

''(J) an opportunity for public comment in the approval process; and

''(4) in selecting participants for the demonstration project, take into consideration the past safety and regulatory performance of each applicant who submits a risk management plan pursuant to paragraph (1).

''(c) EMERGENCIES AND REVOCATIONS.—Nothing in this section diminishes or modifies the Secretary's authority under this title to act in case of an emergency. The Secretary may revoke any exemption granted under this section for substantial noncompliance with the terms and conditions of an approved risk management plan.

''(d) PARTICIPATION BY STATE AUTHORITY.—In carrying out this section, the Secretary may provide for consultation by a State that has in effect a certification under section 60105. To the extent that a demonstration project comprises an intrastate natural gas pipeline or an intrastate hazardous liquid pipeline facility, the Secretary may make an agreement with the State agency to carry out the duties of the Secretary for approval and administration of the project.

''(e) REPORT.—Not later than March 31, 2000, the Secretary shall transmit to the Congress a report on the results of the demonstration projects carried out under this section that includes—

''(1) an evaluation of each such demonstration project, including an evaluation of the performance of each participant in that project with respect to safety and environmental protection; and

''(2) recommendations concerning whether the applications of risk management demonstrated under the demonstration project should be incorporated into the Federal pipeline safety program under this chapter on a permanent basis.''.

(f) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60126. Risk management.''.

SEC. 6. INSPECTION AND MAINTENANCE.

Section 60108 is amended—

(1) by striking ''transporting gas or hazardous liquid or'' in subsection (a)(1) each place it appears;

(2) by striking the second sentence in subsection (b)(2);

(3) by striking ''NAVIGABLE WATERS'' in the heading for subsection (c) and inserting ''OTHER WATERS''; and

(4) by striking clause (ii) of subsection (c)(2)(A) and inserting the following:

''(ii) any other pipeline facility crossing under, over, or through waters where a substantial likelihood of commercial navigation exists, if the Secretary decides that the location of the facility in those waters could pose a hazard to navigation or public safety.''.

SEC. 7. HIGH-DENSITY POPULATION AREAS AND ENVIRONMENTALLY SENSITIVE AREAS.

(a) IDENTIFICATION.—Section 60109(a)(1)(B)(i) is amended by striking ''a navigable waterway (as the Secretary defines by regulation)'' and inserting ''waters where a substantial likelihood of commercial navigation exists''.

(b) UNUSUALLY SENSITIVE AREAS.—Section 60109(b) is amended to read as follows:

''(b) AREAS TO BE INCLUDED AS UNUSUALLY SENSITIVE.—When describing areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider areas where a pipeline rupture would likely cause permanent or long-term environmental damage, including—

''(1) locations near pipeline rights-of-way that are critical to drinking water, including intake locations for community water systems and critical sole source aquifer protection areas; and

''(2) locations near pipeline rights-of-way that have been identified as critical wetlands, riverine or estuarine systems, national parks, wilderness areas, wildlife preservation areas or refuges, wild and scenic rivers, or critical habitat areas for threatened and endangered species.''.

SEC. 8. EXCESS FLOW VALVES.

Section 60110 is amended—

(1) by inserting '', if any,'' in the first sentence of subsection (b)(1) after ''circumstances'';

(2) by inserting '', operating, and maintaining'' in subsection (b)(4) after ''cost of installing'';

(3) by inserting '', maintenance, and replacement'' in subsection (c)(1)(C) after ''installation''; and

(4) by inserting after the first sentence in subsection (e) the following: ''The Secretary may adopt industry accepted performance standards in order to comply with the requirement under the preceding sentence.''.

SEC. 9. CUSTOMER-OWNED NATURAL GAS SERVICE LINES.

Section 60113 is amended—

(1) by striking the caption of subsection (a); and

(2) by striking subsection (b).

SEC. 10. TECHNICAL SAFETY STANDARDS COMMITTEES.

(a) PEER REVIEW.—Section 60115(a) is amended by adding at the end the following: ''The committees referred to in the preceding sentence shall serve as peer review committees for carrying out this chapter. Peer reviews conducted by the committees shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after the date of the enactment of the Accountable Pipeline Safety and Partnership Act of 1996) as meeting any peer review requirements of such laws.''.

(b) COMPOSITION AND APPOINTMENT.—Section 60115(b) is amended—

(1) by inserting ''or risk management principles'' in paragraph (1) before the period at the end;

(2) by inserting ''or risk management principles'' in paragraph (2) before the period at the end;

(3) by striking ''4'' in paragraph (3)(B) and inserting ''5'';

(4) by striking ''6'' in paragraph (3)(C) and inserting ''5'';

(5) by adding at the end of paragraph (4)(B) the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(B) shall have education, background, or experience in risk assessment and cost-benefit analysis. The Secretary shall consult with the national organizations representing the owners and operators of pipeline facilities before selecting individuals under paragraph (3)(B).''; and

(6) by inserting after the first sentence of paragraph (4)(C) the following: ''At least 1 of the individuals selected for each committee under paragraph (3)(C) shall have education, background, or experience in risk assessment and cost-benefit analysis.''.

(c) COMMITTEE REPORTS.—Section 60115(c) is amended—

(1) by inserting ''including the risk assessment information and other analyses supporting each proposed standard'' before the semicolon in paragraph (1)(A);

(2) by inserting ''including the risk assessment information and other analyses supporting each proposed standard'' before the period in paragraph (1)(B);

(3) by inserting ''and supporting analyses'' before the first comma in the first sentence of paragraph (2);

(4) by inserting ''and submit to the Secretary'' in the first sentence of paragraph (2) after ''prepare'';

(5) by inserting ''cost-effectiveness,'' in the first sentence of paragraph (2) after ''reasonableness,''; and

(6) by inserting ''and include in the report recommended actions'' before the period at the end of the first sentence of paragraph (2); and

(7) by inserting ''any recommended actions and'' in the second sentence of paragraph (2) after ''including''.

(d) MEETINGS.—Section 60115(e) is amended by striking ''twice'' and inserting ''up to 4 times''.

(e) EXPENSES.—Section 60115(f) is amended—

(1) by striking ''PAY AND'' in the subsection heading;

(2) by striking the first 2 sentences; and

(3) by inserting ''of a committee under this section'' after ''A member''.

SEC. 11. PUBLIC EDUCATION PROGRAMS.

Section 60116 is amended—

(1) by striking ''person transporting gas'' and inserting ''owner or operator of a gas pipeline facility'';

(2) by inserting ''the use of a one-call notification system prior to excavation,'' after ''educate the public on''; and

(3) by inserting a comma after ''gas leaks''.

SEC. 12. ADMINISTRATIVE.

Section 60117 is amended—

(1) by adding at the end of subsection (b) the following: ''The Secretary may require owners and operators of gathering lines to provide the Secretary information pertinent to the Secretary's ability to make a determination as to whether and to what extent to regulate gathering lines.'';

(2) by adding at the end thereof the following:

''(k) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, or any other entity to further the objectives of this chapter. The objectives of this chapter include the development, improvement, and promotion of one-call damage prevention

programs, research, risk assessment, and mapping.''; and

(3) by striking ''transporting gas or hazardous liquid'' in subsection (b) and inserting ''owning''.

SEC. 13. COMPLIANCE.

(a) Section 60118 (a) is amended—

(1) by striking ''transporting gas or hazardous liquid or'' in subsection (a); and

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

''(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section or in section 60126;''.

(b) Section 60118 (b) is amended to read as follows:

''(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter, an order under section 60126, or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.''.

(c) Section 60118(c) is amended by striking ''transporting gas or hazardous liquid'' and inserting ''owning''.

SEC. 14. DAMAGE REPORTING.

Section 60123(d)(2) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) a pipeline facility that does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

SEC. 15. BIENNIAL REPORTS.

(a) BIENNIAL REPORTS.—

(1) SECTION HEADING.—The section heading of section 60124 is amended to read as follows:

''§ 60124. Biennial reports''.

(2) REPORTS.—Section 60124(a) is amended by striking the first sentence and inserting the following: ''Not later than August 15, 1997, and every 2 years thereafter, the Secretary of Transportation shall submit to Congress a report on carrying out this chapter for the 2 immediately preceding calendar years for gas and a report on carrying out this chapter for such period for hazardous liquid.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by striking the item relating to section 60124 and inserting the following:

''60124. Biennial reports.''.

SEC. 16. POPULATION ENCROACHMENT.

(a) IN GENERAL.—Chapter 601, as amended by section 5, is further amended by adding at the end the following new section:

''§ 60127. Population encroachment

''(a) LAND USE RECOMMENDATIONS.—The Secretary of Transportation shall make available to an appropriate official of each State, as determined by the Secretary, the land use recommendations of the special report numbered 219 of the Transportation Research Board, entitled 'Pipelines and Public Safety'.

''(b) EVALUATION.—The Secretary shall—

''(1) evaluate the recommendations in the report referred to in subsection (a);

''(2) determine to what extent the recommendations are being implemented;

''(3) consider ways to improve the implementation of the recommendations; and

''(4) consider other initiatives to further improve awareness of local planning and zoning entities regarding issues involved with population encroachment in proximity to the rights-of-way of any interstate gas pipeline facility or interstate hazardous liquid pipeline facility.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60126 the following:

''60127. Population encroachment.''.

SEC. 17. USER FEES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report analyzing the present assessment of pipeline safety user fees solely on the basis of mileage to determine whether—

(1) that measure of the resources of the Department of Transportation is the most appropriate measure of the resources used by the Department of Transportation in the regulation of pipeline transportation; or

(2) another basis of assessment would be a more appropriate measure of those resources.

(b) CONSIDERATIONS.—In making the report, the Secretary shall consider a wide range of assessment factors and suggestions and comments from the public.

SEC. 18. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 601, as amended by section 16, is further amended by adding at the end the following new section:

''§ 60128. Dumping within pipeline rights-of-way

''(a) PROHIBITION.—No person shall excavate for the purpose of unauthorized disposal within the right-of-way of an interstate gas pipeline facility or interstate hazardous liquid pipeline facility, or any other limited area in the vicinity of any such interstate pipeline facility established by the Secretary of Transportation, and dispose solid waste therein.

''(b) DEFINITION.—For purposes of this section, the term 'solid waste' has the meaning given that term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Section 60123(a) is amended by striking ''or 60118(a)'' and inserting '', 60118(a), or 60128''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended by adding at the end the following new item:

''60128. Dumping within pipeline rights-of-way.''.

SEC. 19. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.

Section 60117(a) is amended by inserting after ''and training activities'' the following: ''and promotional activities relating to prevention of damage to pipeline facilities''.

SEC. 20. TECHNICAL CORRECTIONS.

(a) SECTION 60105.—The heading for section 60105 is amended by inserting ''**pipeline safety program**'' after ''**State**''.

(b) SECTION 60106.—The heading for section 60106 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(c) SECTION 60107.—The heading for section 60107 is amended by inserting ''**pipeline safety**'' after ''**State**''.

(d) SECTION 60114.—Section 60114 is amended—

(1) by striking ''60120, 60122, and 60123'' in subsection (a)(9) and inserting ''60120 and 60122'';

(2) by striking subsections (b) and (d); and

(3) by redesignating subsections (c) and (e) as subsections (b) and (d), respectively.

(e) CHAPTER ANALYSIS.—The analysis for chapter 601 is amended—

(1) by inserting ''pipeline safety program'' in the item relating to section 60105 after ''State'';

(2) by inserting ''pipeline safety'' in the item relating to section 60106 after ''State''; and

(3) by inserting ''pipeline safety'' in the item relating to section 60107 after ''State''.

(f) SECTION 60101.—Section 60101(b) is amended by striking ''define by regulation'' each place it appears and inserting ''prescribe standards defining''.

(g) SECTION 60102.—Section 60102 is amended by striking ''regulations'' each place it appears in subsections (f)(2), (i), and (j)(2) and inserting ''standards''.

(h) SECTION 60108.—Section 60108 is amended—

(1) by striking ''regulations'' in subsections (c)(2)(B), (c)(4)(B), and (d)(3) and inserting ''standards''; and

(2) by striking ''require by regulation'' in subsection (c)(4)(A) and inserting ''establish a standard''.

(i) SECTION 60109.—Section 60109(a) is amended by striking ''regulations'' and inserting ''standards''.

(j) SECTION 60110.—Section 60110 is amended by striking ''regulations'' in subsections (b), (c)(1), and (c)(2) and inserting ''standards''.

(k) SECTION 60113.—Section 60113(a) is amended by striking ''regulations'' and inserting ''standards''.

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125 is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter (except for sections 60107 and 60114(b)) related to gas and hazardous liquid, there are authorized to be appropriated to the Department of Transportation—

''(1) $19,448,000 for fiscal year 1996;

''(2) $20,028,000 for fiscal year 1997, of which $14,600,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title;

''(3) $20,729,000 for fiscal year 1998, of which $15,100,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title;

''(4) $21,442,000 for fiscal year 1999, of which $15,700,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title''; and

''(5) $22,194,000 for fiscal year 2000, of which $16,300,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.''.

(b) STATE GRANTS.—Section 60125(c)(1) is amended by adding at the end the following:

''(D) $12,000,000 for fiscal year 1996.

''(E) $14,000,000 for fiscal year 1997, of which $12,500,000 is to be derived from user fees for fiscal year 1997 collected under section 60301 of this title.

''(F) $14,490,000 for fiscal year 1998, of which $12,900,000 is to be derived from user fees for fiscal year 1998 collected under section 60301 of this title.

''(G) $15,000,000 for fiscal year 1999, of which $13,300,000 is to be derived from user fees for fiscal year 1999 collected under section 60301 of this title.

''(H) $15,524,000 for fiscal year 2000, of which $13,700,000 is to be derived from user fees for fiscal year 2000 collected under section 60301 of this title.''.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, appoints Dr. Robert C. Khayat, of Mississippi, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1996.

MARSHAL OF THE SUPREME COURT AND THE SUPREME COURT POLICE AUTHORITY EXTENSION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 626, S. 2100.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2100) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

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. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 2100) was deemed read the third time and passed, as follows:

S. 2100

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

SECTION 1. EXTENSION OF AUTHORITY.

Section 9(c) of the Act entitled ''An Act relating to the policing of the building and grounds of the Supreme Court of the United States'', approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking ''1996'' and inserting ''2000''.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 541, S. 1962.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1962) to amend the Indian Child Welfare Act of 1978, 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.

AMENDMENT NO. 5405

(Purpose: To make technical corrections)

Mr. LOTT. Mr. President, I understand Senator MCCAIN has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MCCAIN, proposes an amendment numbered 5405.

The amendment is as follows:

On page 13, line 18, insert ''if in the best interests of an Indian child,'' after ''approve,''.

On page 14, lines 15 and 16, strike the dash and all that follows through the paragraph designation and adjust the margin accordingly.

On page 14, line 16, insert a dash after ''willfully''.

On page 14, line 16, insert '''(1)'' before ''falsifies'' and adjust the margin accordingly.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 5405) was agreed to.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for moving quickly to consideration of S. 1962, a bill to make certain compromise amendments to the Indian Child Welfare Act of 1978 [ICWA]. I urge its immediate adoption.

S. 1962 represents broad consensus legislation that has been crafted with great care to resolve many of the differences between Indian tribes and adoption advocates.

Let me say, first, that the issue of Indian child welfare stirs the deepest of emotions. Until nearly eighteen years ago, disproportionately high numbers of Indian children were virtually kidnapped from their families and tribal communities and placed in foster and adoptive care. Although sometimes these efforts were motivated by good intentions, the results were many times tragic. Generations of Indian children were denied their rich cultural and political heritage as Native Americans. The well-documented abuses from that dark era are horrifying. One study concluded that between 25 and 35 percent of all Indian children were torn from their birth families and tribes.

In 1978, Congressman Mo Udall and others in Congress responded to this crisis by enacting the Indian Child Welfare Act [ICWA] to prevent further abuses of Indian children. Under ICWA, adoptions of Indian children could still go forward, but the best interests of the Indian children had the additional protection of the involvement of their own tribe.

In recent years, a new tragedy has emerged as ICWA has been implemented, this one borne by non-Indian adoptive families who in a handful of high-profile cases have seen their adoptions of Indian children disrupted months and years after they have received the child.

In some of these controversial cases, people facilitating the adoptions have been accused of knowingly and willfully lying to the courts, the adoptive families, and the tribes, hiding the fact that these children were Indians covered by ICWA procedures. In other cases, some Indian tribes have been accused of retroactively conveying membership on a birth parent who wanted to revoke his or her consent long after the adoption placement was voluntarily established.

Because Indian tribes typically have not been made aware of an adoption, in most of the controversial cases, until very late in the placement, the tribes have been faced with a tragic choice—either intervene late in the proceeding and disrupt the certainty sought by the adoptive family and child, or stay out of the case and lose any chance to be involved in the life of the Indian child. The result has been great uncertainty and heartache on all sides. No matter the outcome in each of these cases, the Indian children have been the losers.

The measure we have under consideration today will amend ICWA to dramatically improve this situation. Mr. President, most of the people who deal on a daily basis with ICWA believe S. 1962 will make ICWA work much better for Indian children and for adoptive families.

S. 1962 will dramatically increase the opportunities for greater certainty, speed and stability in adoptions of Indian children. S. 1962 reflects the agreement of attorneys representing adoptive families and representatives of the Indian tribes. Enactment of the provisions they can agree upon will dramatically improve ICWA and clearly be in the best interests of the Indian children involved.

S. 1962 will change ICWA so that it better serves the best interests of Indian children without trampling on tribal sovereignty and without eroding fundamental principles of Federal-Indian law. The legislation will achieve greater certainty and speed in adoptions involving Indian children through new guarantees of early and effective notice in all cases combined with new, strict time restrictions placed on both the right of Indian tribes to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement.

Perhaps of most interest to the Members of the Senate is the fact that the provisions of S. 1962 will encourage early identification of the cases involving controversy, and promote settlement by making visitation agreements enforceable. One example of such a case is that of a non-Indian Ohio couple, Jim and Colette Rost, who have been trying to adopt twin daughters—now nearly three years old—placed with them at birth by an adoption attorney who failed to disclose that the children were Indians. The Rost's current attorney now supports quick enactment by the Congress of the compromise provisions that comprise S. 1962 because they will provide authority where none exists to enforce a visitation agreement that will very likely settle the Rost and other similar cases.

I am very pleased with the provisions of this bill for another reason. I have long given active support to legislative efforts that encourage and facilitate adoptions in all instances. It is my belief that it is our solemn responsibility to work to increase the opportunities for all children to enjoy stable and loving family relationships as quickly as possible. At a minimum, this means removing every unreasonable obstacle to adoption. Equally important for me is the priority I place on encouraging adoption as a positive alternative to

abortion. Because of these considerations, I was an early and strong supporter of the 1996 amendments to the Multi-Ethnic Placement Act, facilitating adoptions, we recently sent to the President for signature into law. Likewise, I am deeply committed to enactment of the consensus-based provisions of S. 1962 because they will encourage and facilitate adoptions of Indian children, and, arguably, discourage abortions, by providing greater certainty, speed and stability to Indian adoptions than that provided under existing law.

Let me take a moment to clarify a related matter that has drawn some attention in recent days having to do with what is authorized, and what is not authorized, by subsection (h) of Section 8 dealing with the enforceability of visitation agreements after an adoption decree is final. First, I must stress the fact that subsection (h) addresses only those situations where all those involved in the voluntary adoption of an Indian child have voluntarily and mutually entered into an agreement on visitation. The parties to such an agreement may include the birth family, the adoptive family, and the child's Indian tribe. Subsection (h) could not, and should not, be construed to impose any right of visitation or contact not agreed to by those individuals involved in each case. The provision simply says that, if and only if those parties involved have agreed to certain terms for visitation or contact to take place after the adoption is final, then the agreement reached by the parties is enforceable against those parties in any court of law. If those involved have not agreed to visitation, then there is no agreement to enforce under the terms of subsection (h). I wish to emphasize that this provision does not create separate authority for any court or any party to impose upon another party a so-called open adoption; this would remain a matter for State law. The waiver of any individual privacy rights are exclusively within the hands of those individuals entering into, or refusing to enter into, such a voluntary agreement. Subsection (h) simply says that when the adoptive family and the others involved in a voluntary adoption proceeding under the Indian Child Welfare Act choose, of their own accord, to agree to certain visitation or contact privileges that can occur after the adoption is final, their agreement can be enforced by the courts. This authority is no different than the enforcement powers commonly exercised by courts over commercial agreements in which the parties demonstrate their good faith by agreeing to submit the terms of their agreement to judicial enforcement. I have asked as part of the Senate's consideration of this bill, that a minor amendment be made to subsection (h) to clarify what has been our intention all along, that a judge must consider what are the best interests of the child when the judge exercises his or her discretion as to whether or not to include provisions to enforce a voluntary visitation agreement in a final decree of adoption.

In addition, a concern has been raised about a matter that S. 1962 does not address in any way—that the adoptive placement preferences in the underlying ICWA law would lead an expectant mother seeking privacy to prefer abortion over adoption. Any close examination of the 1978 law will reveal that this concern about adoptive placement preferences is without reasonable foundation. Under title 25, U.S.C. section 1915(c), the 1978 act actually directs a State court judge to give weight to the placement choice of a birth parent who evidences a desire for privacy. The 1978 law declares that, as a matter of Federal-Indian child welfare policy, the best interests of Indian children are to be protected. Under title 25, U.S.C. section 1915 (a), a State court judge must give a ''preference'' to an Indian adoptive family in his or her adoptive placement decisions involving an Indian child, ''in the absence of good cause to the contrary.'' The presumption is that a placement with the child's Indian or non-Indian extended family, or with an Indian family, is in the best interest of the Indian child. These preferences are not mandatory quotas. They must be considered, but the State court judge has the discretion to prefer another placement if there is good cause. State court judges in many cases have found good cause for placing Indian children with non-Indian adoptive families for a variety of reasons, including the wishes of a birth parent, or the judge's determination that a particular non-Indian placement would be in the best interests of the child under the act given the particular facts of the case or the available placement options. Let me be clear—the bill before us today, S. 1962, does not in any way alter the existing law on adoptive placement preferences set forth in 25 U.S.C. 1915. No consensus could be reached on any changes to section 1915. However, because the preference provisions under section 1915 have been the subject of some misunderstandings during consideration of S. 1962, I thought it would be helpful at this juncture to recite what section 1915 does and does not do in order to remove any additional concerns that might arise in the future.

Finally, there is one other technical and conforming amendment that we have asked be made to the bill as reported, which would make clear that the sanctions mirror those found in title 18, section 1001, touching only upon willful and knowing acts or omissions. Through an oversight in drafting, the reported bill was not completely clear on this issue, and the technical change should resolve the questions that have been raised.

S. 1962 places new, strict time restrictions on the right of an Indian tribe to intervene in a State court adoption proceeding involving an Indian child. Under current law, a tribe can do so at any point up to entry of the final decree of adoption. The bill allows adoptive parents to limit this period to as little as 30 days after the tribe receives notice of a voluntary adoption proceeding. The bill makes many other changes to ICWA. With proper notice, an Indian tribe's failure to act early in the placement proceedings is final. A tribal waiver of its right is binding. An Indian tribe seeking to intervene must accompany its motion with a certification that the child is, or is eligible to be, a member of the tribe and document it. Once a tribe notifies a party or court that a child is not an Indian, the tribe cannot later change its mind. Unless we pass S. 1962, none of these restrictions will be law.

The bill places new, strict time restrictions on the right of birth parents to revoke their consent to an adoptive placement. Under current law, a birth parent can revoke consent at any time up to entry of the final decree of adoption. The bill limits revocations to the 180-day period following notice.

The bill requires that early notice be given to a tribe if a child is reasonably known to be an Indian. Attorneys who represent adoptive families tell me they welcome the chance to use this notice requirement so they can identify the relatively few cases involving controversy either before or within the first weeks of an adoptive placement. This would provide far more speed, stability and certainty than now exists under ICWA.

The bill promotes settlement of contested cases by providing judges with the authority, in their discretion, to enforce a settlement agreement voluntarily entered into by those involved in a case that would permit visitation or other agreed-upon contact after the adoption decree is final. Attorneys who represent adoptive families say this provision will encourage early settlements that do not disrupt placements and, because it offers them an opportunity to obtain enforceable agreements for future contact, will encourage the many pregnant women who seek such agreements to choose adoption over abortion.

Finally, the bill applies standard criminal penalties to knowing and willful efforts to lie, by persons other than birth parents, in a court proceeding subject to ICWA, about whether a child or a parent is an Indian. Attorneys representing adoptive families say these sanctions will help deter fraudulent conduct which, under current law, risks an eventual disruption of adoptive placements long after they have begun.

All of these changes are improvements to ICWA. They will make a pregnant woman's choice to place a child for adoption more attractive than it now is under current law. In turn, this should lead to fewer abortions.

Mr. President, I believe adoptive families simply seek certainty, speed, and stability throughout the adoption process. They do not want surprises

that threaten to take away from them a child for whom they have loved and cared for a substantial period of time. At the same time, Indian tribes simply seek early and substantive notice of proposed adoptions, the ability to become involved in the adoption process, and the continued protections of tribal sovereignty. They do not want to learn, many months and years after the fact, that their young tribal members have been placed for adoption outside of the Indian community. The landmark, compromise bill we have under consideration today will meet all of these concerns.

I am very pleased that what seemed a few months ago to be intractable problems with ICWA have in large part been resolved by the good faith efforts of representatives of the adoption attorneys and the Indian tribes. As with all compromises, each side would have preferred language that is better for them. But on behalf of the Indian children and their birth and adoptive parents, I want to extend my personal thanks to persons on all sides of this debate who have led the way to a compromise in which everyone, but most importantly, the Indian children, are the winners.

The national board of governors of the American Academy of Adoption Attorneys has endorsed the bill, as has the Academy of California Adoption Attorneys, the Child Welfare League of America, Catholic Charities USA, the U.S. Bureau of Catholic Indian Missions, the National Congress of American Indians, the National Indian Child Welfare Association, and virtually every Indian tribal government. Let me just stress that these all are organizations who have years of experience working with thousands upon thousands of Indian adoption cases. Catholic Charities USA, for example, is a pro-life organization that has 1,400 local agencies and institutions which last year provided adoption services for more than 42,000 people. Of perhaps equal note is the fact that the current attorney for the Rosts, an Ohio family trying to adopt twin Indian daughters who are members of a California tribe, helped draft the bill and has lent it strong support because its provisions would enable a final settlement of the Rost case controversy and settle or prevent many other cases like that involving the Rosts.

Mr. President, I ask unanimous consent that a copy of letters from the American Academy of Adoption Attorneys, the Child Welfare League of America, Catholic Charities USA, the U.S. Bureau of Catholic Indian Missions, and the Association on American Indian Affairs be reprinted in the CONGRESSIONAL RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

I am glad to see that Congresswoman DEBORAH PRYCE and Congressmen DON YOUNG, GEORGE MILLER, and BILL RICHARDSON have indicated their agreement with the approach taken in S. 1962. And S. 1962 has the strong support of the administration, including both the Department of the Interior and the Department of Justice. Because it is a delicately balanced compromise, I intend to urge our colleagues in the House to promptly adopt this bill without change so that it can be sent on to the President for signature into law as quickly as possible.

The compromise that is embodied in S. 1962 is the best that can be obtained. The alternative is to make no change to ICWA and lose this chance to improve ICWA for the sake of the best interests of Indian children. Mr. President, it is with these children on my mind and in my heart that I ask the Senate to enact S. 1962.

EXHIBIT 1

AMERICAN ACADEMY OF ADOPTION ATTORNEYS,
Washington, DC, August 21, 1996.

U.S. Senate, Committee on Indian Affairs, Washington, DC.

DEAR SENATOR MCCAIN and the Honorable Members of the Senate Committee on Indian Affairs: This letter is to reaffirm our support of S. 1962 notwithstanding the recent letter of Douglas Johnson (dated August 1, 1996) to Senator Lott asking that the bill be halted. Mr. Johnson does not explain in his letter how the bill might impact abortion, but instead quotes National Council for Adoption for the proposition that ''it would be the end of voluntary adoptions of children with any hint of Indian ancestry.'' Presumably, NCFA bases this assertion on the theory that agencies and attorneys would be so fearful of the criminal provisions of the amendments that they would refuse to work with birthparents of Indian ancestry. NCFA believes that the resultant projected inability of such birthparents to find professionals willing to help them place their children for adoption, would lead to more abortions. Though this reasoning is not spelled out it is the only connection to abortion we can possibly infer.

Our continued support of the bill is *not* based on a desire to see more abortions. Rather, we seriously question the basic premise of Mr. Johnson's letter that S. 1962 would have *any* impact on abortion.

The bill is intended to encourage the adoption of children of Indian ancestry by making such adoption *safer* for adoptive parents. The one or two percent of the children of Indian ancestry who are ''Indian children,'' as defined by the I.C.W.A., would be identified early in the process (likewise, the remaining 90% would be promptly identified as *not* subject to the I.C.W.A.).

Within a short time (compared to the present situation) tribes would be required to give adoptive parents notice of a potential problem and their failure to do so would eliminate the possibility of a problem. Because the bill would make adoption safer for adoptive parents, we support it.

The criminal sanctions contained in the bill deal with *fraudulent* efforts to avoid the law. Reputable agencies and attorneys do not commit fraud and have nothing to fear. The fact that adoption attorneys and agencies willing to comply with the I.C.W.A. support this bill, refutes the entire thrust of NRLC and NCFA's position.

Adoption attorneys and agencies should be more willing to work with birthparents of Indian ancestry if S. 1962 passes, than under present law. Pregnant women exploring adoption will find that more families will be desirous of adopting their children than they are today, and thus, they will have more alternatives to abortion.

Please do what you can to make S. 1962 the law immediately and count on our continued support.

Yours truly,

SAMUEL C. TOTARO, JR.,
President.

CHILD WELFARE LEAGUE OF AMERICA, INC.,
Washington, DC, September 10, 1996.

Hon. JOHN MCCAIN,
Chairman, Committee on Indian Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I am writing in support of the amendments to the Indian Child Welfare Act outlined in both S. 1962 and H.R. 3828 as an alternative to earlier amendments outlined in H.R. 3286.

As you know the Child Welfare League of America is a national organization that is committed to preserving, protecting, and promoting the well-being of children and families. As such we believe that the principles outlined in the Indian Child Welfare Act provide an appropriate and necessary framework for addressing the permanency and child welfare needs of Indian children. We likewise believe that the ICWA amendments proposed in S. 1962 and H.R. 3828 support reasonable and effective improvements that will strengthen the implementation of ICWA in voluntary adoptions involving Indian children. First, they will help to strengthen the responsibility of agencies and individuals to conduct timely and time-limited notification to tribes and family members thereby promoting speedy movement toward adoption. Second, we believe that the amendments will discourage the dissolution of existing adoptions and provide greater security for Indian children and for their adoptive families.

We are encouraged that the process for developing these amendments has involved representatives from Indian Country and private adoption attorneys and that the proposed changes balance the needs of prospective adoptive parents and tribes while maintaining a focus on the permanency needs of Indian children. CWLA is optimistic that this bill will promote successful adoptions for Indian children who are in need of permanent families.

Sincerely,

DAVID LIEDERMAN,
Executive Director.

CATHOLIC CHARITIES USA,
Alexandria, VA, September 24, 1996.

Hon. JOHN MCCAIN,
Chair, Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN MCCAIN: On behalf of Catholic Charities USA's 1,400 local agencies and institutions, I am writing to commend you for your efforts to reform problems in the current system of adoption of Native American children. Last year, our agencies provided adoption services for 42,134 people.

After consultation with our agencies in ''Indian Country,'' we have concluded that your bill to amend the Indian Child Welfare Act of 1978 (S. 1962) would improve the current rules for adoption of Native American children.

As you know, Catholic Charities USA's member agencies have a strong and unwavering commitment to the sanctity of every human life. Catholic Charities USA would not support any bill that we believe has potential for increasing abortions. We are convinced that your bill will make adoption a more attractive option than abortion to the women and families affected.

Please let us know how we can be helpful in assuring passage of your bill in this Congress.

Sincerely,

REV. FRED KAMMER, SJ,
President.

BUREAU OF CATHOLIC INDIAN MISSIONS,
Washington, DC, September 4, 1996.

Senator TRENT LOTT,
Majority Leader, U.S. Senate, U.S. Congress, Washington, DC.

DEAR SENATOR LOTT: I am writing in support of the amendment, S. 1962, to keep in effect the basic provisions of the Indian Child Welfare Act of 1978. Those who are opposed to that act for fear that Indian women will be driven to seek abortions, I believe, are without grounds. It was not the attitude of Indians to seek abortions. Indians welcomed infants. As tribal people they see infants as the promise of the future.

As this legislation stands, it provides the efficiency, speed and certainly of adoption. Delays and prolonging of the process are excluded now that the time limits are reduced. The birth-mother does not have the uncertainty that the old law mandated. It is efficient and speedy. For mothers, unfortunately forced by circumstances to give up their children for adoption, this present bill provides the surest means for adoption.

Thank you!

Sincerely yours,

THEODORE F. ZUERN, S.J.,
Legislative Director.

[From the New York Times, August 17, 1996]

INDIAN ADOPTIONS AREN'T BLOCKED BY LAW

To the Editor: Assertions by Representative Pete Geren that the Indian Child Welfare Act applies to anyone with the remotest ancestry and supplies tribes with veto power over off-reservations adoptions are wrong (letter, July 26).

Ancestry alone does not trigger the provisions of the law. The law applies only when a child is a member of an Indian tribe or is the child of a member and eligible for membership. The notion that a person whose family has had no contact with an Indian tribe for generations would suddenly become subject to the law is not reality.

Even if a child is covered by the law, a tribe cannot veto a placement sought by a birth parent. If the law applies, the tribe may intervene in the state court proceeding. It may seek to transfer the case to tribal court, but an objection by either birth parent would prevent that.

Even where a parent does not object, a state court may deny transfer for good cause. If the case remains in state court, the tribe may seek to apply the placement preferences in the law (extended family, tribal members and other Indian families, in that order), but the state court may place a child outside the preferences if it finds good cause to do so.

The Indian Child Welfare Act was enacted in response to a tragedy. Studies revealed that 25 percent to 30 percent of Indian children had been separated from their families and communities, usually without just cause, and placed mostly with non-Indian families. The act formalized the authority of tribes in the child welfare process in order to protect Indian children and provided procedural protections to families to prevent arbitrary removals and placements of Indian children.

The law is based upon a conclusion, supported by clinical evidence, that it is usually in an Indian child's best interest to retain a connection with his or her tribe and heritage.

Mr. GLENN. Mr. President, I am pleased to support passage of this legislation to amend the Indian Child Welfare Act (ICWA). By clarifying and improving a number of provisions of ICWA, this legislation brings more stability and certainty to Indian child adoptions while preserving the underlying policies and objectives of ICWA. This bill embodies the consensus agreement reached when Indian tribes from around the Nation met in Tulsa, OK, to address questions regarding ICWA's application. Mr. President, I believe that the overriding goal of this agreement, which I support, is to serve the best interests of children.

This bill deals with several issues critical to the application of ICWA to child custody proceedings including notice to Indian tribes for voluntary adoptions, time lines for tribal intervention in voluntary cases, criminal sanctions to discourage fraudulent practices in Indian adoptions and a mandate that attorneys and adoption agencies must inform Indian parents under ICWA. I believe that the formal notice requirements to the potentially affected tribe as well as the time limits for tribal intervention after the tribe has been notified are significant improvements in providing needed certainty in placement proceedings.

Mr. President, I am also pleased that this legislation contains provisions addressing my specific concern—the retroactive application of ICWA in child custody proceedings. ICWA currently allows biological parents to withdraw their consent to an adoption for up to 2 years until the adoption is finalized. With the proposed changes, the time that the biological parents may withdraw their consent under ICWA is substantially reduced. I believe that a shorter deadline provides greater certainty for the potential adoptive family, the Indian family, the tribe and the extended family. This certainty is vital for the preservation of the interest of the child.

Mr. President, my concern with this issue and my insistence on the need to address the problem of retroactive application of ICWA was a direct response to a situation with a family in Columbus, OH. The Rost family of Columbus received custody of twin baby girls in the State of California in November, 1993, following the relinquishment of parental rights by both birth parents. The biological father did not disclose his native American heritage in response to a specific question on the relinquishment document. In February 1994, the birth father informed his mother of the pending adoption of the twins. Two months later, in April 1994, the birth father's mother enrolled herself, the birth father and the twins with the Pomo Indian Tribe in California. The adoption agency was then notified that the adoption could not be finalized without a determination of the applicability of ICWA.

The Rost situation made me aware of the harmful impact that retroactive application of ICWA could have on children. While I would have preferred tighter restrictions to preclude other families enduring the hardship the Rosts have experienced, I appreciated the effort of Senator MCCAIN, other members of the committee and the Indian tribes to address these concerns. I believe that the combination of measures contained in this bill will significantly lessen the possibility of future Rost cases. Taken together the imposition of criminal sanctions for attorneys and adoption agencies that knowingly violate ICWA, the imposition of formal notice requirements and the imposition of deadlines for tribal intervention, provide new protection in law for children and families involved in child custody proceedings.

Mr. President, I have reviewed the Rost case to reiterate that my interest in reforming ICWA has been limited to the issue of retroactive application. Once a voluntary legal agreement has been entered into, I do not believe that it is in the best interest of the child for this proceeding to be disrupted because of the retroactive application of ICWA. To allow this to happen could have a harmful impact on the child. I know that my colleagues share my overriding concern in assuring the best interest of children, and I am pleased that the bill we are passing today reflects that concern.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table and that 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. 1962), as amended, was passed as follows:

S. 1962

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Child Welfare Act Amendments of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) (25 U.S.C. 1911(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by striking the last sentence and inserting the following:

''(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

''(A) resides or is domiciled within the reservation of the Indian tribe and is made a ward of a tribal court of that Indian tribe; or

''(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.''.

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) (25 U.S.C. 1911(c)) is amended by striking ''In any State court proceeding'' and inserting ''Except as provided in section 103(e), in any State court proceeding''.

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) (25 U.S.C. 1913(a)) is amended—

(1) by inserting ''(1)'' before ''Where'';

(2) by striking ''foster care placement'' and inserting ''foster care or preadoptive or adoptive placement'';

(3) by striking ''judge's certificate that the terms'' and inserting the following: ''judge's certificate that—

''(A) the terms'';

(4) by striking ''or Indian custodian.'' and inserting ''or Indian custodian; and'';

(5) by inserting after subparagraph (A), as designated by paragraph (3) of this subsection, the following new subparagraph:

''(B) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has informed the natural parents of the placement options with respect to the child involved, has informed those parents of the applicable provisions of this Act, and has certified that the natural parents will be notified within 10 days of any change in the adoptive placement.'';

(6) by striking ''The court shall also certify'' and inserting the following:

''(2) The court shall also certify'';

(7) by striking ''Any consent given prior to,'' and inserting the following:

''(3) Any consent given prior to,''; and

(8) by adding at the end the following new paragraph:

''(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.''.

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) (25 U.S.C. 1913(b)) is amended—

(1) by inserting ''(1)'' before ''Any''; and

(2) by adding at the end the following new paragraphs:

''(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

''(A) no final decree of adoption has been entered; and

''(B)(i) the adoptive placement specified by the parent terminates; or

''(ii) the revocation occurs before the later of the end of—

''(I) the 180-day period beginning on the date on which the Indian child's tribe receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

''(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

''(3) The Indian child with respect to whom a revocation under paragraph (2) is made shall be returned to the parent who revokes consent immediately upon an effective revocation under that paragraph.

''(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), a consent to adoption or voluntary termination of parental rights has not been revoked, beginning after that date, a parent may revoke such a consent only—

''(A) pursuant to applicable State law; or

''(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

''(5) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

''(A) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

''(B) if a final decree of adoption has been entered, that final decree shall be vacated.

''(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.''.

SEC. 6. NOTICE TO INDIAN TRIBES.

Section 103(c) (25 U.S.C. 1913(c)) is amended to read as follows:

''(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the Indian child's tribe. A notice under this subsection shall be sent by registered mail (return receipt requested) to the Indian child's tribe, not later than the applicable date specified in paragraph (2) or (3).

''(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) in each of the following cases:

''(i) Not later than 100 days after any foster care placement of an Indian child occurs.

''(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

''(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

''(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

''(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

''(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

''(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

''(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement, made reasonable inquiry concerning whether the child involved may be an Indian child.''.

SEC. 7. CONTENT OF NOTICE.

Section 103(d) (25 U.S.C. 1913(d)) is amended to read as follows:

''(d) Each written notice provided under subsection (c) shall contain the following:

''(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

''(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

''(A) known after inquiry of—

''(i) the birth parent placing the child or relinquishing parental rights; and

''(ii) the other birth parent (if available); or

''(B) otherwise ascertainable through other reasonable inquiry.

''(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

''(4) A statement of the reasons why the child involved may be an Indian child.

''(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

''(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

''(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

''(7) If any, the tribal affiliation of the prospective adoptive parents.

''(8) The name and address of any public or private social service agency or adoption agency involved.

''(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

''(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

''(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

''(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.''.

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 (25 U.S.C. 1913) is amended by adding at the end the following new subsections:

''(e)(1) The Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

''(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe filed a notice of intent to intervene or a written objection to the termination, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

''(B) in the case of a voluntary adoption proceeding, the Indian tribe filed a notice of intent to intervene or a written objection to the adoptive placement, not later than the later of—

''(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

''(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(2)(A) Except as provided in subparagraph (B), the Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

''(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

''(i) the intent of the Indian tribe not to intervene in the proceeding; or

''(ii) the determination by the Indian tribe that—

''(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe; or

''(II) neither parent of the child is a member of the Indian tribe.

''(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

''(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

''(1) affect any placement preference or other right of any individual under this Act;

''(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

''(3) except as specifically provided in subsection (e), affect the applicability of this Act.

''(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the Indian child's tribe receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(h) Notwithstanding any other provision of law (including any State law)—

''(1) a court may approve, if in the best interests of an Indian child, as part of an adoption decree of an Indian child, an agreement that states that a birth parent, an extended family member, or the Indian child's tribe shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

''(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.''.

SEC. 9. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 is amended by adding at the end the following new section:

''SEC. 114. FRAUDULENT REPRESENTATION.

''(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

''(A) a child is an Indian child; or

''(B) a parent is an Indian; or

''(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

''(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1).

''(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

''(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

''(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.''.

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS BY COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 302, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 302) to authorize production of records by the Committee on Indian Affairs.

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

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

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS BY COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, the Committee on Indian Affairs has received requests from the U.S. Department of Justice and counsel for the plaintiff-relators and for the defendant in a civil action captioned United States of America ex rel. William I. Koch, et al. versus Koch Industries, Inc., et al., pending in the northern district of Oklahoma, for access to committee records amassed in the course of an investigation in 1988 and 1989 by the committee's Special Committee on Investigations into allegations of theft of natural resources from Indian lands. The lawsuit is a qui tam fraud action, which similarly alleges theft of oil and gas resources from Federal and Indian lands and seeks monetary recovery on behalf of the United States.

In the interest of assisting in the development of a full evidentiary record for the trial of these claims, this resolution would authorize the chairman and ranking minority member of the Indian Affairs Committee to respond to these, and any future, requests for access to these records, except for the committee's internal deliberative or confidential records, for which the committee would maintain its privilege.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 302

Whereas, the United States Department of Justice and counsel for the plaintiff-relators and defendant in the case of United States of America ex rel. William I. Koch, et al. v. Koch Industries, Inc., et al., Case No. 91–CV–763–B, pending in the United States District Court for the Northern District of Oklahoma, have requested that the Committee on Indian Affairs provide them with copies of records of the former Special Committee on Investigations of the Committee on Indian Affairs for use in connection with the pending civil action;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Indian Affairs, acting jointly, are authorized to provide to the United States Department of Justice, counsel for the plaintiff-relators and defendant in United States of America ex rel. William I. Koch, et al. v. Koch Industries, Inc., et al., and other requesting individuals and entitles, copies of records of the Special Committee on Investigations for use in connection with pending legal proceedings, except concerning matters for which a privilege should be asserted.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 585, S. 1791.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1791) to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and 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. SIMPSON. Mr. President, it is a pleasure for me, as chairman of the Senate Committee on Veterans' Affairs, to request Senate approval of S. 1791. This legislation, Mr. President, would grant to recipients of compensation, and dependency and indemnity compensation [DIC] benefits, from the Department of Veterans Affairs [VA] a cost of living adjustment [COLA] increase to take effect at the beginning of next year.

This legislation is appropriate and warranted—even as we continue to work diligently to achieve deficit reduction. We can balance the budget, and simultaneously treat our veterans, and their survivors, with fairness and compassion.

This bill is simple and straightforward. It would grant to recipients of certain VA benefits—most notably,

veterans with service-connected disabilities who receive VA compensation, and the surviving spouses and children of veterans who have died as a result of service-connected injuries or illnesses, who receive dependency and indemnity compensation or DIC—the same percentage COLA that Social Security recipients will receive in 1997. So, for example, if Social Security recipients receive a 2.8-percent adjustment at the beginning of next year—the percentage of increase that the Congressional Budget Office now estimates will be forthcoming—then so too would the beneficiaries of VA compensation and DIC.

Last year, the committee's COLA bill put into effect certain modifications, as approved by the Committee on Veterans' Affairs, on how COLA's are computed. For example, our 1996 COLA contained a ''round down'' feature—that is, a provision that required that monthly whole number benefit amounts be ''rounded down'' in all cases when they are recomputed. Under normal practice—and under this bill—benefit checks, which are paid in whole dollar amounts, are ''rounded up'' when the benefit recomputation yields a fractional dollar amount of $0.50 or more and rounded down when the computation yields a fractional dollar amount of $0.49 or less.

It may happen, Mr. President, that the Committee on Veterans' Affairs will again elect to direct that VA ''round down'' as part of a package of measures approved to reach budget reconciliation targets. That action, however, will be taken—if it needs to be taken—as part of a coordinated package of deficit reduction measures. For now, we request Senate approval of a ''clean'' COLA bill to assure enactment with no controversy before our adjournment.

I do take this opportunity to mention ever so briefly my continued strong commitment to moving toward a balanced budget. We can do it. And I hope we will attempt to make real progress to do it during the time still remaining in the 104th Congress.

The ''round down'' provision also serves as an instructive example of the sorts of things that can be done—if we have the vision to act now—to achieve that end without causing any needy or deserving person any real pain. To round down a VA beneficiary's monthly check might cause some beneficiaries to lose one dollar per month of the COLA increase that will be forthcoming. Those COLA increases will range up to $50 per month and more. One dollar lost of the $50 increase is not a life-threatening hardship, I submit, to any person. Yet such a measure would result in savings of $500 million over a 6 year period. Such savings opportunities can be—and must always be—considered. To fail to do so will require much more drastic measures later.

Please notice, Mr. President, I am talking about a measure that reduces ever so slightly a significant increase in benefits that would still be received by a VA beneficiary. I am not talking about cuts in veterans benefits. Despite what some so-called veterans advocates continue to say, I have never—ever—talked of any real cuts. Nor does anyone talk of actual cuts in veterans benefits as a route to a balanced budget—except, that is, one man: the President of the United States. President Clinton has proposed that VA health care spending be actually and truly cut from $16.9 billion to $13.0 billion in the year 2000. And yet he seems to have gotten a free pass on that one from the so-called veterans advocates. Why that is, I have not been able to figure out. But I have a hunch that will be a topic of a different speech.

For now, I just say again to my colleagues as I start to approach the final days of my final Congress: We must face up to the deficit and the national debt. And I say to the young people of this great land: Wake up. See what is happening. You must get involved—before your elders carelessly spend your legacy. If you do not force elected officials to act, in not too many years from now there will be nothing left in the Federal budget for you to spend on yourselves after Social Security, Medicare, Medicaid, Federal retirement, service on the debt and, yes, veterans benefits, are paid. Nothing left. That will be it. And that will be a tragedy. We can avoid it—but the Congress cannot wait. It must act now.

I thank the Chair for the time to address this subject. And I yield the floor.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I urge the Senate to pass the pending legislation, S. 1791, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1996.

Mr. President, effective December 1, 1996, this bill would increase the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] paid to the survivors of certain service-disabled veterans. The rates would increase by the same percentage as the increase in Social Security and VA pension benefits for fiscal year 1997. The Congressional Budget Office currently estimates that rate of increase will be 2.8 percent.

Mr. President, in my State of West Virginia, there are over 23,400 service-disabled veterans and almost 7,500 survivors who depend on these compensation programs. Nationwide, the numbers are 2.2 million service-disabled veterans and 300,000 survivors. For many of the more seriously disabled individuals, this compensation is their primary source of income; this is certainly the case in my home State. Even small changes in the daily cost of living can produce hardship as they struggle to make ends meet, to put food on the table and to clothe and house their families.

That is why the cost-of-living adjustment in the rates of VA compensation that we are now considering is so important. This adjustment is not a luxury—it is a necessity to protect the income of service-disabled veterans and their families from the continual erosion of inflation, thereby ensuring a standard of living that is decent and fair.

Mr. President, these families have already sacrificed several fold for our country. First, they disrupted their lives, leaving behind the comforts and security of home, the companionship of family, friends, and loved ones, to go to strange places, live in cramped and difficult circumstances, and place themselves in harm's way. Then, they returned with disabilities that changed the course of their lives forever, and the lives of the family members who live with them.

Truly we can never fully repay these veterans and their families for the sacrifices they have made. But we have a fundamental obligation to try to meet the financial needs of those who became disabled as the result of military service, as well as the needs of their families. And once we have put in place a compensation program, we have an equal obligation to periodically review that program to make sure that it remains adequate to meet those needs. This bill fulfills that obligation.

Since 1976, Congress has consistently acted to safeguard the real value of these benefits by providing an annual COLA for compensation and DIC benefits. Most recently, on November 22, 1995, Congress enacted Public Law 104–57, which provided for a 2.6-percent increase in these benefits, effective December 1, 1995. The bill we currently consider carries on that proud and fitting tradition.

Mr. President, I urge all of my colleagues to support this vitally important measure.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and the Veterans' Committee be immediately discharged from consideration of H.R. 3458; further, all after the enacting clause be stricken and the text of S. 1791 be inserted in lieu thereof, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed at the appropriate place in the RECORD, and that S. 1791 be placed back on the calendar.

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

The bill (H.R. 3458), as amended, was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3458) entitled ''An Act to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1996''.

SEC. 2. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1996, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (Public Law No. 104–57; 109 Stat. 555). This increase shall be made in such rates and limitations as in effect on November 30, 1996, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.

The title was amended so as to read:

To increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

WILDLIFE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from S. 2078 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2078) to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

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

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

AMENDMENT NO. 5406

(Purpose: To authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire)

Mr. LOTT. Senator KEMPTHORNE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. KEMPTHORNE, for himself, Mr. BINGAMAN, Mr. CRAIG and Mr. KYL proposes an amendment numbered 5406.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the ''Wildfire Suppression Aircraft Transfer Act of 1996''.

SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) AUTHORITY.—(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning on October 1, 1996, and ending on September 30, 2000, sell the aircraft and aircraft parts referred to in paragraph (2) to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire.

(2) Paragraph (1) applies to aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for the provision of airtanker services for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes jointly approved by the Secretary of Defense and the Secretary of Agriculture in writing in advance.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Agriculture certifies to the Secretary of Defense, in writing, before the sale that the person or entity is capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

(d) REGULATIONS.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at fair market value (as determined by the Secretary of Defense) and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The amendment (No. 5406) was agreed to.

The bill (S. 2078), as amended, was deemed read the third time and passed.

SETTLEMENT OF THE NAVAJO-HOPI LAND DISPUTE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 582, S. 1973.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, 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 which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Navajo-Hopi Land Dispute Settlement Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'' (Public Law 93–531; 25 U.S.C. 640d et seq.);

(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

(4) the United States acknowledges and respects—

(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands to address their concerns regarding the establishment of family or individual burial plots for deceased family members who have resided on the Hopi Partitioned Lands.

SEC. 3. DEFINITIONS.

Except as otherwise provided in this Act, for purposes of this Act, the following definitions shall apply:

(1) ACCOMMODATION.—The term ''Accommodation'' has the meaning provided that term under the Settlement Agreement.

(2) HOPI PARTITIONED LANDS.—The term ''Hopi Partitioned Lands'' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) NAVAJO PARTITIONED LANDS.—The term ''Navajo Partitioned Lands'' has the meaning provided that term in the proposed regulations issued on November 1, 1995, at 60 Fed. Reg. 55506.

(4) NEW LANDS.—The term ''New Lands'' has the meaning provided that term in section 700.701(b) of title 25, Code of Federal Regulations.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement between the United States and the Hopi Tribe executed on December 14, 1995.

(7) TRIBE.—The term ''Tribe'' means the Hopi Tribe.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.

The Secretary shall take such action as may be necessary to ensure that the following conditions are met prior to taking lands into trust for the benefit of the Tribe pursuant to the Settlement Agreement:

(1) SELECTION OF LANDS TAKEN INTO TRUST.—

(A) PRIMARY AREA.—In accordance with section 7(a) of the Settlement Agreement, the primary area within which lands acquired by the Tribe may be taken into trust by the Secretary for the benefit of the Tribe under the Settlement Agreement shall be located in northern Arizona.

(B) REQUIREMENTS FOR LANDS TAKEN INTO TRUST IN THE PRIMARY AREA.—Lands taken into trust in the primary area referred to in subparagraph (A) shall be—

(i) land that is used substantially for ranching, agriculture, or another similar use; and

(ii) to the extent feasible, in contiguous parcels.

(2) ACQUISITION OF LANDS.—Before taking any land into trust for the benefit of the Tribe under this section, the Secretary shall ensure that—

(A) at least 85 percent of the eligible Navajo heads of household (as determined under the Settlement Agreement) have entered into an accommodation or have chosen to relocate and are eligible for relocation assistance (as determined under the Settlement Agreement); and

(B) the Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions thereof resulting from the removal of land from the tax rolls in a manner consistent with the provisions of part 151 of title 25, Code of Federal Regulations.

(3) PROHIBITION.—The Secretary may not, pursuant to the provisions of this Act and the Settlement Agreement, place lands, any portion of which are located within or contiguous to a 5-mile radius of an incorporated town (as that term is defined by the Secretary) in northern Arizona, into trust for benefit of the Tribe without specific statutory authority.

SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CERTAIN INTERSPERSED LANDS.

(a) IN GENERAL.—

(1) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall take action as specified in subparagraph (B), to the extent that the Tribe, in accordance with section 7(b) of the Settlement Agreement—

(i) acquires private lands; and

(ii) requests the Secretary to acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into trust by the Secretary for the benefit of the Tribe.

(B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and, with funds provided by the Tribe, pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

(2) CONDITIONS FOR ACQUISITION THROUGH CONDEMNATION.—The Secretary may acquire lands through condemnation under this subsection if—

(A) that acquisition is consistent with the purpose of obtaining not more than 500,000 acres of land to be taken into trust for the Tribe;

(B) the State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State; and

(C) the Tribe pays for the land acquired through condemnation under this subsection.

(b) DISPOSITION OF LANDS.—If the Secretary acquires lands through condemnation under subsection (a), the Secretary shall take those lands into trust for the Tribe in accordance with this Act and the Settlement Agreement.

(c) PRIVATE LANDS.—The Secretary may not acquire private lands through condemnation for the purpose specified in subsection (a)(2)(A).

SEC. 7. ACTION TO QUIET POSSESSION.

If the United States fails to discharge the obligations specified in section 9(c) of the Settlement Agreement with respect to voluntary relocation of Navajos residing on Hopi Partitioned Lands, or section 9(d) of the Settlement Agreement, relating to the implementation of sections 700.137 through 700.139 of title 25, Code of Federal Regulations, on the New Lands, including failure for reason of insufficient funds made available by appropriations or otherwise, the Tribe may bring an action to quiet possession that relates to the use of the Hopi Partitioned Lands after February 1, 2000, by a Navajo family that is eligible for an accommodation, but fails to enter into an accommodation.

SEC. 8. PAYMENT TO STATE OF ARIZONA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Department of the Interior $250,000 for fiscal year 1998, to be used by the Secretary of the Interior for making a payment to the State of Arizona.

(b) PAYMENT.—The Secretary shall make a payment in the amount specified in subsection (a) to the State of Arizona after an initial acquisition of land from the State has been made by the Secretary pursuant to section 6.

SEC. 9. 75-YEAR LEASING AUTHORITY.

The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) is amended by adding at the end the following new subsections:

''(c) LEASES INVOLVING THE HOPI TRIBE AND THE HOPI PARTITIONED LANDS ACCOMMODATION AGREEMENT.—Notwithstanding subsection (a), a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'Hopi Partitioned Lands' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this subsection); and

''(2) the term 'Navajo Indians' means members of the Navajo Tribe.''.

SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93–531 (25 U.S.C. 640d–24(a)(8)) is amended by striking ''1996, and 1997'' and inserting ''1996, 1997, 1998, 1999, and 2000''.

Mr. KYL. Mr. President, at this point, I ask the distinguished Chairman of the Committee on Indian Affairs, the senior Senator from Arizona, Senator MCCAIN, to engage in a colloquy.

Mr. MCCAIN. Mr. President, I would be glad to engage Senator KYL for purposes of a colloquy.

Mr. KYL. As you know, the general authority of the Secretary to take land in trust was struck down as unconstitutional by the U.S. Court of Appeals for the Eighth Circuit in the case of United States Department of the Interior, et al. versus State of South Dakota and City of Oacoma. Does the authority for the Secretary to take newly acquired lands in trust pursuant to the settlement agreement and this act rely on that general authority?

Mr. MCCAIN. No. The authority for the Secretary of the Interior to take newly acquired lands in trust for the Hopi Tribe pursuant to the settlement agreement is granted solely pursuant to this act.

Mr. KYL. What is the Chairman's understanding of the process that the Secretary will use to consider requests to take newly acquired lands in trust for the Hopi Tribe pursuant to the settlement agreement and this act?

Mr. MCCAIN. The settlement agreement provides that the Secretary will

consider the Tribe's request for trust status for any lands it acquires, subject to all existing applicable laws and regulations, including the National Environmental Policy Act and 25 Code of Federal Regulations 151, and provided that any environmental problems identified as a result of compliance with the National Environmental Policy Act are mitigated to the satisfaction of the Secretary.

Mr. KYL. Does this act establish a Federal reserved right to the use of groundwater on the newly acquired trust lands?

Mr. MCCAIN. No. Language in the act is explicit that nothing in the act establishes a Federal reserved right to groundwater. The act sets forth the attributes of the Hopi water rights on the newly acquired lands and provides how conflicts that may arise shall be resolved.

Mr. KYL. Does the Senator agree that the water rights granted by this act to the Hopi Tribe on newly acquired trust lands are not Federal reserved water rights, but instead are Federal statutory rights granted solely by this legislation as part of a unique settlement tailored to the unique circumstances surrounding the Navajo-Hopi land dispute?

Mr. MCCAIN. I agree with the Senator. The legislation makes clear that water rights on newly acquired trust land that are specifically granted by this act are Federal water rights granted by Congress. They are Federal statutory water rights, not Federal reserved water rights.

Mr. KYL. Does the Senator agree that, as a matter of longstanding Congressional policy, Congress recognizes the principle that State water law governs the allocation and use of water within a State, subject to the Federal Government's power to reserve and establish water rights for the purposes associated with Federal lands and Indian reservations?

Mr. MCCAIN. I agree.

Mr. KYL. Does the Senator agree that the fact that Congress sees fit to grant these water rights in this act reflects the circumstances unique to the Navajo-Hopi dispute, and does not reflect any intention by the Congress to depart from its general policy with respect to the primacy of State water law?

Mr. MCCAIN. I agree with the Senator.

Mr. KYL. Mr. President, the Navajo-Hopi Land Dispute Settlement Act, S. 1973, represents the culmination of several years' worth of very difficult negotiations involving the Navajo and Hopi Tribes, Navajo families residing on Hopi Partitioned Lands, the U.S. Departments of Interior and Justice, the State of Arizona, and representatives of the tribes' non-Indian neighbors in Arizona.

The bill, and the settlement agreement that it ratifies, are the result of good faith efforts by all parties. Taken together, they may well represent the last, best chance to resolve this land dispute with a minimum of pain and disruption to members of the Indian tribes.

Still, this is not a perfect agreement, and I must say for the record that I am not entirely convinced that it will fully resolve the land dispute. The very basis of the settlement is the 75-year leases that the Hopi Tribe will offer to Navajo families who still reside on the HPL and who wish to remain there. By its own design, the settlement carries with it the prospect that the dispute will arise again in 75 years when those leases expire.

The question is, what will happen if the Hopi Tribe does not extend the leases in 75 years, and our successors find that the problem not only remains, but that the number of Navajos in the area has increased significantly? Will the United States be asked to commit hundreds of millions more taxpayer dollars to another painful relocation program? Even though the Hopi indicate now that, if the United States fulfills its obligations under the settlement, it will have fulfilled all of its obligations to the tribe in this matter, what will the obligations of the United States really be 75 years from now—when individuals yet unborn have assumed leadership of the tribes, the Congress, the administration, and the State and local governments?

I caution anyone to be under no illusion that we are permanently settling the land dispute. I suspect that Congress will be asked to find some other way to resolve it—maybe even sooner than 75 years from now. Nevertheless, I am willing to allow this agreement to go forward, in large part because the Hopi Chairman, Ferrell Secakuku, has given me his word that the agreement is in the best interest of the Hopi people and that the tribe will do its best to accommodate Navajo families who wish to remain on the HPL.

I am also willing to allow it to go forward because changes made during the course of the Senate's consideration have made it at least somewhat more likely that the settlement will succeed. For example, we have made parts of the agreement contingent upon 85 percent of the Navajo families signing the lease agreements or accepting relocation benefits. That will ensure some degree of finality before the benefits of resolution—namely, the granting of trust status to lands acquired by the Hopi—are awarded. It will also ensure that a significant majority of the Navajo families are willing participants in the arrangement—something that will improve the prospects of long-term success.

We have also included language to minimize the effect on the tribe's non-Indian neighbors. For example, we say that the taking in trust of any lands, any portion of which falls within a 5-mile radius of an incorporated city or town, will require the specific approval of Congress. We authorize the capitalization of a fund to compensate local governments for any loss of tax revenues resulting from the taking of lands in trust. We codify the understandings in the agreement about the location and character of lands that can be taken in trust, and codify the rights of the State of Arizona with regard to State lands that the Hopi may acquire.

Mr. President, the bill includes important language regarding rights to water on any newly acquired trust lands, and of course, water is the most critical issue for others in Arizona who may be affected by the settlement. In fact, it was the issue of water rights that has proven to be one of the most difficult to resolve.

Initially, the agreement and the bill were silent on the issue, suggesting that Congress might have been creating a new unquantified Federal reserved water right in this legislation. It is my view that such a right is not implicit in the taking of land in trust; any water rights that exist, exist only as Congress specifically provides in statute.

With that in mind, language in the bill clearly spells out what water rights will exist on the newly acquired trust lands. Although the language is not as I would have written it, it is largely acceptable to water users in Arizona who are most likely be affected by the implementation of the settlement, with the exception of the city of Flagstaff.

In that regard, Chairman Ferrell Secakuku of the Hopi Tribe sent a letter dated September 23, 1996, to Mayor Bavasi of Flagstaff, pledging that it is not the intent of the Hopi Tribe, as part of the settlement of the land dispute, to affect adversely the city's water use.

I ask unanimous consent that the chairman's letter and a copy of a letter clarifying the city's understanding of the tribe's position be printed in the RECORD.

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

THE HOPI TRIBE,
September 23, 1996.

Hon. CHRISTOPHER BAVASI,
City of Flagstaff,
Flagstaff, AZ.

DEAR CHRIS: I am writing in response to conversations Lee Storey has had with Scott Canty and Tim Atkeson regarding the City of Flagstaff and the Lake Mary water drainage. It is my understanding that the City of Flagstaff has an interest in the unappropriated surface water in the Lake Mary water drainage and is concerned that the Hopi Tribe may assert a federal claim to that water. It is not the intent of the Hopi Tribe, as part of the settlement of the land dispute, to affect adversely the City's interest in that water. Accordingly, I would invite you and the City Council to meet with me and the Hopi Tribe over the next few weeks to develop a mechanism whereby the City's interests can be accommodated. Please let me know your schedule so that we can resolve this issue satisfactorily.

Sincerely,

FERRELL SECAKUKU,
Chairman of the Hopi Tribe.

CITY OF FLAGSTAFF,
September 24, 1996.

Hon. JON KYL,
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL AND SENATOR MCCAIN: The Flagstaff City Council met at 12:30 p.m. today to consider its position on Senate Bill 1973, taking into consideration the letter received by Major Chris Bavasi from Hopi Chairman Ferrell Secakuku. Based on assurance made by Chairman Secakuku's letter, the City Council instructed me to convey its support for SB 1973. It is important to note that a message received from Tim Atkeson, Legal Counsel for the Hopi Tribe, through Lee Storey, was vital to the Council's decision. Mr. Atkeson confirmed by phone with Lee Storey that Chairman Secakuku's letter is intended to cover all of Flagstaff's water use, and not be limited to the Lake Mary watershed.

The Council also relied heavily on your intention to comment during Senate consideration that passage is supported with the understanding that the Hopi Tribe will work with the City of Flagstaff to formalize a legal and binding instrument to implement their commitment not to adversely affect the City's water rights/water supply.

The Council also understands that you will commit to join with the City of Flagstaff and the Hopi Tribe to secure the appropriate legal instrument between the two.

Thank you very much for your consideration.

Sincerely,

DAVID W. WILCOX,
City manager.

Mr. KYL. The chairman pledged in his letter to meet with Mayor Bavasi within the next few weeks to develop a mechanism whereby the city's interests can be accommodated, and I take the chairman at his word that the tribe will not adversely affect the city's interest. It is based on the chairman's assurances that I am not seeking additional language in the bill at this time.

I am sending letters to both the chairman and the mayor encouraging them to meet expeditiously on the matter and come to resolution, and I will look forward to early progress reports from them.

Mr. President, let me address for a moment specific language in the bill. Subsection 12(a)(1)(A) permits the reasonable use of groundwater pumped on newly acquired trust lands; provisions in section 12(h) of the bill make it clear, however, that this should not be construed as establishing a Federal reserved right to ground water.

Another provision allows the Hopi to maintain all rights to the use of surface water on such lands that exist under State law on the date of acquisition, and it allows the tribe to make any further beneficial use, on newly acquired trust lands, of surface water which is unappropriated on the date that each parcel of newly acquired trust lands is taken into trust.

These rights are constrained. With respect to ground water, the bill requires the tribe to recognize as valid all uses of ground water which may be made from wells, or their subsequent replacements, in existence on the date each parcel of newly acquired trust land is acquired. The tribe shall not object to such ground water uses on the basis of water rights associated with the newly acquired trust lands. The tribe agrees to limit any objection only to the impact on newly acquired trust lands of ground water uses which are initiated after the date the lands affected are taken in trust, and only on grounds allowed by State law as it exists when the objection is made.

Let me say that again—objection can be made only on grounds allowed by State law when the objection is made.

The tribe further agrees not to object to ground water uses that affect the tribe's right to surface water established under subsection 12(a)(1)(C) when those ground water uses are initiated before the tribe initiates its beneficial use of surface water pursuant to that subsection.

The tribe further agrees to recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired, and shall not object to such surface-water uses on the basis of water rights associated with the newly acquired trust lands. The tribe may enforce the priority of its rights to surface water against junior surface water rights, but only to the extent that the exercise of those junior rights interferes with the actual use of the tribe's senior surface water rights.

Mr. President, the creation of the limited right to the beneficial use of unappropriated surface water that is created here—and I emphasize the language included in section 12(h) that says explicitly that such a right is not a Federal reserved water right—can interfere with the rights of others who lawfully put water to beneficial use in the State after the passage of this bill, and that is the problem.

The tribe could, for example, assert a senior right to such unappropriated surface water many years from now, having never put the water to beneficial use, while others, including cities and towns in northern Arizona, and private parties, have floated bonds, made investments, and made other economic development plans based on water that is available in the interim and lawfully put to beneficial use.

Moreover, the creation of even a limited right to water for new lands acquired by the Hopi could undermine the entire Little Colorado River adjudication should the tribe assert the right many years in the future, after the adjudication process has been completed.

The fact is, there is no need to create any additional water right, even the limited right that is included here. The settlement allows the Hopi to choose any land the tribe wishes, including land with very secure and senior water rights. Those rights may well be senior to the bill's limited right, with its priority date that the lands are taken in trust.

The tribe can choose to buy land with very good State-law water rights, or none at all. It should not, however, be allowed to secure existing State-law rights and even a limited right to some additional amount of water.

Nevertheless, I am willing to allow the legislation to go forward first, because, according to the Arizona Department of Water Resources, the amount of unappropriated water in this instance is negligible; second, because the Hopi Tribe has agreed to try to accommodate the city of Flagstaff's further concerns; third, because the right is carefully defined and limited by section 12(b); and fourth, because language in section 12(h) makes it explicit that nothing in this legislation shall imply that a Federal reserved water right is created or that State law shall not apply.

AMENDMENT NOS. 5407, 5408, 5409, 5410, AND 5411

Mr. LOTT. Mr. President, I understand that Senator MCCAIN has five amendments at the desk as follows: Amendment No. 5407, regarding trust lands; amendment No. 5408, a technical change; amendment No. 5409, an additional finding; amendment No. 5410 relating to expeditious action; amendment No. 5411, statutory interpretation and water rights.

The amendments (Nos. 5407, 5408, 5409, 5410, and 5411) are as follows:

AMENDMENT NO. 5407

(Purpose: To provide a definition of newly acquired trust lands)

On page 13, between lines 20 and 21, insert the following:

(8) NEWLY ACQUIRED TRUST LANDS.—The term ''newly acquired trust lands'' means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

AMENDMENT NO. 5408

(Purpose: To provide a technical change)

On page 15, line 18, strike ''town (as that term is'' and insert ''town or city (as those terms are''.

AMENDMENT NO. 5409

(Purpose: To provide an additional finding)

On page 12, line 12, strike ''and''.

On page 12, line 18, strike the period and insert ''; and''.

On page 12, between lines 18 and 19, insert the following:

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

AMENDMENT NO. 5410

(Purpose: To direct the Secretary to take lands into trust in an expeditious manner)

On page 15, between lines 20 and 21, insert the following:

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

AMENDMENT NO. 5411

(Purpose: To provide for statutory interpretation and water rights)

On page 19, after line 15, add the following:

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or

deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exists when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendments be agreed to, en bloc, and the committee amendment, as amended, be agreed to, the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The amendments (Nos. 5407, 5408, 5409, 5410, and 5411) were agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1973), as amended, was agreed to, as follows:

S. 1973

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Navajo-Hopi Land Dispute Settlement Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'' (Public Law 93–531; 25 U.S.C. 640d et seq.);

(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

(4) the United States acknowledges and respects—

(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands;

(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands to address their concerns regarding the establishment of family or individual burial plots for deceased family members who have resided on the Hopi Partitioned Lands; and

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

SEC. 3. DEFINITIONS.

Except as otherwise provided in this Act, for purposes of this Act, the following definitions shall apply:

(1) ACCOMMODATION.—The term ''Accommodation'' has the meaning provided that term under the Settlement Agreement.

(2) HOPI PARTITIONED LANDS.—The term ''Hopi Partitioned Lands'' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) NAVAJO PARTITIONED LANDS.—The term ''Navajo Partitioned Lands'' has the meaning provided that term in the proposed regulations issued on November 1, 1995, at 60 Fed. Reg. 55506.

(4) NEW LANDS.—The term ''New Lands'' has the meaning provided that term in section 700.701(b) of title 25, Code of Federal Regulations.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement between the United States and the Hopi Tribe executed on December 14, 1995.

(7) TRIBE.—The term ''Tribe'' means the Hopi Tribe.

(8) NEWLY ACQUIRED TRUST LANDS.—The term ''newly acquired trust lands'' means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.

The Secretary shall take such action as may be necessary to ensure that the following conditions are met prior to taking lands into trust for the benefit of the Tribe pursuant to the Settlement Agreement:

(1) SELECTION OF LANDS TAKEN INTO TRUST.—

(A) PRIMARY AREA.—In accordance with section 7(a) of the Settlement Agreement, the primary area within which lands acquired by the Tribe may be taken into trust by the Secretary for the benefit of the Tribe under the Settlement Agreement shall be located in northern Arizona.

(B) REQUIREMENTS FOR LANDS TAKEN INTO TRUST IN THE PRIMARY AREA.—Lands taken into trust in the primary area referred to in subparagraph (A) shall be—

(i) land that is used substantially for ranching, agriculture, or another similar use; and

(ii) to the extent feasible, in contiguous parcels.

(2) ACQUISITION OF LANDS.—Before taking any land into trust for the benefit of the Tribe under this section, the Secretary shall ensure that—

(A) at least 85 percent of the eligible Navajo heads of household (as determined under the Settlement Agreement) have entered into an accommodation or have chosen to relocate and are eligible for relocation assistance (as determined under the Settlement Agreement); and

(B) the Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions thereof resulting from the removal of land from the tax rolls in a manner consistent with the provisions of part 151 of title 25, Code of Federal Regulations.

(3) PROHIBITION.—The Secretary may not, pursuant to the provisions of this Act and the Settlement Agreement, place lands, any portion of which are located within or contiguous to a 5-mile radius of an incorporated town or city (as those terms are defined by the Secretary) in northern Arizona, into trust for benefit of the Tribe without specific statutory authority.

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CERTAIN INTERSPERSED LANDS.

(a) IN GENERAL.—

(1) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall take action as specified in subparagraph (B), to the extent that the Tribe, in accordance with section 7(b) of the Settlement Agreement—

(i) acquires private lands; and

(ii) requests the Secretary to acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into trust by the Secretary for the benefit of the Tribe.

(B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and, with funds provided by the Tribe, pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

(2) CONDITIONS FOR ACQUISITION THROUGH CONDEMNATION.—The Secretary may acquire lands through condemnation under this subsection if—

(A) that acquisition is consistent with the purpose of obtaining not more than 500,000 acres of land to be taken into trust for the Tribe;

(B) the State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State; and

(C) the Tribe pays for the land acquired through condemnation under this subsection.

(b) DISPOSITION OF LANDS.—If the Secretary acquires lands through condemnation under subsection (a), the Secretary shall take those lands into trust for the Tribe in accordance with this Act and the Settlement Agreement.

(c) PRIVATE LANDS.—The Secretary may not acquire private lands through condemnation for the purpose specified in subsection (a)(2)(A).

SEC. 7. ACTION TO QUIET POSSESSION.

If the United States fails to discharge the obligations specified in section 9(c) of the Settlement Agreement with respect to voluntary relocation of Navajos residing on Hopi Partitioned Lands, or section 9(d) of the Settlement Agreement, relating to the implementation of sections 700.137 through 700.139 of title 25, Code of Federal Regulations, on the New Lands, including failure for reason of insufficient funds made available by appropriations or otherwise, the Tribe may bring an action to quiet possession that relates to the use of the Hopi Partitioned Lands after February 1, 2000, by a Navajo family that is eligible for an accommodation, but fails to enter into an accommodation.

SEC. 8. PAYMENT TO STATE OF ARIZONA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Department of the Interior $250,000 for fiscal year 1998, to be used by the Secretary of the Interior for making a payment to the State of Arizona.

(b) PAYMENT.—The Secretary shall make a payment in the amount specified in subsection (a) to the State of Arizona after an initial acquisition of land from the State has been made by the Secretary pursuant to section 6.

SEC. 9. 75-YEAR LEASING AUTHORITY.

The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) is amended by adding at the end the following new subsections:

''(c) LEASES INVOLVING THE HOPI TRIBE AND THE HOPI PARTITIONED LANDS ACCOMMODATION AGREEMENT.—Notwithstanding subsection (a), a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'Hopi Partitioned Lands' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this subsection); and

''(2) the term 'Navajo Indians' means members of the Navajo Tribe.''.

SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93–531 (25 U.S.C. 640d–24(a)(8)) is amended by striking ''1996, and 1997'' and inserting ''1996, 1997, 1998, 1999, and 2000''.

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exits when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and

uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

ORDERS FOR FRIDAY, SEPTEMBER 27, 1996

Mr. LOTT. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour over 9:30 a.m., Friday, September 27, 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 the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business not to exceed beyond the hour of 12 noon with Senators permitted to speak for up to 5 minutes each, with the exception of the following Senators for the times designated: Senator MCCAIN for 20 minutes, Senator COHEN for 45 minutes, Senator D'AMATO for 10 minutes, Senator NUNN for 30 minutes, and Senator BIDEN for 20 minutes.

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

PROGRAM

Mr. LOTT. Mr. President, following morning business, the Senate may be asked to turn to consideration of any of the following: the Presidio parks bill conference report, the FAA conference report—I am very pleased we do have these conferences completed now, and, of course, they will be available in the morning—the FAA conference report, the Coast Guard conference report, or possibly begin consideration of the omnibus appropriations bill making continuing appropriations for fiscal year 1997. Therefore, rollcall votes can be expected throughout the day and possibly late into the night tomorrow night, because it is possible that we may be able to come to an agreement on these matters, perhaps even an agreement on the continuing resolution. Work will go forward tonight, maybe throughout the night between Senators and Congressmen, particularly on the Appropriations Committee, senior staff and the administration, to continue to make progress.

I announce to my colleagues that I believe good progress is being made. We are not there yet, but it is a very voluminous bill, and I am convinced all parties are working in good faith. It is possible we could reach agreement tomorrow on all of these matters. I hope that happens. But if not, we will continue to move conference reports and to move forward on cloture motions if they are necessary.

There is a possibility for a weekend session in light of the fact that funding for various parts of the Government are not yet in place for the new fiscal year that starts next Tuesday. We will either have to be in session this weekend, getting our agreement completed, or have some sort of an agreement entered into as to exactly how we will get it going before Monday night at midnight.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of the Senator from Illinois, Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 2132 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:30, Friday morning, September 27, 1996.

Thereupon, at 7:34 p.m., the Senate adjourned until Friday, September 27, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

''JUNK JOURNALISM 101''

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. OXLEY. Mr. Speaker, I would like to bring a recent column by Robert J. Samuelson to the attention of my colleagues. The subject is media coverage of the economy.

I am dismayed by the inferior quality of reporting on economic issues presented by the national news media. Whether the topic is the minimum wage, foreign investment, tax policy, or international trade, the American public is fed a steady diet of conjecture and cliche in the guise of hard economic reporting.

What we have is journalism based on emotion and ideology rather than fact or economic principle. We have business page editors more interested in financial scandal than financial growth, and features editors obsessed with fiscal misfortune. Negativism, sensationalism, and economic illiteracy rule the airwaves and the news page.

The complexities of the domestic and global economies are frequently ignored in favor of melodramatic stories and conclusions unsupported by common experience or economic fact. Tax and trade issues are taken out of context or selectively reported in a manner promoting protectionist demagoguery and economic resentments.

Ultimately, culpability for this state of affairs rests with senior editors seemingly unfamiliar with accepted economic theory. Frozen in a Keynesian, New Deal mentality, they seem wedded to redistributionist, big-government solutions to every economic trepidation, real or imagined.

The result of decades of decision-making by liberal-leaning editors is an institutional bias against conservative economic theory and a brand of reporting infused with prejudice against conservative policies. Republican initiatives are panned or ignored, while the studies of every left-wing think tank in Washington, DC are dutifully reported without dissent or criticism.

Again Mr. Speaker, I commend the following column by Robert Samuelson to the attention of all interested parties.

[From the Washington Post, Sept. 18, 1996]

JUNK JOURNALISM 101

(By Robert J. Samuelson)

The Philadelphia Inquirer began a 10-part series last week titled ''America: Who Stole the Dream?'' that will attract attention. The thesis is simple: Big Government and Big Businesses are relentlessly reducing living standards and job security for most Americans. The series, by Donald Barlett and James Steele, portrays living in America as a constant hell for all but the super-wealthy. This seems overdrawn, because it is. It's junk journalism, and the intriguing question is why a reputable newspaper publishes it.

I call it ''junk,'' because it fails the basic test of journalistic integrity and competence: It does not strive for truthfulness, however impossible that ideal is to attain. It does not seek a balanced picture of the economy—strengths as well as shortcomings—or an accurate profile of living standards. Instead it offers endless stories of people who have suffered setbacks. Their troubles are supposed to speak for (and to) everyone.

They don't. Statistics implying lower living standards are contradicted by what people buy or own. Home ownership (65 percent of households) is near a record. In 1980, 11 percent of households owned a microwave oven, 37 percent a dishwasher and 56 percent a dryer; by 1993, those figures were 78 percent, 50 percent and 68 percent. People buy more because their incomes are higher. (Statistics understate incomes by overstating inflation's effect on ''real'' wages and salaries.) As for anxiety, it exists—and always will. But America is not clinically depressed. The Gallup poll reports that 66 percent of Americans expect their financial situation to improve in the next year.

The Inquirer's twisted portrait of the economy is not, unfortunately, unique. Earlier this year, the New York Times ran a distorted series (which I criticized) on corporate ''downsizing.'' A recent ''CBS Reports'' called ''Who's Getting Rich? and Why Aren't You?'' is another example. Explanations for this sort of shoddy journalism fall into three classes: (1) sensationalism—it sells; (2) ideology—journalists detest the profit motive; and (3) ignorance—they don't know better. Sensationalism and anti-business bias are old hat, but the larger problem, I think, is ignorance or something akin to it.

Journalism copes awkwardly with the ambiguities of many economic stories. We're most comfortable with scandals, trials, politics, sports and wars. The conflicts are obvious, moral judgments often can be made, and stories have clean endings. The economy defies such simple theater. The process by which wealth is created is unending and complex. Costs and benefits are comingled. What's bad today may be good tomorrow. What hurts some may help many others. Low inflation is good, but ending high inflation may require something bad: a harsh recession.

The capacity of journalist to recognize such distinctions has grown since 1969, when I first began reporting on the economy. Daily economic stories have improved in quality. But there's one glaring exception to the progress: the nation's top editors. Outside the business press (for example, the Wall Street Journal), the people who run newspapers, magazines and TV news divisions don't know much about the economy—and seem unbothered by their ignorance.

The assumption is that most economic stories are done by specialized reports and aimed at specialized audiences. While this assumption holds, editorial ignorance doesn't matter much. Little damage occurs if know-nothing editors don't do much. But on big projects—newspaper series, magazine cover stories, TV documentaries—the assumption collapses. Editorial control shifts upward, and there's a scramble for familiar news formulas. Editors want villains and heroes, victims and predators. Reporters who promise simple morality tales can sell their stories. The frequent result is journalistic trash.

The Inquirer series blames the ''global economy'' and ''free trade'' policies for lowering wages and destroying jobs. What it doesn't say is that the trade balance and employment are hardly connected. Barlett and Steele deplore the fact that the last U.S. trade surplus was in 1975, but they don't tell readers that the unemployment rate in 1975 was 8.5 percent. They note that other countries run trade surpluses. Between 1980 and 1995, Germany had 16, the Netherlands 14 and Sweden 13. But they don't say that the unemployment rates for their countries are 9 percent for Germany, 6 percent of the Netherlands and 9 percent for Sweden. By contrast, the U.S. rate is 5.1 percent.

Trade doesn't determine unemployment, because trade mainly affects a small part of the job base: manufacturing. In 1995, its share of all U.S. jobs was 16 percent. Trade creates some jobs and destroys others, but total employment depends mainly on the economy's overall vitality. The United States runs regular trade deficits in part because the rest of the world wants dollars to finance global commerce or substitute for weak local currencies. As a result, we don't have to sell as much abroad as we buy; the difference is made up by the dollars other countries keep. All those extra imports raise—not lower—U.S. living standards.

If Barlett and Steele wanted to inform readers, they'd explain all this. But they're mainly interested in condemning. Everything they discuss (trade policies, growing income inequality, executive compensation) is the legitimate stuff of journalism. What's illegitimate is to report matters so selectively—with so little attention to conflicting evidence or any larger context—that ordinary readers are misled. The press can do better. The Los Angeles Times recently ran a good series on the gains that economic change creates as well as trauma it inflicts.

The real fault here lies with the top editors (at the Inquirer, the Times and other media giants) who commission or approve these distortions. There's no excuse for their ineptness. The ''economic story'' is no longer new. It is central to the American condition and, therefore, a permanent concern of journalism. If editors don't understand the economy, they can't exercise good judgment. The present sanctioned stupidity leads to junk journalism.

BIRTH OF ALEXANDRA KATHRYN RANDALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas Alexandra Kathryn Randall was born on the twelfth day of August, 1996;

Whereas Alexandra's parents, David and Cortney Randall, are proud to welcome their first child into their home; and,

Whereas I am sure that Alexandra Kathryn will bring her parents and family love and joy; Therefore, be it

Resolved, That the parents of Alexandra Kathryn, with a real sense of pleasure and pride, join me in celebrating her birth and the happiness she brings to their family.

REFORM OF MEDICARE INTRADIALYTIC PARENTERAL NUTRITION [IDPN] BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. STARK. Mr. Speaker, when a group pays too much for a product and thereby provides windfall profits for the provider of that product, there is an overwhelming temptation by that provider to oversell and overuse the product.

That's what has happened in Medicare, where we pay grossly too much for a product called intradialytic parenteral nutrition [IDPN]. As a result, kidney dialysis providers are sorely tempted to overprescribe and overuse this product. To stop the questionable use of this product, I am today introducing legislation to reform how Medicare pays for this nutritional treatment needed by a very small number of end stage renal disease patients.

The current Medicare coverage of intradialytic parenteral nutrition [IDPN] has raised concerns involving the efficacy of this procedure as well as the possibility of gross overutilization. IDPN is the provision of parenteral nutrition that is administered during dialysis for end stage renal disease [ESRD] patients. IDPN is used to deliver nutrition, including amino acids, carbohydrates, and at times vitamins, trace elements, and lipids during dialysis. Although IDPN is provided in conjunction with dialysis, the coverage and reimbursement for IDPN are separate from the ESRD benefit. Specifically, coverage of IDPN is included under the prosthetic device benefit and reimbursed under the durable medical equipment benefit.

Parenteral nutrition is covered for those patients who have a functional impairment of the gastrointestinal tract, which prevents sufficient absorption of nutrients to maintain an appropriate level of strength and weight. Enteral feeding, additional nutrition administered orally or through a tube and absorbed through a functioning gastrointestinal tract, must first be proven ineffective before parenteral nutrition will be reimbursed. Parenteral nutrition is prohibited when it merely serves to supplement regular feeding.

There is concern within the medical field that IDPN is being unnecessarily utilized. Admittedly, there exist patients for whom IDPN is appropriate. According to a May 1993 Health and Human Service Office of Inspector General [OIG] report, an average of 2.4 percent of patients in dialysis facilities receive IDPN, in all cases only three times a week through their dialysis shunt. For-profit dialysis facilities had 2.9 percent of their ESRD patients using IDPN whereas only 1.5 percent of not-for-profit ESRD patients were on IDPN. This discrepancy between for- and not-for-profit hospitals should alert us to the possibility of abuse on the part of for-profit dialysis centers.

Current billing practices for IDPN have resulted in enormous overcharging for IDPN supplies. Some claim that Medicare is paying nearly 800 to 1,000 percent more than the provider's acquisition cost for IDPN supplies. Medicare allows $250 for one combination of total parenteral nutrition solution, but the actual price of these supplies is no more than a couple of dollars. With such inflated prices, it is no surprise that this specific Medicare part B benefit has been overutilized.

According to the U.S. Renal Data System's 1996 report, Medicare outlays for IDPN use rose from $51.6 million in 1991, $68.7 million in 1992, and to $78.1 million in 1993, but dropped off to $46.4 million in 1994. This treatment is considered by many in the medical field to be only appropriate for a very limited, constant number of end stage renal disease patients. It is no coincidence that the DMERC's new guidelines requiring more stringent documentation of the need for IDPN occurred just before this most recent decline in Medicare IDPN expenditures.

Since ESRD patients are on a dialysis machine three times each week for a limited time, the total amount of intradialytic nutrition delivered is rather limited. It is estimated that only 10 to 20 percent of the recommended weekly calories for an ESRD patient are supplied using the IDPN delivery method. However, on average it cost $60,000 per year to administer these few calories. Only 70 percent of the amino acids administered through IDPN are retained within the body. This method of amino acid supplementation provides roughly 108 to 114 grams of protein per week. For comparison, an oral supplement given three times per day would provide 189 grams of protein per week. The cost of such enteral amino acid feeding is roughly $6.30 a week at the Portland VA Medical Center. With these kinds of gross windfall profits, there will be constant pressure to overutilize and abuse IDPN. It is up to us to legislate reimbursement reform.

If the utilization rate and Medicare outlay increases were for a procedure that enjoyed definitive support from the medical community, I would not only justify but encourage widespread use of such treatment for our seniors and disabled. However, in the opinion of the HHS's own Office of Inspector General, ''the benefits of parenteral nutrition for ESRD patients are unproven, its use is associated with a high rate of complication, and the cost of care is disproportionate to the resources expended.''

Clinicians disagree as to the efficacy of this treatment method. Some cite increasing nutritional parameters as evidence that IDPN is indeed nourishing the patient, while others feel that the relatively few studies showing a positive correlation between IDPN use and increasing nutritional parameters contains shortcomings in the design of the study leading to unreliable conclusions. Still others claim that these studies simply fail to demonstrate a link between decreasing morbidity and increasing nutritional parameters.

We must address the IDPN pricing issue immediately to prevent the incentives for overutilization and the further plundering of our already endangered Medicare. I propose that we begin by first changing the reimbursement of IDPN from a rate within the durable medical equipment benefit to an incremental add-on payment within the ESRD benefit that would reflect the marginal costs of providing the individual components of an IDPN solution. This new ESRD benefit would cover only the arms length acquisition costs of the IDPN supplies plus an appropriate administrative service fee. The Secretary must conduct a survey of the IDPN market to determine the estimated true acquisition cost. To eliminate the benefit altogether would deny those few patients the right to a treatment that is indeed warranted. However, by altering the reimbursement of this treatment we will reduce the financial incentive for overutilization. In addition, specific HCPCS codes for IDPN will be created so as to be able to accurately identify the content of the solutions that are being administered.

IDPN coverage has created a complex, confusing system with tremendous opportunity for abuse. I urge my colleagues to support this measure designed to create a simpler, more cost-effective means of covering intradialytic parenteral nutrition in end stage renal disease patients.

TRIBUTE TO MRS. PATRICIA DAVIS OF NASHVILLE, TN

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. CLEMENT. Mr. Speaker, I rise today to offer my enthusiastic congratulations to Mrs. Patricia E. Davis for her years of service to the Nashville community. As director of Citizens for Affordable Housing, an agency designed to fulfill the necessary fundamentals of housing and location needs for all families of the Metropolitan Nashville area, she works to enable residents of low-rent housing to become both physically and mentally self-sustaining. In addition to providing refinancing assistance, she also hosts workshops regarding credit, housing, and mortgage issues. This agency serves all perspective homeowners with a financial system which shows these individuals how to live by a budget as well as making them aware of their new responsibilities.

Mr. Speaker, I believe we could all do well to follow Patricia Davis' example, to pay attention to our communities, and give ourselves to them.

TRIBUTE TO DOMINICK RIVETTI

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Dominick Rivetti, who has been police chief of the city of San Fernando since May 1986. This year Chief Rivetti is celebrating 25 years as a member of the San Fernando Police Department. I am proud to be among those congratulating him on achieving this milestone.

Before becoming chief, he moved up the ranks, from patrol officer to senior training officer to watch commander to division commander. Chief Rivetti is passionately dedicated to law enforcement and San Fernando: He and I have had many conversations about finding funds to expand the size of the San Fernando Police Department. Indeed, the chief is constantly on the look out for government programs designed to help law enforcement.

The chief is currently vice president of the Los Angeles Police Chiefs' Association, and is affiliated with the International Association of Police Chiefs, the California Police Chiefs Association, the San Fernando Police Advisory

Council, and the California Peace Officers Association. In addition, he teaches at the Los Angeles Sheriff's Department North Academy at College of the Canyons.

But Chief Rivetti's involvement with San Fernando does not end with the workday. He is also a member of the San Fernando Kiwanis Club, the San Fernando Rotary Club, and the Northeast Valley Jeopardy Board of Directors. He is clearly someone who cares deeply for his community.

I ask my colleagues to join me today in saluting San Fernando Police Chief Dominick Rivetti, a compassionate man who is devoted to his family and his work. His selflessness and dedication are an inspiration to us all.

AND A ONE, AND A TWO

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BARCIA. Mr. Speaker, one of the greatest gifts that has been given to us is music. Music makes us laugh and brings us joy. That is why today I rise to pay tribute to a man who has brought much joy and laughter to all who know him, Mr. Jim Lepeak. On Sunday, October 6, Jim Lepeak will be inducted into the Michigan Polka Music Hall of Fame. A banquet and presentation will be held at the Western Fraternal Life Association Hall in Owosso, MI.

Born in 1929, music was in Jim's blood. His first instrument was a cigarbox with rubberbands stretched across it. At 7, he purchased a mail-order guitar that was too big for his fingers. When his father gave him a small accordion out of sympathy for his guitar plight, Jim took to it like a duck to water. He gave his first public performance after only three short lessons and quickly graduated to the 120 bass accordion which, to this day, is his treasured keepsake.

In the early 1940's, Jim joined the Floyd Talaga Polka Band and the Musician's Union. From that moment on, Jim knew that playing polka music was the path for him. Throughout his long career, Jim has been a member of many bands including Floyd Grocholski's Musical All Stars and Gary Taylor and the Happy Knights. During his many public appearances, Jim has played up and down the great State of Michigan entertaining people from Cobo Hall in Detroit to Sault Ste. Marie in the Upper Peninsula. The number of bands Jim has played in is exceeded only by the number of musical instruments he has mastered. Jim excels at playing not only the accordion but the bass guitar, mandola, Mandolin, piano, organ, drums, and violin. He has used his musical proficiency to record several CD's featuring polka music.

His career has had several interesting highlights, especially during his trips behind the Iron Curtain. In the course of one of his tours, his playing led to a snake dance through the Kasprawy Hotel in Zakopane, Poland, that lasted until 4 a.m. He has also entertained on the front deck of a boat on the Danube River in Budapest, Hungary, while the Captain danced the polka in the wheelhouse.

These days Jim calls himself semiretired while playing in a one-man band. He now devotes most of his weekdays playing at hospitals, nursing homes, and senior sites. Jim also spends time with his charming wife, Illamae, and his four children, John, Joseph, Cynthia, and Gregory.

Mr. Speaker, Jim Lepeak has dedicated his life to bringing music and laughter to ours. He is a talented musician and a selfless volunteer. I want you and our colleagues to roll out a barrel of thunderous applause for Jim Lepeak and his induction into the Michigan Polka Music Hall of Fame.

A TRIBUTE TO THE HONORABLE BOB WALKER FOR DISTINGUISHED SERVICE TO THE CITIZENS OF THE UNITED STATES

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. SENSENBRENNER. Mr. Speaker, I rise today to honor the distinguished chairman from Pennsylvania, the Honorable BOB WALKER. For the past 20 years, BOB has been an outstanding representative for the people of Pennsylvania's 16th District.

Since 1978, I've had the pleasure and fun of serving and dealing with BOB. Let me say it here first, there has never been nor will there ever again be a Member quite like BOB.

I've gotten to know BOB pretty well from our work on the Science Committee. BOB has been and continues to be a devoted supporter and ally of science. He has done a marvelous job as chairman of the Science Committee, focusing the limited budget resources on sound science and basic research. I sincerely hope my friend will continue to provide his enthusiasm and counsel in helping develop science policy for many years to come.

BOB'S impact has not been limited to science policy. He successfully got his drug-free workplace provision passed in the 100th Congress. In addition, he has had legislative success reforming product liability, antitrust, and intellectual property laws.

BOB has been a master of parliamentary procedure since he entered the House. His mastery forced the Democratic leadership for many years to plug parliamentary loopholes as quickly as BOB could use them. Many battles and victories were won because of BOB'S parliamentary skills.

On behalf of the citizens of Wisconsin's Ninth District, I thank the Honorable BOB WALKER for his outstanding service to the House of Representatives and the United States.

HONORING THE DEER PARK TERRORS SOFTBALL CHAMPS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Deer Park Terrors, a team of very talented young softball players in my district who are the 1996 National Champions of Pony Softball, Pinto Division.

The Terrors finished with an amazing season record of 42 wins and only 4 losses, becoming not only the national champs but Texas ASA Pixie State Champions as well. Their division included players aged 7 and 8 during the season in which they played.

I want to congratulate all the team members for the hard work, dedication, and talent that resulted in their success. Team members are: Ashley Bryant, Jessica Barrera, Caitlin Sanders, Brittainy Richardson, Melissa Williams, Heather Barker, Jennifer Turner, Brooke Boudreaux, Shara Hoffman, Madelyne McCollum, Lauren Flynn, and Stephanie Bradley.

I also want to congratulate their manager, David Hoffman; their coaches, Mike Williams, Mark Barker, Orlando Turner, and Scott Bradley; and their team mom, Colleen Sanders. They provided training, encouragement, and support that were essential to the team's success.

To become national champions, the Deer Park Terrors had to win seven consecutive tournaments: Missouri City Shootout, Deer Park, Pasadena Pixie Turn-Up Classic, Texas ASA Pixie State Tournament, La Porte ''Storm'' Classic, Pony Regionals, and Pony National Pinto Division Championship.

This string of success wouldn't be possible without both tremendous individual talent and an incredible team effort. Congratulations to the Deer Park Terrors and best wishes for the continued success that I have no doubt the future will bring.

DISTINGUISHED CAREER AWARD TO KATHERINE C. ILL, M.D.

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to call attention to the distinguished career of Dr. Katherine C. Ill, president of The Hospital for Special Care, a rehabilitation and long-term care facility in my hometown of New Britain, CT. Doctor Ill's career has truly been a personification of public service. For over 30 years, she has served The Hospital for Special Care and its community as a strong advocate at both the national and local levels, and has developed programs and policies that benefit persons with physical disabilities. It is because of her tireless dedication and unwavering support for improving the quality of life for these special populations that Doctor Ill is to receive the American Rehabilitation Association's prestigious Milton Cohen Distinguished Career Award this year.

Doctor Ill has been a visionary leader of The Hospital for Special Care since joining the staff in 1964. Her leadership qualities, continuous pursuit of excellence, and unshakable integrity were evident from the start, and she was named medical director of the hospital in 1966, and president and chief executive officer in 1986. She has been the architect for change throughout her career with the hospital and has led its transformation from a long-term chronic disease facility to an innovative, state-of-the-art center for rehabilitation, respiratory, and medically complex pediatric care.

Doctor Ill is well respected by her peers and is deeply appreciated by the men and women who are cared for at The Hospital for Special Care. She is also involved in various community and medical associations, with the same

commitment and dedication to service. In 1990, the Hartford County Medical Association not only celebrated its 200th anniversary, it elected its first female president, Katherine Ill. She was elected president because she embodies the mission of the association: ''to promote and represent high quality of care; to endorse and support the highest standards of professional integrity; to work with the community and its representatives for the improvement of health for all people.'' These are the same qualities for which she has been selected to receive the Milton Cohen Distinguished Service Award, and why I ask my colleagues to recognize this remarkable woman, whom I am proud to call a friend.

SAFE DRINKING WATER

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. WILLIAMS. Mr. Speaker, today I am introducing a bill to ensure a safe and reliable water supply system for the residents of the Fort Peck Reservation in Montana.

This legislation would authorize a reservation-wide municipal, rural, and industrial water system for the Fort Peck people living on that Reservation. This bill also provides final quantification of the water rights of the Assiniboine and Sioux Tribes in northeastern Montana. It also protects the rights of non-Indian water users existing since 1985, establishes a joint tribal State board to resolve disputes and allows for water marketing outside of the reservation to Montana communities.

The future needs of the reservation are expanding. The solution to this is a reservation-wide pipeline that will deliver a safe and reliable water supply system to the residents. A similar system for water distribution is currently in use on a reservation in South Dakota.

Mr. Speaker this legislation is an important step in the tribes' effort to secure and build a water system and realize the benefit of the compact the tribe negotiated in good faith with the State of Montana and the United States.

TRIBUTE TO LUCILLE MATYAS ON HER RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a longtime staff member in my district office, Lucille Matyas. Lucille has been an exceptional staff member in my office. She recently retired after 11 years of exceptional service to the residents of the Third District of Illinois.

Family has always been of the utmost importance to Lucille. Lucille is the wife of the late Richard A. Matyas, Sr. Lucille and her husband had three children, George A. Matyas, Richard A. Matyas, and Victoria A. Smith. She has two grandchildren, Richard and Reanna Matyas. While raising her three children, Lucille was involved in local activities and charities. In the past she has devoted her time to such groups as Clear Ridge Baseball, St. Rene Mother's Club, Girl Scouts, De La Salle High School Parent's Club, and the Maria High School Mother's Club. Lucille's dedication to these and other groups led to her involvement with politics on a local level. Lucille was a member of the 23d Ward Democratic Women's Organization as well as the Chicago Democratic Women's Organization. The VFW Women's Auxiliary and St. Rene's Alter and Rosary Society have also received the benefit of support and volunteer time from Lucille.

Like a true Chicagoan, Lucille enjoys watching all Chicago sports teams and counts herself as one of the biggest Bulls fans in Chicago. Lucille enjoy's spending time with her family and friends. In her spare time Lucille plays bingo, is an avid reader of books, collects dolls with her daughter, and devotes quality time with her two grandchildren. Clearly, Lucille lives a life rich in experience and goodwill.

Lucille has a great many plans for after her retirement, these include enjoying life, spending time with her grandchildren and visiting with friends and family. Additionally, Lucille plans on traveling and sightseeing around the United States. Finally Lucille will volunteer her spare time at local charities.

Mr. Speaker, I thank Lucille Matyas for her many years of dedicated service to the citizens of the Third District and to her family. With the combination of dedication to her community and family, Lucille is an inspiration and example to all. I will surely miss seeing her in my district office in Illinois. Lucille has truly been a joy to work with and her hard work and positive attitude have served my district well. I wish Lucille good luck in all of life's adventures.

INTERNATIONAL WELSHERS

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. SHAYS. Mr. Speaker, I rise today to submit to you an editorial from the New Canaan Advertiser regarding the United States' debt to the United Nations and one Connecticut community's attempt to repay it.

INTERNATIONAL WELSHERS

Detractors of the United Nations probably applaud the failure of the United States to get current on its dues for membership in that global association.

But if isolationism and a disdain for foreign influences on our sovereignty are to be perceived as some sort of super-patriotism, then it would seem incumbent on American flag-wavers also to rid us of our unenviable reputation as international welshers.

Like it or not, it is true the United States had agreed to a treaty that stipulated the level of dues we'd have to pay as a member of this ''family of nations.'' Alas, we are more than a billion dollars in arrears and Congress seems loathe to make up the shortfall.

Of course, it is inherently true that despite the delinquency, the United States contributes more to support the UN than any other country in the world. That does not, however, alter the fact that we also owe more in unpaid dues than any other country. Americans, even those who don't subscribe to participation in the UN, ought to be embarrassed by the ''deadbeat'' status of their country.

Unlikely as it may seem for a small Connecticut community to assume a role in an international drama, a group in New Canaan has undertaken a unique attempt to ease that national embarrassment. Taking its cue from John Whitehead, a former member of the Reagan cabinet, the citizen initiative here is expressing indignation over the fact that this nation is shirking an obligation that it knowingly incurred by treaty. That, not necessarily the worthiness of the United Nations, is the heart and soul of the symbolic protest here.

Mr. Whitehead had calculated that if each American sent in a check for $4.40, the United States' debt to the UN would be paid off. So more than 220 people in New Canaan have done that and are urging others to join them.

Of course, it won't really happen. Even in New Canaan, where the issue is viewed so passionately by so many, less than $1000 has been sent in. That's a far cry from a billion dollars, even if the effort is copied in other communities across the nation, but the message it sends is far more powerful than the cash value.

It says pointedly that we are ashamed that our country has failed to meet responsibilities it agreed to assume. It emphasizes that we want to project a more positive international image and that our status as welshers impairs our standing among nations. It tells Congress that we ought to pay what we owe and then, if it's really all that painful and we don't want to get caught in that kind of bind again, maybe we ought to see about renegotiating that treaty.

Citizens joining the symbolic protest here are sending their ''dues money'' to Pay Our UN Debt, P.O. Box 1002, New Canaan 86840. Each $4.40 check turns up the volume on that message. Maybe Congress will finally hear it.

COMMUNITY ON-LINE ACT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. MOAKLEY. Mr. Speaker, I am introducing the Community On-Line Act, legislation which would provide schools, libraries, and community centers across the country with the capability to use new technology to its fullest potential.

Today, we have the amazing ability to access vital information and important news stories from the computer. Teachers can show their students maps and information about foreign countries, encyclopedias, biographical information about famous people, and thousands and thousands of other important resources. The opportunities for learning are endless.

However, many schools throughout the country cannot access the Internet, have obsolete computers, lack the necessary funding to install new computers, or don't have the resources to train teachers. This is unacceptable in this day and age. We can build bombs that do back-flips but we can't provide access to the latest technology for most Americans.

It is vital that the Federal Government get involved. Failure to upgrade technology and train educators in our Nation's schools will result in a poorly educated work force because students will not have the skills to become computer literate. A skilled work force is absolutely essential to maintain our country's competitiveness.

A recent Fortune 500 company report found that companies spend half of their technology budget on education and training, while school systems only spend 10 to 15 percent. Clearly, it is important for businesses and local school districts to work together to get our schools, libraries, and community centers on-line.

Today, I am introducing legislation to provide grants to local schools, libraries, and community centers to purchase, install and operate the most up-to-date computer systems, access, the Internet, and train educators to use technology to its fullest potential. The bill requires the eligible entities to form a partnership with local businesses, or State or local governments. The purpose of the bill is to get the community involved and maximize its resources.

Access to the latest technology and appropriate training is essential to enhance the skills of many Americans. We need parents, business leaders, community leaders, and teachers to ban together to give the community access to the latest technology and the capability of using it to its fullest potential.

TRIBUTE TO DR. RICHARD JANEWAY

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. HEFNER. Mr. Speaker, it is my distinct honor to recognize Dr. Richard Janeway and his work in medical education. As of July 1997, Dr. Janeway will relinquish his seat as executive dean of health affairs for Wake Forest's Bowman Gray School of Medicine. As the school merges with its affiliate hospital, North Carolina Baptist Hospital, Dr. Janeway will serve on the steering committee to insure a smooth transition. In addition, he will bring his considerable expertise to the newly endowed position of distinguished professor of health care management at Wake Forest University.

Looking back on Dr. Janeway's career is like looking through a kaleidoscope of academic and civic contributions. Examples of his civic activities include chairman of the Greater Winston-Salem Chamber of Commerce, vice-chairman of the Forsyth County Development Council and member of the board of North Carolina Citizens for Business and Industry. Also, Dr. Janeway was integral in the creation of a planned downtown research park, which now houses Bowman Gray's Department of Physiology and Pharmacology as well as facilities for Winston-Salem State University and the Piedmont Triad Engineering Research Center.

An important part of Dr. Janeway's work at Bowman Gray has been to focus research on how nutrition can prevent or manage chronic disease. The mission of the Center for Research on Human Nutrition and Chronic Disease Prevention has been to educate patients about the importance of nutrition and diet and to promote preventive health care. It is in this capacity that I have gotten to know Dr. Janeway and it has been my privilege to work with him and his colleagues in the development of this important nutrition research facility.

Dr. Janeway is credited with ensuring that Bowman Gray keeps pace with the rapid advances in technology. The recently announced Wake Forest/Bowman Gray nutrition web site is an incredible tool for sharing the information gathered by the center with the public. Users may design and track a personalized guide to good nutrition and exercise.

On behalf of many of my colleagues in the House, I would like to thank Dr. Richard Janeway for his unending quest for excellence in the field of medical education. Wake Forest University's Bowman Gray School of Medicine has benefited enormously from his foresight and dedication to improving our Nation's medical education, and consequently, our Nation's health. He is a great personal friend and I want to wish him well in his latest pursuits on behalf of Bowman Gray School of Medicine.

PETE GAGLIARDI—WORKING FOR A SAFER AMERICA

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. LIGHTFOOT. Mr. Speaker, I want to take this opportunity to recognize a true public servant, Special Agent Pete Gagliardi of the Bureau of Alcohol, Tobacco and Firearms [ATF]. For the past 2 years Pete has served in the position of ATF's Director of Legislative Affairs.

Given the laws the ATF is called upon to enforce, the legislative affairs position can be a difficult one in which to serve. It requires a person who can balance the diverse views of Congress with the needs of the Bureau and the Department of the Treasury. Special Agent Gagliardi, an agent of 19 years of service at the Bureau, has met and exceeded the expectations of this difficult position. He has worked tirelessly for the past 2 years providing prompt, straightforward and responsive service to Members of Congress and their staffs. On numerous occasions over the past 2 years, Pete has been able to achieve consensus between the administration and Congress on difficult law enforcement issues.

Because of his outstanding performance, Special Agent Gagliardi will be leaving the Office of Legislative Affairs for a well-deserved promotion to ATF Deputy Associate Director for Law Enforcement Programs. Pete's shoes will be tough to fill at Legislative Affairs but we all wish him the best in his new position.

TRIBUTE TO THE MIDLAND JAYCEES' 15TH ANNIVERSARY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Midland Jaycees on the 15th anniversary of their founding.

The Midland Jaycees were chartered in 1946 with 81 members, including my father, Robert Camp. Through the years, leaders of many organizations and official boards have said ''thank you'' to the Jaycees. They have more than fulfilled their stated purpose of ''civic service through organized efforts * * * promoting the welfare of the community and its citizens through active, constructive projects.''

The Midland Jaycees have been a strong, positive force in their community. By teaching young people leadership skills, they have instilled a sense of community spirit that has led to their involvement in projects like Junior Achievement, the Cancer Service Foundations, The Heart Foundation, Shelter House, and the Salvation Army.

More recently, the Jaycees have been involved in donating playground equipment to the city of Midland, building homes for the homeless with Habitat for Humanity, and gathering volunteers to work at the Voluntary Action Center. One of their main projects, however, is helping disadvantaged children during the holidays. In cooperation with the Michigan Family Independence Agency, the Jaycees purchase presents for the children and take them shopping for gifts to give their families.

It is this spirit of selfless giving and community service that makes the Midland Jaycees a sterling example of dedication, friendship, and community service. Mr. Speaker, I know you will join me in congratulating the Midland Jaycees on their 15th anniversary. May their example of service to their community continue for years to come.

TRIBUTE TO JOHN PALLADINO

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. ZELIFF. Mr. Speaker, I rise today to pay tribute to a personal friend of mine, John Palladino. John is not only a friend of mine, he has been a real friend of all small business men and women across New Hampshire for the past 30-plus years. He is a small business owner himself. A restaurant owner for more than 30 years, John has experienced the hardships and the dedication it takes to be successful, and he knows what it means to sign the front of a paycheck.

John knows, as all of us who own small businesses know, that signing the front of a paycheck means much more than just a salary. John understands that in New Hampshire, as in most of the country, it is small business that drives the local economies, creates jobs for their citizens, and promotes an atmosphere of community spirit and cooperation. For all his life, John has embodied those ideals.

He is a past president of the Hampton Chamber of Commerce, he was program director of the local DARE chapter, and he was a trustee of the ''My Greatest Dream'' program, which takes donations for children with terminal illnesses to live out their greatest dream. These are honorable causes that show his dedication to his trade and to his community.

I wanted to take a moment out of the House's busy schedule to salute John Palladino on behalf of this Congress, and to do so in the hope that he serves as a model American for his generation and for future generations.

TRIBUTE TO JUDGE EDMUND A. SARGUS, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas Judge Edmund A. Sargus, Jr. will be invested as a United States District Judge in the Southern District of Ohio; and

Whereas the Honorable Edmund Sargus has shown exemplary dedication to justice and the practice of law; and

Whereas Judge Sargus has honorably served the City of Bellaire and the State of Ohio as a Law Director, United States Attorney and Special Counsel to the Ohio Attorney General: Therefore, be it

Resolved, That the residents of Belmont County, with a real sense of pleasure and pride, join me in commending The Honorable Edmund A. Sargus, Jr. for his hard work and commitment to justice and to the law.

MEDICARE AND VANCOMYCIN: LEGISLATION TO PRESERVE A BENEFIT AND PROTECT THE PUBLIC HEALTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. STARK. Mr. Speaker, current Medicare pharmaceutical payment policy is creating distortions in the types of drugs prescribed in our society and contributing to a potential public health problem. This problem is the threat of increased drug resistance among bacteria that cause infections in thousands of people. The policy contributing to this public health threat is the unevenness of Medicare coverage for outpatient medications, and specifically, Medicare's coverage of a single antibacterial drug called vancomycin out of a multitude of possible antibacterials. This coverage provides an unintended incentive for physicians to preferentially choose vancomycin over other antibiotics. Inappropriate use of vancomycin will likely accelerate the emergence and spread of bacteria resistant to this drug, causing a major public health problem resulting in numerous deaths and increased morbidity. The bill I am introducing today counteracts the misdirected incentive for inappropriate use of vancomycin by insisting on certain criteria for the use of the drug in order for it to be reimbursed.

Under current law, Medicare reimburses for outpatient medications in limited circumstances. Highly specific, unrelated categories of drugs are reimbursed. These include drugs administered in a physician's office or hospital, oral anticancer drugs, immunosuppressant drugs for organ transplant patients, a drug to treat anemia in end stage renal disease patients, drugs to treat osteoporosis in certain patients, and drugs that require durable medical equipment [DME] for their administration. Approximately 20 drugs are covered under the DME benefit, of which vancomycin is one. Vancomycin is covered because it is administered intravenously through an apparatus called an infusion pump. Medicare reimburses for the infusion pump and for the drug for which it is used. Thus, although more than 50 drugs are available to treat bacterial infections, Medicare singles out one drug for reimbursement simply because an infusion pump is used for administration. The DME benefit also includes four drugs used to treat infections caused by viruses or fungi, again because an infusion pump is used for administration, but vancomycin is the only drug used to treat infections caused by bacteria.

Intravenous vancomycin is typically used in home therapy for infections requiring prolonged courses of antibiotics, such as endocarditis, an infection of the heart valves, or osteomyelitis, an infection of bones. Generally patients are hospitalized for an initial period, and once stable, can continue treatment at home. Only a subset of patients are medically appropriate candidates to receive home intravenous therapy. Home therapy is generally cost effective because the alternative is for patients to remain in the hospital or other inpatient facility to receive the therapy.

Medicare's reimbursement system is causing overuse of vancomycin. The Health Care Financing Administration [HCFA] found a 64-percent increase in the home use of vancomycin, as measured by claims submitted for infusion pumps for vancomycin, from the fourth quarter of 1994 through the third quarter of 1995. Anecdotes from some hospitals and home care agencies indicate that vancomycin is preferentially used whenever the bacteria causing the infection are susceptible to it. This information suggests that the current Medicare policy is having the unintended effect of changing physicians prescribing practices.

Overuse of antibiotics is a principal risk factor for the development of drug resistant bacteria. Antibiotics kill or inhibit bacteria that are susceptible to them, but the resistant bacteria survive. The Centers for Disease Control and Prevention [CDC] has documented a major increase in infections among hospitalized patients due to vancomycin resistant bacteria called vancomycin-resistant-enterococci [VRE], from 0.3 percent in 1989 to 7.9 percent in 1993. In addition to this increase, a major concern is the possibility that these bacteria will transfer their vancomycin resistance to other families of bacteria. This transfer has occurred in a laboratory setting but has not yet been documented in humans; when it does occur, a major public health problem will arise since some of the bacteria to which vancomycin resistance may be transferred, such as Staphylococcus aureus, are common causes of infection and may already be resistant to many other drugs. In a 1995 report about the impacts of antibiotic resistant bacteria, the Office of Technology Assessment concluded that steps should be taken to preserve the effectiveness of currently available antibiotics. It noted that Medicare's vancomycin policy runs counter to recommendations published by the CDC for judicious use of this drug. It also advised that a change in the Medicare policy may secondarily create positive influences on other insurers to consider whether their policies might also be creating unanticipated effects on antibiotic prescription patterns.

Clearly, some patients need to be treated with vancomycin; it can be a lifesaving treatment in patients with serious infections caused by bacteria resistant to other drugs, or in patients who are allergic to certain other drugs. Unfortunately, HCFA's response to the problem of vancomycin overuse is to curtail coverage for vancomycin altogether. HCFA has announced that it is planning to curtail coverage of vancomycin under the DME benefit starting September 1, 1996. It has determined that vancomycin does not require an infusion pump for administration and thus will not be reimbursed. Surely, there must be a better way to address this problem than penalizing patients who truly need vancomycin.

Instead of curtailing coverage, my bill addresses the public health threat by insisting that vancomycin use complies with certain criteria. The CDC's published recommendations for preventing the spread of vancomycin resistance include guidelines for prudent vancomycin use. The bill incorporates the two CDC recommendations that seem most applicable in the outpatient setting. Implementation would involve having physicians indicate on the request for vancomycin and DME reimbursement that the treatment meets at least one of the criteria delineated in the bill.

Vancomycin is used to treat bacteria which are characterized as gram-positive; this property means that when the bacteria are applied to a microscope slide and subjected to a technique called the Gram stain, the bacteria pick up the color of the stain, which is a positive result. The ability of these bacteria to pick up the stain is related to their outer structure; the ability of certain antibiotics to harm these bacteria is related to the antibiotic's ability to penetrate or disrupt this structure.

Another large family of antibiotics effective against gram-positive organisms is termed the beta-lactam antibiotics because they have in common a chemical structure called the beta-lactam ring. The prototype and most well-known of the beta-lactam antibiotics is penicillin. Penicillin is the first choice treatment for certain infections. However, penicillin has been widely used since the 1940's and many bacteria currently are resistant to penicillin; in this case, certain other beta-lactam drugs are usually effective. Since the 1980's, however, an increase in infections due to Staphylococcus aureus strains which are resistant to the whole family of beta-lactam drugs has been documented in hospitals; in these infections, vancomycin is often effective. Vancomycin is generally the last drug available to effectively treat these infections. Thus, today's bill reserves vancomycin use for when the bacteria are resistant to beta-lactam antibiotics. Although vancomycin could also be used against bacteria that are not resistant to the other drugs, it is more prudent to use the other drugs whenever possible and to save vancomycin as the last resort. Current law does not prevent physicians from prescribing vancomycin for infections that could be effectively treated with a beta-lactam antibiotic. In contrast, my bill provides for reimbursement of vancomycin and the equipment used for its administration if the physician indicates that treatment is for a serious infection caused by beta-lactam-resistant bacteria.

Vancomycin is also used for patients who have serious allergies to penicillin and other beta-lactam antibiotics. Thus, the bill also provides for reimbursement of vancomycin and the equipment used for its administration if the patient has a serious allergy to beta-lactam antibiotics.

The bill I am introducing is one attempt to address the public health threat of drug resistant bacteria while protecting the needs of

beneficiaries. However, it may not be the only way to address the problem. The policy causing this problem is rooted in the haphazard way in which Medicare reimburses for outpatient pharmaceuticals. Perhaps a more sweeping change is needed rather than just an adjustment of the reimbursement for one drug. The Medicare outpatient drug benefit has been adjusted drug by drug over the years. However, this policy is causing distortions in the types of drugs prescribed, as evidenced by the vancomycin problem. I solicit ideas and suggestions from the medical and pharmaceutical community and others to help resolve this public health problem and to make Medicare drug payment policies more rational, cost effective, and less likely to lead to similar problems in the future.

IN HONOR OF RONALD A. DALL ON THE OCCASION OF HIS RETIREMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to a fine American, Ronald A. Dall. Mr. Dall has recently retired from his position as Assistant to the Director of the Washington Regional Complaint Center of the Internal Revenue Service, ending 34 years of Federal Government service. Upon his retirement, Ron was awarded the Certificate of Merit from the Director of the Treasury Department's Office of Equal Opportunity Program; a Certificate of Appreciation from the Director of the Secret Service; the Albert Gallatin Award from the Secretary of the Treasury, and a congratulatory letter from the President of the United States.

From 1967 to 1970, Ron worked at the Equal Employment Opportunity Commission as an equal employment officer, where he received a letter of commendation. He then began his employment at the Treasury Department, and from 1972 to 1975 he was Assistant Director for Equal Employment. For his outstanding work in this position, Ron was presented with the Meritorious Service Award. During Ron's tenure, 1975–78, as Director of the Discrimination Complaints Division for the National Aeronautics and Space Administration, he was selected to receive the Exceptional Performance Award, the highest honor given to career civil servants.

Ron received his bachelor of arts from Bowling Green State University; his law degree from Oklahoma City University and his masters' degree from Antioch University. Ron and his wife, Barbara, have two daughters, Maureen and Meghan. For several years my family has had the pleasure of living in the same neighborhood as the Dalls.

In my opinion, being someone's neighbor gives you an extremely accurate picture of that person's character. When you live close by a person, you see them interacting with their children, washing their car, mowing their lawn and helping others. It has been my pleasure to know Ron Dall and his family, and it is my honor to join in congratulating him upon his retirement. I wish he and Barbara many happy and healthy years together, and on behalf of the American people, I thank him for his 34 years of exemplary service to our Government.

TRIBUTE TO DONNA BOJARSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Donna Bojarsky, a dear friend who is intimately involved in Democratic Party politics and pro-Israel causes. I place great value in her opinion. Through the years, I have come to appreciate more and more her wise counsel and friendship. This year, she is the deserving recipient of the 1996 Richard S. Volpert Award from the Jewish Community Relations Committee.

Donna's first foray into politics occurred at age of 8, when she distributed Bobby Kennedy buttons in front of a Beverly Hills delicatessen. After graduating from Brandeis University with a degree in political science, Donna began a string of campaign and staff jobs. She worked for Assemblyman Richard Katz and Mayor Tom Bradley, and on the Presidential campaign teams of Gary Hart (1984) and Michael Dukakis (1988). In 1992–93, she was the national entertainment coordinator for the Clinton campaign in Little Rock, AR.

Head of her own firm, DB & Associates, Donna has provided fundraising assistance and political consulting to a range of clients, including Senator DANIEL P. MOYNIHAN and the Charles R. Bronfman Foundation. She also advises the actor Richard Dreyfuss on his political and charitable activities.

Donna has always been a person of boundless energy. In addition to her political activities and professional duties, she is founder and cochair of LA Works, a nonprofit, public action and volunteer center in Los Angeles and serves on the national board of City Cares of America. Donna is also a founder and cochair of the New Leaders Project, a unique civic training program for young Jewish leader, and is a member of the executive committee of the National Jewish Democratic Council.

I ask my colleagues to join me today in saluting Donna Bojarsky, whose dedication to the causes in which she deeply believes is an inspiration to us all. My wife, Janis, and I are proud to call her our friend.

DUTY SUSPENSION FOR TWO CHEMICALS

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. SPRATT. Mr. Speaker, since my arrival in Congress, I have filed duty suspensions for a number of companies in my district and I am pleased to file one today at the request of EMS-American Grilon of Sumter, SC. This bill would grant a 2-year duty suspension for two chemicals, caprolactam blocked methylene, also known as Grilbond IL–6, and beta hydroxyalkylamide, also known as Primid XL–552. Grilbond IL–6 is used in aqueous adhesive systems for pretreatment of reinforcing polyester yarns or fabrics. Primid XL–552 is utilized to cure carboxyl functional polyester and acrylic resins. It has been employed in the architectural, general metal-industrial and automotive market sectors.

EMS-American Grilon imports Grilbond IL–6 and Primid XL–552 from Switzerland and passage of the bill will save the company approximately $100,000 in annual duties. EMS employs almost 100 workers in my district and passage of this bill will protect those jobs by saving the company a significant cost and thereby ensuring the company's continued success.

EMS-American Grilon believes that neither Grilbond IL–6 nor Primid XL–552 are produced in the United States which means that suspending the duties will not jeopardize any U.S. jobs. The company also believes that the cost of the duty suspensions will be small. While it is too late for Congress to pass the bill this year, I am filing the measure now to initiate a public notice and comment period. Federal agencies and the public will have an opportunity to examine the duty suspensions and submit comments. In addition, the Congressional Budget Office will complete a cost estimate of the legislation. By the time Congress reconvenes next year, we will know the cost and we will know whether there is any American company which could be injured by the bill's enactment. That information will help us decide whether to move forward with the bill. I am pleased to help an important employer in my district and I look forward to the review this bill will initiate.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. OXLEY. Mr. Speaker, on Tuesday September 24, 1996, I was unavoidably absent from the House Chamber during rollcall vote Nos. 425 to 429. Had I been present, I would have voted ''yea'' in all cases.

CONGRATULATING THE REPUBLIC OF CHINA ON THE OCCASION OF THEIR 85TH NATIONAL DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. ACKERMAN. Mr. Speaker, October 10 marks the 85th anniversary of the birth of the Republic of China [ROC]. As this historic occasion approaches, I want to take this opportunity to send my personal greetings and congratulations to the people of Taiwan and especially to President Lee Teng Hui.

Mr. Speaker, I have been fortunate enough to visit with President Lee on several occasions in Taiwan, and more recently during his visit to the United States and his alma mater, Cornell University. On every occasion our discussions have been warm and enlightening. The Republic of China has long been a beacon of democracy and economic freedom in this important region of the world. During the

past decades Taiwan has been transformed from an underdeveloped island to an economic powerhouse. The ROC is our sixth largest trading partner and trade between our two countries its growing.

Taiwan has exhibited its leadership and commitment to these principles earlier this year when President Lee became the first popularly elected political leader in Chinese history. This was an important milestone for the people of Taiwan. The ROC achieved this success despite the attempts of its neighbor, the People's Republic of China, to intimidate Taiwan's electorate by conducting war games in the Taiwan Strait shortly before the election.

While the past year has been one of great change in Taiwan, there have also been changes here in Washington. In July, Dr. Jason Hu, formerly head of the Government Information Office, assumed the position of Representative at the Taipei Cultural and Economic Office, the ROC's unofficial embassy in Washington. I look forward to working closely with Ambassador Hu to further strengthen ties between our two countries. At the same time Dr. Fred Chien has left his post as Foreign Minister and has been elected Speaker of the National Assembly. This is a well deserved honor for Dr. Chien, who has worked tirelessly here in Washington and in Taipei to make United States-Republic of China relations the success they are today. John Chang, who had been the Vice Foreign Minister, has become the new Foreign Minister. I am certain he will build on Dr. Chien's achievements at the Ministry of Foreign Affairs.

Finally, I want to note that two very able officials in the Taipei Representative office will be returning to Taiwan at the end of the month. Dr. Lyushen Shen and his associate James Huang, have served their country well during their tenure here in Washington.

Mr. Speaker, there are many issues concerning Taiwan and the United States which I hope Congress will address in the next session of Congress. Chief among those are membership in the WTO for Taiwan, and making certain that Taiwan's security needs are met. As important as these issues will be in the future, I hope my colleagues will take a moment to pause and join me now in congratulating the ROC for 85 years of progress and success.

DUE PROCESS IN INDIAN TRIBAL COURTS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. HYDE. Mr. Speaker, recently, I have received complaints from parties who have been involved in proceedings in Indian tribal courts. These complaints suggest that non-Indian civil litigants in these courts may face unfair treatment, but, yet, are unable to seek protection from violations of their Federal rights in any other judicial forum.

For example, earlier this year, a Crow Nation tribal court entered a judgment for $250 million in compensatory damages against the Burlington Northern Railroad. This case deals with a railroad grade-crossing accident which occurred on the Crow Reservation in Montana in 1993. The accident involved the death of three members of the Crow Tribe. However, the crossing was well-marked, and no accident had ever occurred there in the entire 50-year history of the crossing. A blood alcohol test revealed that the driver and one of the passengers were intoxicated at the time of the accident.

Burlington Northern alleges that various violations of basic due process occurred during the trial, including, the use of jurors who should have been struck for cause, improper prejudicial comments to the jury venire by a member of the appellate court, use of evidenced that was barred by Federal law, and the barring of evidence relating to the proper amount of compensatory questions.

I have not had the opportunity to review the complete record of this case, and I do not know all of the details. Further, I do not seek to affect the outcome of this particular case and I believe it should continue in due course under existing law. However, these allegations do raise serious questions about the overall fairness of the Indian tribal court system, which calls for further review by the Congress.

I understand that there are now more than 200 of these types of courts across the Nation and that they process thousands of cases per year. Many of these cases involve persons who have no particular connection to the tribe other than that they have traveled across Indian country on an interstate highway or railroad. Although the Indian Civil Rights Act, 25 U.S.C. §1302, requires these courts to provide basic constitutional rights, it does not provide any means by which litigants may seek to vindicate these rights in a Federal court. In fact, litigants have no way to vindicate these rights except through the tribal court system.

This situation sharply contrasts with the situation in State courts. State court decisions regarding the protection of Federal rights may be reviewed on appeal to the U.S. Supreme Court and by actions under 42 U.S.C. §1983. Current law provides that Federal courts may review the decisions of tribal courts only to determine whether the case was within the jurisdiction of the court, and they may only conduct that review after all avenues of relief have been exhausted in the tribal court system.

I do want to stress that I believe in the Indian tribal court system. It is only right that Indians should be able to have their own courts to judge their own affairs. By the same token, I want to say emphatically that it is only right that those courts should provide all of the constitutional protections required by law, including basic due process. The consistent enforcement of constitutional norms is particularly important if the tribal courts are to have jurisdiction over nonmembers who have only tangential relationships with the tribes.

This is a subject that both the Judiciary Committee and the Resources Committee should review in the next Congress.

VALLEJO, CA, ANTIDRUG PROGRAM A SUCCESS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. MILLER of California. Mr. Speaker, with all the attention recently about increased drug abuse, particularly among young people, I am happy to take this opportunity to report on a successful effort being undertaken by the Fighting Back Partnership in Vallejo, CA, which is in my congressional district.

The Fighting Back Partnership grew from the disgust of Vallejo community leaders about the effects of drug and alcohol abuse on their city. Representatives of the police, neighborhood groups, city hall, the school district, and the Greater Vallejo Recreational District joined forces in a multicultural coalition to fight back in a comprehensive communitywide substance abuse reduction strategy. This strategy involves a comprehensive program through public education, prevention, intervention, treatment, and aftercare.

The following article describes the tremendous difference the Fighting Back Partnership has made after 5 years. This community has very much to be proud of, and its efforts should provide a model for other cities hurt by the tragedy of substance abuse.

[From the Vallejo Times Herald, Sept. 15, 1996]

MAKING A DIFFERENCE—STATISTICS INDICATE FIGHTING BACK IS WINNING THE WAR ON DRUGS IN VALLEJO

(By David Jackson)

Fighting Back Partnership has produced a report that appears to offer some hard evidence that its five-year, multi-million dollar experiment aimed at reducing substance abuse in Vallejo is working.

Citing student surveys on substance abuse, crime statistics and other data, the report suggests that Vallejo is making modest gains in combating the use of illegal drugs, alcohol and tobacco.

Among the more encouraging findings is a survey suggesting that teen-age marijuana use may not be growing in Vallejo at the rapid pace seen elsewhere.

Between 1991 and 1994, the percentage of Vallejo juniors who said they had used marijuana within the last 12 months rose from 35 to 36. In Solano County as a whole, the percentage rose from 31 to 50.

The same survey also suggests that fewer Vallejo students are using tobacco and alcohol, despite steady or increased usage by students throughout Solano County.

''There appears to be something going on in Vallejo that is not reflected in the trends of the rest of the county,'' said Jane Callahan, project manager for Fighting Back. ''Our kids are reporting less drug, alcohol and tobacco use than their peers in the rest of the county.''

The survey information was taken from The American Drug and Alcohol Survey, which is not affiliated with Fighting Back.

Among the survey's other findings:

The percentage of Vallejo seventh-graders who reported smoking cigarettes dropped from 48 percent in 1991 to 28 percent in 1994. Throughout the county, however, the percentage rose from 39 to 41.

During the same period, smoking rose 1 percent among Vallejo ninth-graders and dropped 14 percent among Vallejo 11th-graders.

The percentage of Vallejo students who reported using alcohol within the last 30 days dropped 11 percent among seventh-graders, rose 6 percent among ninth-graders and dropped 5 percent among 11th-graders between 1991 and 1994.

For the county as a whole, the percentages rose for each grade level.

the percentage of 11th-grade students who reported using marijuana in the last 30 days dropped 3 percent in Vallejo between 1991 and 1994, but rose 12 percent across the county.

Essie Henderson, substance abuse administrator for Solano County, agreed with Callahan's assessment that the Fighting Back program is working.

''Early prevention has been the key,'' Henderson said.

The Fighting Back program includes several programs designed to keep students from trying alcohol, tobacco or illegal drugs or to help them stop.

The report also includes crime statistics from the Vallejo Police Department which indicate that Fighting Back's training program for liquor store owners, managers and employees has worked as intended.

Among stores that participated in the training program, incidents reported to the police dropped 6.5 percent between fiscal year 1993–94 and fiscal year 1995–96. Among stores that didn't receive training, the number of incidents rose 27 percent.

The difference in the number of hours police spent responding to problems at the two groups of liquor stores was even more profound; down 20 percent for stores that had the training and up 26 percent for those that didn't.

More than half of the liquor store personnel in the city have participated in Fighting Back's program.

Since the late 1980s, when planning efforts for the Fighting Back program began, it has received wide community support. However, the majority of the funding has come from the Robert Woods Johnson Foundation in the form of a five-year, $3 million grant.

Cash and in-kind contributions from a variety of other sources, including free office space from the city of Vallejo, have bumped Fighting Back's annual budget up to about $1 million per year.

The foundation, which is sponsoring 14 Fighting Back programs across the nation, has hired an independent research organization to conduct detailed studies to determine how effective the programs were.

The results of that study won't be fully available until 1999.

Unfortuately, Vallejo's Fighting Back program can't wait that long. Its Robert Woods Johnson grant will expire March 1.

If the organization hopes to continue to exist, it must find some new revenue sources.

TRIBUTE TO ZION-GRACE UNITED CHURCH OF CHRIST

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BONIOR. Mr. Speaker, this coming Sunday, September 29, 1996, the Zion-Grace United Church of Christ, in my home State of Michigan, is celebrating its 100th anniversary.

The present congregation is the product of a 1972 merger of two churches, Zion Church of Fraser and Grace Church of Detroit. Coincidentally, both of the churches trace their foundings to the same year—1896. Zion Evangelical Congregation in Fraser was organized in February 1896, while Grace Church was organized in September 1896 in Hamtramck. From its original location in Hamtramck, Grace Church moved to Detroit in 1918. It remained at that location until the 1970's when declining membership forced it to seek a home elsewhere. A special celebration consecrated the union in 1972 as they became one church family, the Zion-Grace United Church of Christ.

The founders of this united church were committed to seeing the emotional, educational, and spiritual needs of their community fulfilled. Continuing in that tradition, the Reverend Joseph A. Lachcik, pastor of Zion-Grace UCC and the dedicated members of the congregation reach out to serve in many ways. The Women's Fellowship group, through the Samaritan Workshop is very active in service projects, mission involvement, and hospital donations. Through their ministry to others they have provided a home for the Homestead Adult Day Care, Boy Scouts, and Alcoholics Anonymous as well as participating actively in the support of area health and welfare programs.

The centennial celebration of the church is a proud milestone. As the community prepares to commemorate this event, I applaud the church for its contributions to the rich tapestry that makes up American life in Michigan. I urge my colleagues to join with me in wishing congratulations to all the members of the Zion-Grace United Church of Christ. May the next 100 years be a continued fruitful ministry.

INTRODUCTION OF THE FOREST FOUNDATION CONSERVATION ACT

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BAKER of Louisiana. Mr. Speaker, today, I have introduced the Forest Foundation Conservation Act.

The Forest Foundation Conservation Act will amend the National Forest Foundation Act to extend and increase the matching funds authorized for the National Forest Foundation and to permit the National Forest Foundation to license the use of trademarks, tradenames, and other such devices to identify that a person is an official sponsor or supporter of the U.S. Forest Service or the National Forest System.

Our Nation has been blessed with a national treasure—America's national forest lands. A growing population, increasing demands on forests and related resources, and more competition for uses and benefits are placing great stress on our forest lands and the U.S. Forest Service.

Now more than ever, America's forest lands and the individuals who work so diligently to manage these forest lands need support from people who care. The National Forest Foundation, a citizen-directed, non-profit organization, was created to coordinate the needed support. The National Forest Foundation Amendment Act of 1996 will allow the National Forest Foundation to develop innovative public/private partnerships so that America's pristine forest land and its resources will be conserved for future generations.

I believe that it is the responsibility of each citizen to help conserve our Nation's resources and provide organizations like the National Forest Foundation with the resources it needs to help maintain America's forest lands for generations to come. I hope that my colleagues will join me in supporting this legislation which will help us improve the quality and infrastructure of our national forests.

CONGRATULATING AMERICAN CREDIT UNIONS FOR SERVING THE UNDERSERVED

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to congratulate the National Credit Union Administration, the Credit Union National Association, the CUNA Mutual Group, the National Association of Federal Credit Unions, and the National Federation of Community Development Credit Unions for holding their very successful Serving the Underserved conference in Chicago from August 9 through 11, 1996.

Credit unions have throughout their history made great strides in providing financial services to those previously locked-out—to members of low-income communities and communities of color, a reality highlighted by conference speakers including our former colleague and conference keynote speaker, the esteemed NAACP president Kweisi Mfume.

It is with great appreciation for America's credit unions that today I introduce for the RECORD President Bill Clinton's statement of greetings and commendation to the credit union community for their evidenced commitment to serving distressed communities.

THE WHITE HOUSE,
Washington, August 6, 1996.

Warm greetings to everyone gathered in Chicago for the ''Serving the Underserved'' credit union conference.

The continued prosperity of our nation depends on our ability to foster economic opportunity for all of our people. Credit unions have continually distinguished themselves by working tirelessly to provide fair loans, sound fiscal advice, and high-quality consumer service to hardworking individuals and families. Your dedication has helped to make the American Dream more accessible to our people, strengthening the potential for innovation, growth, and prosperity for our entire nation.

I commend you for your ongoing efforts to reach out to traditionally disadvantaged groups in our society. As you gather to explore ways to fill the unmet financial needs of isolated rural and distressed inner-city areas, I am confident that your continued commitment to high-quality service will help to create a brighter future for us all.

Best wishes for a productive and enjoyable conference.

BILL CLINTON.

DRUGS AND THE CIA: WE MUST INVESTIGATE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. FARR of California. Mr. Speaker, I urge an immediate and comprehensive congressional investigation of recent allegations of a connection between the Central Intelligence Agency and the introduction of crack cocaine in the United States.

The San Jose Mercury News has published a series of articles providing considerable evidence that crack cocaine was introduced in the United States in order to fund the operations of the Nicaraguan Contras. Because

the Contras were in turn established and supported by the Central Intelligence Agency, there is considerable question as to whether the CIA knew about this trafficking operations, or even supported it.

This is a very troubling allegation. The possibility that our own Government supported, implicitly or explicitly, the sale of crack cocaine in the United States is deeply, deeply disturbing.

I have written to CIA Director John Deutch urging a full investigation of this matter. But Congress, which is responsible for the oversight of our Government, must also investigate this matter independently.

I thank the members of the Select Intelligence Committee, including Chairman LARRY COMBEST and Congressman NORM DICKS, for their attention to this matter and the pursuit of an investigation in a full and expeditious manner.

As long as the questions raised by the Mercury News story remain, we must examine the role of the CIA in drug trafficking in the United States. We cannot rest until this manner is fully and fairly investigated.

NATIONAL DYSTONIA AWARENESS WEEK SEPTEMBER 28 TO OCTOBER 5

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. LEWIS of Kentucky. Mr. Speaker, I rise to inform my colleagues about National Dystonia Awareness Week, September 28 to October 5, 1996.

I was privileged, Mr. Speaker, to attend a chili supper in June given by a group of residents of the Second District who deal with dystonia everyday. These residents regularly meet and discuss the challenges they meet everyday.

Dystonia is a relatively rare neurological disorder characterized by severe muscle contractions and sustained postures that afflicts an estimated 300,000 people in North America. Dystonia is a complex disorder that consist of three types and is often times misunderstood and misdiagnosed.

The three types of dystonia are primary, focal dystonias, and secondary dystonia.

Primary dystonia or idiopathic torsion dystonia [ITD], causes spasms that affect many different parts of the body and often starts in childhood.

Focal dystonias affects one specific part of the body and is distinguished for five varieties. Blespharasposm causes eyelids to clse tightly for seconds to hours. Cervical dystonia is the contraction on neck muscles turning the head to one side or pulling it forward or backward. Oromandibular dystonia—Meige's Syndrome—is a combination of blepharospasm and oromandibular dystonia in which the muscles of the lower face pull or contract irregularly to cause facial distortions. Spasmodic dysphonia affects the speech muscles of the throat, causing strained, forced, or breathy speech. Writer's cramp is characterized by muscles in the hand and forearm contracting.

The last type of dystonia, secondary dystonia, is caused by an injury or other brain illness.

Unfortunately, there is no known cause or cure for dystonia.

Researchers, however, have made promising advancements in understanding this disorder. In 1989, Drs. Xandra Breakefield and James Gusella made the discovery of a genetic marker that will significantly advance future research. In addition, hundreds of dystonia patients and their families have made the commitment to donate their brains to further dystonia research.

Mr. Speaker, I would like to thank you for allowing me this opportunity to familiarize my colleagues with dystonia and encourage each of my colleagues to learn more about this neurological disorder.

More information about dystonia can be found on the world wide web. The Dystonia Medical Research Foundation's home page not only offers information about dystonia, but also details meeting places and dates for those who are or have a family member affected by dystonia and can be reached at hhtp://www.iii.net/biz/dystonia/. You can also learn more by visiting an internet newsgroup dedicated to dystonia at ''alt.support.dystonia.''

HONORING THE COMMUNITY OF HIGHLANDS, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the community of Highlands, TX, in my district, which on October 4–5 will celebrate the 40th annual Highlands Jamboree.

The Highlands Jamboree began in 1956 to celebrate the grand opening of Highlands State Bank. Because of the success of the initial celebration, the citizens of Highlands decided to have an annual jamboree to display the community's strong unity. As they have in the past, many of Highlands' citizens will participate in this year's event.

The festivities will begin on Friday night with the first ever cookoff. Residents will judge the best tasting fajitas and margaritas. On Saturday, I will have the honor of serving as the grand marshal of the parade. Many of Highlands' citizens, young and old, will march in this parade, which will be followed by an arts and crafts show and a motorcycle and car show.

Mr. Speaker, I applaud the efforts of the people of Highlands for their constant dedication to improving their community and congratulate them for the effort they have put forth to continue the Highlands Jamboree. This celebration represents the unity of the people of Highlands and their loyalty to and love for their hometown and country.

A TRIBUTE TO THE HONORABLE BILL CLINGER FOR DISTINGUISHED SERVICE TO THE CITIZENS OF THE UNITED STATES

HON. F. JAMES SENSENBRENNER, JR

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. SENSENBRENNER. Mr. Speaker, I rise today to honor a distinguished Member of this body for the past 18 years, the Honorable BILL CLINGER who has represented the people of Pennsylvania's Fifth District with class and dignity.

It has been my honor to serve with BILL since we entered Congress together in 1978. He is a man of integrity and principle.

His legislative accomplishments over his career are impressive, but his accomplishments just in the past 2 years are nothing short of remarkable. As chairman of the House Committee on Government Reform and Oversight, BILL'S leadership and determination pushed through bills ending Federal unfunded mandates and enacting the line-item veto. BILL'S accomplishments did not stop with these pieces of legislation though. He also successfully passed bills involving paperwork reform and regulatory reform, among others.

For his work, the Almanac of American Politics said, ''his legislative production in just his first few months as chairman was as impressive as that of many members over a whole career.''

Mr. Speaker, the House is losing a tremendous legislative leader, gentleman, and patriot.

On behalf of the citizens of Wisconsin's Ninth District, I thank the Honorable BILL CLINGER for his outstanding service to the House of Representatives and the United States.

THE AMERICA-ISRAEL FRIENDSHIP LEAGUE, INC.

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. KOLBE. Mr. Speaker, I recently attended the annual Partners for Democracy Dinner in my hometown of Tucson, AZ. The dinner was hosted by the Tucson chapter of the America-Israel Friendship League in honor of David L. McPherson.

The America-Israel Friendship League, Inc. [AIFL] is a nonsectarian, nonpartisan, not-for-profit organization committed to maintaining and strengthening the mutually supportive relationship between the people of the United States and Israel. It was founded in 1971 by a group of distinguished Americans with a vision-to preserve America's best interests in the Middle East. They saw the need to instill in Americans an appreciation for the fact that Israel is the only democratic nation in the Middle East and America's most reliable ally in that area of the world. They knew that the friendship between these two countries could be deepened through the understanding generated by people-to-people educational and cultural programming.

The AIFL serves as the catalyst to bring people together from diverse backgrounds. The AIFL's activities reach out to Americans of all faiths, ethnic backgrounds, age groups, and political persuasions. Through missions, seminars, lectures, exchanges, and much more, AIFL helps participants explore and discuss the issues and concerns surrounding the relationship between the United States and Israel. Program participants become involved long after their individual program has ended. In essence, they become ambassadors who carry the message of friendship and goodwill from one generation to the next. From their

experiences emerge a belief in the very real possibility of future peace.

While at the dinner, I had the pleasure of listening to a speech by an extremely insightful, young woman, Saleela Salahuddin, on the ways of the Israeli people. Saleela Salahuddin was the 1995 Youth Ambassador to Israel. I was very moved by this speech, and I am honored to share it with you:

Tonight, I bring you greetings from Maya, who was my host sister in Netanya, Israel, and Roy, who was my host brother in Arad, Israel. As Sabras, proud natives of Israel, they are two bright youths of the admirable community of democracy which defines the nation. Thanks to AIFL, I was enriched by their modernism, patriotic idealism, and the optimism for the future.

''Everyone in Israel goes there,'' said Maya. ''It's a life-changing experience.'' She was talking about the Wailing Wall. Less than two hours later, I was standing in front of it, remembering her words and realizing how true they were.

There was a combined quality of awe and appreciation when visiting the holy site on the holy day of Shabbat. I approached the wall slowly, briefly pausing by a small wicker basket that held many brightly colored scarves. I took one out and covered my hair, following the example of a few women who had gone ahead of me.

When I laid my hand on the Wailing Wall, I felt it's coolness as well as its strength. The large stones sit atop one another with the assurity that defines millennia of heritage. I was experiencing one of the most transforming moments of my life. I realize that as an American Muslim, I was undoubtedly the first person in my family of many generations to be at this very sacred place. The universality of it all struck me. To my right, a young woman wearing blue jeans prayed; to my left, an old woman in a long black dress devotedly swayed in rhythm with her reading from the Torah. And there I was, standing in the middle, praying with them and understanding the ''change'' that Maya had spoken of. The diversity and unity of the situation, young and old, Jewish and Muslim, left a very strong impact on me. I added a prayer that I had written on a tiny piece of paper to the many that were inserted into cracks in the ancient wall. In it, I had written a message hoping for peace and democracy to prosper in our world.

This moment shall always be with me, and my message shall forever remain in the Wailing Wall.

On behalf of myself, Maya, and Roy, I bid you Shalom.

AN ACT TO SAVE AMERICA'S FORESTS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BRYANT of Texas. Mr. Speaker, for years I have sought to protect native biodiversity in our forests by ending clearcutting and other forms of even-age logging, and allowing only selection management of Federal forest lands where logging is permitted. Since the 101st Congress, I have sponsored forest biodiversity legislation, and over the years, support for my legislation has grown steadily. In the 103d Congress, 107 Representatives cosponsored my bill, and 142 voted for a version of it as a floor amendment.

Scientists, however, tell us that banning clearcutting alone is not enough to guarantee the protection of forest biodiversity on our public lands. It is clear that core areas of pristine forests must be left unlogged altogether, and that these wellsprings of nature should be surrounded by areas where only the most environmentally responsible logging is permitted. In order to direct our forest management agencies to follow these scientific recommendations to protect core areas of biodiversity, I am adding a new title to my bill which will prohibit logging in three categories of Federal forest lands: Northwest ancient forests, roadless areas, and designated special areas.

By adding these new provisions, I believe that my legislation now represents the most complete solution to the deforestation crisis facing our public lands. With this in mind, I have retitled this measure the act to save America's forests.

The Forest Service and other Federal agencies are primarily using the logging techniques of clearcutting and other forms of even-age forestry, despite overwhelming evidence that selection management—cutting individual trees, leaving the canopy and undergrowth relatively undisturbed—is more cost-efficient and is more ecologically sound.

Selection logging is more labor intensive, and therefore creates more jobs for timber workers. It also avoids the high up-front costs of site preparation and replanting required by even-age timber management.

The result of selection logging is a permanent, sustainable supply of high quality timber, and the protection of native biodiversity in the forests. This contrasts with clearcutting's indiscriminate destruction of huge stands of trees, leaving only shrubs and bare ground, leading to erosion, the demineralization of the soil, and allowing the creation of artificial tree farms and extinction of the original native forest in its wake. Wherever we allow logging to occur on our Federal forests, only the selection logging technique should be permitted.

if current plans are followed, the remaining native biodiversity in the approximately 60 million acres available for commercial logging on Federal land will be eliminated and each of those acres transformed into monoculture timber plantations within the next 15 to 20 years.

The legacy of the Forest Service and other Federal agencies' unrestrained use of commercial logging based on even-age logging techniques has left our Federal forests devastated, and has brought countless plant and animal species to the brink of extinction.

The new logging prohibitions contained in my bill are a necessary response to the extraordinarily destructive antienvironmental laws passed by this 104th Congress, especially the timber salvage rider to the fiscal year 1995 rescissions legislation. Under this salvage rider, environmental protection has been suspended. Many northwest ancient forests with trees up to 1,000 years old are being logged, and pristine, roadless, and perfectly healthy forests are now fraudulently being logged as salvage. The salvage rider targeted for clearcutting the very forests that scientists tell us are most urgently in need of protection.

As long as northwest ancient forests and roadless areas remain in the timber base of the Forest Service, and other Federal agencies, these irreplaceable areas are perpetually at risk of being logged and destroyed. It is time to make these magnificent remnants of America's original untouched forests permanently off-limits to logging, protecting them forever from the devastation of any future timber salvage rider, or similarly destructive legislation. My new bill would achieve this.

In the development of a plan for the northwest ancient forests, Forest Service experts and other Federal scientists mapped the ancient forests of the region. These scientists determined no logging should be allowed in many of these ancient forest areas in order to give the ancient forests and their dependent species the highest possibility of survival and recovery. My bill prohibits commercial logging in these northwest ancient forests.

The bill also prohibits commercial logging in roadless areas. Federal roadless areas contain many of the largest unfragmented forests in America and are important reservoirs of our Nation's remaining native biodiversity. I have used the Forest Service's definition of roadless areas in my revised legislation.

My bill also identifies certain Federal forests, call special areas, which may not be roadless areas or northwest ancient forests, but are deserving of protection from commercial logging because of important ecological reasons. Many of these areas also have important cultural, scenic, or recreational qualities, which deserve as much protection as trees and wildlife.

Passage of this legislation will usher in a new era of forest management on our Federal lands, with long-term ecological integrity as the guiding principle.

The public supports environmental protection as never before, and opinion polls express the public's demand that Congress prevent the permanent loss of our Nation's native forests.

I invite every Member to join me in seeking this badly needed forest reform.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I regret that I was absent from the U.S. Congress on Wednesday, September 18, but I was attending a funeral in my home State of Florida.

THE 3.8 MILLION AMERICAN CITIZENS OF PUERTO RICO DESERVE THE OPPORTUNITY TO BECOME ECONOMICALLY SOLVENT AND SELF-SUFFICIENT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. SERRANO. Mr. Speaker, I rise today to voice my concern for our fellow citizens in Puerto Rico, who have been greatly affected by our recent action to eliminate economic development incentives under section 936 of the Internal Revenue Code without providing them with an alternative program. In dealing with important national issues such as the increase on minimum wage we must not ignore the needs of the people of Puerto Rico, my homeland. The 3.8 million American citizens of

Puerto Rico deserve the opportunity to become economically solvent and self-sufficient. We must work hand in hand with the island to develop a sound economic development program that helps achieve those goals. I believe we must consider improvements and expansion of a wage credit for Puerto Rico under existing legislation. I urge my colleagues to give prompt attention to this issue early next year.

IN HONOR OF THE 50TH ANNIVERSARY OF WICH RADIO

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize the 50th anniversary of WICH Radio 1310 in Norwich, CT. Known as WNOC at its inception, WICH operates out of 91 Main Street, and transmits from its facilities off of Lucas Park Road in the Second Congressional District. Today, WICH is the hub of a four-station radio system.

While, as we might expect, personalities and formats have changes over the years, WICH has throughout its tenure on our airwaves maintained its commitment to community service. The radio station's history is replete with example of having contributed to the public good of eastern Connecticut.

During times of emergencies natural disasters, and the like, WICH has provided special and exemplary service to its listeners and has most appropriately received several awards for its work.

Since its beginning under the guidance of the late Ross Perkins of Essex, CT, through the extraordinary contributions of Dick Reed, WICH has made extraordinary contributions to the radio industry.

Congratulations to WICH of Norwich on its 50 year anniversary and best wishes for another 50 years of future service and great programming.

WORKING TOGETHER FOR BAY CITY: CITIZENS, LABOR, AND UNITED WAY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BARCIA. Mr. Speaker, in addition to keeping full-time jobs, volunteers spend long tireless hours helping others while in return they are not paid and receive no financial gain. Volunteers selflessly sacrifice their free time. Organizations would not be nearly as effective without volunteers who are essential to the success of achieving their goals.

Today I would like to congratulate and recognize some dedicated volunteers from my hometown of Bay City, MI, whose efforts earned them the Model City in Community Service Award. One of five model cities nationwide, the citizens of Bay City, the United Way, and the Central Labor Council should be proud of their accomplishments. By working together they improved their community and serve as a model for other communities to follow.

Under the capable leadership of Steve Rajewski, labor liaison for the United Way of Bay County and coordinator for community service programs through the United Way of Bay County, the volunteers have provided many valuable services to the community including: union counseling, blood drives, service for retirees, food drives and many other valuable programs aimed to improve the quality of life for citizens of Bay City.

Established in 1991, the AFL–CIO Model City in Community Service Award recognizes outstanding community service activities and programs provided by the AFL–CIO and developed in cooperation with the United Way. The programs are designed to give union members the opportunity to serve, support, and improve human services in their communities.

The selection is based on a detailed survey and application process that focuses on health and human service programs that work in the local communities. Volunteer activities on the boards and committees of the United Way and its member agencies are an important criterion for model city consideration.

The United Way, the Central labor Council, and citizens of Bay City deserve recognition for their cooperation which resulted in their being honored with this prestigious award. The loyal volunteers represent the spirit of volunteerism and community service which makes our county one of the greatest national in the world. I am proud to be a son and product of the great city and I ask my colleges to join me in wishing the citizens of Bay City a hearty congratulations for a job well done.

STATEMENT IN SUPPORT OF H.R. 2092

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. MARTINEZ. Mr. Speaker, I am delighted to join the gentleman from Georgia in support of the Private Security Officer Quality Assurance Act, a bill which we jointly introduced last year. Mr. BARR deserves enormous credit for his diligence, skill, and hard work in bringing this important measure to the floor.

The public deserves the assurance that the security guard they meet in the mall, the bank, or at school is not a felon or a person who has a history of violent behavior. Recently, USA Today printed a story about the tragedies which can occur when inadequate background checks are made—tragedies that involved security guards who committed murder, rape, and theft.

Mr. Speaker, there are now thousands of security companies employing close to 1.8 million guards. The vast majority of these security guards are professionals, many acting heroically in performing their duties. However, right now, we cannot be sure that the security officers that we meet in virtually every facet of our lives are not armed and dangerous.

H.R. 2092 will provide an expedited procedure for State officials to check the backgrounds of applicants for guard licenses. A similar procedure is in place for the banking and parimutuel industries. Currently, it takes up to 18 months to complete background checks in some States. This bill can reduce that time to the approximately 3 weeks it takes for banks to get results under their expedited process.

H.R. 2092 contains no mandates of any kind. No State or individual is compelled to use it. Fees will be paid by the applicants or their employers. There is no cost to the FBI.

H.R. 2092 has broad support. Most notably, the National Association of Security and Investigative Regulators has endorsed the bill as well as representatives of the guard, alarm, and armored car industries.

Mr. Speaker, this legislation is a bipartisan effort which has the support of Members on both sides of the aisle. Security should not be a partisan issue. By establishing an expedited procedure for State regulators of security guards to receive FBI background checks in a timely manner, H.R. 2092 will greatly improve the safety of the public.

I strongly urge my colleagues to support this straightforward, modest, and reasonable bill that will improve public safety where ever security guards are present.

HEALING VICTIMS OF TORTURE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. PORTER. Mr. Speaker, the brutal and violent practice of torture is a critical issue; yet, there is little information on the subject and even less action in the fight against it. For some governments, torture is used as a matter of policy where low-level functionaries carry out high-level orders of state violence. During the mid-1970's, core-Communist countries such as China, Cuba, the Soviet Union and Vietnam relied on torture as a most effective tool against democracy. As recently as 1995, there were 72 governments who systematically implemented the practice of torture.

For victims of torture, however, there is hope. Dr. Inge Genefke is a Danish doctor who has devoted her career to the treatment and rehabilitation of victims of torture. She began her career in this field in 1973 after Amnesty International issued a plea to physicians throughout the world to assist those who had been tortured. As director of both the Rehabilitation and Research Center for Torture Victims and the International Rehabilitation Council for Torture Victims in Copenhagen, Dr. Genefke keeps an impressive schedule speaking in countries where victims of torture are receiving medical attention.

Earlier this year, Dr. Genefke testified before the House International Relations subcommittee on international operations and human rights. Her testimony included basic information on the issue and stressed the need for increased American awareness of torture victims and their struggles. Dr. Genefke believes that through greater understanding and awareness, we can make gains in the fight against torture.

I commend to Member's attention the following column on this remarkable woman by the respected Colman McCarthy which appeared in the Washington Post on September 3, 1996.

[From the Washington Post, Sept. 3, 1996]

FIGHTING TORTURE WITH MEDICINE

(By Colman McCarthy)

As a young physician earning her medical degree from the University of Copenhagen in

1965, Inge Genefke looked ahead to a conventional practice in her home country, Denmark. She settled on neurology as her specialty at the University Hospital in Copenhagen. Her career path appeared to be set.

In 1973 it veered sharply, in a direction that took Genefke into what was then, and largely remains, one of the least known branches of medicine: the examination and treatment of torture victims.

Earlier this year, Genefke, who is the medical director of both the Rehabilitation and Research Center for Torture Victims and the International Rehabilitation Council for Torture Victims in Copenhagen, testified here before the House International Relations subcommittee on international operations and human rights. It was one of many stops this past year, an itinerary that has taken this physician of uncommon conscience to South Africa, Romania, Nepal, Palestine, Sri Lanka, Croatia and other areas of the world where survivors of torture are receiving medical care.

Genefke's work began in 1973 when Amnesty International issued a plea to the world's physicians for help in treating people who were tortured. The first response, and one that has proven to be deep and lasting, came from a group of Danish doctors. They faced an epidemic. Governments—and not only dictatorships—were using torture as a matter of policy. Police forces, armies and death squads were the low-level functionaries of dungeon brutality carrying out high-level orders of state violence.

The mid-1970s were years when China, Cuba, the Soviet Union and Vietnam were the core communist nations relying on torture. These were also years when such U.S.-backed military juntas as Greece, Chile and Argentina were at work.

Among the imprisoned was Maria Piniou-Kalli, a Greek physician who joined Genefke's mission in 1989 by forming the Medical Rehabilitation Center for Torture Victims in Athens. She wrote recently of the years following the military coup in 1967: ''Though this might appear far in the distant past, I dare say that the aftermaths of such a violent abolition of democracy are still painfully felt even today. Twenty-two methods of torture were employed as a means to repress every opposition. Among them were rape, electric shocks, psychological abuse and phalanga (beating soles of the feet), which can be describe as our national way of torture.''

Greeks, along with Chileans, were among the first victims coming to Copenhagen for help. Other nationalities followed, and inpouring so large that Genefke began traveling the world to rally other doctors. She became known as the ''Florence Nightingale'' of torture treatment. Today her own centers, which have grown to a staff of 80, are linked with 60 similar operations in 45 countries, including one in Minneapolis that has treated more than 800 people since 1988.

When I visited the Minneapolis center four years ago, several staff members repeatedly mentioned Genefke and her singular work. It was not a large leap to place the Danish doctor in the company of other 20th century women—Jane Addams, Maria Montessori, Eleanor Roosevelt, Mother Teresa—who not only had a vision but also the drive to organize it into reality.

At the House hearings, Genefke supplied the basic information about her work in Copenhagen and the affiliated centers around the world. Services range from psychological supportive therapy to medical help to restore injured muscles and limbs.

Of the 72 governments that systematically used torture in 1995, Genefke told Congress: ''One of the most horrible things when you hear about torture is . . . to realize that so many governments use it with the purpose of staying in power. Torture victims always tell us that we, who have not been tortured, can never understand what happened to them. . . . I do not think we should try to understand what happens—but we should know why it happens, the motive behind torture, and then fight against it with all our strength.''

Some of that strength is money. Here, too, Denmark leads the way. Its government provides more than $5 million a year to the Copenhagen centers, about $1 per Dane. The United States contribution to the U.N. Voluntary Fund for Victims of Torture is $1.5 million, about a half-cent per person a year.

Genefke believes that few Americans are aware of that paltriness, or who is being tortured or where. She plans to return to tell us again. Information is the medicine for indifference.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–198)

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1996

Mr. CRANE. Mr. Speaker, opponents of H.R. 1833, the Partial-Birth Abortion Ban Act, justified their support of this form of infanticide by stating that the procedure was medically necessary in some cases. In fact, President Clinton, as he vetoed the bill, ensured that his photo-ops included women who had survived this gruesome procedure.

As my distinguished colleague HENRY HYDE mentioned in his closing remarks of the veto override debate, proabortion forces are disturbed by our attempt to outlaw these acts because the legislation shifts the focus from the woman's choice to the brutal and fatal act of the abortion procedure. In their attempt to justify all abortions, abortion advocates have fully exposed their agenda by lobbying to protect this form of baby murder. Apparently, they are ignoring the health risks to women who have been or could be subjected to the medically necessary procedure we seek to outlaw.

In fact, supporters of H.R. 1833 included many trained in the medical profession. Our colleague, Dr. TOM COBURN, a practicing obstetrician, assisted in writing the bill. Other well-trained physicians, true to their Hippocratic oath, lent their support to outlaw partial-birth abortions and exposed the serious health dangers inherent in such a brutal procedure.

Four physicians, all of whom are experts in obstetrics or fetal health, explained their support for H.R. 1833 in the September 19, 1996 Wall Street Journal article entitled, ''Partial-Birth Abortion Is Bad Medicine''. As our colleagues in the other body this week attempt to override the veto of this most humane legislation, I commend the article to their attention and urge them to follow the lead of the House, override the President's veto and make H.R. 1833 law.

[From the Wall Street Journal, Sept. 19, 1996]

PARTIAL-BIRTH ABORTION IS BAD MEDICINE

(By Nancy Romer, Pamela Smith, Curtis R. Cook, and Joseph L. DeCook)

The House of Representatives will vote in the next few days on whether to override President Clinton's veto of the Partial Birth Abortion Ban Act. The debate on the subject has been noisy and rancorous. You've heard from the activists. You've heard from the politicians. Now may we speak?

We are the physicians who, on a daily basis, treat pregnant women and their babies. And we can no longer remain silent while abortion activists, the media and even the president of the United States continue to repeat false medical claims about partial-birth abortion. The appalling lack of medical credibility on the side of those defending this procedure has forced us—for the first time in our professional careers—to leave the sidelines in order to provide some sorely needed facts in a debate that has been dominated by anecdote, emotion and media stunts.

Since the debate on this issue began, those whose real agenda is to keep all types of abortion legal—at any stage of pregnancy, for any reason—have waged what can only be called an orchestrated misinformation campaign.

First the National Abortion Federation and other pro-abortion groups claimed the procedure didn't exist. When a paper written by the doctor who invented the procedure was produced, abortion proponents changed their story, claiming the procedure was only done when a woman's life was in danger. Then the same doctor, the nation's main practitioner of the technique, was caught—on tape—admitting that 80% of his partial-birth abortions were ''purely elective.''

Then there was the anesthesia myth. The American public was told that it wasn't the abortion that killed the baby, but the anesthesia administered to the mother before the procedure. This claim was immediately and thoroughly denounced by the American Society of Anesthesiologists, which called the claim ''entirely inaccurate.'' Yet Planned Parenthood and its allies continued to spread the myth, causing needless concern among our pregnant patients who heard the claims and were terrified that epidurals during labor, or anesthesia during needed surgeries, would kill their babies.

The latest baseless statement was made by President Clinton himself when he said that if the mothers who opted for partial-birth abortions had delivered their children naturally, the women's bodies would have been ''eviscerated'' or ''ripped to shreds'' and they ''could never have another baby.''

That claim is totally and completely false. Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and her fertility. It seems to have escaped anyone's attention that one of the five women who appeared at Mr. Clinton's veto ceremony had five miscarriages after her partial-birth abortion.

Consider the dangers inherent in partial-birth abortion, which usually occurs after the fifth month of pregnancy. A woman's cervix is forcibly dilated over several days, which risks creating an ''incompetent cervix,'' the leading cause of premature deliveries. It is also an invitation to infection, a major cause of infertility. The abortionist then reaches into the womb to pull a child feet first out of the mother (internal podalic version), but leaves the head inside. Under normal circumstances, physicians avoid breech births whenever possible; in this case, the doctor intentionally causes one—and risks tearing the uterus in the process. He then forces scissors through the base of the baby's skull—which remains lodged just within the birth canal. This is a partially ''blind'' procedure, done by feel, risking direct scissor injury to the uterus and laceration of the cervix or lower uterine segment,

resulting in immediate and massive bleeding and the threat of shock or even death to the mother.

None of this risk is ever necessary for any reason. We and many other doctors across the U.S. regularly treat women whose unborn children suffer the same conditions as those cited by the women who appeared at Mr. Clinton's veto ceremony. Never is the partial-birth procedure necessary. Not for hydrocephaly (excessive cerebrospinal fluid in the head), not for polyhydramnios (an excess of amniotic fluid collecting in the women) and not for trisomy (genetic abnormalities characterized by an extra chromosome). Sometimes, as in the case of hydrocephaly, it is first necessary to drain some of the fluid from the baby's head. And in some cases, when vaginal delivery is not possible, a doctor performs a Caesarean section. But in no case is it necessary to partially deliver an infant through the vagina and then kill the infant.

How telling it is that although Mr. Clinton met with women who claimed to have needed partial-birth abortions on account of these conditions, he has flat-out refused to meet with women who delivered babies with these same conditions, with no damage whatsoever to their health or future fertility.

Former Surgeon General C. Everett Koop was recently asked whether he'd ever operated on children who had any of the disabilities described in this debate. Indeed he had. In fact, one of his patients—''with a huge omphalocele [a sac containing the baby's organs] much bigger than her head''—went on to become the head nurse in his intensive care unit many years later.

Mr. Koop's reaction to the president's veto? ''I believe that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction'' on the matter, he said. Such a procedure, he added, cannot truthfully be called medically necessary for either the mother or—he scarcely need point out—for the baby.

Considering these medical realities, one can only conclude that the women who thought they underwent partial-birth-abortions for ''medical'' reasons were tragically misled. And those who purport to speak for women don't seem to care.

So whom are you going to believe? The activist-extremists who refuse to allow a little truth to get in the way of their agenda? The politicians who benefit from the activists' political action committees? Or doctors who have the facts?

THE COMPUTER SOFTWARE DEPRECIATION CORRECTION

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BAKER of California. Mr. Speaker, today I am introducing a bill to change current tax law to allow computer software acquired in the purchase of a business to be subject to the same tax depreciation rules as most other computer software available to the general public. My bill also shortens the depreciable life of computer software to 2 years, to better reflect its true value to a small business or a corporation.

Current law considers software acquired in the purchase of a business to be an ''intangible asset,'' under Internal Revenue Code section 197. As such, it is subject to a punitive 15-year depreciation rule. My bill first places all computer software, regardless of its origin, composition, or means of acquisition, on equal footing with typical off-the-shelf software technology currently available to most consumers.

My bill then lowers the current 36-month ''useful life'' standard for computer software deduction down to 2 years. This shorter period is a much more fair concept of ''useful life.'' The 2-year deduction is weighted in the first year to allow a 70-percent deduction, followed by a second-year 30-percent deduction. This also reflects the value of the software to a business in a much more fair way.

Shortening the depreciable life of computer software—and especially subjecting the most technical and sophisticated programs to the same treatment as commercially available software—will have substantial economic impact. It will lower the cost of operation for thousands of small businesses which may currently purchase hundreds of programs a year. It will also restore a measure of equity for small businesses vis-a-vis larger corporations which can afford to write their own software and expense the costs that year as a research and development expenditure.

While on the vanguard of our technology sector, computer software has an increasingly short product life cycle, often about 1 to 2 years, depreciating much more rapidly than most products. My bill will help spur further innovation in this growing sector of our economy. And as many new companies involved in emerging technology markets must acquire new technologies in order to grow, my bill will enhance the competitiveness of U.S. firms with foreign firms that may enjoy much more favorable tax treatment of acquired assets like software.

An indepth economic analysis will have to be made on my bill's impact, a preliminary examination of the legislation indicates its cost will be minimal, compared to its benefit to the technology sector. I encourage my colleagues to join me in this effort by cosponsoring this important bill.

TRIBUTE TO LOUIS TRAVIS AMVETS POST 14 50TH ANNIVERSARY CELEBRATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to the Louis Travis Amvets Post 14 as they celebrate the 50th anniversary of their post charter on Saturday, October 26, 1996.

After the end of World War II, thousands of veterans throughout our country had the need for an organization which would bring them together under a common bond. In Bay View, a World War II veteran by the name of Edward Cialdini understood this need and sought to find such an organization. Ed came into contact with an organizer for the American Veterans of World War II, also known as AMVETS, and on March 27, 1946 they met with 14 other Bay View veterans to create an AMVET post.

Once the new post was created, the founders decided it should be named in the memory of a local veteran, Louis Travis of Bay View. He was the sixth child of Mr. and Mrs. Paul Travis, born in January 20, 1925. In 1943 Louis joined the Navy and participated in many Pacific campaigns aboard the U.S.S. *Minneapolis* and U.S.S. *Pensacola* where he saw combat in the Iwo Jima operation. During this bombardment, his ship was struck by enemy shells and he was killed on February 17, 1945. He was posthumously awarded the Purple Heart, American Campaign Medal, Asiatic-Pacific Campaign Medal with one silver and three bronze stars, and the World War II Victory Medal. The organizers were proud to name their new post after this true American hero.

For several years, the Travis Post held its meetings at the local club where it was formed. However, as the organization grew, so did the need for their own clubhouse. After the war ended, the Travis Post purchased a messhall from the German prisoner-of-war stockade built at Mitchell Field. After many years of hard labor by its members and several local community volunteers, and financial troubles, the post was finally completed and operational by 1952. That building served Bay View area veterans for 43 years. In 1995, the building was sold, and Travis Post meetings are now being held at the same club where it was formed.

Over the past 50 years, the Travis Post has met the needs of all Bay View veterans. The Louis Travis AMVET Post has a history filled with sacrifice, hard labor, and ultimately success. I applaud all of the veterans who helped to organize, build, and sustain the Travis Post over these past 50 years.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1997

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. DOOLEY of California. Mr. Speaker, recently the House passed the conference report to accompany H.R. 3816, the Energy and Water Development Appropriations Act for Fiscal Year 1997. This legislation includes a long-sought solution to resolve the issues concerning costs of the Kesterson Reservoir Cleanup Program. This language directs the Secretary of Interior to collect repayment of the cost of the Kesterson drain as described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995''.

While all parties involved in the Kesterson cleanup issue are pleased with the solution of the repayment situation, there are several landowners who are involved in a lawsuit—Sumner Peck Ranch—that stems from the closing of the drain. The closing of the drain has led to the degradation of land in the area. In some cases this land has become incapable of being farmed. The basis of the lawsuit is that the landowners believe that the Federal Government should provide them with monetary compensation for the loss of the productive use of their land because the Federal Government is not operating a drain as promised in past contracts with the Bureau of Reclamation.

The case has not been resolved, and mandatory settlement discussions before the Ninth Circuit's chief mediator are ongoing. I want to make clear that the language contained in the fiscal year 1997 energy and water development appropriations bill in no way was intended to affect the outcome of the Sumner

Peck Ranch litigation. The only purpose of the language was to resolve the long-standing dispute regarding the allocation of the repayment responsibilities.

OPPOSITION TO THE FISCAL YEAR 1997 VA/HUD CONFERENCE REPORT

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BACHUS. Mr. Speaker, yesterday, I joined 24 of my colleagues in opposing the fiscal year 1997 VA/HUD conference report. I want to be very clear that I strongly support our veterans. I voted for this legislation when the House passed its version earlier this year. But I could not, in good conscience vote for the conference report.

I voted against this bill for one reason and one reason only—this bill hurt some of the accounts most critical to our Nation's veterans. The House Veterans' Affairs Committee worked long and hard to produce a budget that maintained or increased almost every major VA account. Unfortunately, the final conference product cuts the House request of two of the most critical veterans programs while increasing funds for nonveterans programs.

The VA medical care account was cut by $55 million over the House-passed version. As the VA struggles to offer consistent quality medical care to veterans, I am angry that these dollars are being spent by Americorps—a paid volunteer program which received $400 million more than the House originally intended. Our veterans heeded the call of our country and risked their lives and their health in true service to the United States. They should not be asked to take a back seat to a program that has been criticized for mismanagement and waste.

The VA medical research account was cut $15 million from the House passed legislation. Mr. Speaker, in addition VA's premier research efforts in areas such as spinal cord injury and blind rehabilitation, this cut hurts some of our newest and sickest veterans—those who have returned from Operation Desert Storm with bizarre service-connected illnesses ranging from chronic fatigue syndrome to cancer. On the heels of a long-overdue Pentagon admission that some of our troops were exposed to chemical weapons, we are trimming the very dollars that may have been used to improve treatment methods or quality of life for these soldiers.

I am an original cosponsor of a bill introduced by my colleague, the Honorable GLEN BROWDER creating an independent commission to study the use of chemical weapons in the gulf war. We must take the lessons of our sick veterans to ensure that future generations of soldiers are given the best opportunity to perform in an age of chemical warfare and still come home with their health.

The priorities of this conference report are skewed. While I understand that overall VA funding is increased over fiscal year 1996 dollars, I am disappointed that VA's medical mission has been slighted in the process. The wishes of the House Veterans' Affairs Committee should have been given more, not less, consideration.

CONGRATULATIONS TO THE SCHOOL OF NURSING, UNIVERSITY OF MARYLAND AT BALTIMORE, AND DR. BARBARA R. HELLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. CARDIN. Mr. Speaker, I rise today to congratulate the School of Nursing, University of Maryland at Baltimore and Dr. Barbara R. Heller, Dean of the School, as it breaks ground on a new building and marks an important milestone in the history of the institution, nursing education and the nursing profession.

The School of Nursing, ranked in the top 10 nationally and one of the largest institutions of nursing education in the country, is in the forefront of nursing education, research and clinical service. Students are provided with the knowledge and skills they need to practice in a dynamically changing, global health care marketplace.

The school targets critical local, State and national problems through research in such areas as the health of mothers and infants, drug abuse, oncology, geriatrics, school/child health, trauma/critical care, community health and AIDS prevention.

Through growing clinical practice initiatives, the school offers vital primary and preventive services throughout Maryland. While enriching the academic experience for many students, these affordable, accessible nurse-managed, community-based health centers served as models of health care delivery to underserved and uninsured populations.

I urge my colleagues to join me in saluting the efforts of the School of Nursing to refocus, redefine and reengineer nursing education. I also congratulate the faculty, students and staff as they break ground on a new facility, building the future of our Nation's health care delivery system through education.

LEGISLATION TO EXPAND CONDITIONS FOR VETERANS PRESUMED TO BE SERVICE CONNECTED DUE TO EXPOSURE TO IONIZING RADIATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. EVANS. Mr. Speaker, today I am introducing legislation to address an injustice that should be corrected at our earliest possible opportunity—the poor treatment of our Nation's atomic veterans.

There can be no question that atomic veterans were not adequately informed of the dangers of ionizing radiation and were injured as a result. Many of these men and women have paid for their dedication and bravery with their health and some with their lives. We owe it to them to see that they are not forgotten and that they receive the compensation for all of the illnesses that were incurred because of their service to our Nation. My legislation is but another step in ensuring that we fulfill our duty to them.

Recent developments have made a clear case for providing relief to these vets. The final report of the President's Advisory Committee on Human Radiation Experimentation more or less concluded that our Government has failed these brave men and women. The recommendations of the committee mirrored many of the concerns that the atomic veterans groups have had for years: that the list of presumptive diseases contained in law is inadequate, that the standard of proof to meet administrative claims is often impossible to meet, and that these statutes are limited and inequitable in their coverage.

I believe that Congress must provide the necessary leadership to ensure that these veterans' needs are met. My legislation is based on the precedent set by the Marshall Islands Nuclear Claims Tribunal Act, which provides relief for a number of presumptive diseases. Currently, Marshall Islanders receive compensation if they exhibit one or more of the 27 illnesses presumed radiogenic in nature. My legislation would ensure that all of the radiogenic illnesses that Marshall Islanders are compensated for are also on the presumptive list for our Nation's vets. Specifically, it would add bone cancer, cancer of the colon, nonmalignant thyroid nodular disease, parathyroid cancer, ovarian cancer, brain and central nervous system tumors, unexplained bone marrow failure and meningioma to the presumptive list.

This legislation will ensure that atomic veterans are treated properly, not as second-class citizens. It will also ensure that our Nation's policy on addressing the damage done by our Nation's nuclear weapons program is consistent. The least we can do is to make sure that veterans receive compensation for illnesses already determined by our Government to be linked to exposure to ionizing radiation. I urge my colleagues to sponsor this long-overdue legislation.

CONFERENCE REPORT ON H.R. 3666, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. BORSKI. Mr. Speaker, I rise today in strong support of H.R. 3666, the conference report on VA-HUD-Independent Agencies Appropriations for fiscal year 1997. I support this bill for many reasons but especially because it includes a provision that requires health insurance companies to cover 48 hours of hospital care for a woman after she gives birth.

Mr. Speaker, my constituent, Mrs. Maureen Drumm is a perfect example of why this practice of drive-through deliveries must be stopped.

On August 31, 1992, Maureen gave birth to her first daughter, Bridget Theresa. Bridget's first twenty-four hours of life were that of a normal, beautiful, healthy baby. However, approximately twenty-hours after Bridget was born, Maureen began to experience severe physical distress. Maureen had developed a

uterine infection, her temperature rose quickly to one hundred and four degrees, and she was in danger of lapsing into shock.

Mrs. Drumm's doctors immediately placed her on heavy doses of antibiotics and other intravenously administered medications. But, despite her doctor's best efforts, her fever persisted for 5 days at rates over one hundred degrees.

Although Maureen was quite ill, her greatest pain was not physical. Maureen was suffering mentally for her newborn daughter, Bridget. Approximately 48 hours after Bridget was born, she was moved to the intensive care unit. In a matter of hours, Bridget's bilirubin level—the yellow-brown bile pigment in the blood—had jumped from a normal level of 11 to a dangerous level of 19. Bilirubin levels in the twenties can cause bilirubin encephalopathy—a condition which causes permanent brain and nervous system damage. Bilirubin levels of over twenty-two require transfusions which replace all of the blood in the baby's body. Bridget Theresa was in great danger.

In time, Maureen's fever and Bridget's jaundice subsided because they were given high quality medical treatment and an adequate length of stay in the hospital. However, if they had been forced to leave twenty-four hours after Maureen gave birth—they would not have been so lucky. Mr. Speaker, forcing women and their newborn babies out of the hospital after 24 hours is cruel, barbaric, and extremely dangerous. If this policy of mandating ''drive-through deliveries'' was in effect in 1992, Bridget Theresa could be mentally retarded and Maureen could have died.

As you can imagine, Mr. Speaker, when Maureen became pregnant with her second child, she was quite nervous. Mrs. Drumm had learned that since her first delivery, her insurance company adopted a policy which required mothers and newborns be discharged from the hospital 24 hours after a ''normal delivery.'' Well, Maureen did have a ''normal delivery'' with her first daughter Bridget Theresa. It was only after the first 24 hours that their conditions became obvious.

On July 26, 1995, Mrs. Drumm testified in front of the Pennsylvania House of Representatives Democratic Policy Committee. The next day Maureen received a phone call from Blue Cross/Blue Shield and was informed that because of her testimony, she would be pre-approved for a 48-hour stay in the hospital after giving birth. On August 3, 1995, Blue Cross/Blue Shield of Philadelphia changed their policy to ''Mother's Option''—which is 24 hours in the hospital and two home health care visits or 48 hours in the hospital.

On August 6, 1995, Maureen gave birth to her second child—a beautiful, healthy baby girl—Maura Elizabeth. Maura also had an elevated bilirubin level on her second day of life and was given immediate treatment. Since Maureen and Maura were able to stay a second day in the hospital, Maureen was well rested and able to care for Maura's jaundice at home over the course of the next few days. Today, both of Maureen's daughters are growing beautifully.

Mr. Speaker, since Maura's birth, Pennsylvania has joined a number of other States in making the option of a 48-hour hospital stay law. Now, we need to make it a Federal law.

Mr. Speaker, Maureen Drumm's efforts in educating us all in this dangerous ''drive-through delivery'' practice should be commended. Maureen Drumm not only won a battle for herself, but for millions of women across this country. Although, many people would have been satisfied with being granted an extra day in the hospital for themselves, Maureen didn't stop there. Through many trips to Washington and many meetings with both Representatives and Senators, she has focused national attention on this issue, and has been a true leader in this fight for the rights of newborns and their mothers. Maureen Drumm has proven that one person really can make a difference. I congratulate Maureen Drumm and urge you to do the same by passing this important and vital legislation.

HONORING STEPHEN JEROME

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mrs. LOWEY. Mr. Speaker, I wish to honor Stephen Jerome for his 30 years of ongoing commitment and service to the students and residents of the 18th Congressional District of New York, which I am proud to represent.

The name Stephen Jerome is synonymous with both educational leadership and dedication to community. As president of Monroe College, with campuses in both the Bronx and New Rochelle, Stephen Jerome has carried on his family's commitment to educating the young men and women of New York City and Westchester. His aunt, Mildred King, founded the school in 1933, and his father joined her 3 years later. Stephen came aboard as an instructor in 1966, and held various positions over the next 12 years before beginning his tenure as president in 1978.

It is fitting that as we honor Stephen Jerome on his 30th anniversary, Monroe College will honor his aunt by dedicating the recently acquired King Hall, which now houses the office of student services, as well as the learning center, gymnasium, and cafeteria.

Mr. Speaker, Stephen Jerome is not content to help only those students who pass through his institution's doors. He is a former member of the college presidents' council for the Governor's Office on New York State Financial Aid, former president of the Association of Proprietary Colleges in New York State, and a former commissioner of the Accrediting Commission of the Association of Independent Colleges and Schools.

Stephen Jerome's endeavors also extend beyond the educational sphere. He has worked to improve the ties between business and the community by serving as director of the Bronx Chamber of Commerce and then as president of the Fordham Road Area Development Corp. In addition, he routinely organizes neighborhood cleanup and improvement projects, and arranges an annual Christmas party for the children of his students.

Aside from his commitment to Monroe College and to his community, Steven is a dedicated husband and father. His wife, Leslie, is the director of career services at Monroe's New Rochelle campus. One son, Marc, is the director of the New Rochelle branch campus, and his other son, Evan, heads a television production company. Stephen's daughter, Lauren, works in public relations.

Mr. Speaker, on behalf of the friends, colleagues, and family of Stephen Jerome, I hereby express my heartfelt appreciation for his 30 years of service to Monroe College and the Bronx, and hope that he will continue to serve the institution and his community for many years to come.

A TRIBUTE TO PRISCILLA ''PRILL'' KUHN

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to a woman whose sense of compassion, community dedication, and entrepreneurial skill makes her one of Arizona's most well-respected citizens, Ms. Priscilla ''Prill'' Kuhn. Ms. Kuhn has dedicated her life to improving the lives of the underprivileged and disadvantaged, and thousands of Arizonans are living happier, healthier lives because of her hard work. Her altruism, quiet brilliance, dauntless energy and many friends have enabled her to fulfill her unique vision of building responsive communities for the members of our society most in need of advocates and protectors: our children, our elderly, and our disabled.

Throughout her career, Prill has continued to develop her communication skills, her understanding of resource development, and her network of friends. Subsequently in 1985, she was able to pursue her dream of establishing her own business, Netwest Development Corp., in Tucson, AZ. As president and chief executive officer of Netwest, Prill incorporated her belief in positive community activism into every aspect of the business.

Although Netwest has become a multi-million dollar organization with 230 employees and provides over 1,000 multifamily, retirement and assisted-living units, Prill's vision of a caring, responsive community pervades.

Prill provides an immeasurable resource to the many boards and committees on which she sits. Her fundraising abilities are legendary. For her work, she has received many awards and recognitions including the Northwood University Distinguished Women's Award, Roots and Wings Human Betterment Award, Amity Foundation President's Award, International Who's Who of Professional & Business Women. The list goes on.

In addition to her career and public service accomplishments, Prill's dedication to her family is also commendable. With her loving husband, Dr. Martin C. Kuhn, Prill raised three wonderful children: Katherine Edith Ruth Kuhn Fletcher Truman Kuhn, and Clifford Seymour Kuhn. She is also the guardian of her two young nieces, Patience Gabrielle Purdy and Josephine Elizabeth Seymour Lane, and she is grandmother to Jamal Truman Salah and Anna Priscilla Salah.

I close this tribute to Priscilla ''Prill'' Kuhn by thanking her for the difference she has made in the lives of many Arizonans. Prill's entrepreneurial spirit, sense of community responsibility, and love of family make her an outstanding citizen of this country.

ECONOMIC STABILITY FOR PUERTO RICO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, as a member of the House Resources Committee I would like to take this opportunity to voice my support for the continued economic progress of Puerto Rico. While I believe that it was necessary to do away with wasteful corporate welfare programs like section 936, it is crucial that we continue the progress toward economic stability on the island. With almost 4 million American citizens living in Puerto Rico, Congress must remain committed to helping Puerto Rico create a sound economic climate in which all citizens can prosper. It is important to remember that unemployment and other economic factors in Puerto Rico still remain far below the national average.

I believe we began building the foundation of an economic incentives program for the island in the new section 30A, which provides a targeted wage credit to companies currently doing business in Puerto Rico. Section 30A is certainly a move in the right direction but there is still a great deal of work that needs to be done in order to ensure the economic solvency of the island in the next century.

In the next Congress I am looking forward to working with Puerto Rican Governor Pedro Rossello, and my colleagues in the House to expand section 30A into a dynamic and effective job creation incentive that promotes new high paying jobs to Puerto Rico.

SMALL BUSINESS REGULATORY RELIEF ACT OF 1996

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. EWING. Madam Speaker, today the U.S. House of Representatives acted to protect farmers, farm retailers, many small businesses, and State's rights from potentially onerous regulations currently being proposed by the U.S. Department of Transportation. It is unfortunate that some proponents of ''big government'' and Washington, DC bureaucracies feel the need to preempt State laws and impose one-size-fits-all regulations on businesses and activities that have operated safely and efficiently for years without Federal regulation. Passage of H.R. 3153 was a victory for the ''common sense'' 104th Congress.

In its present form, the U.S. Department of Transportation, Research and Special Programs Administration's HM–200 rule-making would supersede every State exception granted to the agriculture industry for transfer of agricultural production materials, such as pesticides, fertilizers, and fuel from retail-to-farm and from farm-to-farm. In fact, this issue is so important to agriculture that 49 Members of Congress and 44 farm and agribusiness organizations endorsed corrective legislation that I introduced along with Representatives Buyer, Poshard, and Barcia, H.R. 4102, the Farm Transportation Regulatory Relief Act.

Although the agricultural production materials provisions contained in Section 4 of H.R. 3153 are not as comprehensive as the recommendations contained in H.R. 4102, the bipartisan agreement contained in H.R. 3153 would provide relief for farmers and retailers, and allow States to continue to do exactly what they are doing now, until after Congress has a chance to review DOT's final rule. This section would exempt agricultural production materials from DOT's final intrastate regulations until after Congress passes a reauthorization of the Hazardous Materials Transportation Safety Act, or through the 1998 planting season.

State governments realize that agriculture has unique needs and operates under critical seasonal time pressures. There is no need to impose uniform hazardous materials transportation standards on not-for-hire intrastate transportation of agricultural chemicals and materials. Burdening farmers with costly and unnecessary bureaucratic requirements like having to placard their trucks, carry shipping documents, and provide a 24-hour emergency response phone number will only impede farmers' ability to efficiently plant and care for their crops. It will not improve safety on rural roads!

I would particularly like to thank Mr. BUYER, Mr. POSHARD, Mr. BARCIA, and Majority Whip DELAY for their support and hard work to ensure farmers and retailers are protected from DOT's unnecessary and burdensome regulations. Farmers are primarily small business people, who work extremely hard to make ends meet. They care about their safety, the safety of others, and the environment. I hope DOT will reevaluate its opinion of agriculture, and its unique transportation needs; however, if they do not, I am prepared to continue to work with my colleagues to ensure Congress takes the necessary action to permanently protect production agriculture from these unnecessary and bureaucratic regulations.

TRIBUTE TO WALT MOSHER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my dear friend Walt Mosher, the recipient of the 1996 Nelle Reagan Award for Distinguished Community Service by the Olive-View UCLA Medical Foundation. Knowing Walt as I do, I cannot think of a more qualified candidate to receive an award predicated on philanthropy and volunteerism. Despite a hectic schedule, Walt always seems to have time for important causes.

The numbers are truly staggering: Walt has donated more than 25,000 hours of personal service and hundreds of thousands of dollars to scores of charities, civic organizations, committees, and task forces in the San Fernando Valley and elsewhere. Those he has helped in one way or another include the San Fernando YMCA Child Care Program, the American Heart Association, the San Fernando Police Advisory Council, the American Cancer Society, and the American Heart Association. Walt has also assumed a leadership role with the Valley Industry and Commerce Association, a key business advocacy organization in the San Fernando Valley.

Somehow Walt manages to stay intimately involved with his community while running a $28 million a year business that employs several hundred people. In 1956 he cofounded Precision Dynamics Corp., which was established to manufacture and distribute products in the health care field. One year later, he became president, a position he has held ever since.

Walt is also an educated man; he has a Ph.D., in engineering from UCLA. I have enjoyed many stimulating conversations with him over the years about business and political matters.

I ask my colleagues to join me today in saluting Walt Mosher, whose selflessness and dedication is a shining example to us all. I am proud to be close friends with him and his wife, Beckaa.

JACK HOAR: AN AMERICAN TEACHER IN BOSNIA AND HERZEGOVINA HELPS REBUILD CIVIL SOCIETY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. HORN. Mr. Speaker, I am proud to recognize Mr. Jack Hoar, who participated in CIVITAS@Bosnia-Herzegovina, an intensive program from July 17–27, 1996, to train local teachers in education for democracy. Jack Hoar was part of a team of 18 American educators and 15 teachers from the Council of Europe who were assigned to key cities throughout the Federation of Bosnia and Herzegovina. For 34 years, Jack was a valued teacher and administrator in the Long Beach Unified School District. He was the history, social science consultant for most of his tenure.

The summer training program was developed by the Center for Civic Education as part of a major civic education initiative in Bosnia and Herzegovina supported by the United States Information Agency and the United States Department of Education. The U.S. Information Service in Sarajevo provided valuable assistance to the program. The goals of the program are to help prepare students and their communities for competent and responsible participation in elections and other opportunities to take part in the political life of their communities. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance and support for democracy and human rights in this war torn area.

I am also pleased to announce that the curricular materials being used for the program in Bosnia and Herzegovina have been adapted from the We the People . . . the Citizen and the Constitution, and the Project Citizen programs, and other programs supported by Congress which are used in schools throughout the United States. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia and Herzegovina.

Jack Hoar resides in Long Beach, CA, and currently serves as the director of international programs for the Center for Civic Education. In

the past year, Mr. Hoar has traveled on 4 different occasions to Bosnia and Herzegovina to promote education for democracy instruction in the schools.

Mr. Speaker, I wish to comment Jack Hoar for his dedication and commitment during the CIVITAS@Bosnia-Herzegovina summer training program. His work is helping to achieve the overall objective of building support for democracy in Bosnia and Herzegovina.

PEOPLE ARE NOT FOR HITTING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. JACOBS. Mr. Speaker, the Menninger Clinic published a book awhile back entitled ''People are Not for Hitting''.

I have rarely seen a little boy hit another child without mumbling, you are a bad boy. As people grow older, they become more subtle about explaining their violence. But as the parent's creed says, ''The child who lives with violence, learns to do violence.''

The old saying is, spare the rod, spoil the child. Since there are innumerable ways to discipline and even punish children, the saying should be, spare the discipline, spoil the child. In fact, spoiling is one of the worst things you can do to a child. I call it the gentle brutality.

Here is what George Bernard Shaw said: ''If you strike a child, take care that you do so in anger. * * * A blow struck in cold blood neither can nor ever should be forgiven.''

The following statement by Meadow D'Arcy was published in Parade on September 15, 1996. It is excellent.

I feel that hitting children is a disgrace—something we will hang our heads in shame about in the future, as we do now with racism and sexism. We will be forced to tell our children how we were ignorant and simply did not know any better.

I know some one who hits her kids, and you can see the hurt and anger in their faces. Their mother believes that her older boy is a just plain bad kid and that hitting him is the only way to get him to stop doing things. He does do bad things. You can tell him something 20 times and he still won't listen. But I believe she created him. I believe that the badness is a result of the whippings, not the other way around.

We tell our children not to hit—by hitting them. But when we strike a child, we create a child full of fear, hatred and anger. Every time a child is hit, she gets a lesson in how to deal with her emotions. When faced with frustrations, she will hit too.

Image if you broke something at work and your boss slapped you. How would you feel? Humiliated, of course. We see our spankings as different. Why? We all agree that it is wrong for a man to hit a woman. But when it comes to children, we just shrug and say that it is part of growing up.

Children are becoming more and more violent with each other and with you and me. We blame this on so many sources but refuse to face the facts.

TRIBUTE TO LACASA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. VISCLOSKY. Mr. Speaker, I would like to commend the Latin American Community Alliance for Support and Assistance of Northwest Indiana, Inc. [LACASA], its board of directors, and its administrator, Ms. June Long, on LACASA's first annual fundraiser dinner. LACASA, whose office is located in Gary, IN, will hold this monumental event on Saturday, September 28, 1996, at the Patio Restaurant in Merrillville, IN.

The LACASA Board of Directors Officers include: Mrs. Aida Padilla, president and director of the Senior Companion Program; Mrs. Julie Tanis, vice president and public school teacher; Mr. Joaquin Rodriguez, secretary and community advocate; and Mr. Ray Acevedo, treasurer and photographer. Members of the board of directors include: Mrs. Bertha Cardenas, Mrs. Hortencia Hernandez, Mrs. Maria Magana, Mrs. Socorro Roman, Mr. Roeman Whitesell, Ms. Jeannette Hinton Padgett, Ms. Maria Vasquez, Mr. Martin Valtierra, Mr. Ben Luna, Mrs. Maria Lopez, Mrs. Mary Jean Maloney, and Ms. Finis Springer.

LACASA, which was organized in 1994, is dedicated to serving the Hispanic residents of northwest Indiana who experience difficulty in obtaining needed social and educational services. It serves northwest Indiana's Hispanic residents, who comprise 52 percent of the total population in this area, with quality services to meet their special needs.

Special programs that LACASA offers are: adult education, offered at various levels from basic adult education to preparation for the high school equivalency test; Head Start, which provides parenting skills training and an opportunity for parents to become empowered in the education of their children; and Access Assistance, which includes a food pantry, learning job search skills, and youth personal leadership and high school preparation instruction.

While LACASA already provides several beneficial services, it has plans to continue to improve the quality of life for northwest Indiana's Hispanic population. For those in need, LACASA hopes to provide transportation services to its programs, as well as agencies where its clients are referred. It would also like to offer tutoring services for Hispanic youth and establish health stations in an effort to assist Hispanic families in understanding their basic health needs and inform them about how to access the existing health care system. Finally, LACASA hopes to expand its services to the elderly, by familiarizing them with in-home care options to prevent unnecessary institutionalization.

LACASA is funded and receives support from the city of Gary-Community Development Block Grant, Lake Area United Way, Health and Human Services-ACYF, Gary Community School Corp., National Hispanic Institute, U.S. Hispanic Leadership Institute, Indiana Literacy Foundation, and Kankakee Workforce Development Services.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending LACASA. This fine organization should be congratulated on its continuing efforts to preserve the Hispanic culture, while at the same time improving the quality of life for the Hispanic residents of Indiana's First Congressional District. May their first annual fundraiser be a successful and joyous event.

MEDICARE AND OUTPATIENT PHARMACEUTICAL BENEFITS: PROVIDING INCENTIVES FOR COST–EFFECTIVE MEDICALLY APPROPRIATE CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. STARK. Mr. Speaker, Medicare's limited outpatient pharmaceutical coverage is inhibiting the implementation of cost-effective outpatient treatments that could benefit patients. Over the past decades, a shift of healthcare from the inpatient to the outpatient setting has occurred. The implementation of Medicare's Prospective Payment System in 1983 provided a strong incentive for hospitals to decrease patients' lengths of stay. Outpatient treatment, when appropriate, is generally much more cost effective than inpatient treatment. Although further shifts in inpatient to outpatient treatment for some conditions may be medically appropriate, the lack of Medicare coverage for the necessary outpatient treatment seems to be inhibitory. Medicare policy needs to facilitate medically appropriate, cost-effective treatments in order to keep pace with the 1990's and set the course for the next century. For this reason, I am introducing a bill which directs a review of Medicare payments in order to identify conditions for which provision of an outpatient pharmaceutical benefit would facilitate outpatient rather than inpatient treatment and be cost effective.

An example of Medicare's limited pharmaceutical coverage having an inhibitory effect on cost-effective care is the lack of general coverage for home intravenous antibiotic therapy. Numerous studies have shown that patients with certain diseases requiring prolonged antibiotic therapy can start their treatment in the hospital and then safely and effectively continue it at home. A hospital in Danbury, CT, recently published a cost-benefit analysis of a home intravenous antibiotic therapy program established for Medicare patients but paid for by the hospital itself; the savings to the hospital was found to be $6,111 per patient on average. If the hospital had not taken the initiative to start the home therapy program, these patients would have had to remain in the hospital, resulting in substantially increased costs.

Although Medicare generally reimburses hospitals on the basis of fixed diagnosis-related group [DRG] payments, it also reimburses an extra amount for patients who stay in the hospital much longer than average and qualify as outliers. Thus for certain patients, some costs due to prolonged hospitalization are shifted to Medicare. Alternatively, the hospital could cut its costs by transferring the patient to another inpatient facility such as a skilled nursing facility to finish treatment. In this case, Medicare still pays extra because it reimburses both the hospitals's DRG payment and the receiving facility's expenses for the patient's post-hospitalization extended care.

Many hospitals need an incentive to take the kind of initiative shown by the Danbury Hospital. The effort and startup costs involved in organizing certain outpatient programs may provide a disincentive. Also, the transfer of patients to extended care facilities may already provide a cost-saving option for the hospital, leaving Medicare to bear the loss. Although not all patients with a particular condition are medically appropriate candidates for outpatient therapy in place of continued inpatient therapy, many patients are probably lingering in inpatient facilities who could more cost-effectively be treated as outpatients. Medicare policy needs to be modified to address this problem by providing incentives for inpatient facilities to initiate cost-effective alternatives.

One such incentive is the coverage of pharmaceuticals that facilitate the treatment of patients in the outpatient rather than inpatient setting. Currently for most home intravenous antibiotic therapy the hospital or beneficiary must shoulder the cost. This policy contains a built-in disincentive because the beneficiary may not have the means to pay for it, and the hospital may find it more cost-saving to use one of the strategies I outlined earlier resulting in a significant loss to Medicare. Adding a pharmaceutical benefit with appropriate payment safeguards could facilitate outpatient treatment and result in a gain to Medicare, the hospital, and the patient.

Are there other diseases besides infections for which an outpatient pharmaceutical benefit would provide an incentive for cost-effective outpatient therapy? I suspect there are. Some strategies may be implementable now; in addition, as new drugs and technologies are developed, more outpatient therapies might be possible in the future. I welcome a thoughtful evaluation of this issue by health experts. We need to develop a policy that is flexible enough to accommodate future cost-saving strategies as they are developed.

The bill I am introducing today provides the groundwork for determining how Medicare policy may be modified to facilitate shifts in health care from the inpatient to the outpatient setting, when medically appropriate. Inherent in the bill is a strategy to ensure that Medicare, not just the hospital, captures the savings. The bill directs the Secretary of Health and Human Services to review and report to Congress within 6 months, all disease categories for which inpatient payments might be able to be reduced if an outpatient pharmaceutical benefit is provided. Coverage for pharmaceuticals will include appropriate payment safeguards. The bill acknowledges that reimbursement not only for the drug, but also for supplies, appliances, equipment, laboratory tests, and professional services needed for appropriate outpatient treatment will need to be factored into the cost-effectiveness analysis.

Specifically, the bill directs the Secretary to report which DRG payments can be reduced by refining the DRG or adjusting the DRG weighting factor, if an outpatient pharmaceutical benefit is provided. Implementation of this strategy could take a variety of forms. For example, reductions in DRG payments could be accomplished by using a formula to discount the payment for an individual patient, and providing only the individual patient with the outpatient benefit. In this strategy, the hospital could request a discounted DRG payment for a particular patient via a billing code. Potentially, the hospital could also specify the number of days of outpatient treatment it wishes to substitute for inpatient treatment. This substitution would ensure that Medicare's costs in providing the outpatient benefit do not exceed its savings in reducing the DRG payment. A financial incentive for the hospital can be built into the formula used for discounting the DRG payment.

Another strategy is to split certain DRG categories into one payment for patients who continue treatment in the hospital and a reduced payment for patients who continue treatment as an outpatient.

Alternatively, the DRG payments for all patients in a specific disease category could be reduced, even though some patients will remain hospitalized throughout their treatment while others will have a shortened hospital stay and continue treatment as outpatients.

Post-hospitalization outpatient therapies and home services are sometimes provided by the hospitals themselves, but may also be provided by independent agencies. When the inpatient and outpatient providers are the same, it will be easy to ensure that Medicare payments are contained. Outpatient reimbursement could be conditional on inpatient payment reductions, and a financial incentive for hospitals to chose the more cost-effective treatment could be built into the reimbursement. However, when the inpatient and outpatient providers are unrelated, it will be more difficult to ensure that Medicare payments will be less than they would have been if the patient had remained in the hospital. This is not, however, an insurmountable problem. One possible strategy that has been suggested is the use of lump sum payments per patient for the outpatient treatment of certain conditions. Certain DRG payments could be split into an inpatient component and a lump sum outpatient component; as long as the sum is less than the original inpatient payments, Medicare saves money. Medicare's inpatient payments for a disease category include the DRG payment, and any applicable outlier or extended care facility payments. Decisions about the percentage that should go to each provider, and incentives that lead to cost-effective care are difficult but potentially resolvable.

The bill also directs the Secretary to determine which outlier payments can be reduced in number, and the disease categories for which these outlier payments are made, if an outpatient pharmaceutical benefit is provided. Similarly, the Secretary is directed to determine whether patient transfers to post-hospitalization extended care facilities can be avoided, thereby reducing payments, if an outpatient pharmaceutical benefit is provided. Strategies similar to the ones I described for reducing DRG payments could potentially be applied to these payment areas.

By reviewing these types of payments, disease categories which have potential for Medicare cost-savings will be identified. As I described previously when I introduced a bill addressing outpatient parenteral antimicrobial therapy, certain infections are likely candidates. However, there may be a number of other areas of medicine, where cost-saving outpatient treatment could appropriately be substituted for inpatient treatment, now or in the future.

The bill directs the Secretary to determine the savings that can be obtained by reducing inpatient payments while providing coverage for beneficiaries' outpatient drugs and services. In addition to potential savings from reduced DRG, outlier, or extended care payments, savings may accrue from the decreased risk of hospital-acquired infections. This is because the longer patients remain in an inpatient setting, the more at risk they are for a nosocomial infection which generally lengthen hospital stay, increase costs, and result in increased morbidity and mortality. Modernizing Medicare to provide incentives for cost-effective medically appropriate care holds promise for benefiting patients, providers, and Medicare.

TAIWAN'S 85TH NATIONAL DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. UNDERWOOD. Mr. Speaker, this coming October 10, Taiwan, the Republic of China, will commemorate its 85th National Day.

Eighty-five years ago, the Chinese people under the leadership of Dr. Sun Yat-sen successfully expelled centuries-old tyrannical rule. Dr. Sun's adoption of a political system dedicated to the ideals of democracy and based on the consent of the governed was a great victory for democracy in the continent of Asia which, until then, was widely known for tyranny and despotism. The Chinese people's efforts, under Dr. Sun's leadership has come to symbolize a people's aspiration, desire and capacity to stand their ground, take control, and choose their own destiny. This nation's rejection of tyranny and oppression announced to the rest of the world that the desire for freedom is not a concept unique to Western peoples. The people of Asia, as elsewhere, desire and deserve dignity and freedom.

Although Dr. Sun did not live to see the full fruition of his labors, capable leaders like Generalissimo Chang Kai-shek built upon his legacy and provided the essential leadership and guidance which enabled the newly created democracy to survive it's toughest tests.

Taiwan has since become one of the wealthiest nations in the world. The last few years has seen the republic's economy grow at a spectacular rate. In addition to being one of our closest associates in Asia, Taiwan has steadily matured as an economic stronghold. Taiwan is currently the sixth largest trading partner to the United States.

As the delegate from Guam, I recognize the fact that the island and people that I represent share deep cultural and historical ties with Taiwan. As a matter of fact, my constituency includes Taiwanese immigrants. As in numerous other locales, these immigrants have integrated themselves with our island community over the years and have emerged as a vital force in the development and growth of Guam. In addition, Taiwanese tourists contribute to the island's economy. Made possible by the visa-waiver program recently implemented for Taiwanese citizens Guam has greatly benefited from the business these people bring.

On behalf of the people of Guam I would like to congratulate President Lee Teng-hui, Foreign Minister John H. Chang, Representative Jason Hu, Director-General Clark Chen and the Taiwanese all over the world in the commemoration of Taiwan's 85th National

Day. I join them in their celebrations and wish them continued prosperity.

TRIBUTE TO GREG RICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas Greg Rice has won the International Auctioneers Championship;

Whereas Greg Rice has brought the international title to Ohio for the first time in history;

Whereas Greg Rice has demonstrated a steadfast commitment to auctioneering; and

Whereas Greg Rice should be recognized for his outstanding victory and persistence; Therefore, be it

Resolved, That the residents of Coshocton, with a real sense of pleasure and pride, join me in commending Greg Rice for his hard work and dedication to his occupation.

IN HONOR OF MEDIGUARD PROGRAM TENNESSEANS FOR TENNESSEE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to the fine men and women who participate in Mediguard/Guardcare, a unique health care delivery program provided by the Tennessee National Guard to provide critically needed health care to underserved populations in 39 counties across the State of Tennessee.

The idea for Tennessee's Mediguard Program began when former Tennessee Governor Ned McWherter saw the efficient system for health care delivery administered by National Guard troops in South America. Along with Representative JOHN TANNER, former Representative and now-Governor Don Sundquist and many State legislators and other members of the Tennessee National Guard, I was pleased to help develop the framework for a program called Mediguard, later named Guardcare. Approximately 3 years ago, a pilot program was established under the auspices of the NGB in 10 States with the objectives of relieving overburdened State public health facilities and boosting low physician-to-patient rations in 39 Tennessee counties seriously deficient in receiving basic health care services. Many factors were used to identify the target counties, and the study was recently repeated to assure that current needs are still being appropriately addressed.

Supplies for Guardcare exercises are allocated from Guard pilot funds and equipment needs have been met through loans from Guard units and leasing. As of last year, the program operates on Federal funding—so we tell our communities they can see their tax dollars at work right at home. The best part of the program, in my opinion, is that we are able to provide these much-needed health care services to people who are desperately in need of them at absolutely no cost to the participating individual. The TN Guardcare Program is administered as a component of a special projects unit aligned under the State Adjutant General Command. The functions and purposes of Guardcare in Tennessee are carried out through two teams: the Guardcare administrative team and a mobile health team. The mobile health teams used in Guardcare exercises changes from exercise to exercise. These teams are comprised of Army-Air physicians, nurse practitioners, physician assistants, nurses, dentists, lab specialists, and medical support personnel on split drill from their base units. Mobile health teams have been augmented by a wealth of local community health care personnel and other community volunteers. Without these volunteers from the host communities. Guardcare's success would have been seriously jeopardized.

Prior to the start of each program year, a training calendar is planned which focuses on 7 to 8 target communities from the 39 medically underserved communities. Counties must request Guardcare, and there is currently a 2-year waiting list.

It is my pleasure to salute the Tennessee Guardcare Program and the men and women who have made it an outstanding success over the past 3 years. Through their efforts, and through the support of many communities across the State, Guardcare has been able to demonstrate volunteerism at its finest; truly, Tennesseans for Tennessee.

PROSTATE CANCER AWARENESS MONTH

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, in recognition of Prostate Cancer Awareness Month, I commend to your attention a patient education conference that was held earlier this year in the 11th Congressional District—Prostate Cancer: Today and Tomorrow. Cohosted by the American Foundation for Urologic Disease, Morristown Memorial Hospital and the Prostate Cancer Support Group of Morristown Memorial Hospital, it was an effective grassroots effort to warn and educate local residents on the importance of early detection of and continued research into prostate cancer.

According the American Cancer Society, prostate cancer is the greatest cancer risk for American men, and over 317,000 males will be diagnosed with this type of cancer in 1996. It is vital that prostate cancer be recognized as a serious threat to American men and their families.

Increaed awareness of health issues, improved detection and testing techniques, and national awareness programs for this disease have all played significant roles in increasing public knowledge of prostate cancer.

There are a number of individuals and organizations I want to recognize for holding such an impotant conference:

First, Honorable Dean A. Gallo, the former Congressman of New Jersey's 11th Congressional District, died of prostate cancer on November 6, 1994. His widow, Mrs. Betty Gallo, is now a trustee of the Dean Gallo Foundation and she instituted the Dean Gallo Prostate Cancer Research Scholarship Fund. This scholarship fund will help fund career investigators who are committed to prostate cancer research in the State of New Jersey.

Second, I commend the American Foundation for Urologic Disease, a charitable organization, whose mission is to prevent and find a cure for urologic diseases through the expansion of research, education and public awareness. For over 20 years, the Research Scholar Program of the AFUD has funded over 300 urologic researchers as they established their scientific careers. Over 98% of the investigators have continued in these career paths.

Third, Morristown Memorial Hospital, a not-for-profit hospital serving northern New Jersey, for its leadership in the field. Founded in 1892, it has expanded in size and services to become a 599-bed medical center and the third largest in the state. It is a major teaching hospital, affiliated with Columbia University's College of Physicians and Surgeons. Its regional Cancer Center is affiliated with the Cancer Institute of New Jersey in New Brunswick and offers expertise in surgical, urologic, medical, radiation and gynecologic oncology specialties. Center highlights include clinical trials, cytogenetics and patient support programs.

Fourth, the Morristown Memorial Prostate Cancer Support Group which is chaired by Mr. Peter Doherty, a prostate cancer survivor. Over seventy-five persons, including physicians and medical professionals, prostate cancer survivors, their partners and families and friends gather to exchange information and provide support, encouragement and hope.

Finally, I would also like to commend the participants of Prostate Cancer: Today and Tomorrow, outstanding physicians and an organization whose research is making significant inroads in the field of prostate cancer. They include:

E. David Crawford, M.D., Professor and Chairman, Division of Urology of Colorado Health Sciences Center, Denver, CO. He is also chairman of the Prostate Cancer Education Council [PCEC], national sponsor of Prostate Cancer Awareness Week.

Charles Myers, M.D., was chief of the Clinical Pharmacology Branch of the National Cancer Institute, where he directed clinical trials of drugs used in the treatment of advanced prostate cancer.

William H. Hait, M.D., Ph.D., Director of the Cancer Institute of New Jersey.

Arthur Israel, M.D., is Chief Section of Urology, Morristown Memorial Hospital. Dr. Israel is a member of the American Foundation for Urologic Disease and the American Urological Association. He is currently president of the New Jersey Urological Society.

Schering Oncology Biotech, a corporation headquartered in Kenilworth, New Jersey and TAP Pharmaceutical, Inc. of Deerfield, Illinois for providing educational grants for prostate cancer research.

All those who participated in Prostate Cancer: Today and Tomorrow made a powerful impact on patients, physicians, medical institutions, research and educational foundations, and industry to collaborate and provide accurate medical information to prostate cancer victims, survivors and their families, I salute their work.

MICHIGAN STUDENT'S PLEDGE OF ALLEGIANCE

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. CHRYSLER. Mr. Speaker, Anya Bonine is a young woman from Dexter, MI. The following statement was printed in the Ann Arbor News on April 4, 1995. The values and American beliefs described in the article should stand as a lesson for us all. The American flag and the Pledge of Allegiance should be at the heart of our patriotism, loyalty, and pride.

[From the Ann Arbor News, Apr. 4, 1995]

SAYING PLEDGE OF ALLEGIANCE IS AN IMPORTANT SIGN OF RESPECT

(By Anya Bonine)

''Good morning students,'' a teacher smiles and says. As they take attendance and hand in book order money, everything seems normal. Right? Wrong. They are missing one small, yet big thing. The Pledge of Allegiance. What has become of it? Yes, of course, there is a flag in most rooms, but where does the pledge come in?

''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.''

These words seem familiar enough to us, but to our children to come, the words will probably seem foreign.

Have you ever thought about what the pledge really means? Sure, the flag is merely a piece of material, but the true importance of the flag lies in its symbolism, not the design. Our flag expresses protection, victory, challenge, submission, pride, honor, threat, loyalty and, most of all, hope. It was adopted on June 14, 1777. By saying it, you are expressing your oath to our country. It shows loyalty to the United States and is much like a promise.

In an easier-to-understand version it means: ''I pledge my loyalty to the United States of America, because it is one bonded nation, under God's law, with freedom and rights for all mankind.''

We should be proud to live in a free country where you are not watched day and night and where you can have your own religion. A country where something like this could be written.

After you let this sink in for a minute, you suddenly ask yourself, ''Why don't we say the pledge anymore?''

Well, after observing, I've come to a conclusion. Nobody cares. The students don't. The teachers don't. The school boards don't. If the pledge is not said, no one cares. I have been in school for about three quarters of the year now, and the pledge has not been said once. Has it been forgotten? And aren't schools supposed to teach values? The pledge teaches values. Are teachers afraid of teaching values? It also talks about God. There is nothing wrong with God, so what is all the opposition about?

In our society, a lot of things have been taken for granted. We need to take the pledge off that list. What about all the men and women who have given their lives for our country, in wars through the years? The men and women who gave their lives for us to become a free country. By not saying the pledge, they have all been forgotten.

Please, if this essay hasn't made a dent in your life, throw it away. If it has touched you at all, give a little respect by saying the pledge. Give respect to your country, its ancestors, God, and yourself.

TRIBUTE TO THE NEIGHBORHOOD YOUTH ASSOCIATION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. DIXON. Mr. Speaker, I am pleased to rise today to recognize the Neighborhood Youth Association [NYA] on the occasion of the organization's 90 years of service to the Los Angeles community. On Friday, October 25, 1996, NYA will celebrate its 90th anniversary at a gala dinner at the Skirball Cultural Center. I am therefore pleased to have this opportunity to salute NYA this afternoon.

Founded in 1906 by the Episcopal Diocese of Los Angeles, NYA has established a rich legacy of providing essential services to underprivileged youth and their families. Included among the many services offered are individual and group counseling, crisis intervention, educational and employment services, child and family therapy, and after-school care for over 3,000 high-risk youth and families. The association has sponsored many award winning projects, including a mural painting project designated Barrios Unidos, which culminated in an award from the National Endowment for the Arts.

Other awards received by the Neighborhood Youth Association include the Agency of the Year Award, presented by the California Chapter of the National Association of Social Workers; a $1,000 grant bestowed by the California Banker's Association; and a commendation from United Way, which cited the group for its creativity in reaching out to ". . . meet the needs of minority youth in low income families living in barrios and ghettos. . ."

NYA's current project, Personal Best, allows association members and volunteers to work with each participating child from early childhood through high school. Components of the Personal Best program include counseling and tutorial services. The purpose is to help participating children identify and establish the goals and motivation necessary to help them achieve and succeed, both academically and socially.

Mr. Speaker, at a time when society must do more to help the less fortunate members of our society, organizations such as NYA stand as a shining example of what the secular and religious community can accomplish when they join forces to help humankind. For 90 years, NYA has been providing exemplary service to the Los Angeles community. I ask that you join me in congratulating NYA on its anniversary celebration, and in extending to them our best wishes for many more years of service to the community.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–198)

SPEECH OF

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1996

Mrs. KELLY. Mr. Speaker, I rise in reluctant opposition to the veto override of H.R. 1833.

I am opposed to late-term abortions except in instances where they are necessary to save the life of the mother or for serious, very limited health reasons. Unfortunately, this well-intentioned legislation fails to make these exceptions. Tragedies involving severely deformed or dying fetuses sometimes occur in the late stages of pregnancy. In these crisis situations, women should have access to the safest medical procedure available, and in some occasions the safest such procedure is the intact dilation and evacuation procedure.

If we ban this procedure, Mr. Speaker, as this legislation seeks to do, doctors will resort to other procedures, such as a caesarean section or a dismemberment dilation and evacuation, which can and often do pose greater health risks to women, such as severe hemorrhaging, lacerations of the uterus, or other complications that can threaten a woman's life or her ability to have children again in the future.

Mr. Speaker, passage of H.R. 1833 will not end late-term abortions; the bill only bans one such procedure that, in the judgment of the doctor, might offer the surest way of protecting the mother. The New York chapter of the American College of Obstreticians and Gynecologists opposes H.R. 1833, expressing concern that "* * * Congress would take any action that would supersede the medical judgment of trained physicians and would criminalize medical procedures that may be necessary to save the life of a woman * * *".

If H.R. 1833 were amended to include exceptions for situations where a woman's life or health is threatened, ensuring that decisions regarding the well-being of the mother are made by doctors, not politicians, I would gladly support the bill. Without this protection, however, I cannot in good conscience support this legislation today.

Good people will always disagree over the abortion issue, and I respect the passion and depth of feeling that so many of my constituents on both sides of this issue have expressed to me. Maintaining policies which promote healthy mothers and healthy babies should remain above the political fray, and it is for this reason that I oppose the veto override today. Thank you, Mr. Speaker.

SMALL BUSINESS REGULATORY RELIEF ACT OF 1996

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BARCIA. Madam Speaker, last week, Congressmen EWING, BUYER, POSHARD, and I introduced H.R. 4102, the Farm Transportation Regulatory Relief Act. That bill would allow States to provide protection for farmers and farm-related service industries from a potentially expensive and unnecessary regulation that would bring them under the same regulation as the hazardous materials transportation industry. To do this, would be a mistake.

Today, we extend our warmest thanks to Congressman JIM OBERSTAR, ranking democratic member of the Committee on Transportation and Infrastructure and Committee Chairman BUD SHUSTER for recognizing this effort and accepting our amendment to H.R. 3153. This change in the Small Business Regulatory

Relief Act will extend States' authority to continue such exceptions until Congress can act to responsibly address this issue.

Madam Speaker, the purpose of the Department of Transportation rulemaking is to protect the public from harmful materials on our Nation's highways. Farmers, who are merely transporting substances from their supplier to the farm are not the ones who are involved in the type of accidents which have led the Department of Transportation to act. Agricultural transportation of chemical fertilizers, fuels and pesticides occurs during specific times of the year, on a much smaller basis, on rural roadways and in carriers which are easily identifiable to emergency response personnel. We need not complicate the lives of our family farmer by linking them with high-volume transporters of industrial chemicals.

This compromise, Madam Speaker, is responsible government in action. The amendment which we have accepted today allows Congress a period encompassing two planting seasons to carefully weigh the potential danger to the public against the burden to our farmers which could result from too broad a rulemaking. In order to force the most timely action on this matter, my colleagues and I will reintroduce H.R. 4102 on the first day of the next session. We will work with other members, the farm industry, public safety officials and the Department of Transportation to assure that the most necessary requirements for public safety will be implemented. We owe this to our citizens who rely upon us to protect them and to protect their livelihood.

THE DEPOSITORY INSTITUTIONS AND THRIFT CHARTER CONVERSION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mrs. ROUKEMA, Mr. Speaker, today, I am introducing the Depository Institution Affiliation and Thrift Charter Conversion Act, legislation that represents the first step toward crafting meaningful financial reform legislation that will take us into the 21st century and put us on sound footing to compete in the global market place.

The issues surrounding financial modernization have been long standing issues that the Banking Committee has been grappling with over time. As chairwoman of the Financial Institutions and Consumer Credit Subcommittee, I have been more than a little bit preoccupied with this subject during the 104th Congress. Unfortunately, efforts to pass meaningful reform this Congress have been unsuccessful. With the introduction of this legislation today, I believe we are laying the groundwork to begin discussions before the start of the 105th Congress. This legislation is a comprehensive approach that addresses affiliation issues, Glass-Steagall reform, functional regulation, insurance issues and thrift charter conversion by melding together key elements of the major reform bills introduced previously in Congress.

As many of you are aware, I have been a strong supporter of resolving the BIF/SAIF issue including addressing the larger question of charter merger. That is why my Subcommittee on Financial Institutions in 1995 dealt with not only SAIF/BIF funding, but with restructuring issues as well. My subcommittee considered and reported out H.R. 2363, the Thrift Charter Conversion Act, and it was subsequently included in the House-passed reconciliation bill. Even though I strongly supported a more comprehensive approach to resolving the BIF/SAIF problem, time constraints and political realities made passage of a comprehensive charter merger bill impossible this year. The legislation that we are introducing here today deals with many of the same issues addressed in my legislation, H.R. 2363—like eliminating the thrift charter. Thrifts would be required to convert to banks by January 1, 1998, with a 3-year transition provision to allow institutions adequate time to comply with existing national bank laws. Unitary thrift holding companies would be required to convert to either a bank holding company or a financial services company. The other charter conversion provisions included in this bill are the same as those included in my thrift charter conversion bill (H.R. 2363) which was subsequently included as part of the House-passed budget reconciliation bill.

In addition to the thrift charter provisions, the other key elements of the bill include:

Creation of a new, optional structure allowing financial companies to affiliate with banks similar to the D'Amato-Baker approach but modified to restrict ownership of insured banks by commercial firms. This particular provision of the bill is one that is open to further analysis. Consequently, it is one area that I will pay particular attention to with the express purpose of making sure that the safety and soundness of our financial institutions are adequately preserved, and that regulatory authority is adequate.

The regulation and oversight of holding companies would be based on current requirements similar to the structure currently applied to unitary thrift holding companies. As we consider provisions that address the regulation of various institutions, I will be taking special care to assure that all institutions are regulated in such a way as to preserve the safety and soundness and the integrity of the insurance funds.

SECTION-BY-SECTION

The Draft Bill is an effort to break the current logjam that is blocking financial services reform legislation. It is a comprehensive approach that addresses affiliation issues, Glass-Steagal reform, functional regulation, insurance issues, and thrift charter conversion. It does this by melding together key elements of the major reform bills that are currently pending in Congress. The purposes of this approach are to (1) build on the constructive efforts of Chairmen D'Amato and Leach and Representatives McCollum, Baker, and Roukema, among others, during the past two years; (2) provide a comprehensive framework for addressing the major concerns of the broadest possible range of industry participants; and (3) address legitimate concerns of the regulators that were reflected in both legislative and regulatory proposals that emerged during the last several years.

1. FINANCIAL SERVICES HOLDING COMPANIES

Using modified language from the D'Amato-Baker bills, the draft bill creates a new and entirely optional structure for financial companies to affiliate with banks. A company would choose to own a bank through a new ''financial services holding company'' that would not be subject to the Bank Holding Company Act. Instead, the financial services holding company would be subject to a new regulatory structure established by a newly-created section of financial services law called the ''Financial Services Company Act.'' Any company that owns a bank but chooses not to form a financial services holding company would remain subject to the Bank Holding Company Act to the same extent and in the same manner as it is under existing law. However, an affiliate of a bank that is not part of a financial services holding company generally could not engage in securities activities to a greater extent than has been permitted under existing law.

Permissible Affiliations. A financial services holding company could own or affiliate with companies engaged in a much broader range of activities than is permitted for bank holding companies under current law (with contrary state law preempted). The bill would not, however, eliminate all current restrictions on affiliations between banks and commercial firms. A financial services holding company would have to maintain at least 75 percent of its business in financial activities or financial services institutions, which would include such institutions as banks, insurance companies, securities broker dealers, and wholesale financial institutions. In addition, a bank holding company that became a financial services holding company could not enter the insurance agency business through a new affiliate unless it bought an insurance agency that had been in business for at least two years. Finally, foreign banks could also choose to become financial services holding companies.

The bill includes lists of activities that are deemed to be ''financial'' and entities that are deemed to be ''financial services institutions.'' A new National Financial Services Committee, which would be chaired by the Treasury Department and include the bank regulators and the SEC, would (1) determine whether additional activities should be deemed to be ''financial'' or additional types of companies should be deemed to be ''financial services institutions''; and (2) issue regulations describing the methods for calculating compliance with the 75 percent test. Other than these limited circumstances, a financial services holding company would not be subject to the cumbersome application and prior approval process that currently applies to bank holding companies.

Holding Company Oversight. Because it would own a bank, a financial services holding company would be subject to examination and reporting requirements, but only to the extent necessary to protect the safety and soundness of the bank. These examination and reporting requirements are modeled on those currently in place for unitary thrift holding companies. To the extent that certain elements of the so-called ''Fed Lite'' provisions of H.R. 2520, the most recently introduced version of the Leach bill, are consistent with the unitary thrift holding company model, they, too, have been included. While the National Financial Services Committee would establish uniform standards for these requirements, the appropriate Federal banking agency that regulates the lead depository institution of the financial services holding company would implement and enforce them.

Apart from these general requirements, financial services holding companies would not be subject to the bank-like regulation that currently applies to the capital and activities of bank holding companies. However, as in the D'Amato-Baker bills, financial services holding companies would be subject to the following additional safety and soundness requirements:

Affiliate transaction restrictions, including but not limited to the requirements of

Sections 23A and 23B of the Federal Reserve Act.

Prohibition on credit extensions to nonfinancial affiliates.

Change in Control Act restrictions.

Insider lending restrictions.

A ''well-capitalized'' requirement for subsidiary banks.

Civil money penalties, cease-and-desist authority, and similar banking law enforcement provisions applicable to violations of the new statute.

New criminal law penalty provisions for knowing violations of the new statute.

Divestiture requirement applicable to banks within any financial services holding company that fails to satisfy certain safety and soundness standards.

Anti-Tying and Cross-Marketing Provisions. As with the D'Amato-Baker bills, (1) anti-tying restrictions would apply to a financial services holding company as if it were a bank holding company, but (2) the bill would preempt cross-marketing restrictions imposed on financial services holding companies by state law or any other federal law.

Securities Activities. The draft bill includes principal elements of the most recently introduced version of the Leach bill, H.R. 2520, as it relates to Glass-Steagall issues. These include statutory firewall, ''push-out,'' and ''functional regulation'' provisions, with some modifications. These new restrictions would apply only to financial services holding companies; they would not apply to the securities or investment company activities of banks that remained part of bank holding companies.

Wholesale Financial Institutions. Financial services holding companies (but not bank holding companies) could also form uninsured bank subsidiaries called wholesale financial institutions or ''WFIs.'' Unlike the Leach bill, such WFIs could be either state or nationally chartered, and there would be no restrictions on the ability of a WFI to affiliate with an insured bank. A WFI would not be subject to the statutory securities firewalls applicable to insured banks and their securities affiliates, but the WFI could not be used to evade such statutory firewalls.

2. ELIMINATION OF THRIFT CHARTER

With the new financial services holding company structure in place, the thrift charter would be eliminated; thrifts would generally be required to convert to banks, with grandfathering/transition provisions; and unitary thrift holding companies would be required to convert to either bank holding companies or financial services holding companies, also with grandfathering/transition provisions. The statutory language for the charter conversion is the same as the language included in the last version of the Roukema bill, which is the one that was used in the House's offer in the Budget Reconciliation conference in late 1995.

3. NATIONAL MARKET FUNDED LENDING INSTITUTIONS

Unlike the D'Amato-Baker bills, the draft bill generally precludes a commercial firm from owning an insured depository institution. However, the bill recognizes the important role that nonfinancial companies play in other aspects of the financial services industry by allowing such companies to own ''national market funded lending institutions.'' This new kind of OCC-regulated institution would have national bank lending powers, but would have no access to the federal safety net: it could not take deposits or receive federal deposit insurance, and it would have no bank-like access to the payments system or the Federal Reserve's discount window. In addition, the institution could not use the term ''bank'' in its name. By owning a national market funded lending institution, a nonfinancial company could provide all types of credit throughout the country using uniform lending rates and terms.

4. EFFECTIVE DATE

The bill's provisions would generally become effective on January 1, 1997.

STRUCTURE OF DRAFT BILL

Title I. This title creates a new freestanding banking law called the ''Financial Services Holding Company Act.''

Subtitle A is the modified D'Amato/Baker bill (H.R. 814), which provides companies the option of becoming ''financial services holding companies.'' Only ''predominantly financial companies'' may be financial services holding companies. The holding company oversight provisions reflect the unitary thrift holding company model and consistent aspects of ''Fed lite'' from H.R. 2520, the most recent Glass Steagall bill introduced by Chairman Leach. Companies that choose not to become financial services holding companies remain subject to existing law, subject to Title II's limits on affiliations between banks and securities companies.

Subtitle B includes H.R. 2520's statutory firewall and baking law ''push-out'' provisions, with some modifications. These apply to companies that choose to become financial services holding companies.

Subtitle C includes H.R. 814's requirement that any company that enters the insurance agency business must do so by acquiring an existing insurance agency that has been in business for at least two years.

Title II. This title includes conforming amendments to other laws for financial services holding companies (taken from H.R. 814 and H.R. 2520). It also includes a modified version of H.R. 2520's FDI Act provision limiting affiliations between banks and securities companies.

Title III. This title includes H.R. 2520's ''functional regulation/push-out'' amendments to the securities laws, with some modifications. It applies only to financial services holding companies.

Title IV. This title includes H.R. 2520's ''wholesale financial institution'' provisions for state member banks. It adds a parallel provision for national banks. Only financial services holding companies may own WFIs. Unlike H.R. 2520, WFIs may affiliate with insured banks. The principal benefit of the WFI is that it is not subject to statutory securities firewalls.

Title V. This title is the most recent version of Rep. Roukema's Thrift Charter Conversion Act (taken from the House offer in the 1995 reconciliation conference).

Title VI. This title authorizes formation of ''national market funded lending institutions.'' These OCC-regulated institutions may not call themselves ''banks.'' take deposits, or receive federal deposit insurance. They also may not have access to the discount window or the payments system. They do have national bank lending powers, which allows them to lend at uniform rates throughout the country. Because they have no access to the federal safety net, any commercial firm may own a national market funded lending institution without being treated as a bank holding company or the new financial services holding company.

Title VII. The bill's general effective date is January 1, 1997.

MEDICARE AND OUTPATIENT INFECTIOUS DISEASES THERAPY: LEGISLATION TO PROVIDE A COST-SAVING BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. STARK. Mr. Speaker, Medicare could save money and benefit patients by facilitating certain cost-effective outpatient treatments in place of inpatient treatment. As the body of medical knowledge grows about what diseases can be safely and effectively treated at home, Medicare's policies need to be updated to capture the cost savings. A crucial area where Medicare policy lags relates to infections and treatment. After years of study by health experts, it is well-established that outpatient intravenous antibiotic therapy for certain infectious can be a cost-effective alternative to prolonged hospitalization. Although only a subset of patients are medically appropriate candidates for outpatient therapy, significant cost savings may accrue. The bill I am introducing today provides a benefit for outpatient parenteral antimicrobial therapy while ensuring that Medicare capture the savings from use of this outpatient rather than inpatient rather than inpatient treatment.

Certain infections require prolonged antimicrobial therapy. These include endocarditis, an infection of the heart valves, osteomyelitis, an infection of bones, infections involving certain prosthetic devices such as prosthetic joints, and certain abscesses such as those of liver, lung, or brain. Patients with these diseases often require intravenous antibiotic therapy for 4 to 6 weeks and sometimes longer. Intravenous therapy can produce much higher and more constant blood levels of an antibiotic than oral therapy and is used for serious infections. Certain viral and fungal infections also require prolonged antimicrobial therapy.

After initial hospitalization and stabilization of their condition, many patients would be well enough to be discharged from the hospital except for the need for continued intravenous therapy. For these patients, outpatient antibiotic therapy would be beneficial and cost-effective. Unfortunately, many patients must currently remain in the hospital because Medicare does not cover the outpatient treatment. Medicare loses because it may have to pay the hospital an outlier payment in addition to the usual diagnosis-related group [DRG] payment; the outlier payment is an extra amount to help cover the patient's longer than average stay. Alternatively, the hospital may try to save costs by transferring the patient to an extended care facility to complete treatment. Again Medicare loses, because it pays for the treatment at the receiving facility in addition to the DRG payment it makes to the hospital. If Medicare covered the outpatient treatment, it could avoid these extra inpatient payments. In addition, Medicare's DRG payments for these diseases could potentially be reduced as the average inpatient cost for the conditions decreases.

Not all patients are medically appropriate candidates for outpatient antimicrobial therapy. However, for those that are, outpatient therapy avoids the restrictive environment of a hospital and decreases the patient's risk for hospital-

acquired infections. Studies have documented that the longer a patient remains in the hospital the greater the chance of developing a new infection due to an organism acquired in the hospital; this results in increased morbidity and mortality, longer hospital stays, and additional costs. Another benefit of outpatient therapy is that patients who are ambulatory and active can often resume work or other regular activities during the period of their treatment.

Several models are used for the administration of outpatient parenteral antimicrobial therapy. These include, first, the therapy can be administered in a physician's office or hospital treatment room to a patient who commutes to the site daily. This type of outpatient treatment is already covered by Medicare because the drugs are administered incident to a physician's services. Second, the therapy can be administered in a patient's home by a health professional who visits daily. Third, the therapy can be self-administered by the patient after appropriate training and with appropriate backup and support services. Fourth, the therapy can be administered via a programmable infusion pump in a patient's home or other location since some pumps are small and portable. Pumps can be set up to run for a few days by a health professional and require little manipulation by patients. They can be used with a variety of antimicrobials, including ones with frequent dosing schedules which otherwise could not be feasibly administered in the outpatient setting.

Some infectious disease specialists treat a variety of infections with outpatient intravenous antimicrobial therapy in addition to the ones I mentioned earlier. These include certain skin and soft tissue infections, kidney infections, and pneumonia. I invite medical experts to help us define the optimal list of diseases for which outpatient parenteral therapy is a safe, effective, and cost-effective alternative to inpatient treatment. Because Medicare savings may be more readily identified with some disease categories than others, I encourage development of a list for which the savings are clear.

The bill I am introducing today establishes a benefit for outpatient parenteral antimicrobial drugs, when the outpatient treatment is used in place of continued inpatient treatment. Reimbursement for drugs will be on the basis of actual costs plus an appropriate administration fee. The bill recognizes that certain supplies, equipment, and professional services are a necessary part of appropriate outpatient treatment. It directs the Secretary of Health and Human Services to determine the savings that can be obtained by providing this outpatient benefit which facilitates reduced inpatient payments. The diseases for which inpatient payments can be reduced if outpatient benefits are provided will be determined by reviewing all infectious disease DRG's.

The bill also calls for repeal of coverage for antimicrobial drugs under the durable medical equipment [DME] clause, and provision of the coverage under the new outpatient parenteral therapy benefit. The DME benefit currently covers three antiviral drugs, one antifungal drug, and one anti-bacterial drug called vancomycin. As I have described previously in introducing another bill addressing vancomycin policy, Medicare's coverage of this single antibacterial drug among more than 50 available antibacterials is causing inappropriate overuse of this drug. This is contributing to a public health problem of vancomycin resistant bacteria. Incorporating these five antimicrobials into the new outpatient parenteral therapy benefit will provide a more rational policy that can avoid the pitfalls of the current system. Coverage for infusion pumps used to administer these and other antimicrobials covered by the outpatient parenteral therapy benefit will be provided under the DME benefit.

This bill focuses on disease categories rather than specific antimicrobials. As evident from the vancomycin issue, the naming of specific antimicrobials can cause changes in physicians' prescribing practices resulting in overuse of the named drugs. The naming of antimicrobials poses a different risk than for other classes of drugs and should be avoided; if we guess wrong about which antimicrobials should be named in a law, the result is not merely lack of coverage for the unnamed drugs, but also a potential public health problem of increased drug resistance. The legislative process cannot respond fast enough to change the list of drugs each time a problem occurs. Focusing on disease categories, rather than naming specific drugs, avoids this special risk. Also, this strategy helps to ensure Medicare savings by clearly identifying the DRG's, outliers, and extended care categories for which reduced inpatient payments may be feasible. This bill provides the mechanism to update Medicare's policies and capture cost-savings as healthcare shifts from the inpatient to the outpatient arena.

CONFERENCE REPORT ON H.R. 3666, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

SPEECH OF

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. ORTON. Mr. Speaker, with the passage of the VA/HUD appropriations bill in the House and Senate and expected approval by the President, I am very pleased to note the enactment into law of important FHA reforms, which will improve and enhance the program.

The first reform is the elimination of the current prohibition against parental loans in conjunction with FHA mortgages. In spite of the fact that parental financial assistance plays an important role in meeting down payment requirements and promoting homeownership, current FHA rules do not permit parents to lend money to their children for this purpose. This prohibition is antihomeownership and antifamily. I am pleased to see Congress adopt my proposal and allow parental loans, on either a secured or unsecured basis, for this purpose.

The second reform would allow direct endorsement lenders to issue their own mortgage certificates. This will lower costs for lenders and for FHA which can be passed along to borrowers in the form of lower premiums and lower loan costs. Since direct endorsement lenders are already given underwriting authority, this change will not negatively affect the quality of loans approved. This proposal was adopted 2 years ago in the House, and was included in my FHA reform bill introduced at the beginning of this Congress.

The third reform is the establishment of an FHA down payment simplification proposal on a demonstration basis in Alaska and Hawaii. This proposal is based on my down payment proposal which was adopted in the Banking Committee in 1994. Virtually everyone who uses FHA acknowledges that the current down payment calculation is unnessarily complex. This proposal would greatly simplify the process for borrowers, lenders, and realtors.

I am disappointed that the Senate prevailed over the House on this issue, scaling back nationwide application to a demonstration project. However, I am pleased that Congress has finally acknowledged that we ought to take action on this issue. My hope is that next year, we can expand this demonstration status to the entire Nation and make it permanent.

And, I would like to acknowledge the efforts and leadership of Representative WELLER's amendment to codify the lowering of the FHA premium from 2.25 percent to 2 percent for first-time home buyers who receive homeownership counseling. This continues a trend over the last 4 years of lowering FHA premiums, as a result of lowered FHA loss rates and reductions in administrative costs.

These legislative changes represent a great achievement, in light of the fact that it now appears that no comprehensive housing legislation will be enacted this Congress.

The passage of these provisions is especially noteworthy, in light of the great number of House Members who are opposed to FHA. Early last year, legislation was introduced which would have effectively eliminated FHA. This legislation was supported by 60 House Members including many in leadership positions, such as Majority Leader DICK ARMEY and Majority Whip TOM DELAY. A companion bill was introduced in the Senate.

Not only were FHA proponents able to repel this effort to destroy FHA, but we were able to improve the program through much-needed reforms. These reforms are critically important in my home State of Utah and throughout the country. A recent Fannie Mae study cited the required downpayment as the No. 1 impediment to home ownership in this country. FHA, with its low downpayment provisions, is the most effective and widely available mortgage tool used to help young families and individuals overcome that downpayment hurdle. And, it does so at no cost to the taxpayer.

In fact, a recent GAO study showed that 77 percent of first-time home buyers who used FHA loans in 1995 would not have qualified for a loan without FHA. In my home State of Utah, 68 percent of first-time home buyers use FHA. Thus, in Utah, over half of first-time home buyers would not be able to enter the housing market without FHA.

These statistics clearly show the folly of proposals to end or privatize FHA. They also show how critical it is to continue to improve and modernize the program.

Therefore, it is my hope that next year, we can finish the job we started back in the 103d Congress. Specifically, we should extend the demonstration downpayment simplification proposal to nationwide status, raise the national FHA loan floor to 50 percent of the Fannie Mae/Freddie Mac limit, allow the use of two-step mortgages, and eliminate the outdated 90 percent loan-to-value limitation on new construction.

In closing, I would like to thank House and Senate conferees for preserving these important FHA reforms in the final conference report, and look forward to their implementation.

CONGRATULATIONS TO THE U.S. COAST GUARD ON THE SUCCESSFUL CROSS-DECKING OF THE CUTTER ''DECISIVE'' AND THE CUTTER ''RESOLUTE''

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BURTON of Indiana. Mr. Speaker, my good friend Maj. F. Andy Messing of the National Defense Council Foundation has asked me to submit these speeches for the RECORD.

Congressman DAN BURTON congratulates the U.S. Coast Guard on the successful cross-decking of the cutter *Decisive* and the cutter *Resolute*. The two speeches herein show the dedicated service to our country. Particularly, they illustrate the antidrug missions, the life-saving actions and environmental deeds done for America.

SPEECH OF CDR. AL J. BERNARD—COMMANDING OFFICER OF THE USCGC ''RESOLUTE''

Admiral Barrett, Captain Hested, Capt Hail, Chaplain Michener, other distinguished guests, former Decisive Co's and sailors, Team Coast Guard, friends and family of the Coast Guard, Good Morning:

Thank you all for coming today to share in this very special ceremony. For many of us, work is a routine of shuffling paper, long hours in front of a computer screen or toiling through highway congested traffic from home to work and back. It's a far cry from the dreams we had as kids. We day dreamed of being astronauts, explorers, major league baseball players, or even running off to sea. For the men and women you see before you the childhood notion of going to sea is a reality and remains intact. They sail the briny for love of country and for the ideals it represents.

Therefore, a ship carries a very special meaning to a sailor. The ships you see behind me represent work, home, school, family, and church for this crew. It is life personified on a floating hull of steel. It takes on the character of its crew and becomes a sacred and noble entity because these ships are their blood, sweat and tears—the very attributes which bring a ship to life. Today, you have witnessed a transfusion of life from *Decisive* to *Resolute*. Decisive will always be a part of us. But now we are resolute; and what a desirable trait of human character to be—one especially suited for this crew and her mission. Implied by the word ''resolute'' are steadfastness, courage, and tenacity of purpose. To be resolute is to continue one's task in the face of great obstacles. It is one of the foundations of character. Without this quality, neither man nor nation can survive.

But that's only half of the story. These ships of steel and their crews must endure the hardship and punishment that the sea offers without regard. Since the beginning of time, sailors have relied on the sailmaker, carpenter, ship fitter, and dock yard; these craftsmen ensured that the vessels they built or repaired were reliable and intact. The dock yards kept the mighty triremes, galleons, barks and cutters fit for service so that the crews could serve. They provided the sailor with piece of mind when he set for sea.

Today, you see yet another example of that relationship between sailor and ship yard. The Coast Guard Yard has delivered another ship of the line in tip top condition from stem to stern, top to bottom, and ready for action. Captain Hested, please accept my sincere thanks from the crew of *Decisive*, and now *Resolute*, for a job well done. Your team has done it again.

Thirty years ago, *Resolute* was launched from this very yard contributing to the Coast Guard's unbroken line of development extending over two centuries. As you look at *Resolute* down the pier, you'll see her clean, sweeping lines, a new look if you will, and a metaphor for the renewed vitality which is surging in our service. This ''new cutter'' incorporates all the latest advances in naval engineering and demonstrates our commitment to the growing needs of our times. For while I stand here and talk of time honored tradition and service, the Coast Guard recognizes that change is inevitable, if we are to keep up with the demands of progress.

Let me end here by telling you that the crew is ready to begin a new chapter in the rich history of cutter *Resolute*. The American novelist, Arthur Somers Roche, captures the very essence of why these men and women do what they do, and do it so well:

But the men who sail the ocean
In wormy, rotten craft,
With a hell-blown gale baft;
When the mainmast cracks and topples,
And she's lurching in the trough,
Them's the guys that greets the cutter
With smiles that won't come off.

Thank you so much for coming.

SPEECH OF REAR ADM. ED BARNETT, U.S. COAST GUARD

Captain Hested, Captain Hail, Commander Bernard, men and women of Decisive, men and women of the yard, family and friends. A special welcome to two former Decisive CO's, Capt. Mark Fisher and Capt. Rich Hartman—good morning. It is a pleasure to be here today representing the Commandant as we mark a key transition point for the cutters Decisive and Resolute and for the one crew which soon will have sailed both of these vessels.

Appropriately, this ceremony is held in Curtis Bay, a city rich in maritime history, and specifically at the Coast Guard yard, a facility which has contributed much to the birth and lifeline of so many Coast Guard vessels.

As you know, there are many significant events in the life of a cutter . . . christening, commissioning, changes of command and finally decommissioning. The Coast Guard cutter Decisive was christened here at the CG yard in January 1968, and later commissioned in August 1968 in her first homeport, New Castle, New Hampshire.

Since that time, during the past 28 years, Decisive has carved a proud niche in Coast Guard history.

Her missions have been wide ranging. In the forefront are search and rescue and law enforcement operations in the Gulf of Mexico and the Caribbean Sea. In carrying out these missions, as well as her other duties, Decisive has excelled.

I would like to recap a few of these missions which occurred over the past couple of years.

1. Aug 94 First CTU 44.7.9 for the Florida Straits Cuban Sealift; rescued approximately 500 Cubans from unseaworthy craft; overall in 1994 Decisive rescued 1,400 Cuban and Haitian migrants.

2. Nov 95 Sank M/V Juneau Express during t/s Gordon near Florida Keys live coral reef. Fired approx 600 rounds heit 25mm between midnight and 0300 to sink abandoned 200′ freighter in high winds/seas and prevent damage to a fragile eco system.

3. Mar-May 95 Coordinated Maritime element for exercise tradewinds 95, a USACOM sponsored annual nation building effort. Trained police and Coast Guard forces from 13 Caribbean Nations.

4. Nov 95 Interdiced 75′ Haitian coastal freighter with 516 Haitian migrants in windward pass. Assisted CGC northland w/safe offload in the vicinity of Cay Sal Bank, w/o injury or loss of life.

Decisive's effort in law enforcement are matched by few Coast Guard cutters . . . she has logged thousands of helicopter landings, seized dozens of vessels, and as evident by the marijuana symbols on the stack. She has seized over 500,000 lbs of marijuana.

To the crew of Decisive . . . I'm sure you are or will be experiencing a wide range of feelings as you depart Decisive which has been your home, and from which you performed your duties with the highest degree of professionalism.

For CDR Benard, it may occur as you order the OOD to haul down the commissioning pennant.

For the engineers, it may have occurred as you secured the main diesels.

For others, it may be as you finish emptying your lockers and cross the brow for this final mooring.

A lot of memories will surface . . . good times in Caribbean liberty ports, search and rescue cases in rough seas, climbing over the gunwales during fisheries boardings, the thrill of a drug seizure, the watches you've stood . . . and always, the memories of sailors with which you've served.

Don't be surprised if you also have a feeling of emptiness . . . because a part of each of you will remain with Decisive. It has been your knowledge, dedication, hard work, and perseverance that have allowed Decisive to continue to operate effectively . . . long after she should have entered a major maintenance availability. As a team, you have given Decisive your best, and in return she has served you and the Coast Guard well.

Now, on the other hand, you will be surprised at how quickly you will build a similar bond with your new ship . . . Resolute. The craftsmen of the Coast Guard yard have once again done a masterful job . . . the 210′ MMA program has turned out to be a real success story for the CG . . . with the employees of the yard providing quality products, ahead of schedule and >$50M under cost. An excellent example of ''better Government at less cost.'' You will acquire from the yard much more than a refurbished ship . . . you will have a new Coast Guard cutter with many modifications designed to both improve operational capability and decrease M/H required for maintenance. The deck department will undoubtedly miss the pleasurable chore of scrubbing Decisive's stern. . . .

The caretaking of Resolute's heritage will soon be passed to you . . . her new crew. You are inheriting a ship that has an equally rich history. As with Decisive, Resolute was built by the Coast Guard yard. Resolute's history began in 1966 in San Francisco, CA, under the command of a young commander named Paul A. Yost, whom would later become our commandant.

Resolute's law enforcement accomplishments are also impressive. She too has seized dozens of ships—but on the ''other'' coast. And, while not as glamorous as drug seizures, she has admirably performed thousands of fisheries boardings, which have protected our ocean's dwindling fish stocks from exploitation and has provided fishermen with the latest information on F/V safety requirements.

She has served our country with distinction.

And so, through you, Resolute's history begins again. In June, you successfully completed her builder's trials. The stage is set. Resolute will require your skill and hard

work to complete the on-load and ready for sea processes. Learn your new ship well . . . trace every piping run, exercise every new piece of equipment, note every detail of each new space. Soon you will again feel the salt spray, the excitement of the hunt, and the thrill of the rescue. That close bond between ship and sailor will serve you well as CGC Resolute assumes her position in the forefront of Coast Guard operations.

Capt. Hested, on behalf of the Commandant, I accept Resolute back into the fleet. At the same time I present Decisive—''the queen of the fleet'' for her major maintenance availability.

I pass operational control of Resolute to Commander Atlantic Area and administrative control to Commander Maintenance and Logistics Command, Atlantic.

CDR Bernard, I charge you and your crew to be ''Semper Paratus'' in carrying out your missions. Do this in the same manner in which you, your crew, and Decisive's crews have done in the past. In closing, to the Decisive I say ''good job, we'll see you soon plying the Atlantic waters.'' To the Resolute, welcome back, welcome to the LANT area.

And we wish you the very best in your endeavors.

CDR Bernard, execute your orders.

ENGLISH AS THE OFFICIAL LANGUAGE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to bring to the attention of my colleagues an article by John Gurda, an excellent author and historian in Milwaukee. The article appeared in the Milwaukee Journal Sentinel earlier this year. This article takes an intriguing look at the issue of English as the official language of the United States. It reminds us that most of us have ancestry which stems from outside the United States. It is with this in mind that I provide the following article.

[From the Milwaukee Journal Sentinel, Apr. 1, 1996]

HOW SOON THE ''ENGLISH FIRST'' CROWD FORGETS

(By John Gurda)

Their names are Seratti, Skindrud, Zukowski, Ziegelbauer, Gunderson, Goetsch, Buettner, Huebsch and Drzewiecki. They represent some of Wisconsin's leading ethnic groups—German, Norwegian, Polish and Italian—and it is a safe bet that none of their ancestors spoke a word of English when they arrived.

The irony is that the names belong to state legislators who are sponsoring the ''English First'' bill. Their measure would establish English as the ''official language of Wisconsin'' and would, with a few carefully worded exceptions, prohibit the use of other languages in ''all written expression'' by any unit of state or local government.

It seems puzzling, at first, that the bill would get a serious hearing in a state as ethnic as Wisconsin. It seems even stranger that elected officials would deny some current residents a privilege that their own ancestors enjoyed: the right to be addressed in their native tongues.

Linguistic diversity, officially endorsed, is older than the state. When Solomon Juneau became Milwaukee's first mayor in 1846, 1,000 copies of his inaugural address were printed—500 in English and 500 in German. The same policy was observed when Wisconsin adopted a constitution two years later. In the 1850s and '60s, the state published guidebooks in German, Norwegian, French, Dutch and Swedish, as well as in English, hoping to attract newcomers from Europe.

Immigrants responded by the thousands, making Wisconsin one of the most ''foreign'' states in the union and dotting the countryside with such settlements as New Glarus, New Holstein, Denmark, Belgium, Poland and Scandinavia. Ethnicity is still one of our hallmarks—a focus of festivals, an anchor of identity and, not least of all, a draw for tourists.

But diversity has always had a dark side as well. Wisconsin has suffered periodic outbreaks of nativism throughout its history; like some modern suburbanites, established residents of every period have tried to pull up the gangplank as soon as they were safely on the boat.

In the 1840s, for instance, when Irish and German immigrants demanded an equal voice in deliberations over statehood, the Milwaukee Sentinel was horrified: ''This is going too far. . . . One half of our population consists of foreigners and if this continues they will gain the upper hand and destroy our freedom. This thing is going too far.''

Wisconsin's immigrants returned the fire when their rights were threatened. In 1890, a Republican Legislature passed the Bennett Law, making instruction in English compulsory. Supporters of parochial schools were incensed. German, Scandinavian, Irish and Polish voters joined forces at the polls, making George Peck governor; he was the only Democrat to hold the pot between 1876 and 1932.

Intolerance reached a peak of sorts during and just after World War I. Germans were, to put it bluntly, persecuted. Bach, Brahms, and Beethoven were banned from the concert stage. Sauerkraut was rechristened ''liberty cabbage.'' In 1919, the Milwaukee Journal won a Pulitzer Prize for its efforts to root out local Germans who sided with Kaiser Wilhelm.

Soon after the war, nativists broadened their fire to include Poles, Italians, Greeks, Serbs and other ''new'' immigrants, a group that one bigot dismissed as ''historically downtrodden, atavistic and stagnant.'' Most politicians agreed. In the 1920s, Congress virtually halted the flow of immigration from southern and eastern Europe. The ''golden door'' lighted by the Statue of Liberty was slammed shut.

Seventy years later, immigrants are once again suspect. The English First campaign of 1996 is only the latest in a long series of attempts to legislate conformity, attempts to legislate conformity, attempts that seem to crest during times of uncertainty. Patriots of every generation have tried, in historian Gerd Korman's choice phrase, ''to replace the melting pot with a pressure cooker.''

The campaign has been blasted as small-minded, shortsighted and racist by Hispanics, Asians and other language minorities. The English First movement may be all of those things, but it is most of all unnecessary. Anyone who has spent time in the newer ethnic communities will tell you that the pressures to conform are enormous. Through the media, through the schools, through their own children, immigrant families soon learn what America expects of them. If they want a place at the table, if they want even a taste of the American dream, English is mandatory.

Why, then, the current outbreak of nativism? When you cut through all the rhetoric about ''uniting'' our society, what you sense is fear—fear that America is coming apart at the seams. The country seems to be filling in with strangers who show no eagerness to join the mainstream. That perception gives rise to a great unspoken question: Why can't they be like us?

It is one of the oldest questions in America. Yankees asked it of the Germans and the Irish, the Germans and Irish asked it of the Poles and Italians, and everyone asks it of Hispanics and Asians. The fact that so many groups once considered ''they'' have joined the ranks of ''us'' is, I would suggest, an obvious sign of America's power to absorb differences. But there are always newcomers to question.

And what should they answer? They should, in my opinion, respond that they are challenging the rest of us to live up to an ideal as old as the Republic: a belief that the many can become one without rejecting their ancestors, that unity and diversity can coexist in a creative and energizing tension.

There is only one noun in this country, and that is American. But there are dozens of adjectives: African, Belgian, Croatian, Danish, English, Filipino, German and on down the alphabet. It is our differences, mediated by our essential unity, that give this country its human appeal and its human power.

Those who would stifle diversity are denying themselves an important gift. Those who would insist on ''English First'' are betraying their own ignorance and their own pettiness, but they display something even more disturbing: a lack of faith in America.

RECOGNIZING THE WORK OF OUR NATION'S ANIMAL SHELTERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. BEREUTER. Mr. Speaker, our Nation's animal shelters and the tens of thousands of dedicated individuals who are employed by or volunteer in these facilities certainly deserve recognition for the work they have done in assisting animals. This Member is pleased that the Humane Society of the United States (HSUS), which has provided training and support to local animal shelters and humane organizations for over 40 years, has declared November 3–9, 1996, as National Animal Shelter Appreciation Week.

The idea for a national day of recognition and appreciation for animal shelters actually started with a humane society in this Member's district, the Capital Humane Society in Lincoln, NE. Bob Downey, the executive director of the Capital Humane Society, contacted the HSUS and suggested that they work together to establish a week intended to recognize the positive roles that animal shelters play in their communities; to recognize the staff and volunteers of shelters; and to educate the general public about animal shelters and the work they do.

The services offered by animal shelters are as varied as the communities they serve. Some handle animal control issues, such as controlling dogs running at large or sheltering unwanted or abandoned animals. Some conduct rescue operations by responding to calls regarding injured animals or animals that have fallen through the ice of a frozen lake or pond. Still others assist families who are considering adding a new four-legged member to the family by providing adoption services.

There are many ways that individuals can help our local animal shelters and humane societies. Many shelters, just like the Capital Humane Society, both need and welcome volunteers who perform a variety of tasks such as walking dogs, grooming animals, cleaning cages or assisting with adoptions. Shelters can also use donations of supplies such as blankets and towels to provide bedding, food or cages, or just cash donations to help pay for the costs of daily operations. National Animal Shelter Appreciation Week is an appropriate time for people to visit shelters, thank the people who work there, and volunteer their time.

CONGRATULATIONS TO MARVIN BROWN OF SAVANNAH, GA ON RECEIVING THE GRAND DECORATION OF HONOUR OF THE STATE OF SALZBURG, AUSTRIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. KINGSTON. Mr. Speaker, Mr. Marvin Brown, a resident of Savannah, GA and the First Congressional District of Georgia, joined the ranks of Dwight D. Eisenhower and Winston Churchill when he was recently awarded one of Austria's highest commendations. Mr. Brown's achievements were highlighted in the August 23, 1996 edition of the Georgia Guardian:

Thank you for your assistance in this matter.

[From the Georgia Guardian, August 23–29, 1996]

MARVIN BROWN AWARDED AUSTRIAN COMMENDATION

(By Thom Nezbeda)

To read of Marvin Brown's accomplishments with the Georgia Salzburger Society is to be impressed. He may have joined the organization ''late in life,'' as he put it, but what he's lost in time has certainly been more than made up for in performance.

He first joined the Georgia Salzburger Society, the national organization devoted to preserving Salzburger history and heritage, in 1979. ''I had been hearing that I was a Salzburger,'' Brown said. ''Jackie [his wife] and I went to a meeting out of curiosity, and that got us involved.'' He held the position of president for the society from 1990 to 1992. His first trip to ''the Old Country'' came in 1981, and he's led several tours of the state of Salzburg and other areas of Austria for fellow society members since then.

''We got started [traveling to Austria] back in 1981,'' said Brown, ''just 'babes in the woods'. We were just tourists then.''

Subsequent trips as tour guides and opportunities to meet Austrian officials visiting the United States for society activities have raised them above tourist status. ''It all fell in place,'' Brown said in a tone that seems to suggest he and his wife are taking it all in stride. ''This is how we became guests of the Austrian government on one occasion; guests of the Roman Catholic archbishop on another occasion. We've really had some wonderful things happen.''

Brown's accomplishments don't stop there. Besides being a guest on Austrian television talk shows, and presenting keys to the City of Savannah to two Salzburg governors, Brown and his wife were appointed area coordinators for the Austrian Olympic Sailing Team. As such, they helped coordinate a wreath-laying ceremony at the Salzburger Monument on Bay Street. Members of the Georgia Salzburger Society, Mayor Floyd Adams Jr., and a delegation of Austrian government and industry leaders took part in the ceremony. After the ceremony, the group retired to a downtown restaurant for a late lunch.

That's when Brown, to his total surprise, received what is probably the largest feather in his cap to date: he was awarded the Grand Decoration of Honour of the State of Salzburg, in appreciation of his efforts to promote good will between Salzburger descendants and the country from which they came.

The honor, one of Austria's highest commendations, was given by Engelbert Wenckheim, the vice president of the Austrian Federal Economic Chamber.

''I really was definitely shocked; there's no other word for it,'' Brown said.

According to Ulf Pacher of the Austrian Embassy in Washington, D.C., the commendation is the highest decoration awarded by the province of Salzburg. ''The medal is pretty exclusive,'' he said. ''It's not given out that often—it's rarely awarded.''

By receiving the award, Brown becomes part of an exclusive group of individuals including Winston Churchill and Dwight D. Eisenhower, among others.

IN ORDER TO SAVE THE COUNTRYSIDE, WE MUST STRENGTHEN OUR CITIES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, as recently as the 1960's, Charles Adams wrote in ''The City is the Frontier'': ''In our own era, the world's cities are witnessing their greatest surge in man's history * * * From 1800 to 1950, the proportion of people living in cities with more than 20,000 people leaped from 2.4 to 21 percent. Our civilization is becoming urban, and the advance into the cities is one of the most spectacular social phenomena of our time. The city has become the frontier.''

Today, the promise of the urban frontier seems to be little more than reminder of opportunity lost. In the latter half of this century, the Nation's landscape has been transformed by sprawling development and urban decay. The movement of families and businesses from our Nation's cities has reshaped the cities themselves, the suburbs, and the countryside. Much of this change has been positive, as families have built homes and communities, fulfilling the American dream; but a great deal has been lost as well.

It is tragic that so many cities are dying at a time when the countryside is disappearing. The American Farmland Trust estimates that the United States converts to other uses 2 million acres of farmland annually, much of it on the edge of urban America. The USDA natural resources inventory found that developed land increased by 14 million acres between 1982 and 1992.

As the cities are losing their manufacturing industries, 95 percent of the growth in office jobs occurs in low density suburbs. These office jobs accounted for 15 million of the 18 million new jobs in the 1980's.

There are many factors that have contributed to the mass migration away from the cities: a desire for greater personal safety, better schools, less congestion, and a way of life. The development of the Interstate Highway System, relatively inexpensive community expenses, and tax incentives for homeownership have made it easier for many people to move to the suburbs.

Offsetting some of the costs associated with this trend—urban decay and the loss of open space—will require both private sector and public sector initiative. No single public policy proposal will address all of the problems. Today, I am introducing two bills addressing two of the many factors that contribute to sprawling development.

The first is related to the costs of cleaning up contaminated land and buildings in urban areas so that they can be put to productive use. The rules surrounding the tax treatment of environmental remediation expenses are so convoluted and confusing it is no wonder that a number of businesses decide to sidestep them altogether and invest in previously undeveloped land and newer buildings outside of environmentally distressed urban areas.

Repairs to business property can be deducted currently as a business expense, but capital expenditures that add to the value of property have to be capitalized. This means that some environmental remediation costs are treated as a business expense, but others are treated as capital expenditures, depending on the facts and circumstances of each case.

The administration in its brownfields initiative has proposed to allow an immediate deduction for cleaning up certain hazardous substances in high-poverty areas, existing EPA brownfields pilot areas, and Federal empowerment zones and enterprise communities. This is commendable, as far as it goes, but there is a disturbing trend in urban policy to pick and choose among cities. If expensing environmental remediation costs is good tax policy and good urban policy, and I believe that it is, then it should apply in all communities. The bill I am introducing today would apply this policy to all property wherever located, and would expand the list of hazardous substances to include potentially hazardous materials such as asbestos, lead paint, petroleum products, and radon. This bill would remove the disincentive in current law to reinvestment in our cities and buildings.

My second bill addresses a provision in current tax law that limits the deduction for a gift of appreciated property to 30 percent of adjusted gross income. Under current law, the limit for gifts of cash is 50 percent of adjusted gross income. My bill would raise the cap for qualified gifts of conservation land and easements from 30 percent to 50 percent. Under the bill, any amount that cannot be deducted in the year in which the gift is made can be carried over to subsequent tax years until the deduction has been exhausted. Current law gives the donor 5 years in which to use up the deduction.

Conservation easements are a partial interest in property transferred to an appropriate nonprofit or governmental entity. These easements restrict the development, management, or use of the land in order to keep the land in a natural state or to protect historic or scenic values. Easements are widely used by land trusts, conservation groups, and developers to protect valuable land.

The 30-percent limit in current law actually works to the disadvantage of taxpayers who may be land rich but cash poor.

Several of my colleagues have introduced important bills to encourage greater use of conservation easements. My bill addresses the disadvantage the 30-percent limit imposes on lower income taxpayers.

Mr. Speaker, Gifford Pinchot, the founder of the U.S. Forest Service, once wrote that a nation ''deprived of its liberty may win it, a nation divided may unite, but a nation whose natural resources are destroyed must inevitably pay the penalty of poverty, degradation and decay.''

In order to save the countryside, we must strengthen our cities. Thanks to the leadership of Chairman BILL ARCHER, fundamental tax reform will be near the top of the agenda of the next Congress. We need to take a look at the impact of tax policy on land use decisions in this country. The bills I am introducing today would go a long way toward correcting two serious problems in existing law.

IN HONOR OF LILLIAN CARINE: AN OUTSTANDING COMMUNITY ACTIVIST MAKING A DIFFERENCE FOR THE RESIDENTS OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Lillian Carine, a dedicated community activist who has made a significant difference in the lives of my constituents in Bayonne. Mrs. Carine will be honored at the seventh annual Italian American Heritage Award dinner dance on September 28, 1996, at the F.A. Mackenzie Post in Bayonne.

Family has played a major role in our esteemed honoree's life. Mrs. Carine was born to Sicilian immigrants, Josephine and Nicola Alessi, on July 21, 1911, in Bayonne where she still lives. Alessi married Nicholas Carine on April 11, 1932. Their joyful union, which lasted 57 years until Nicholas' passing in 1989, produced two children, Frank and Rosalie, seven grandchildren and five great-grandchildren.

Competence and compassion are invaluable words to one who seeks to describe Mrs. Carine. This selfless individual's tradition of community involvement began under the influence of her mother who put her on a ''trolley track'' of service to others from which Mrs. Carine has yet to disembark. Along the way, there have been a number of stations which Mrs. Carine's trolley has passed through, including the Bayonne Board of Education to which she was elected twice, the Hudson County Juvenile Conference Committee and the Bayonne Child Abuse Prevention Council.

Additionally, Mrs. Carine is a founding member of the Sons of Italy, Father Del Monte Lodge 2560, a member of the selection panel of the Holocaust Memorial Committee of Bayonne, and a member of the Bayonne Visiting Nurse Association board of directors.

Senior citizens and their concerns have interested Mrs. Carine for a long time. She is the producer and host of a local cable television show called ''Sixty Plus'' geared toward senior citizens, relating information useful to seniors in their everyday lives. The Vial of Life program was an especially gratifying milestone in Mrs. Carine's chosen vocation. It provides seniors with information important to meet their health care needs.

It is an honor to have such an empathetic individual residing in my district. Mrs. Carine's performance of her civic duties is an example for everyone to emulate. I am certain that my colleagues will rise with me to honor this exceptional woman.

TRIBUTE TO THE 90TH ANNIVERSARY CELEBRATION OF NATIVITY OF THE BVM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. SCHUMER. Mr. Speaker, I am proud to join all my friends and colleagues in celebrating the Nativity of the Blessed Virgin Mary's 90th anniversary. This wonderful church has been serving Ozone Park, Queens faithfully for the past 90 years, and is well-deserving of recognition and praise.

I am pleased to congratulate the members of the Nativity of the Blessed Virgin Mary for making this area a source of community pride. As a result of the tireless work and vigilant dedication of the church, Ozone Park has maintained its reputation as a safe and quiet community distinct from the city's frenetic atmosphere.

I am certain that the strength of this community would not be what it is today without the commitment of its church. Such countless contributions have ensured the neighborhood's continued growth and stability which are fully appreciated by all.

For years, families have known Ozone Park as a solid community, making it a good place to live. I am honored to celebrate 90 years of civic leadership in Ozone Park—the Nativity of the Blessed Virgin Mary's members have done much to improve the quality of life for all area residents.

CONGRATULATIONS TO POSTAL WORKER WHO SAVED CHOKING 4 YEAR OLD

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. MASCARA. Mr. Speaker, I would take a moment today to publicly thank Joanne Johnson, a postal worker from my district, who recently saved the life of a 4-year-old boy who had swallowed a quarter and was choking.

On a recent dreary Monday morning, Joanne was delivering mail on a rural route in her hometown of Hopwood, PA, when she heard the screams of Rosemary Bradshaw who was standing on her front porch.

Not really knowing what was wrong, Joanne jumped out of her mail truck and ran to the woman's aid. Mrs. Bradshaw's son, John Kenneth Thorpe, Jr. stood nearby in obvious distress, unable to breathe. Luckily, Joanne had built up a relationship with John since she began delivering the route in early spring. Daily the boy would raise the flag on his mailbox, even if there was nothing to pick up, just so he could chat and laugh with her. While Joanne had no formal training in CPR or the Heimlich maneuver, she coaxed him to come to her. She quickly flipped him around and squeezed him tightly. Fortunately the quarter popped out and John began to breathe again.

Local postal officials intend to recognize Joanne for her heroism. As they correctly state, daily Postal Service workers across the country, like Joanne, help citizens in distress, but rarely are these events ever reported on the evening news.

Joanne, naturally, does not see herself as a hero. She says she was just a the right place at the right time and would not hesitate to help again, if she could.

But I know that is not the case. Joanne is a very special person and her family and neighbors and coworkers should be very proud of her. More importantly, each and everyone of us should try and emulate her efforts to reach out to others in need.

Not surprisingly, little John knows a friend when he sees one. Lately, he has been leaving cards and presents for Joanne in the mailbox. She has been leaving him candy.

CONFERENCE REPORT ON H.R. 3666, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. STUMP. Mr. Speaker, I rise in opposition to the conference report on H.R. 3666, the VA, HUD and independent agencies appropriations bill for fiscal year 1997.

As chairman of the Veterans' Affairs Committee, I am deeply dissatisfied with the way the conference report treats the veterans' portion of the bill.

The conference report switches priorities approved by the House.

The result, veterans lose out to nonveteran programs.

I strongly object to the conference report boosting programs for EPA, NASA, and Americorps at the expense of veterans.

The conference report drops VA medical care $55 million below the House, inadequately funds VA medical research $15 million below the House, and skims $13 million off the House on resources necessary for timely processing of veterans service connected benefit claims.

The conference report bumps up EPA by $140 million above the House, NASA $100 million above the House, FEMA $197 million above the House, and gives $400 million to ''paid volunteers'' and bureaucrats at Americorps, which the House had zero funded.

Mr. Chairman, the overall story is unfortunately a weakening of the House-passed priorities for veterans' programs.

Additionally, it is inappropriate for legislative amendments to find their way into appropriations measures.

While I would not necessarily disagree with all the attached legislative amendments had

they been properly before the Veterans' Affairs Committee, I strongly object to their presence in the appropriations bill conference report.

The conference report creates an unprecedented benefits entitlement for children with spina bifida, on the basis of what can at best only be called questionable scientific foundation.

Worse than that is the way it has been paid for.

The appropriations bill reverses the Supreme Court's Gardner decision.

This is not simply an offset.

It is legislative savings that should be controlled by the Veterans' Affairs Committee, and it is more than what is needed to pay for the new entitlement.

Thus the VA Committee loses control over $500 million.

That's the difference between the costs of this brand-new entitlement and savings from repeal of Gardner.

It's the price for rushing these provisions through the appropriations process instead of the committee of jurisdiction.

The appropriations bill strips the House Veterans' Affairs Committee of our plan to achieve significant savings without hurting higher priority veterans' programs, and denies veterans the potential of using that $500 million for other benefits improvements for service-connected veterans.

Frankly, we should be able to do better for these men and women who served us in uniform.

PERSONAL EXPLANATION

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. FUNDERBURK. Mr. Speaker, on Tuesday, September 24, 1996 I was unavoidably detained and missed several votes. Had I been present, I would have recorded my vote as follows:

Rollcall vote number 426 on agreeing to the VA/HUD conference report—I would have voted ''aye.''

Rollcall vote number 427 on agreeing to H.R. 3452, the Presidential and Executive Office Accountability Act—I would have voted ''aye.''

Rollcall vote number 425 on agreeing to House Resolution 525 providing expedited procedures for the remainder of the second session of the 104th Congress—I would have voted ''aye.''

AFRICAN GROWTH AND OPPORTUNITY: THE END OF DEPENDENCY ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. CRANE. Mr. Speaker, today I join my colleagues Congressman JIM MCDERMOTT and Congressman CHARLIE RANGEL in introducing legislation that will fundamentally shift how the United States approaches our relations with the 48 countries in sub-Saharan Africa. For many years, the United States has supported a variety of foreign assistance programs that have sought to aid the countries of sub-Saharan Africa. Unfortunately, traditional foreign aid has not led to the level of economic development that we would all like to see on the African continent. In the long run, private sector investment and development must serve as the catalyst for the countries of sub-Saharan Africa to compete in the global marketplace and to improve the standard of living for their people. Unfortunately, the region's immediate potential does not seem to be reflected either in the investment decisions of individual businesses or in the U.S. Government's export development priorities, including high-profile trade missions.

In this context, I believe that it is time for us to reexamine the nature of our relationship with sub-Saharan Africa and to focus our attention on ways to facilitate private sector trade and investment in the region. In 1994, Congress took an initial step in this direction by asking the President to develop ''a comprehensive trade and development policy for the countries of sub-Saharan Africa'' as part of the Uruguay Round Agreements Act. The first of the five annual reports required under this provision was submitted by President Clinton earlier this year. The President's report, in turn, has generated a broader discussion among many of my colleagues, the business community, and the public on the future direction of U.S. economic relations with sub-Saharan Africa.

Throughout this year, I have been pleased to work with Congressman JIM MCDERMOTT and Congressman CHARLIE RANGEL toward developing a bipartisan proposal to facilitate the economic development of sub-Saharan Africa by expanding our trade relations with the region. On August 1, 1996, the Subcommittee on Trade of the Ways and Means Committee held a hearing on this issue to look more closely at how we might elevate the priorities of business and government toward sub-Saharan Africa and pursue mutually beneficial trade expansion efforts. The legislation that we are introducing today is the culmination of our work on this issue in the 104th Congress and will serve as the basis for further action on this issue by the Ways and Means Committee next year.

Among other things, the ''African Growth and Opportunity: The End of Dependency Act'' calls for the negotiation of a free-trade agreement with the countries of sub-Saharan Africa that take appropriate steps to reform their economies. Moreover, to put momentum behind these negotiations and to focus greater attention on the region in the private sector, the bill calls for the creation of a United States-sub-Saharan Africa Trade and Economic Cooperation Forum. This forum will provide regular opportunities for policy leader and heads of state to meet to discuss issues of mutual interest and to keep the trade negotiations on track. Finally, our proposal will create privately managed equity and infrastructure funds to encourage private institutional investors in developed countries to pool their resources to make investments in established businesses and infrastructure projects in sub-Saharan Africa.

With a combined population of nearly 600 million people, sub-Saharan Africa can and should become a major export market for United States goods and services. In my view, the active participation of the global marketplace is essential to creating the economic and investment opportunities that will stimulate the conditions for developing countries to emerge as business partners, rather than aid recipients. By giving sub-Saharan African countries a trade and investment alternative to foreign aid, this important legislation will encourage the type of economic and political reforms in the region that will ultimately make traditional assistance unnecessary.

THE NEED FOR CONSUMER GRIEVANCE RIGHTS IN MANAGED CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. STARK. Mr. Speaker, today I introduced a comprehensive bill to improve consumer and provider rights in managed care plans. I introduced the bill late in this Congress so that everyone has the opportunity to review the bill over the autumn and suggest changes and improvements, prior to its reintroduction in the 105th.

One major section of the bill requires the timely consideration by managed care plans of patient appeals. The Medicare agency is very concerned about this area of consumer rights and is proposing a rule to better protect patients. Depending on the strength of the HCFA rule, the need for the appeals and grievance section of my legislation may be fully or partially addressed.

The following news articles from the Bureau of National Affairs of September 18 and 19 describe why this is such an important issue. As Bruce Fried, head of the Office of Managed Care states so well: The appeal and grievance process is ''fundamentally the most important protection our beneficiaries have.''

VLADECK URGES MANAGED CARE GROUPS TO IMPROVE APPEALS PROCESS

Increasing numbers of health care consumers are feeling powerless in the face of decisions made by their managed care organizations, Health Care Financing Administration Administrator Bruce C. Vladeck said Sept. 17 in urging such groups to improve their beneficiary grievance and appeals process.

Speaking at the annual meeting of the American Association of Health Plans, the nation's largest managed care group, Vladeck said Medicare managed care organizations should ensure Medicare enrollees are aware of their health care coverage appeals rights; should establish systems that do not deter, and even solicit coverage questions; and should employ staff that are well-versed in Medicare regulations.

As managed care has grown, ''there is an increasing perception among consumers that they are voiceless and powerless in the system,'' even though they had little or no appeal rights in the fee-for-service system, Vladeck hold conference attendees.

He urged AAHP members to voluntarily upgrade their appeals and grievance process to parallel HCFA's on-going review of what is requires managed care groups to provide enrollees in this area.

''If it doesn't happen spontaneously, we will make it happen.'' he warned.

HCFA OFFICIALS WARN HMOS TO PROVIDE GOOD GRIEVANCE PLANS; RULE IN DEVELOPMENT

Health maintenance organizations that do not provide adequate grievance and appeals

procedures to Medicare beneficiaries are violating beneficiaries' constitutional rights and will be closely scrutinized by the program, a Health Care Financing Administration official said Sept. 18.

HCFA Office of Managed Care Director Bruce M. Fried told managed care representatives that failure to provide an adequate grievance and appeals process to Medicare beneficiaries vilates their 14th Amendment rights to due process and equal protection under the law. It also violates Medicare statutes, Fried said.

HCFA has made this issue one of its top priorities and the appeals processes in place at HMOs will come under ''enormous scrutiny'' in the coming months, Fried said at a conference on managed care sponsored by HCFA, in conjunction with meetings on Medicare and Medicaid being held this week by the American Association of Health Plans.

Some HMOs are failing to improve their grievance and appeals process—in which beneficiaries can contest a decision by an HMO to deny or alter health care coverage—to remain competitive in a rapidly growing industry, Fried said.

''Human nature being what it is, this simply leads some folks to cut corners,'' Fried said. ''We will be very attentive to that.''

As of July 1, HCFA had Medicare contracts with 313 HMOs enrolling nearly 4.4 million beneficiaries, according to documents provided by HCFA at the meeting. HMOs are now required to have appeals and grievance processes for Medicare patients, but the quality is mixed and appeals are slow.

In a speech to the AAHP conference Sept. 16, HCFA Administrator Bruce C. Vladeck also warned HMOs to improve their grievance and appeals process, saying the agency would force them to do so if they do not voluntarily comply.

Fried called the appeals and grievance process ''fundamentally the most important protection our beneficiaries have,'' adding that it was ''critical'' that HMOs take steps to improve the process.

''I don't want to threaten the industry with steps that I am willing to take'' if HMOs do not act, Fried warned.

HCFA RULE EXPECTED BY END OF YEAR

HCFA is ''very far down the road'' in developing a proposed rule that for the first time specifically will define the grievance and appeal process requirements for HMOs, Fried said. Among other items, it will include a requirement that grievances be acted upon ''in a matter of days,'' rather than the maximum 60 days required under current law, he added.

The current grievance and appeals process gives plans 60 days to act on a beneficiary appeal and another 60 days for HCFA's contractor to review appeal denials.

The proposed rule, part of HCFA's Medicare Appeals and Grievance Initiative, is expected to be issued by the end of the year, Maureen Miller, senior policy analyst with the Office of Managed Care's program policy and improvement team, told conference participants.

HCFA in the rule also will clarify what services beneficiaries are able to appeal, Miller said. The rule will state that in addition to pre-service denials, reduction in care decisions and service terminations also can be appealed, as well as services provided under optional supplemental coverage, she added.

The rule also will establish new reporting requirements for plans for grievance and appeals procedures and improve the way plans report such information to HCFA, Miller said.

Miller told plans, however, not to ''sit and wait'' until the rule is published to improve their grievance and appeals process. Plans on their own can shorten the time needed to decide an appeal, which already has been done by many commercial plans, Miller told those attending the conference.

Plans also can improve their internal information systems so they have more knowledge of who is filing grievances and why and launch an education effort to ensure beneficiaries in skilled nursing facilities and home health care know their appeal rights, Miller said.

They also can review their marketing materials to ensure they present information on appeals in a clear, understandable way, she added.

Plans also can better train their staff charged with handling grievances, Miller said. HCFA has learned of staff at some HMOs in these departments who are giving out incorrect information because they are working without relevant HCFA regulations at their disposal, she added.

A TRIBUTE TO HONOR THE PATCHOGUE, NY, SOCIAL SECURITY OFFICE IN RECOGNITION OF 50 YEARS OF SERVICE TO THE LONG ISLAND COMMUNITY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. FORBES. Mr. Speaker, I rise today to honor and pay tribute to the Social Security Office in Patchogue, NY, for 50 years of dedicated service to the Long Island community. It is with great sincerity that I ask my colleagues in the House of Representatives to join me in congratulating the Patchogue Social Security Office on this historical occasion.

In 1946, the Social Security Administration [SSA] opened its first Long Island office at 75 Oak Street, Patchogue, Long Island, NY. Prior to this, Suffolk County residents had to visit the Queens, NY, office, located in Jamaica, to receive Social Security services. During the last 50 years, the Patchogue office has served hundreds of thousands of Social Security beneficiaries.

Originally, Social Security was formulated as an entitlement program for retired workers and their surviving dependents. In the 1950's, the disability provisions were implemented. The 1960's saw the beginning of Medicare health insurance for the elderly, and in the 1970's, Medicare coverage was extended to the disabled. These changes also included implementation of the Supplemental Security Income [SSI] Program in 1974. This program was established by Congress to federalize assistance to financially needy, elderly, blind, and disabled individuals and children.

The Patchogue Social Security office has performed an exceptional duty in administering its programs to Suffolk County residents. Today, the office administers Social Security payments to 113,894 Suffolk residents each month for a total of $79,381,000. SSI payments are paid to 12,817 individuals each month for a total of $4,739,000.

Stuart Blau, the District Manager, has served the people in his Patchogue District for 20 years, the last 10 as Manager. His 35 years with the Social Security Administration have encompassed the introduction of disability benefits, Medicare, and the Supplemental Security Income Program.

He heads one of the largest field offices in the New York region and the Nation, servicing almost 1 million residents of Suffolk County. Along with a dedicated staff of Federal employees, he continues the tradition and dedication to public service begun in July 1946 when Patchogue was added to the growing roster of Social Security field offices across the country.

The staff in the Patchogue office looks forward to continuing their tradition of dedication and service to Suffolk County residents for many years to come. I wish them all the best for another 50 years in service to the Long Island community.

TRIBUTE TO MAJ. RICHARD M. ''SLUG'' MCGIVERN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1996

Mr. DORNAN. Mr. Speaker, I rise today to recognize Maj. Richard M. ''Slug'' McGivern for his distinguished and exemplary service to the U.S. Air Force and the 104th Congress through his work in the Air Force House Liaison Office from May 2, 1995, to October 14, 1996. In this capacity, Rick has excelled in providing the House of Representatives with outstanding service and unselfish commitment above and beyond the call of duty. During his short stay in this office,, he quickly established a solid reputation with both Members and staff, displaying his extensive knowledge of Air Force programs and issues, as well as national defense strategy. His strong operational fighter background gave him the credibility to provide guidance and advice on a wide array of aerospace and other national security issues. Slug's sound judgment and keen sense of priority are trusted attributes that have greatly benefited Congress and the U.S. Air Force. In the challenging arena of international travel, he was brilliant in planning, organizing, and executing congressional delegation trips to locations all over the world. It has been my extreme pleasure to have worked and traveled with Rick McGivern. He has served with great distinction and has earned our respect and gratitude for his many contributions to our Nation's defense. As he moves to the Pentagon to work on the Quadrennial Defense Review Board, we will continue to see Slug on the Hill. On behalf of my colleagues, I would like to bid Maj. Rick ''Slug'' McGivern and his wife Susan continued success in their new assignment.

Daily Digest

HIGHLIGHTS

Senate sustained President's veto of Partial-Birth Abortion Ban.

House agreed to Water Resources Development Act Conference Report.

House took action on 39 measures.

Senate

Chamber Action

Routine Proceedings, pages S11335–S11468

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 2132–2135, and S. Res. 301 and 302. **Page S11426**

Measures Reported: Reports were made as follows:

S. 1359, to amend title 38, United States Code, to revise certain authorities relating to management and contracting in the provision of health care services, with an amendment in the nature of a substitute. (S. Rept. No. 104–372) **Page S11426**

Measures Passed:

NIH Authorizations: Senate passed S. 1897, to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, after agreeing to committee amendments, and the following amendment proposed thereto: **Pages S11391–S11401**

Lott (for Kassebaum) Amendment No. 5404, in the nature of a substitute. **Pages S11397–S11400**

Accountable Pipeline Safety and Partnership Act: Senate passed S. 1505, to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, after agreeing to a modified committee amendment in the nature of a substitute. **Pages S11451–54**

Supreme Court Authority Extension: Senate passed S. 2100, to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police. **Page S11455**

Indian Child Welfare Act Amendments: Senate passed S. 1962, to amend the Indian Child Welfare Act of 1978, after agreeing to the following amendment proposed thereto: **Pages S11455–60**

Lott (for McCain) Amendment No. 5405, to make technical corrections. **Page S11455**

Production of Committee Records: Senate agreed to S. Res. 302, to authorize the production of records by the Committee on Indian Affairs. **Page S11460**

Veterans' Compensation Cost-of-Living Adjustment Act: Committee on Veterans Affairs was discharged from further consideration of H.R. 3458, to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and the bill was then passed, after striking all after the enacting clause, and inserting in lieu thereof the text of S. 1791, Senate companion measure. **Pages S11460–62**

Subsequently, S. 1791 was returned to the Senate calendar. **Page S11461**

Wildlife Suppression Aircraft Transfer Act: Committee on Armed Services was discharged from further consideration of S. 2078, to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S11462**

Lott (for Kempthorne) Amendment No. 5406, to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire. **Page S11462**

Navajo-Hopi Land Dispute: Senate passed S. 1973, to provide for the settlement of the Navajo-Hopi land dispute, after agreeing to a committee amendment in the nature of a substitute, and the following amendments proposed thereto: **Pages S11462–68**

Lott (for McCain) Amendment No. 5407, to provide a definition of newly acquired trust lands. **Pages S11465–66**

Lott (for McCain) Amendment No. 5408, to make a technical change. **Pages S11465–66**

Lott (for McCain) Amendment No. 5409, to provide for neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe. **Pages S11465–66**

Lott (for McCain) Amendment No. 5410, to direct the Secretary of the Interior to take lands into trust in an expeditious manner. **Pages S11465–66**

Lott (for McCain) Amendment No. 5411, to provide for statutory interpretation and water rights. **Pages S11465–66**

Veto—Partial-Birth Abortion Ban: By 57 yeas to 41 nays (Vote No. 301), two-thirds of the Senators voting not having voted in the affirmative, H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions, upon reconsideration, was rejected, and the veto of the President was sustained. **Pages S11337–61, S11366–89**

Illegal Immigration Reform Conference Report—Cloture Motion Filed: A motion was entered to close further debate on the conference report on H.R. 2202, 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, and to reform the legal immigration system and facilitate legal entries into the United States and, by unanimous-consent agreement, a vote on the cloture motion will occur on Monday, September 30, 1996. **Pages S11450–51**

Appointments:

Advisory Committee on Student Financial Assistance: The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, appointed Dr. Robert C. Khayat, of Mississippi, to the Advisory Committee on Student Financial Assistance for a three-year term effective October 1, 1996. **Page S11454**

Messages From the House: **Pages S11424–25**

Measures Placed on Calendar: **Page S11425**

Communications: **Page S11425**

Petitions: **Pages S11425–26**

Executive Reports of Committees: **Page S11426**

Statements on Introduced Bills: **Pages S11426–34**

Additional Cosponsors: **Pages S11434–35**

Amendments Submitted: **Pages S11435–42**

Authority for Committees: **Pages S11442–43**

Additional Statements: **Pages S11443–50**

Record Votes: One record vote was taken today. (Total—301) **Page S11389**

Adjournment: Senate convened at 9 a.m., and adjourned at 7:34 p.m., until 9:30 a.m., on Friday, September 27, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11468.)

Committee Meetings

(Committees not listed did not meet)

MEDICAL RESEARCH FUNDING

Committee on Appropriations/Special Committee on Aging: Committees concluded joint hearings to examine efforts to improve the health of all Americans through biomedical and behavioral research, focusing on health care cost savings resulting from medical research, after receiving testimony from Richard J. Hodes, Director, National Institute on Aging, National Institutes of Health (Bethesda, Maryland), Department of Health and Human Services; Gen. Norman H. Schwarzkopf, USA (Ret.), Tampa, Florida; Tadataka Yamada, SmithKline Beecham, Philadelphia, Pennsylvania, on behalf of the American Gastroenterological Association; Jess G. Thoene, University of Michigan, Ann Arbor, on behalf of the National Organization for Rare Disorders, Inc.; Robert Lindsay, Helen Hayes Hospital, New York, New York, on behalf of the National Osteoporosis Foundation; Mary Woolley, Research! America, Alexandria, Virginia; Francis Harper, Dana Alliance for Brain Initiatives, and Daniel Perry, Alliance for Aging Research, both of Washington, D.C.; Joan I. Samuelson, Santa Rosa, California, on behalf of the Parkinson's Action Network; Rod Carew, Los Angeles, California; Travis Roy, Yarmouth, Maine; and Zenia Kim, Beaverton, Oregon.

NATIONAL ENVIRONMENTAL POLICY ACT

Committee on Energy and Natural Resources: Subcommittee on Oversight and Investigations concluded hearings to examine efforts by the Federal land management agencies to strengthen the National Environmental Policy Act decision making process, after receiving testimony from Kathleen A. McGinty, Chair, Council on Environmental Quality; Jack Ward Thomas, Chief, Forest Service, Department of Agriculture; and Nancy K. Hayes, Chief of Staff and Counselor, Bureau of Land Management, Department of the Interior.

BALLISTIC MISSILE DEFENSE

Committee on Foreign Relations: Committee concluded hearings to examine the threat of ballistic missile attacks on the United States, the need for missile defenses, and proposals for the United States' withdrawal from the Anti-Ballistic Missile Treaty arms control agreement, after receiving testimony from Henry F. Cooper, former Director, Strategic Defense Initiative Organization and Chief U.S. Negotiator to the Geneva Defense and Space Talks with the Soviet Union; William R. Graham, former Director, White House Office of Science and Technology Policy and Science Advisor to President Reagan; and Jack Mendelsohn, Arms Control Association, Washington, D.C.

POSTAL SERVICE ACTIVITIES

Committee on Governmental Affairs: Committee concluded hearings to review the annual report of the Postmaster General, after receiving testimony from Marvin Runyon, Postmaster General/Chief Executive Officer, and Michael S. Coughlin, Deputy Postmaster General, both of the United States Postal Service.

REFUGEE CONSULTATION

Committee on the Judiciary: Committee concluded hearings to review the annual refugee consultation process, after receiving testimony from Timothy E. Wirth, Under Secretary for Global Affairs, and Phyllis E. Oakley, Assistant Secretary, Bureau of Population, Refugees and Migration, both of the Department of State; Lavinia Limon, Director, Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services; and Phyllis Coven, Director, Office of International Affairs, Immigration and Naturalization Service, Department of Justice.

House of Representatives

Chamber Action

Bills Introduced: 32 public bills, H.R. 4193–4224; 3 private bills, H.R. 4225–4227; and 9 resolutions, H.J. Res. 196, H. Con. Res. 221–223, and H. Res. 538–539 and 541–543, were introduced.

Pages H11394–95

Reports Filed: Reports were filed as follows:

H.R. 3874, to reauthorize the United States Commission on Civil Rights, amended (H. Rept. 104–846);

H.R. 2086, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans, amended (H. Rept. 104–847);

Conference report on H.R. 3539, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration (H. Rept. 104–848);

Investigation of the White House Travel Office Firings and Related Matters (H. Rept. 104–849);

H.R. 3158, to amend the Small Business Act to extend the pilot Small Business Technology Transfer program, amended (H. Rept. 104–850);

H. Res. 540, waiving points of order against the conference report to accompany H.R. 3539, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration (H. Rept. 104–851);

H. Res. 538, dismissing the election contest against Charlie Rose (H. Rept. 104–852); and

H. Res. 539, dismissing the election contest against Charles F. Bass (H. Rept. 104–853).

Pages H11289–H11319, H11394

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Goodlatte to act as Speaker pro tempore for today.

Page H11231

Prayer by Guest Chaplain: The prayer was offered by the guest chaplain, Rabbi Melvin Glazer, Congregation Olam Tikvah, Fairfax, Virginia.

Page H11231

Suspensions: The House voted to suspend the rules and take the following actions:

Comprehensive Methamphetamine Control: Passed H.R. 3852, amended, to prevent the illegal manufacturing and use of methamphetamine. Bill was debated on Wednesday, September 25 (passed by a yea-and-nay vote of 386 yeas to 34 nays, Roll No. 434); **Pages H11243–44**

Drug-Induced Rape Prevention and Punishment: Passed H.R. 4137, to combat drug-facilitated crimes of violence, including sexual assaults. Bill was debated on Wednesday, September 25 (passed by a yea-and-nay vote of 421 yeas to 1 nay, Roll No. 435); **Page H11244**

Sexual Offender Tracking and Identification Act: Passed H.R. 3456, amended, to provide for the nationwide tracking of convicted sexual predators. Bill was debated on Wednesday, September 25 (passed by a yea-and-nay vote of 423 yeas to 1 nay, Roll No. 436); **Pages H11244–45**

Private Security Officer Quality Assurance: Passed H.R. 2092, amended, to expedite State reviews of criminal records of applicants for private security officer employment. Bill was debated on Wednesday, September 25 (passed by a yea-and-nay vote of 450 yeas to 6 nays, Roll No. 437); **Pages H11245–46**

False Statements Accountability: Agreed to H. Res. 535, providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166, to amend title 18, United States Code, with respect to the crime of false statement in a Government matter. Resolution was debated on Wednesday, September 25 (agreed to by a yea-and-nay vote of 424 ayes, Roll No. 438); **Page H11246**

Snoqualmie National Forest Boundary: Passed H.R. 3497, amended, to expand the boundary of the Snoqualmie National Forest. Bill was debated on Wednesday, September 25 (passed by a yea-and-nay vote of 417 yeas to 1 nay, Roll No. 439); **Pages H11246–47**

Commending Americans Who Served During the Cold War: Agreed to H. Con. Res. 180, amended, commending the Americans who served the United States during the period known as the Cold War. Agreed to amend the title; **Pages H11235–39**

Removal of Russian Troops From Moldova: Agreed to H. Con. Res. 145, concerning the removal of Russian Armed Forces from Moldova (agreed to by a yea-and-nay vote of 425 yeas, Roll No. 440); **Pages H11239–41, H11352–53**

U.S. Membership in Regional South Pacific Organizations: Agreed to H. Con. Res. 189, amended, expressing the sense of the Congress regarding the importance of United States membership in regional South Pacific organizations. Agreed to amend the title (agreed to by a yea-and-nay vote of 416 yeas to 6 nays, Roll No. 441); **Pages H11241–43, H11353–54**

Removal of Russian Troops from Kaliningrad: Agreed to H. Con. Res. 51, amended, expressing the sense of the Congress relating to the removal of Russian troops from Kaliningrad. Agreed to amend the title; **Pages H11250–54**

Travel and Tourism Partnership: Passed H.R. 2579, amended, to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States; **Pages H11254–60**

Tensas River National Wildlife Refuge: Agreed to the Senate amendments to H.R. 2660, to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge—clearing the measure for the President. **Page H11261**

Wyoming Fish and Wildlife Facility Conveyance: Passed S. 1802, to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming—clearing the measure for the President; **Pages H11261–62**

Prairie Island Indian Community: Agreed to the Senate amendment to 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—clearing the measure for the President; **Pages H11262–63**

Agua Caliente Band of Cahuilla Indians: Passed H.R. 3804, amended, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; **Pages H11264–67**

Alaska Natives Study: Passed H.R. 3973, amended, to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives; **Pages H11267–68**

Helium Privatization: Passed H.R. 4168, to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands; **Pages H11268–73**

Alaska Native Claims Settlement Act: Passed H.R. 2505, amended, to amend the Alaska Native claims Settlement Act to make certain clarifications to the land bank protection provisions; **Pages H11280–83**

Congressional Pension Forfeiture: Passed H.R. 4011, amended, to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member (passed by a yea-and-nay vote of 391 yeas to 32 nays with 1 voting ''present'', Roll No. 443); **Pages H11283–89, H11354–55**

National Museum of the American Indian Act: Passed S. 1970, to amend the National Museum of the American Indian Act to make improvements in the Act—clearing the measure for the President; **Page H11319**

Internet Election Information Act: Passed H.R. 3700, amended, to amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purpose of disseminating campaign information and enhancing public debate; **Pages H11319–21**

Water Resources Development Act Conference Report: Agreed to the conference report on S. 640, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States; **Pages H11322–30**

National Transportation Safety Board Amendments: Agreed to the Senate Amendment to H.R. 3159, to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board—clearing the measure for the President. **Pages H11330–34**

Subsequently, the House, considered by unanimous consent, and agreed to H. Con. Res. 221, directing the Clerk to make corrections in the enrollment of H.R. 3159. **Page H11334**

Hydrogen Research and Development: Passed H.R. 4138, to authorize the hydrogen research, development, and demonstration programs of the Department of Energy; **Pages H11337–40**

Suspensions Failed: The House failed to suspend the rules and pass the following measures:

American Land Sovereignty Protection Act: H.R. 3752, amended, to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (failed to pass by a yea-and-nay vote of 246 yeas to 178 nays, Roll No. 442, two-thirds required to pass); and **Pages H11273–80, H11354**

Civil Service Reform: H.R. 3841, amended, to amend the civil service laws of the United States (failed to pass by a yea-and-nay vote of 224 yeas to 201 nays, Roll No. 444, two-thirds required to pass). **Pages H11340–52, H11355–56**

Unanimous Consent Consideration: By unanimous consent, the House agreed to consider the following measures:

Assistance To Families of Law Enforcement Officers: House passed S. 2101, to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties—clearing the measure for the President; **Pages H11247–48**

Sexual Offender Tracking and Identification: House passed S. 1675, to provide for the nationwide tracking of convicted sexual predators. Subsequently, H. 3456, a similar House-passed bill was laid on the table—clearing the measure for the President; **Pages H11248–50**

W. Edwards Deming Federal Building: House passed H.R. 3535, to redesignate a Federal building in Suitland, Maryland, as the "W. Edwards Deming Federal Building"; **Pages H11334–36**

Robert Kurtz Rodibaugh United States Courthouse: House passed H.R. 3576, amended, to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert Kurtz Rodibaugh United States Courthouse"; **Pages H11336–37**

Recognizing the End of Slavery in the United States: House passed H. J. Res. 195, recognizing the end of slavery in the United States, and the true day of independence for African-Americans; **Page H11352**

Election Contest Dismissals: House agreed to H. Res. 538, dismissing the election contest against Charlie Rose; and H. Res. 539, dismissing the election contest against Charles F. Bass; **Pages H11356–57**

Printing Authorization: House agreed to S. Con. Res. 67, to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy; **Page H11357**

Capitol Guide Volunteers: House passed S. 2085, to authorize the Capitol Guide Service to accept voluntary services—clearing the measure for the President; **Page H11357**

Vice Presidents of the United States: Agreed to S. Con. Res. 34, to authorize the printing of "Vice Presidents of the United States, 1789–1993"; and **Pages H11357–58**

Susan B. Anthony, Elisabeth Cady Stanton, and Lucretia Mott Monument: Agreed to H. Con. Res. 216, providing for relocation of the Portrait Monument. **Pages H11358–59**

Legislative Program: Pursuant to H. Res. 525, the rule providing for expedited procedures for the remainder of the 2nd Session of the 104th Congress, Representative McInnis announced measures for consideration under suspension of the rules for Friday, September 27. **Page H11359**

Referrals: S. 1897, to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, was referred to the Committee on Commerce; and S. 1973,

to provide for the settlement of the Navajo-Hopi land dispute, was referred to the Committee on Resources. **Page H11392**

Senate Messages: Messages received from the Senate appear on pages H11231–32 and H11365.

Quorum Calls—Votes: Eleven yea-and-nay votes developed during the proceedings of the House today and appear on pages H11243–44, H11244, H11244–45, H11245–46, H11246, H11246–47, H11352–53, H11353–54, H11354, H11355, and H11355–56. There were no quorum calls.

Adjournment: Met at 10:00 and adjourned at 12:00 midnight.

Committee Meetings

INTERNATIONAL GLOBAL CLIMATE CHANGE

Committee on Commerce: Subcommittee on Energy and Power held a hearing on the status of the International Global Climate Change Negotiations. Testimony was heard from Eileen Claussen, Assistant Secretary, Oceans, International, Environmental, and Scientific Affairs, Department of State; Everett M. Ehrlich, Under Secretary, Economic Affairs, Department of Commerce; David Gardiner, Assistant Administrator, Office of Policy, Planning, and Evaluation, EPA; and Marc Chupka, Acting Assistant Secretary, Policy and International Affairs, Department of Energy.

HOME TESTING SERVICES AND DEVICES

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on consumer access to home testing services and devices. Testimony was heard from the following officials of the FDA, Department of Health and Human Services: Bruce Burlington, M.D., Director; and Lillian Gill, Director, Office of Compliance, both with the Center for Devices and Radiological Health; and Steven I. Gutman, M.D., Director, Division of Clinical Laboratory Devices; and public witnesses.

CORPORATION FOR NATIONAL SERVICE

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held a hearing on the financial status of the Corporation for National Service. Testimony was heard from the following officials of the Corporation for National Service: Gary Kowalczyk, Acting Chief Financial Officer; and Harris Wofford, CEO.

TEENAGE DRUG USE EPIDEMIC

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs and Criminal Justice and the Subcommittee on Early Childhood, Youth and Families of the Committee on Economic and Educational Opportunities held a joint hearing on the epidemic of teenage drug use. Testimony was heard from Representative Portman; and public witnesses.

POSTAL REFORM ACT

Committee on Government Reform and Oversight: Subcommittee on Postal Service concluded hearings on H.R. 3717, Postal Reform Act of 1996. Testimony was heard from Representative Hunter; and public witnesses.

ADMINISTRATION'S PERFORMANCE IN AFRICA

Committee on International Relations: Subcommittee on Africa held a hearing on the Administration's Performance in Africa. Testimony was heard from public witnesses.

U.S. INTERESTS IN SOUTH ASIA

Committee on International Relations: Subcommitte on Asia and the Pacific met in executive session to hold a hearing on U.S. Interests in the South Pacific: Freely Associated States and Okinawa, Part II: The Okinawa Basing Issues. Testimony was heard from the following officials of the Department of Defense: Kurt Campbell, Assistant Secretary, East Asian and Pacific Affairs; and Maj. Gen. Martin R. Steele, USA, Director, Strategic Planning and Policy, U.S. Pacific Command; and Robert C. Reis, Jr., Director, Office of Japanese Affairs, Department of State.

U.S. POLICY TOWARD IRAQ

Committee on National Security: Held a hearing on U.S. policy toward Iraq. Testimony was heard from the following officials of the Department of Defense: Bruce Reidel, Deputy Assistant Secretary, Near East and South Asian Affairs; and Maj. Gen. J.A. Alstyne, USA, Vice Director, Operations, the Joint Staff.

INDIAN TRUST FUND

Committee on Resources: Task Force on Indian Trust Fund Management held an oversight hearing on the mismanagement of Indian Trust Fund accounts by the Department of the Interior. Testimony was heard from Paul Homan, Special Trustee for American Indians, Department of the Interior; and public witnesses.

OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

Committee on Resources: Subcommittee on Water and Power Resources held a hearing on H.R. 3777, Oroville-Tonasket Claim Settlement and Conveyance Act. Testimony was heard from David Cottingham, Counselor to the Assistant Secretary, Water and

Science, Department of the Interior; and public witnesses.

CONFERENCE REPORT—FAA AUTHORIZATION ACT

Committee on Rules: Granted, by a vote of 9 to 3, a rule waiving all points of order against the conference report on H.R. 3539, Federal Aviation Authorization Act of 1996, and against its consideration. The rule also provides that the conference report shall be considered as read. Testimony was heard from Representative Duncan.

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

Committee on Standards of Official Conduct: The Committee met in executive session to unanimously approve an interim report unanimously adopted by the Investigative Subcommittee in the matter of Representative Gingrich.

ISTEA REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation continued hearings on ISTEA Reauthorization: The Efficient Delivery of Transportation Improvements and the Congestion Mitigation and Air Quality Program. Testimony was heard from John N. Lieber, Deputy Assistant Secretary, Transportation Policy, Department of Transportation; Mary D. Nichols, Assistant Administrator, Air and Radiation, EPA; Shirley J. Ybarra, Deputy Secretary, Transportation, State of Virginia; Dennis E. Faulkenberg, Deputy Commissioner and Chief Financial Officer, Department of Transportation, State of Indiana; Frank Carlile, Assistant Secretary, Transportation Policy, Department of Transportation, State of Florida; Dick Smith, Office of Planning and Programming, Department of Transportation, State of Illinois; Sonia Hamel, Director, Air Policy, Executive Office of Environmental Affairs, State of Massachusetts; Larry S. Bonine, Director, Department of Transportation, State of Arizona; and public witnesses.

Joint Meetings

ADMINISTRATIVE DISPUTE RESOLUTION ACT

Conferees on Tuesday, September 24, 1996, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2977, to authorize funds to provide for alternative means of dispute resolution in the Federal administrative process.

WATER RESOURCES DEVELOPMENT ACT

Conferees on Wednesday, September 25, 1996, agreed to file a conference report on S. 640, to provide for the conservation and development of water and related resources, and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.

FAA AUTHORIZATION

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 3539, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D994)*

S. 1669, to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center". Signed September 24, 1996. (P.L. 104–202)

H.R. 1642, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia. Signed September 25, 1996. (P.L. 104–203)

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 27, 1996

Senate

No meetings are scheduled.

House

Committee on Commerce, Subcommittee on Oversight and Investigations, to consider pending Subcommittee business, 9:30 a.m., 2322 Rayburn.

Committee on International Relations, to continue hearings on Administration Actions and Political Murders in Haiti: Part II, 10:30 a.m., 2172 Rayburn.

Committee on National Security, Subcommittee on Military Procurement and Subcommittee on Military Research and Development, joint hearing on Ballistic Missile Defense plans, programs, and policies, 10 a.m., 2118 Rayburn.

Committee on Transportation and Infrastructure, to markup the following: pending GSA Construction and Lease Prospectuses; 11–b Resolutions; and other pending business, 9:30 a.m., 2167 Rayburn.

Next Meeting of the SENATE
9:30 a.m., Friday, September 27

Senate Chamber

Program for Friday: After the recognition of five Senators for speeches and the transaction of any morning business (not to extend beyond 12 noon), Senate may consider the conference report on H.R. 1296, Presidio Properties, S. 1897, conference report on H.R. 3539, FAA Authorizations, and conference report on S. 1004, Coast Guard Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, September 27

House Chamber

Program for Friday: Consideration of the conference report on H.R. 3539, FAA Authorization (rule waiving points of order); and

Consideration of 14 Suspensions:

1. S. 1044, Health Centers Consolidation;
2. H.R. 3625/S. 1577, National Historical Publications;
3. H.R. 2779, Metric Conversion;
4. S. 39, Magnuson Fishery Conservation and Management;
5. H.R. 3378, Indian Health Demonstration Project;
6. H.R. 3546 Walhalla National Fish Hatchery;
7. H.R. 4073, Underground Railroad;
8. H.R. 4164, Marshall of the Supreme Court;
9. H.R. 4194, Administrative Dispute Resolution;
10. S. 1559, Bankruptcy Technical Amendment;
11. H. Res. ——, Bachus Resolution;
12. H.R. 4000, POW/MIA;
13. H.R. 4041, Dos Palos Land Conveyance; and
14. H.R. 3219, Native American Housing.

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