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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, MAY 1, 1997 *No. 55*

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 1, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Leander Wilkes, Second Baptist Church, Santa Barbara, CA, offered the following prayer:

O Thou, who art all and in all, from whom all right purposes and true judgments proceed, and in whose wisdom all who seek Thee become wise; praised be Thou. We thank Thee that through Thy grace another session is awaiting deliberations. We are mindful that You yet rule in the affairs of all peoples and nations and feel more keenly the need for Thy help.

Vouchsafe Thy guidance throughout the deliberations here, that the noble ends of justice, peace, and goodwill be attained. We pray that Thy blessing may rest upon each heart and a sense of Thy favor that will inspire each towards holier resolves, that Thou may be glorified. O Lord, our God, we trust in Thee. 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.

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 42, not voting 48, as follows:

[Roll No. 97]

YEAS—343

Ackerman	Boyd	Danner
Aderholt	Brady	Davis (FL)
Allen	Brown (FL)	Davis (VA)
Archer	Brown (OH)	Deal
Armey	Bryant	DeGette
Bachus	Bunning	Delahunt
Baker	Burr	DeLay
Baldacci	Buyer	Dellums
Ballenger	Callahan	Deutsch
Barcia	Calvert	Diaz-Balart
Barr	Camp	Dickey
Barrett (WI)	Campbell	Dicks
Barton	Canady	Dixon
Bass	Cannon	Doggett
Bateman	Carson	Doolittle
Becerra	Castle	Doyle
Bentsen	Chabot	Dreier
Bereuter	Chambliss	Duncan
Berman	Christensen	Dunn
Berry	Clement	Edwards
Bilbray	Coble	Ehlers
Bilirakis	Coburn	Emerson
Bishop	Collins	Eshoo
Blagojevich	Combest	Etheridge
Bliley	Cook	Evans
Blumenauer	Cooksey	Everett
Blunt	Cox	Ewing
Boehlert	Coyne	Farr
Boehner	Cramer	Fawell
Bonilla	Crapo	Flake
Bonior	Cubin	Foley
Boswell	Cummings	Ford
Boucher	Cunningham	Fowler
Frank (MA)	Kingston	Ortiz
Franks (NJ)	Kleczka	Owens
Frelinghuysen	Klink	Oxley
Frost	Klug	Packard
Gallegly	Knollenberg	Pappas
Ganske	Kolbe	Parker
Gejdenson	LaFalce	Pastor
Gekas	LaHood	Paul
Gibbons	Lampson	Paxon
Gilchrest	Lantos	Payne
Gilman	Largent	Pease
Goode	LaTourette	Pelosi
Goodlatte	Lazio	Peterson (MN)
Goodling	Leach	Peterson (PA)
Gordon	Levin	Petri
Goss	Lewis (CA)	Pickering
Graham	Lewis (KY)	Pitts
Granger	Linder	Pomeroy
Greenwood	Lipinski	Portman
Gutknecht	Lofgren	Poshard
Hall (OH)	Lowey	Price (NC)
Hall (TX)	Lucas	Pryce (OH)
Hamilton	Luther	Quinn
Hansen	Maloney (CT)	Radanovich
Harman	Manton	Rahall
Hastert	Manzullo	Rangel
Hastings (FL)	Markey	Regula
Hastings (WA)	Martinez	Reyes
Hayworth	Mascara	Riley
Hefner	Matsui	Rivers
Hill	McCarthy (MO)	Rodriguez
Hilleary	McCarthy (NY)	Roemer
Hinojosa	McCollum	Rogan
Hobson	McCrery	Rogers
Hoekstra	McDade	Rohrabacher
Holden	McHale	Ros-Lehtinen
Hooley	McHugh	Rothman
Horn	McInnis	Roukema
Hostettler	McIntyre	Roybal-Allard
Houghton	McKeon	Royce
Hoyer	McKinney	Rush
Hunter	McNulty	Ryun
Hyde	Meehan	Salmon
Inglis	Meek	Sanchez
Jackson (IL)	Menendez	Sandlin
Jackson-Lee (TX)	Metcalf	Sanford
	Mica	Sawyer
Jefferson	Millender-McDonald	Saxton
Jenkins	Miller (CA)	Scarborough
John	Minge	Schaefer, Dan
Johnson (CT)	Moakley	Schaffer, Bob
Johnson (WI)	Molinari	Schumer
Johnson, E.B.	Mollohan	Scott
Johnson, Sam	Moran (VA)	Sensenbrenner
Jones	Morella	Serrano
Kanjorski	Murtha	Sessions
Kasich	Myrick	Shadegg
Kelly	Neal	Shaw
Kennedy (MA)	Nethercutt	Shays
Kennedy (RI)	Neumann	Sherman
Kennelly	Ney	Shimkus
Kildee	Norwood	Shuster
Kim	Obey	Sisisky
Kind (WI)	Olver	Skaggs
King (NY)		Skeen

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Skelton	Strickland	Velázquez
Slaughter	Stump	Vento
Smith (MI)	Sununu	Walsh
Smith (NJ)	Talent	Wamp
Smith (OR)	Tanner	Watkins
Smith (TX)	Tauscher	Watts (OK)
Smith, Adam	Tauzin	Waxman
Smith, Linda	Taylor (NC)	Weldon (FL)
Snowbarger	Thomas	Weldon (PA)
Snyder	Thornberry	Weygand
Solomon	Thune	White
Spence	Thurman	Whitfield
Spratt	Tiahrt	Wicker
Stabenow	Towns	Wise
Stearns	Traficant	Woolsey
Stenholm	Turner	Wynn
Stokes	Upton	Young (FL)

NAYS—42

Abercrombie	Filner	LoBiondo
Borski	Fox	McDermott
Brown (CA)	Furse	McGovern
Capps	Gephardt	Pallone
Chenoweth	Gillmor	Pickett
Clay	Green	Pombo
Clyburn	Gutierrez	Ramstad
Costello	Hefley	Sabo
DeLauro	Hilliard	Stark
Dingell	Hinchey	Taylor (MS)
Dooley	Hulshof	Thompson
English	Kilpatrick	Visclosky
Ensign	Kucinich	Waters
Fazio	Lewis (GA)	Weller

NOT VOTING—48

Andrews	Foglietta	Nussle
Baesler	Forbes	Oberstar
Barrett (NE)	Gonzalez	Pascrell
Bartlett	Herger	Porter
Bono	Hutchinson	Riggs
Burton	Istook	Sanders
Cardin	Kaptur	Schiff
Clayton	Latham	Souder
Condit	Livingston	Stupak
Conyers	Maloney (NY)	Tierney
Crane	McIntosh	Torres
Davis (IL)	Miller (FL)	Watt (NC)
DeFazio	Mink	Wexler
Ehrlich	Moran (KS)	Wolf
Engel	Nadler	Yates
Fattah	Northup	Young (AK)

□ 1022

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BARRETT of Nebraska. Mr. Speaker, on rollcall No. 97, I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, unfortunately, I was unavoidably detained today and missed rollcall vote No. 97, on agreeing to the Journal. If I had been present, I certainly would have voted "yea" in its support.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore [Mr. LATOURETTE]. Will the gentleman from California [Mr. CALVERT] come forward and lead the House in the Pledge of Allegiance.

Mr. CALVERT 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 Ms. McDevitt, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 968, An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

H.R. 1001. An act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

WELCOME TO THE REVEREND LEANDER WILKES

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

Mr. CAPPS. Mr. Speaker, our morning prayer today was offered by the Reverend Leander Wilkes, who lives and works in my hometown, Santa Barbara, CA. He and his wife, Thelma, and their children, Leo, Dierdra, Jamaal, and the late Lucy are admired and respected by all who know them.

On this National Day of Prayer when we are mindful of the abundant blessings of God and are also aware of the manifest challenges we face as a nation, it is appropriate that we take our first signals of the day from a man of such consummate compassion, wisdom, good grace, and youthful optimism.

ANNOUNCEMENT OF PROCEDURE FOR AMENDMENTS ON H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

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

Ms. PRYCE of Ohio. The Committee on Rules may meet early next week to grant a rule which may limit the amendments to be offered to H.R. 3, the Juvenile Crime Control Act of 1997. Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, May 5, to the Committee on Rules at room H–312 in the Capitol.

Amendments should be drafted to the text of the bill as reported from the Committee on the Judiciary. The bill and report are to be filed today, and until such time as the text is available in the document room it will be available in the Committee on the Judiciary. Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces he will entertain five 1-minute speeches on each side.

THE NATIONAL DAY OF PRAYER

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

Mr. HEFLEY. Mr. Speaker, our Nation's first call to prayer came in 1775 when the Continental Congress asked the Colonies to pray for wisdom in forming a nation. Since then, the call to prayer has continued throughout our history.

In 1952 a joint resolution by Congress, signed by President Truman, declared an annual National Day of Prayer. In 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May.

Today is the National Day of Prayer. We are celebrating in the Cannon Caucus Room all day, from 10 a.m. to 3 p.m. Military chiefs of staff, Cabinet Secretaries, Senators and Representatives are gathering to ask for prayers from the people. The National Day of Prayer belongs to all Americans of all faiths. It stands as a call to us to humbly come before God, seeking his guidance for our leaders and his grace upon us as a people. Please join me today by stopping by the Cannon Caucus Room to celebrate this great event. It is our prayer that during the National Day of Prayer, America will again remember the trust that made this Nation great.

STAND UP FOR LEGAL IMMIGRANTS

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

Mr. GUTIERREZ. Mr. Speaker, another day, another story of a senior or a person with a disability who will suffer because this Congress decided to take away vital benefits from legal immigrants. Unfortunately, since we only have 92 days to go, I cannot tell the Members every story.

Today I have time to tell about Cheslaw Matyszcyk. Cheslaw worked in Poland as a Solidarity member, working hard, taking care of his family and being part of the movement that swept away communism. He came to America to provide a better future for his family, and he did. He worked hard every day at Ford Motor Co. until an accident left him disabled and unable to continue in the work force, even though he would give anything, anything to continue to provide for himself and his family. But since 92 days is not enough to tell every story, let me have Cheslaw tell you about himself:

''I am not without hope. I believe in America, and that the government of the United States won't hurt me.''

Cheslaw came to our country, gave to our country, and still believes in our country. Let us show him he has a reason to believe, and stand up for legal immigrants.

CONGRESS IS MOVING FORWARD WITH ITS AGENDA WHILE THE WHITE HOUSE DEALS WITH SCANDALS

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

Mr. WATTS of Oklahoma. Mr. Speaker, while the White House is fully occupied with an army of lawyers dealing with all the campaign scandals, we here in Congress are moving forward with our agenda.

Our agenda is nothing more than the agenda the American people who elected us asked us to implement. That agenda includes balancing the budget for the first time since 1969. That agenda includes cutting the tax on capital gains so that the economy will produce more jobs and more opportunities, cutting taxes for working families, giving them relief at home.

That agenda includes fundamental Medicare reform so seniors are protected from a system in danger of bankruptcy. That agenda includes smaller government, less bureaucracy, and more control in local communities. That agenda includes a recognition that the fraying of America can only be addressed with a greater respect for traditional American values, and by strengthening the family, not weakening it.

□ 1030

That is our agenda and that is the agenda of the majority of the American people. I ask my colleagues to join me in implementing that agenda.

HANDGUN VIOLENCE

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

Mr. BLAGOJEVICH. Mr. Speaker, years ago parents lived in fear that their children might one day catch polio. Many of our best doctors and scientists put all their energies into finding a cure. Years ago things like measles, tuberculosis and tetanus posed serious threats to the health of our children. These diseases were aggressively researched and solutions were found.

Today there is a new epidemic threatening our children: handgun violence. We know that handgun violence affects more than 10 times as many children as polio ever did. In fact in many States, handgun violence is the leading cause of death among children. But we are fighting handgun violence with only 1 percent of the resources we used to fight polio.

We should confront handgun violence with the same urgency that previous generations brought to the leading health epidemics of their time. Their example should serve as an inspiration. If we could find a vaccine for polio, we can find a solution to handgun violence. A sure way to show our commitment to that effort, I urge my colleagues, is to vote for my bill that would ban handgun possession by anyone under 21.

NATIONAL DAY OF PRAYER

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

Mr. BARR of Georgia. Mr. Speaker, on this National Day of Prayer, I think it is important for all of us and for the American people to realize that we do, as did our Founding Fathers, derive our powers, derive our sense of what is right and wrong, derive our very sense of the moral fiber of our country not from ourselves, not from within ourselves, but from the hand of God.

I believe that as we move forward and debate the important issues, many of which are very contentious, of a political nature in our country in these days and months ahead, that even if we do disagree and there will be disagreements, at least we assure the American people very honestly that our sense of what we are doing, that the positions that we are reflecting, the position that we state on behalf of our citizens are those that are born of reflective prayer and belief, that these do indeed represent the will of our founder, our true founder, our Lord. I think it is very important to recognize that and to assure Americans that that is indeed the basis on which we act here in this House of Representatives.

CITIZENSHIP USA

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

Mr. TRAFICANT. Mr. Speaker, the Immigration and Naturalization Service admits that up to 180,000 criminals were improperly granted citizenship. The INS now says we made a mistake and allowed applicants to submit copies of their own fingerprints, and the criminals submitted phony prints. Beam me up.

I say it is time to wage a real war on illegal immigration and drugs. Let us transfer some of our military troops falling out of chairs on arm rests, cashing their American paycheck in Tokyo and Frankfurt and put them on our border and stop this business. This is a joke. This program called Citizenship USA has turned into Criminal USA. It does not take Karnak the Magnificent to figure it out.

Congress should fire those incompetent, stumbling, bumbling nincompoops at the Immigration and Naturalization Service. Print this.

I yield back the balance of all illegal immigrants.

VETERANS' CEMETERY PROTECTION ACT OF 1997

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

Mr. CALVERT. Mr. Speaker, I rise today with my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], in reintroducing the Veterans' Cemetery Protection Act. Whenever a young man or woman decides to enter the military, they do so voluntarily in order to protect our country and guard against the uncertainties of the world. Sometimes they make the ultimate sacrifice. Over 1 million Americans have died fighting in our country's wars. That is why it sickens me when I hear of hooligans desecrating our national cemeteries.

In 1996, Riverside National Cemetery, the second largest cemetery in this country, next only to Arlington, fell prey to vandals who stole bronze markers from 128 graves. On April 19, vandals spray-painted racist and profane words on the cemetery walls of the National Memorial Cemetery of the Pacific in Hawaii. Enough is enough. The Veterans' Cemetery Protection Act would stiffen criminal penalties for theft and malicious vandalism at national cemeteries. I wish to thank the gentleman from Arizona [Mr. STUMP] of the House Committee on Veterans' Affairs, the gentleman from California [Mr. BONO], the gentleman from California [Mr. ROYCE], and many others who have come forward to support this bill.

Being so close to Memorial Day, I invite my colleagues to become original cosponsors of this measure as a small gift to our Nation's veterans.

IN SUPPORT OF THE VETERAN'S CEMETERY PROTECTION ACT

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

Mr. ABERCROMBIE. Mr. Speaker, I am very pleased to rise as the cosponsor with the gentleman from California [Mr. CALVERT] today of the bill which he just enumerated. I think many people in the United States and even around the world according to the administrators at Punch Bowl Cemetery have recognized what has taken place. This is beyond vandalism. That is why this bill is coming forward.

I am also grateful to the gentleman from Arizona [Mr. STUMP] and everyone else who has helped us to recognize what needs to be done here. The present legal situation in the United States does not cover this kind of desecration. This is beyond vandalism. I think there is perhaps a demented mentality at work here.

We cannot reward it by reacting in a way that is beyond what the bill calls for. We will look into matters of security. We will look into other legal matters associated with it. But this action must be taken in order to protect monuments, memorials, cemeteries all across the Nation and in fact probably all across the world. I thank the gentleman from California [Mr. CALVERT]. I thank the gentleman from Arizona

[Mr. STUMP]. I thank the Democratic Members who are truly making this a bipartisan effort.

ERGONOMICS

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

Mr. BONILLA. Mr. Speaker, I want to give my colleagues a brief course today on a new word called ergonomics. It is confusing because it sounds a little bit like ebonics or economics. Why are we hearing more about it lately? Because OSHA is starting to promulgate and write a rule that will hurt every American small business.

Since ergonomics a tough word to remember, I will spell it out. The E in ergonomics stands for expensive. It will cost small business an arm and a leg to comply.

The R is for redtape and the regulatory nightmare it would create. The G is for grab more power by the big labor unions, and that is their goal. The O is for OSHA, attempting to control every nook and cranny in the workplace.

The N is for no, because no definitive science exists to support such a standard. The O, once again, is for OSHA for overzealous. The M is for the medical experts who do not know what causes ergonomic injuries yet. The I is for if, because if you think this is a bad rule or the EPA-proposed standards were bad, wait until you see this. The C is for common sense and the lack of it in proposing this idea, and the S is for science and the need for a well-respected National Academy of Science report before we promulgate this rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all persons seated in the gallery that they are guests of the House, and the rules of the House prohibit either approval or disapproval of the remarks of any speaker.

IN SUPPORT OF PRESIDENT'S REQUEST FOR WIC

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

Ms. DELAURO. Mr. Speaker, I would like to respond to a letter printed in this morning's New York Times by my friend and my colleague from the other side of the aisle, the gentleman from Georgia [Mr. KINGSTON]. The gentleman from Georgia [Mr. KINGSTON] writes that the President's request for $76 million in funds for the women, infants and children program is based on old census data.

The statement is simply inaccurate. The $76 million figure is based on numbers submitted from the States to the U.S. Department of Agriculture in early April of this year. These are not House Member numbers. These are not administration numbers. These are the numbers from the united States in this country. These numbers are in fact only a few weeks old. More importantly, these figures indicate that without the full $76 million requested by the President, 360,000 women and children will be removed from the WIC Program.

Does the majority party really want to take milk, cereal, and formula off the breakfast tables of thousands of needy families? I do not think so.

Democrats are united in our opposition to the WIC reductions. I urge my Republican colleagues to join us in voting to restore the full amount of the President's request for WIC.

COMMITTEE FUNDING RESOLUTION

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration:

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress. The resolution shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on House Oversight now printed in the resolution shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 136 is a closed rule providing for consideration of House Resolution 129, a resolution which authorizes funding for committee salaries and expenses for 17 standing committees of the House of Representatives and the Permanent Select Committee on Intelligence for the 105th Congress.

House Resolution 136 provides for consideration of the committee funding resolution without intervention of any point of order. The rule also provides that the amendment in the nature of a substitute recommended by the Committee on House Oversight will be considered as adopted.

This resolution provides 1 hour of debate equally divided and controlled by the chairman of the ranking minority member of the Committee on House Oversight. Finally, the rule provides one motion to recommit, as is the right of the minority.

Mr. Speaker, the process established by this rule for the consideration of House Resolution 129 is not any different than the process established for previous committee funding resolutions. Under clause 4(a) of House rule XI, committee funding resolutions are privileged on the House floor and unamendable.

As the minority knows, it is unnecessary to craft a rule to bring up the committee funding resolution unless there is a need to waive points of order that could legitimately be sustained against the resolution. In this case, such a waiver is necessary to address what is clearly a technical violation of the rules of the House.

Specifically, clause 2(d)(2) of House rule X requires committees to vote to approve their oversight plans for submission to the House Committee on Government Reform and Oversight and the House Oversight Committee by February 15 of the first session of each Congress.

In addition, the rule prohibits consideration of a committee funding resolution if any committee has not submitted plans by February 15. The House rule also prohibits consideration if these plans were not adopted in an open session with a quorum present. It is quite well known to both sides that certain committees were unable to organize before February 15 because the committee assignment process had not been completed by that time. As a result, those particular committees were obviously unable to assemble and vote to approve their oversight plans in a timely manner.

Today, I am pleased to report that each committee has submitted an approved oversight plan to the Government Reform and Oversight Committee and the House Oversight Committee. I want to commend the gentleman from California [Mr. THOMAS], the chairman, for working hard again to produce sufficient funding for House committees to complete their work.

It is clear that he had to balance an assortment of concerns with limited funding at his disposal, and the product of his work under extraordinarily tight fiscal constraints will help guarantee that the available funding is spent where it is needed most.

I urge my colleagues to support the rule so that we may proceed with debate and consideration of the committee funding resolution.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume; and I thank my friend, the gentleman from Georgia [Mr. LINDER], for yielding me the customary half hour.

Mr. Speaker, this rule provides for consideration of the committee funding resolution for this Congress. On March 20, Mr. Speaker, we took up a rule for committee funding along with an enormous slush fund for political investigations; and a majority of my colleagues, in their wisdom, defeated it.

Today's rule provides for an additional 5 percent increase in committee funding, which will bring the total increase in committee funding to 14 percent, an increase that I think is unjustified, particularly, Mr. Speaker, because most of it will be put toward a slush fund and a political investigation of Democrats. But today's bill contains only funding for committees not involved in extra investigations, and for some committees it contains a fair amount of money for the minority.

As the ranking minority member on the Rules Committee, I would like to thank my chairman, the gentleman from New York [Mr. SOLOMON], for his fair treatment of the minority. When I was chairman of the Committee on Rules, we also gave the minority one-third of the committee's salary money; and I appreciate the gentleman from New York [Mr. SOLOMON], the chairman, continuing in this fair tradition.

I would like to encourage other committee chairs to follow the example of the gentleman from New York [Mr. SOLOMON], the chairman, and treat the minority members as fairly as he treats his majority members. The committee's report says that only 8 out of 17 committees follow the one-third allocation of the gentleman from New York [Mr. SOLOMON], the chairman, and I believe all the committees should follow it.

Mr. Speaker, normally our rule would be unnecessary because this resolution would be privileged. But the Republicans instituted a rules change requiring committees to vote on oversight plans and submit those plans to the House Oversight Committee. If committees did not get their plans in on time, their funding resolution would be subject to a point of order.

□ 1045

Mr. Speaker, today we are seeing yet another Republican rule change, another Republican rule violated, another Republican rule violation waived.

I am not suggesting that the gentleman from California [Mr. THOMAS] is unjustified in asking for the waiver. After all, his committee is being held responsible for other committees' failure to comply with the new Republican House rules. But, Mr. Speaker, this making the rules and this breaking the rules is nothing new. It is another in a long list of Republican rules changes that prove too hard to follow, like the rule requiring a three-fifths vote for tax increases that my Republican colleagues have waived over and over and over and over again.

So let me repeat, Mr. Speaker. The gentleman from California is not responsible for the need for this waiver because of circumstances over which he had no control. His committee, the Committee on House Oversight, was forced to go up to the Committee on Rules and ask for this rule to waive points of order.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 136, I call up the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 129

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FIFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fifth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,656,162; Committee on Banking and Financial Services, $8,901,617; Committee on the Budget, $9,940,000; Committee on Commerce, $14,576,580; Committee on Education and the Workforce, $10,125,113; Committee on House Oversight, $6,100,946; Permanent Select Committee on Intelligence, $4,815,526; Committee on International Relations, $10,368,358; Committee on the Judiciary, $10,699,572; Committee on National Security, $9,756,708; Committee on Resources, $9,876,550; Committee on Rules, $4,649,102; Committee on Science, $8,677,830; Committee on Small Business, $3,906,941; Committee on Standards of Official Conduct, $2,456,300; Committee on Transportation and Infrastructure, $12,483,000; Committee on Veterans' Affairs, $4,344,160; and Committee on Ways and Means, $11,066,841.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1997, and ending immediately before noon on January 3, 1998.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,791,039; Committee on Banking and Financial Services, $4,363,817; Committee on the Budget, $4,970,000; Committee on Commerce, $7,122,959; Committee on Education and the Workforce, $5,002,127; Committee on House Oversight, $3,093,200; Permanent Select Committee on Intelligence, $2,358,040; Committee on International Relations, $5,145,358; Committee on the Judiciary, $5,054,800; Committee on National Security, $4,729,454; Committee on Resources, $4,800,014; Committee on Rules, $2,306,407; Committee on Science, $4,263,672; Committee on Small Business, $1,936,471; Committee on Standards of Official Conduct, $1,276,300; Committee on Transportation and Infrastructure, $6,141,500; Committee on Veterans' Affairs, $2,084,368; and Committee on Ways and Means, $5,387,934.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,865,123; Committee on Banking and Financial Services, $4,537,800; Committee on the Budget, $4,970,000; Committee on Commerce, $7,453,621; Committee on Education and the Workforce, $5,122,986; Committee on House Oversight, $3,007,746; Permanent Select Committee on Intelligence, $2,457,486; Committee on International Relations, $5,223,000; Committee on the Judiciary, $5,644,772; Committee on National Security, $5,027,254; Committee on Resources, $5,076,536; Committee on Rules, $2,342,695; Committee on Science, $4,414,158; Committee on Small Business, $1,970,470; Committee on Standards of Official Conduct, $1,180,000; Committee on Transportation and Infrastructure, $6,341,500; Committee on Veterans' Affairs, $2,259,792; and Committee on Ways and Means, $5,678,907.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

SEC. 7. OFFSET OF INCREASE IN COMMITTEE EXPENSES.

Any net increase in the aggregate amount of expenses of committees for the One Hundred Fifth Congress over the aggregate amount of funds appropriated for the expenses of committees for the One Hundred Fourth Congress shall be offset by reductions in expenses for other legislative branch activities.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 136, the committee amendment in the nature of a substitute printed in House Resolution 129 is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FIFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fifth Congress, there shall be paid out

of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,656,162; Committee on Banking and Financial Services, $8,901,617; Committee on the Budget, $9,940,000; Committee on Commerce, $14,535,406; Committee on Education and the Workforce, $10,125,113; Committee on House Oversight, $6,050,349; Permanent Select Committee on Intelligence, $4,815,526; Committee on International Relations, $10,368,358; Committee on the Judiciary, $10,604,041; Committee on National Security, $9,721,745; Committee on Resources, $9,876,550; Committee on Rules, $4,649,102; Committee on Science, $8,677,830; Committee on Small Business, $3,906,941; Committee on Standards of Official Conduct, $2,456,300; Committee on Transportation and Infrastructure, $12,184,459; Committee on Veterans' Affairs, $4,344,160; and Committee on Ways and Means, $11,036,907.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1997, and ending immediately before noon on January 3, 1998.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,791,039; Committee on Banking and Financial Services, $4,363,817; Committee on the Budget, $4,970,000; Committee on Commerce, $7,122,959; Committee on Education and the Workforce, $5,002,127; Committee on House Oversight, $3,042,603; Permanent Select Committee on Intelligence, $2,358,040; Committee on International Relations, $5,145,358; Committee on the Judiciary, $5,054,800; Committee on National Security, $4,719,454; Committee on Resources, $4,800,014; Committee on Rules, $2,306,407; Committee on Science, $4,263,672; Committee on Small Business, $1,936,471; Committee on Standards of Official Conduct, $1,276,300; Committee on Transportation and Infrastructure, $5,992,229; Committee on Veterans' Affairs, $2,084,368; and Committee on Ways and Means, $5,366,700.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,865,123; Committee on Banking and Financial Services, $4,537,800; Committee on the Budget, $4,970,000; Committee on Commerce, $7,412,447; Committee on Education and the Workforce, $5,122,986; Committee on House Oversight, $3,007,746; Permanent Select Committee on Intelligence, $2,457,486; Committee on International Relations, $5,223,000; Committee on the Judiciary, $5,549,241; Committee on National Security, $5,002,291; Committee on Resources, $5,076,536; Committee on Rules, $2,342,695; Committee on Science, $4,414,158; Committee on Small Business, $1,970,470; Committee on Standards of Official Conduct, $1,180,000; Committee on Transportation and Infrastructure, $6,192,230; Committee on Veterans' Affairs, $2,259,792; and Committee on Ways and Means, $5,670,207.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5 REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. Under the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 30 minutes.

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

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

House Resolution 129 is the second installment, if you will, of committee funding for the 105th Congress. If my colleagues will recall, in House Resolution 91, which the House passed a short time ago, we funded one of the standing committees, the Committee on Government Reform and Oversight, and assisted in maximizing the utilization of staff with the creation of a reserve fund. The other committees were maintained at the then-current House rules provision until a second funding resolution could be created. House Resolution 129 is that second funding resolution. It contains funding for 18 standing committees of the 19 and the Permanent Select Committee on Intelligence.

The dollar amounts funding these committees are roughly the same as in House Resolution 91. There are, however, in particular committees, various reductions which equal about $550,000 over the 2-year period of the 105th Congress. The total amount of increase for these committees from the 104th Congress to the 105th Congress is 4 percent. That is 2 percent a year; 1997, 1998.

The committees determine for themselves the distribution of the expenditure between the years, but in the aggregate, the amount of this resolution is a very modest increase of 2 percent a year for the 105th Congress.

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

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

Our greatest frustration, of course, was not with this portion of committee funding. Many Members on the other side of the aisle, obviously, were upset and I think outraged by the amount of funding and the uncontrolled situation with the gentleman from Indiana [Mr. BURTON] and his committee. In some other matters in this area, frankly, there are some differences on this side, but generally there is not strong disagreement with what the committee is doing.

We are glad to see in general that some of the things that were tried are now being returned to the way they had operated in the past, in a more regular order. This Congress does the people's business, and while great focus is placed on the numerical activity that will occur here on the floor in the budget sense, the real question is how well we are doing our people's business.

There is a frustration there as well, not so much with what is happening in this committee but generally on the floor of the House of Representatives. Issues that need to be addressed, from campaign finance reform to children's health, do not seem to be moving. We are in danger in the budget process of not simply ignoring deadlines, which would sound somewhat arbitrary, but the pressure of tax cuts and other things there that may balloon the deficit in the out years loom once again.

So our concerns here are to make sure that, not just in a budgetary sense but from an operational sense, are we doing the business of the people of this country? Are we trying to improve the standard of living for every working American to make sure they have health care, that their children can get a decent education? That is what the resources that are being discussed today are meant to do. And the real question in my mind is: Is this Congress leading the country in the right direction? There we have a very significant debate.

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

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume and say that I find it somewhat ironic that the gentleman from Connecticut cites a number of issues that he believes are overdue for correction, and he finds himself mentioning campaign finance reform when, in fact, in the 103d Congress the gentleman's party controlled the House, the Senate, and the Presidency, and during that time nothing was presented to the President.

In this particular congressional situation, Republicans have control of the House and the Senate and his party controls the Presidency. Notwithstanding that, we have moved fundamental welfare reform. We are on the verge of announcing a historic budget agreement. And if the gentleman mistakes the lack of movement in the committees for the lack of movement between the House, the Senate, and the administration, I can assure the gentleman that as the final touches are put on a budget package, the committees will be more than busy.

That is one of the reasons we want to move the financing for the committees, so that when they get the budget specifics they will be able to move relatively quickly.

I do think it is important to remind my colleagues and those who are watching and listening that at the beginning of the historic 104th Congress we cut committee staff fully by one-third. We maintain that one-third reduction. We cut by about a third the funding for the committees, and with

modest increases we retain that reduction.

So instead of a meaningful comparison between the 104th and the 105th Congress, the most meaningful comparison would be between the 103d and the 105th. And if we compare committee funding under the last Democratic majority Congress and this, the second Republican Congress, we will find that funding has been cut by more than 20 percent.

So although we sometimes get wrapped up on narrow numbers and talk about a modest 4-percent increase for these committees from the 104th to the 105th, we should not lose sight of the fact that there was an enormous reduction both of staff and of the cost of the committees. Major legislation has gone through the committees and, in fact, arrived on the President's desk and was signed.

Not to mention the significant number of changes that were long overdue in the way in which the House has been run, including the first ever audit, the follow-up audit, and now audits becoming rather routine, when, in fact, in the history of the House there had never been a private-public audit before.

So when the gentleman looks for arguments, I find it ironic that he focuses on the fact that while the President and the leaders of the House and the Senate are at this moment working to craft a historic document, he points to the fact that committees are not moving product for the sake of appearing to be busy.

One of the things you will find under this majority in both the House and the Senate is that it is not necessarily quantity that counts, it is the quality of the work that we do that counts most.

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

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

I would like to take my friend up on his discussion of campaign finance reform and say several things:

One, in the two previous Congresses to the Republican majority, the House of Representatives did pass comprehensive campaign finance reform, which I led the effort in in the Congress. Prior to President Clinton's election, President Bush, at the behest of many of the Republican Members in this Congress, vetoed the bill.

In the first term of President Clinton, where we finally had a President who said he would sign campaign finance reform and encouraged us to pass it, and indeed we did pass it in the House, and it violates House rules to mention a particular Senator in the other body, but there was a Senator from Kentucky who is still there who is threatening again to kill finance reform if it ever got out of this institution.

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But there is an even more important issue at hand here. When we talk about campaign finance reform, the Republican majority does not believe in spending limits, does not believe in limiting the amount of money in campaigns, and fundamentally we cannot have reform unless we are ready to limit the amount of money in campaigns.

As far as the operations of the House, there are certainly operations in the Clerk's office and in HIR that are not working as well as they were prior to all the reforms. We hope you get there and there are always some bumps in the road in going through this process, but it seems to me there are some things that still need to be fixed here.

Again I think among the most important issues we could be discussing today would be campaign finance reform, and there are a number of very positive proposals out there. I am now working on a $100 spending limit, which I think would really give people confidence that they could be significant players in the political process, no more than $100, a $100 dollar bill would be the limit. We would not have $10,000 or $100,000 contributions. But we cannot discuss that on the floor generally and move on it until the majority gives us a rule or allows us to bring the bill to the floor.

So as happy as we are to see the committee moving, and they made some progress on the disbursement of funds, it seems to me that some of the fundamental issues not only are far from reaching the floor of the House but we find ourselves with a Republican majority not even believing in the basic principles that are necessary to move the debate forward. Are we ready to limit large contributions? Are we ready to limit it to $100 so that every American can participate on a relatively equal level, or do we want to keep those $10,000, $100,000 contributions?

When the Republican majority brought out a campaign finance bill in the last Congress, they took the limits off. They wanted to increase how much wealthy individuals could give to campaigns. If you believe the problem in the American political system is that wealthy people do not have enough access to government, you have been on another planet. What we need to do is find another way to make sure that every American has equal access to the political process, to make sure that we limit even the appearance of things that look bad, and that is why we are hoping to see that kind of bill.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. I thank the gentleman for yielding time.

Mr. Speaker, when the majority party was in the minority, they did complain about the size of government. Now they seek an outrageous increase in the dollars spent on their own personal political fiefdoms. It begs the question of whether the majority's supposed concern about the size of government was a core belief or just political rhetoric, particularly after a promised freeze.

Actions speak louder than words. I know there are uses for those dollars that can benefit working families. I find it difficult to believe that the committees need such an increase in staff. The majority's meager agenda so far in this Congress certainly does not warrant it, and I will vote against House Resolution 129.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. NEY], the vice chairman of the Committee on House Oversight.

Mr. NEY. Mr. Speaker, H. Res. 129 authorizes $149.9 million over 2 years for the basic operation of 18 House committees in the 105th Congress. I think it is important to note today that this is a $46.3 million decrease from the authorized level in the 103d Congress, a 24-percent reduction. Let me repeat that, Mr. Speaker. This is a $46.3 million decrease. This allows the U.S. House to continue officially to operate on behalf of the taxpayers the committees that are established here in Congress, but also due to the great guidance of the gentleman from California [Mr. THOMAS], our chairman, and the members of the committee, we have a fiscally responsible plan that provides a decrease, yet allows us to do our duties and to carry forth the process of the committee.

Historically, Mr. Speaker, I would like to mention this today, the minority party was funded far below the one-third targeted amount that we are trying to achieve in this new Congress. In 1991, the minority party was funded at 19 percent. In 1993, the minority party was funded at 18.5 percent. Beginning in 1994, with the 104th Congress, not only were we able to again decrease the amount of funding to the committees, but we were able to start the process of having the funding begin to rise for the minority on the committee. In 1994, the minority party was funded at 21 percent, and in 1995, the minority party was funded around 29 percent. These are averages, Mr. Speaker, of the entire committee funding.

Let me give just a few details. There are 7 committees that the minority staff is funded at 33 percent or more, far above the 19 percent type of average that we were dealing with in 1993 and 1994. So there are 7 committees that the minority staff is funded at 33 percent or more. There are 7 committees that the minority staff is funded at 25 percent to 32 percent funding. And there is one committee that the minority staff is funded at 20 percent to 24 percent. There are no committees that it is funded less than 20 percent.

Our goal is to have the minority funded at one-third and we are not far from that goal. It has been hard in some cases to achieve it but, frankly, previous to the 104th Congress, the minority was so low in most of the cases that it is tough to build that base back up.

What do we have? We have promises that we have made and promises that

we have kept. We promised to cut the committee staff, and we did that. In the 103d Congress, the approximate number of committee staff was 1,645. In the 104th Congress, we reduced it by one-third, to 1,100. This is a good proposal we have today, and I would surely credit the gentleman from California [Mr. THOMAS], the chairman, and the members of the committee for being so responsible and for also conducting the business of the House in a fiscally responsible manner.

Mr. GEJDENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. KILPATRICK], a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I thank my colleague from Connecticut for yielding me this time to address our committee resolution.

I do want to thank the gentleman from California [Mr. THOMAS], the chairman, and our ranking member for the experiences I have enjoyed as we worked through the committee resolution. I am very hopeful that as we move to our implementing of the resolution that the minority in fact will get the one-third that is necessary for us to carry out our business. It is important as I serve in this 105th Congress that we are all able to participate, that we are all able to represent those who have sent us here, and I am really anxious that the committees can get off and get into doing their work. We have got a lot of work ahead of us.

I wish this bill were before us that would solve the problems of campaign finance, but the fact of the matter is it does nothing, it absolutely does nothing to change what we do need, which is a major overhaul in campaign financing. What it will do is provide committees the monetary assistance they need to carry on the business of their committees.

I am hopeful that as we move into the Congress, we will again address the families first agenda. That will include good housing, adequate education, clean environment, water, air, all those kinds of things, good-paying jobs. I am anxious that this 105th Congress get into those.

Today we will be debating H.R. 2, which is the new housing comprehensive legislation. It has a lot of problems. I hope that as we go into this debate, as we give the committees the moneys they need to do their work, that we remember, the American people want action from this Congress. They want us to provide the leadership that this country needs so that our children can be educated, our seniors can be safe, good jobs return to this country and that the environment is safe.

Again I want to thank the gentleman from California [Mr. THOMAS] for his leadership and the gentleman from Connecticut [Mr. GEJDENSON], our ranking member, for providing us the opportunity. Let us move on with the work of the Congress and do what the people require it to do.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS], a valued member of the Committee on House Oversight.

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

Mr. EHLERS. I thank the gentleman for yielding me this time.

Mr. Speaker, it is a pleasure to address this topic. It is one that we have spent a good deal of time on in the Committee on House Oversight. As most of the Nation knows, when the Republicans took over the House of Representatives, we put in some drastic budget cutting measures. In fact, we saved $210 million from our congressional budget for the people of the United States of America in the last session. That is the larger cut than we applied across the board to any Federal agency.

In other words, we felt we should lead the way in this Congress and in this committee by cutting our own budget first. We cut committee staff by one-third. I am pleased with the amount of work that we have been able to do in spite of that cut. I have heard the news media saying that the Congress is not doing anything. I do not know where they are. Maybe they are sitting in the coffee shops instead of coming to the committee meetings I am in. I have spent hours and hours in the Committee on Science, of which I am a member. I have spent hours in the Committee on Transportation and Infrastructure, where we are working on the formula for funding ISTEA, the Intermodal Surface Transportation Efficiency Act, which is a major piece of legislation up for reauthorization this year. I just came to the floor to speak while sitting in a hearing in the Subcommittee on Aviation dealing with war risk insurance, something that must be addressed soon. But in the Committee on Science in particular, my schedule has been full, as has been the schedule of every member of the Committee on Science. We have reported out approximately 10 bills for action on the floor, most of which have been taken up on the floor, with one major piece still remaining to be considered. And we have been able to do all this and do quality work after having cut the staffs of our committees by one-third. In other words, we have gotten rid of the fat and we are down to the bone, and we are doing good work with the bone that is left.

In regard to the proposal before us, the committee funding proposal, we are talking about an average 2 percent per year increase, below the cost-of-living increase, below the increase that is being given to all Federal employees and Federal retirees, below the increase that is being given to Social Security recipients. I think it is remarkable that we would cut our staff by one-third in the last session, and have a below-cost-of-living increase in this session, and still be able to do the amount and the quality of work that we have been doing in our committees. They are receiving a lot of careful consideration. The floor action has been less than overwhelming, simply because so much work is being done in committees, but that work will come to the floor very shortly.

I am very pleased to rise in support of this proposal and to recommend that the House adopt what is a fair funding proposal for the committees, one that conservatives and liberals alike should welcome as an example of how we can use the taxpayers' money to get the job done at much less cost than we had before.

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I rise today in opposition to the committee funding resolution. The majority seeks to increase committee funding by $22 million, or 14 percent over the level that was spent last year. Yet last week the majority cut $38 million from the President's budget request for Women, Infants and Children, one of our most successful programs. That $38 million reduction in the President's request essentially would deny 180,000 women and children the most basic nutrition and health assistance.

These Republican priorities are embarrassing. Twenty-two million more for House committees and investigations, $38 million less than is needed for mothers and infants. Study after study has found that the WIC Program successfully increases low birth weights and reduces infant mortality and child anemia. The first 3 years of a child's life are critically important for a child's intellectual and emotional development. Good nutrition is a strong component of that equation. The GAO reports that each dollar invested in WIC prenatal care saves $3.50 in later expenses in Medicaid. AT&T's CEO Robert Allen called WIC the health care equivalent of a triple A investment. It is. Millions more for House committees and investigations, millions less than is needed for 180,000 women and children. Those are the wrong priorities. That is deplorable.

Mr. Speaker, I urge my colleagues to vote no on the committee funding resolution.

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Mr. GEJDENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, I would rise also with grave concern today about the committee funding resolution that is before us. We are in the final discussions, I understand, concerning the budget. Very difficult decisions are having to be made, priorities are having to be set, and when I look at my constituents in the 8th District in Michigan, I want to be able to say that my priority was on the WIC Program that was just discussed by my

good friend from Maine on the opportunities for families to send their children to college, making sure that they have technology in their schools and they are prepared for the jobs for the future, have good jobs and that all families have opportunities to cover their children with health care.

Mr. Speaker, my concern is that when we look at this funding resolution in total, we are looking at over a 14-percent increase in the amount of dollars going to fund our own committees. I would agree with my good friend from Michigan that we are working hard in the Committee on Science, we are working hard in a number of committees and reporting bills, but we have been doing just fine reporting those bills and working hard without a 14-percent increase in the committee funding bill.

If I were to ask my constituents whether they would prefer that we hire more staff here at the Capitol or whether or not we provide more opportunities for their children to go to college, I know where the votes would be, I know where my constituents would be telling me to vote, and that is why today I cannot support this kind of a tremendous increase in this bill and I would strongly urge all of my colleagues on both sides of the aisle to take another look at what our real priorities are.

This is not about the internal workings of Congress and increasing employees, increasing staff. If we have to work a little harder, fine. My constituents are working very, very hard every day working hard on behalf of their families, and my priorities are with them.

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

Mr. Speaker, I find it interesting that the last two speakers who both indicated that they were going to vote against the funding resolution are freshmen and therefore they have had no experience in what the Congress has looked like when their party was in the majority. I appreciate the gentlewoman from Michigan indicating that she is working hard in the Committee on Science, and there is a 14-percent increase. The record shows the Committee on Science has increased 3 percent. It is 3 percent for the 105th Congress; that is 1½ percent a year.

The cost of living, which is certainly not automatic, and although the chairmen will probably vote where it is appropriate for a cost of living for the employees is about 2.3 percent. So it is obvious that the employees working for that committee will not within the budget increase find enough money to cover a COLA.

But what I would really like to remind the freshmen Members on the minority side is that when their party was in the majority the most recent Congress, being the 103d Congress, spent $223 million on staff and the committees. So if they are unwilling to support a $177 million cost for running the committees, I only wish my colleagues had been here in the 103d so they could have castigated their leaders at that time for wanting to spend and, in fact, spending $223 million. We are spending $45 million less than the amount that was spent when the gentlewoman's party was in the majority.

So I understand they have to find some reason to oppose reasonable legislation, but it really does make it difficult when they have no historical perspective because frankly since the Republicans have become the majority in January 1995, if they want to look at the larger picture not in terms of a government program, but in terms of the economy which after all is the engine that makes this system go, the deficit has been cut in half from $203 billion in 1994 to about $70 billion this year. Welfare rolls have been decreased by 20 percent. Violent crime has been reduced by 5 percent. Unemployment has dropped by 10 percent. The poverty rate has declined. And in the stock market, the Dow Jones average has almost doubled. It is not a coincidence that all this has happened since the Republicans became a majority in January 1995.

It is always possible to find one specific reason to choose to vote ''no.'' Actually the more responsible position in the opinion of this gentleman is to look at the aggregate and say what we have done with one-third fewer staff and one-third fewer resources is quite remarkable.

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

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

Mr. Speaker, I am just stunned to hear my friend from California endorsing President Clinton's agenda and his successes, and it is so nice to see him recite all the advances that have occurred under this Democratic President.

Now he did not give the President any credit, but we cannot expect him to go that far. But it is at least a refreshing opportunity to hear him point out that under the Democratic leadership of President Clinton we have made tremendous progress from the setting of budget priorities that began with the Democratically-controlled Congress and the President's first day in office, and he has kept us on track. He has prevented some of the egregious kinds of policies that we found in the early Reagan years, which frankly some of this budget debate and the Republican demands seem to want to reinstate tax cuts that will cost the Treasury upwards of $250 billion in the outyears which will once again balloon the deficit. Their solution, of course, is to give the richest another tax break while the poorest and the working poor are once again disadvantaged.

We are happy to see the Republicans recognize the wisdom of President Clinton's budget priority and policies today. We just hope that they would give up on some of their what I would consider foolish economic desires to balloon the deficit in the outyears and thereby again endangering our ability to educate our young, to give them proper health care, and to build the kind of road blocks to economy that we have had under President Clinton's leadership.

There is one other area that I would like to bring us back to, and again as much as I enjoy the discussion here today, I think we ought to have meatier issues before us that have been avoided in this Congress. Campaign finance reform is still without a date to come to this floor. Under President Clinton's first year in office the Democrats brought campaign finance reform to the floor of this House and passed it. We had passed it, as I said earlier, through the House and Senate in the previous Congress, but it was vetoed by President Bush. Then we find ourselves in the next Congress under President Clinton's leadership; it is filibustered to death in the Senate. Now they will not even bring it to the floor.

In the last Congress, when my friend brought a campaign finance reform bill to the floor, it had no spending limit. Ask anybody out there in America did they think the problem in campaigns is there is not enough money in it.

I love my Republican friends. They talk about education; they say, well, we cannot throw money at it. They talk about health care and children in need; they say we cannot throw money at it. When it comes to campaigns, they say we need more money. The Speaker, the gentleman from Georgia [Mr. GINGRICH] says I need more money. When they talk about reform they raise how much wealthy individuals can give. That is not reform. We ought to limit campaign spending. Nobody should be able to give more than a hundred dollars. We ought to do it by law; we cannot do it individually. We have got to find a way to deal with independent expenditures and issue advocacy. We have got to end soft money.

But we cannot do any of that, Mr. Speaker, unless we have an opportunity to bring the bill to the floor.

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

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], a member of the committee and one of our hardest working Members, I might add.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding this time to me.

Mr. Speaker, I want to follow up on what the gentleman said, because the chairman of our committee who works very hard and is very knowledgeable on this institution references the progress that has been made over the last 5 years, and I think that ought not to go without being referenced.

When in 1993 we adopted the economic program of this administration,

to a person, to a person, the then-minority party stood and said the adoption of this program will lead effectively to the ruination of America's economy. To a person. The chairman of the Committee on the Budget now, the gentleman from Ohio [Mr. KASICH], stood and said this is going to lead to high unemployment, high inflation and a ruinous economy. The gentleman from Texas [Mr. ARMEY], who tells us repeatedly that he is an economist, said to the President and said on the floor of this House that the adoption of that economic program would lead to disaster for America's future.

Mr. Speaker, it is refreshing and honest to hear in fact the opposite has occurred. The gentleman from California [Mr. THOMAS], a member of the Committee on Ways and Means, has just ticked off where this economy now stands, not because of anything that was adopted in 1995 or 1996. As a matter of fact, the now-majority party laments the fact that the President did not allow them, as a result of vetoes, to enact their program so that they cannot honestly claim credit for the performance of this economy.

And in point of fact, as Alan Greenspan, appointed by George Bush, not by a Democrat, observed, this economy is in the best shape that he has seen it in in over 3 decades. He so testified before the Joint Economic Committee.

Yes, we consider a budget resolution for the committees of this House. As my colleagues know, it is always in my experience somewhat of a political exercise; the majority party points out how fiscally responsible they are being, and very frankly the minority party says, ''Well, you're being a little hypocritical.'' I really do not want to get too engaged in that debate.

Mr. Speaker, I think that this funding resolution is relatively reasonable. I have disagreements with parts of it. Very frankly, I think we are substantially wasting the taxpayers' money, wasting the taxpayers' money by funding this investigation in the Committee on Government Reform and Oversight way over what the U.S. Senate said was necessary to come to grips with the facts, and in fact, unlike the Senate who more honestly wants to look at the generic problem, this study obviously is a partisan attempt to embarrass the President of the United States, not to come to grips with what the facts are, as the U.S. Senate studied much broader in scope and much cheaper in cost.

Then, of course, we have this interesting device, the $7.9 million extra fund. Mr. Speaker, that does a number of things. No. 1, it allows committees to report that they are getting less money than ultimately they may get. No. 2, I would suggest to those who are very concerned about the reforms that have been brought to bear by the Republican revolution in 1995 when they said one of the things the Democrats are doing, my colleagues, is allowing agencies, horrors, to fund committee staff.

Now what did that mean? That meant detailees from various agencies were sent to committees for the purposes of working on substantive issues of which they had knowledge.

Well, lo and behold, the Republican revolution said that was wrong, it was obfuscation, it was hiding the actually costs. And so what did they do? They said we are not going to allow that anymore.

Lo and behold, my colleagues of this House, particularly those who came as freshmen in the revolution; lo and behold, there is $5-plus million in this budget resolution which we do not see. It is not included, it is not computed in the figure. Why? Because we have now changed our policy and we have said well, maybe we will allow detailees to be funded by agencies but to be utilized by committees.

My, my, my. Five million dollars in addition to the $7.9 million that does not show up in the committee budgets.

Now, as I said at the beginning, Mr. Speaker, these funding resolutions can be demagogued on both sides, and are historically.

□ 1130

I do not like to participate in that. I think the gentleman from California [Mr. THOMAS] has tried to come to grips, and from his side of the aisle, there are obviously disagreements within his own caucus. Some say that it ought to be far less and some say it ought to be more. That is the dynamics of funding enterprises where we are trying to come to grips with an administration, an executive department of government that has gotten at least $550 billion, which this Congress has the responsibility of overseeing.

We suggest a budget over two years of about $180 million to do that. I do not think the taxpayer, when they relate that $540 billion or $50 million of discretionary spending in the executive department, is taking that a coequal branch of government has the ability.

I frankly want to tell the gentleman from California [Mr. THOMAS], the chairman of my committee, the Committee on House Oversight, I thought $222 million was an appropriate sum. Was it exactly the right sum? I do not know that, but the fact of the matter is, I did not think it was out of line with this Congress's responsibility to oversee the operations of the executive department, Republican or Democrat.

Our constituents expect us to know what is going on. Our constituents expect us to know what are the proper amounts that we ought to fund. Our constituents expect us to know what the authorizing committees should do in oversight, in exercising the appropriate amount of care and diligence in determining whether the executive agencies are, in fact, operating effectively, honestly, within their budget, and spending the taxpayers' money appropriately.

That was a good investment. We can argue back and forth on the specific dollar amounts. But let us be clear: Irrespective of the amount in this funding resolution, the chairman did in fact point to what is important, and what is important is the policies adopted that have affected the quality of life in America.

In 1993 President Clinton came forth with an economic program, very controversial, and opposed to a person by the now majority party, the then minority party, with the observation that it would lead to disaster. In fact, as the chairman has very appropriately noted, not only has it not led to disaster, it has led to high employment, low unemployment, low inflation, higher working standards, a better dollar; in fact, a dollar that is so strong that perhaps we are going to have to evaluate whether or not we made the economy too strong. I read in this morning's paper, those who have talked about growth over and over and over and talked last Congress about how slow the growth was, I am sure we are glad to see that we had a 5.6 or 5.1, I am not sure which, GDP growth in the last quarter.

I say to my colleagues of this House, whether we adopt this funding resolution, and I presume we are going to, any funding resolution will be controversial. I know that there will be some of my colleagues, rightfully, who will want to make a statement that being penny wise and pound foolish by increasing spending on the operations of the House of Representatives, while at the same time reducing by a factor of $38 million assistance to women, infants, and children, which every side of the argument agrees has a tremendously positive payoff for children and families and for America, is an appropriate debate. And some of my colleagues will want to vote ''no'' on this, to make that very point that our priorities are skewed.

Mr. Speaker, I want to say that as we do vote on this funding resolution, let us on both sides of the aisle stop demagoguing this institution, stop belittling this institution. This institution has a critically important function to carry out. We are the people's House, elected every two years, closest to the people, to carry out the functions of adopting policy and overseeing its implementation. I think we have done that reasonably well; not perfectly by any stretch of the imagination.

But as we move forward on the debate, which I guess now is going to conclude on this funding resolution, let us understand that under the Democratic administration and the democratically controlled House and Senate, America, in the last five years has seen its deficit come down dramatically to a third of what it was when we took over, and its economy grow substantially to the benefit of its citizens and indeed the world.

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

I will be very brief at this point and just close by saying that, in following

up on what my colleague from Maryland said, that what we do here is very important. Our responsibility here is to fight for the men and women back in our districts, many of whom are still going through very difficult times around the country, whether it is floods in one part of the country, or in my part still recovering from the economic pressures of the end of the cold war and reduced defense spending, trying to get through the change from defense to nondefense economic activities.

We do have a serious responsibility here, and I cannot help but be reminded by again what the gentleman from Maryland [Mr. HOYER] said: My parents left the Soviet Union and Nazi Germany to come to this country because of its Democratic institutions.

While we have substantial differences on what we ought to do, new evidence, again as the gentleman from Maryland [Mr. HOYER] said, indicates how incredibly important nutrition and other health activities are in those first several years of life. Those fights are terribly important fights, and while we disagree with them on many of these issues on the other side of the aisle, it is not their honor we question.

We question the policies that will make the country be the strongest, the most productive, and the fairest for all of its citizens, and that really is our job here, as well as making sure that we defend these institutions, not when we are wrong, but from the kind of easy attacks that undermine people's belief in Democratic government.

There are still so many millions and, yes, over 1 billion people on this planet who would give their lives to have the Democratic institutions we have. We ought not squander the trust of the American people as we try to maintain this institution, which more than any other institution on the face of this planet represents the hopes and aspirations of free people everywhere.

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

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

Frankly, this gentleman from California is confused. I have to tell my colleagues on the other side, they cannot have it both ways. Either we are not doing the job that the people want us to do and we should fund the committees more, or we get criticized because we are funding the committees more because we are not doing the job that we are supposed to do.

The gentleman from Connecticut [Mr. GEJDENSON] wants us to move campaign finance reform. The gentleman from Maryland [Mr. HOYER] gets up and says ''the constituents want us to know what is going on.''

Well, I think if anybody paid attention at all in the last election, there was a lot going on in the gentleman's party, in his national party and over at the White House, and that if we are going to write meaningful campaign reform, we ought to find out what was going on. But we are criticized because we do not rush to the floor with a solution to whatever the problem is, because we have not had a chance to examine it. But obviously the minority, which has no responsibility in dealing with this, loves to get up and say ''We want it both ways.''

The gentleman from Maryland [Mr. HOYER] criticized the fact that we have detailees. The problem, I would tell the gentleman, in the 103d Congress was that just one committee had more than 100 detailees. They also had more than 100 staff, and they had more than 100 detailees.

The current policy is to limit the detailees to 10 percent of the staff, and so for that committee the detailees would amount to the munificent number of nine. If they do not see the difference between 100 detailees and 9, then obviously the argument that we have detailees, without telling the whole truth about the kind of outrageous policies that were present in the 103d, means that they want it both ways.

I read a list of achievements since January 1995, not for the last 5 years, not for the last 10 years, not since F.D.R. was President, but only since Republicans have become the majority in the House and the Senate. One of the items I mentioned was the reduction of the welfare rolls by 20 percent. As a matter of fact, the Democratic President signed that bill, but I can assure you that many of the people who have spoken on the other side of the aisle did not vote for that bill. So it is with some degree of pleasure that I can indicate to my colleagues that a Republican House and a Republican Senate and a Democratic Presidency are working together to change America for the better.

I only hope that as this President and this Congress come to an agreement on an historic package which will balance the budget, which will preserve and strengthen Medicare, that my colleagues on the other side of the aisle will join with us, the majority, in supporting their President in making the kinds of budgetary and entitlement and tax changes with which our President agrees.

So I fully understand the frustration of the minority, having been there myself for a number of years, they certainly have the privileges, to have it both ways. They praise on the one hand and condemn on the other. I certainly am more than willing to tell them that if they believe it serves a useful purpose, it is certainly their right to do so, but I would tell this House that House Resolution 129 is a prudent funding package. It is appropriate. It is necessary. I would urge a ''yes'' vote on House Resolution 129.

Mr. OBERSTAR. Mr. Chairman, I rise in support of House Resolution 129, the committees' funding resolution for the 105th Congress.

I do want to thank and commend the members of the Committee on House Oversight and the Democratic and Republican leadership for their diligence and hard work in bringing forward this resolution today. Striking a happy balance with committee budgets is a difficult and thankless job.

Mr. Chairman, I will vote for this resolution. It is a step in the right direction, allowing our committee to begin recovering from the large budget cuts of 2 years ago.

Historically, the work of the Congress increases in direct proportion to the enormity of the challenges facing this Nation. Getting more work done with less is always one of the greatest of our challenges. The increased funding in the budget for the Committee on Transportation and Infrastructure is fully justified.

The committee is the largest authorizing committee in Congress. When I came to the ''Hill'' in 1963, the committee had 34 members. In the 104th Congress, we had 61. Today we have 73—a 215-percent increase over 1963, and a 20-percent increase over the 104th Congress. This is a mixed blessing, but definitely an indication of the interest House Members have in the work of our committee. We welcome new Members, but also we need more resources to handle the increased workload.

In the 104th Congress, for the first time one committee—Transportation and Infrastructure—was given jurisdiction over all modes of civil transportation. Our new jurisdiction included the major areas of rail, Coast Guard, and maritime transportation.

Now we can deal more effectively with the broader, intermodal picture which has a host of problems, many of which we hope to address in the reauthorization of ISTEA this session.

Congestion has risen on our highways to a level that costs American businesses $40 billion each year. Americans waste 1.6 million hours every day sitting in traffic.

Airport traffic delays have strained the capacity of 22 of our major airports, and within 10 years 10 more airports will be added to this list unless we modernize.

More of our ports need dredging and expansion to compete in the international marketplace. Our railway system needs to be more integrated and accessible, and our only national passenger rail system needs the recapitalization long promised, but never received.

Transportation policy decisions are very much a key factor to the standard of living for every American. At last count, our national transportation economy accounted for 10.8 percent of our gross domestic product.

Transportation safety continues to be a serious problem. Since 1991, a staggering 200,000 Americans have died and more than 15 million have been seriously injured on our highways at a cost to society of more than $750 million. There has been no appreciable decline in highway fatalities in the past 10 years. Each and every day the equivalent of a major airline crash occurs on our highways in communities across the country. Nine out of 10 Americans want the Federal Government to play a strong leadership role in highway safety, similar to food safety and aviation safety.

Aviation safety, itself, is increasingly a concern. Last month, the National Transportation Safety Board reported that in 1996, 380 people lost their lives in airline accidents, the highest level since 1985.

Rail safety is also a serious problem. In the first 5 months of last year alone, there were 54 serious rail accidents, including 2 in which entire towns were evacuated for 3 weeks, 3 in which poison gas was released, and 1 in which a train carrying 750-pound bombs derailed. Three cases involving runaway trains might have been prevented had the Federal Railroad Administration acted promptly on Congressional directives to reform power brake rules.

Safety is not a partisan issue. With added resources our committee can conduct the oversight and produce the legislation needed to reverse the disturbing increase in accidents in 1996.

I have only touched on a sampling of transportation issues from our primary list. In this Congress we also need to be dealing with a number of intricate and technical matters in the areas of water resources, public buildings, and economic development. Obviously, this Congress will be an extremely busy one and we need solid and thorough staff work to support our efforts.

In addition, at a time when the Federal Government is making drastic cutbacks, the need for close congressional oversight increases dramatically. Unfortunately, there are many issues that will receive less, or even no, attention simply because of the limits of our resources.

I can tell you as the ranking Democratic member of the Transportation and Infrastructure Committee, there are countless challenges and frustrations in my job, but few more exasperating than trying to stretch and make do with inadequate resources. My budget, in particular, for Democratic staff on the committee is one-third of the total personnel budget for the committee. At current funding levels, we are unable to fill two vacancies or to grant staff a cost-of-living adjustment. This is not the way to attract and retain quality, expert, and experienced staff needed to accomplish the work before us.

Our committee badly needs the increased funding provided by the budget resolution. It will enhance our ability to make in-depth, informed legislative judgments and to vigorously pursue our oversight responsibilities.

In answering to the American people, I would much rather defend funding we truly need, than try to explain that our job didn't get done for the lack of resources.

There is no doubt we have to pass this resolution, and we should. It represents a good faith effort under very difficult circumstances. Accordingly, I will vote for this resolution.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 136, the previous question is ordered on the resolution, as amended.

The question is on the resolution, as amended.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 157, not voting 14, as follows:

[Roll No. 98]

YEAS—262

Aderholt	Gallegly	Oberstar
Archer	Ganske	Obey
Armey	Gejdenson	Packard
Bachus	Gekas	Parker
Baesler	Gibbons	Paxon
Baker	Gilchrest	Pease
Ballenger	Gillmor	Peterson (PA)
Barcia	Gilman	Petri
Barr	Gonzalez	Pickering
Barrett (NE)	Goodlatte	Pickett
Bartlett	Goodling	Pitts
Barton	Goss	Pomeroy
Bass	Graham	Porter
Bateman	Granger	Portman
Bereuter	Greenwood	Pryce (OH)
Berman	Gutknecht	Quinn
Bilbray	Hall (TX)	Radanovich
Bilirakis	Hamilton	Rahall
Bliley	Hansen	Ramstad
Blunt	Hastert	Regula
Boehlert	Hastings (WA)	Riggs
Boehner	Hayworth	Riley
Bonilla	Hefley	Roemer
Bono	Hill	Rogan
Borski	Hilleary	Rogers
Boucher	Hobson	Rohrabacher
Brady	Hoekstra	Ros-Lehtinen
Brown (CA)	Horn	Roukema
Bryant	Hostettler	Royce
Bunning	Houghton	Ryun
Burr	Hoyer	Sabo
Burton	Hunter	Salmon
Buyer	Hutchinson	Sanford
Callahan	Hyde	Saxton
Calvert	Inglis	Scarborough
Camp	Jenkins	Schaefer, Dan
Campbell	John	Schaffer, Bob
Canady	Johnson (CT)	Scott
Cannon	Johnson, Sam	Sensenbrenner
Castle	Jones	Sessions
Chabot	Kasich	Shadegg
Chambliss	Kelly	Shaw
Chenoweth	Kildee	Shays
Christensen	Kilpatrick	Shimkus
Clay	Kim	Shuster
Coble	King (NY)	Sisisky
Coburn	Kingston	Skeen
Collins	Klink	Skelton
Combest	Klug	Smith (MI)
Conyers	Knollenberg	Smith (NJ)
Cook	Kolbe	Smith (OR)
Cooksey	LaFalce	Smith (TX)
Costello	LaHood	Smith, Linda
Cox	Largent	Snowbarger
Crane	Latham	Solomon
Crapo	LaTourette	Souder
Cubin	Lazio	Spence
Cunningham	Leach	Spratt
Davis (VA)	Lewis (KY)	Stearns
Deal	Linder	Stenholm
DeLay	Lipinski	Stump
Dellums	Livingston	Sununu
Diaz-Balart	LoBiondo	Talent
Dicks	Lucas	Tauzin
Dingell	Manzullo	Taylor (NC)
Doggett	Martinez	Thomas
Doolittle	McCollum	Thornberry
Dreier	McCrery	Thune
Duncan	McDade	Towns
Dunn	McHale	Traficant
Ehlers	McHugh	Upton
Ehrlich	McInnis	Visclosky
English	McKeon	Walsh
Ensign	McNulty	Wamp
Eshoo	Metcalf	Watkins
Evans	Mica	Watts (OK)
Everett	Miller (CA)	Weldon (FL)
Ewing	Miller (FL)	Weldon (PA)
Farr	Moakley	Weller
Fawell	Molinari	White
Fazio	Mollohan	Whitfield
Flake	Morella	Wicker
Foley	Murtha	Wise
Forbes	Nethercutt	Wolf
Fowler	Ney	Young (AK)
Fox	Northup	Young (FL)
Franks (NJ)	Norwood	
Frelinghuysen	Nussle	

NAYS—157

Abercrombie	Allen	Barrett (WI)
Ackerman	Baldacci	Bentsen
Berry	Hinojosa	Ortiz
Bishop	Holden	Owens
Blagojevich	Hooley	Pallone
Blumenauer	Hulshof	Pappas
Bonior	Jackson (IL)	Pastor
Boswell	Jackson-Lee (TX)	Paul
Boyd	Jefferson	Payne
Brown (FL)	Johnson (WI)	Pelosi
Brown (OH)	Johnson, E. B.	Peterson (MN)
Capps	Kanjorski	Poshard
Cardin	Kaptur	Price (NC)
Carson	Kennedy (MA)	Rangel
Clayton	Kennedy (RI)	Reyes
Clement	Kennelly	Rivers
Clyburn	Kind (WI)	Rodriguez
Condit	Kleczka	Rothman
Coyne	Kucinich	Roybal-Allard
Cramer	Lampson	Rush
Cummings	Lantos	Sanchez
Danner	Levin	Sanders
Davis (FL)	Lewis (GA)	Sandlin
DeFazio	Lofgren	Sawyer
DeGette	Lowey	Schumer
Delahunt	Luther	Serrano
DeLauro	Maloney (CT)	Sherman
Deutsch	Maloney (NY)	Skaggs
Dickey	Manton	Slaughter
Dixon	Markey	Smith, Adam
Dooley	Mascara	Snyder
Doyle	Matsui	Stabenow
Edwards	McCarthy (MO)	Stark
Emerson	McCarthy (NY)	Stokes
Engel	McDermott	Strickland
Etheridge	McGovern	Tanner
Filner	McIntosh	Tauscher
Foglietta	McIntyre	Taylor (MS)
Ford	McKinney	Thompson
Frank (MA)	Meehan	Thurman
Frost	Meek	Tiahrt
Furse	Menendez	Tierney
Gephardt	Millender-McDonald	Torres
Goode	Minge	Turner
Gordon	Mink	Velazquez
Green	Moran (KS)	Vento
Gutierrez	Moran (VA)	Waters
Hall (OH)	Nadler	Watt (NC)
Harman	Neal	Waxman
Hastings (FL)	Neumann	Wexler
Hefner	Olver	Weygand
Hilliard		Woolsey
Hinchey		Wynn

NOT VOTING—14

Andrews	Istook	Pombo
Becerra	Lewis (CA)	Schiff
Davis (IL)	Myrick	Stupak
Fattah	Oxley	Yates
Herger	Pascrell	

☐ 1206

Mr. KENNEDY of Rhode Island, Ms. DANNER, Mrs. TAUSCHER, and Messrs. HEFNER, DIXON, LUTHER, CONDIT, BISHOP, and DAVIS of Florida changed their vote from ''yea'' to ''nay.''

Messrs. FLAKE, BARTON of Texas, MILLER of California, MCHALE, SPRATT, MARTINEZ, and COSTELLO changed their vote from ''nay'' to ''yea.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution just passed.

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

There was no objection.

RECOGNITION ON RETIREMENT OF TIM SHEANE

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

Mr. THOMAS. Mr. Speaker, I take this time to recognize someone who ordinarily is never recognized and, in fact, acknowledge that there are a number of people who do their jobs and do them well without which this House could not function.

The particular individual is a gentleman by the name of Tim Sheane, who is in the Legislative Counsel's Office. He is retiring. For more than 20 years he has assisted the then-Committee on House Administration and the now Committee on House Oversight in putting together the legislation necessary to do the people's business.

So on behalf of the members of the committee and the staff who have worked with Tim Sheane for endless hours in producing work product and for those like him, I would like to give the long overdue recognition to him and to all of those who do not normally share the spotlight in doing the people's work.

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

Mr. THOMAS. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would like to join my colleague from California and say that, again, while oftentimes what we see here is the heat that comes off of partisan battles, that many, if not most of the staff, work for all the Members of the Congress.

This is a perfect example, work for the good of the country, done a spectacular job. I would like to join the chairman in his commendation.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 30, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD on April 29, 1997, if offered by the gentleman from New York [Mr. LAZIO] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

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

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

UNFUNDED MANDATE POINT OF ORDER

Mr. WATT of North Carolina. Mr. Chairman, pursuant to section 425 of the Congressional Budget Act and Impoundment Control Act of 1974, I make a point of order against consideration of the committee amendment to the bill, H.R. 2.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $50 million annually against State or local governments, or does not publish prior to floor consideration a CBO estimate of any unfunded mandates in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Sections 105 and 106, on pages 25 through 49 of H.R. 2, contain violations of section 425 of the Congressional Budget and Impoundment Control Act. Therefore, I make a point of order that this measure may not be considered pursuant to section 425.

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] makes a point of order that the amendment in the nature of a substitute violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the amendment on which he predicates the point of order.

The text of section 105 and section 106 of the amendment, on pages 25 through 49 of the reported bill, is as follows:

Sec. 105. Community Work and Family Self-Sufficiency Requirements.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency).

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(1) an elderly person:

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(1) an elderly person:
(2) a person with disabilities;
(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or
(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term ''covered family'' means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title III.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title III.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title III for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title III, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title III. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title III.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under section 226, and into any agreements for the provision of choice-based assistance under title III on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title III, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term ''economic self-sufficiency program'' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeships, or other activities as the Secretary may provide.

SEC. 106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this Act.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with,

or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 203 and housing assistance to be provided under title III;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this Act to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 224(c);

(F) the criteria for providing and denying housing assistance under title III to families moving into the jurisdiction of the agency; and

(G) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title III and the system used by the agency to ensure that such rents comply with the requirements of this Act.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 641 and 642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 203(b), to convert to housing assistance under title III or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the agency under subtitle D of title II or section 329 for the agency and the requirements and assistance available under such programs.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 533(c) as at risk of becoming troubled; or

(B) under section 533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments

or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment.) If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official of officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections. If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

Under section 426(b)(4) of the act, the gentleman from North Carolina [Mr. WATT] and a Member opposed to the point of order each will control 10 minutes of debate on the point of order.

Pursuant to section 426(b)(3) of the act, after debate on the point of order, the Chair will put the question of consideration, to wit: ''Will the Committee now consider the amendment?''

The gentleman from North Carolina [Mr. WATT] is recognized for 10 minutes, and the gentleman from Iowa [Mr. LEACH] who is opposed, will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

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Mr. WATT of North Carolina. Mr. Chairman, my colleagues, especially those on the Republican side, have made a significant point that many of us agree on a bipartisan basis is a valid point; that we should not continuously pass along to State and local governments and entities of State and local governments mandates which mandate that they take certain action without passing along to them the funds to pay for those mandates.

This bill, sections 105 and 106, in combination, pass such a mandate along. Sections 105 and 106, in combination, according to the Congressional Budget Office, impose an unfunded mandate of approximately $65 million.

Section 105, according to the Congressional Budget Office, would require local governments to expend an additional $35 million annually. Section 106 would require local governments and public housing agencies to expend an additional $35 million annually.

These provisions, in combination, should not be passed along to our local housing authorities because we are not funding them. And if we are going to be in compliance with the spirit and letter of the resolutions and rules that we set up to govern ourselves, this bill should not be considered without these provisions being stricken out of the bill.

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

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

First, let me say what the distinguished gentleman from North Carolina is doing is using a process technique to underscore a political point. I understand the gentleman did not receive enough time to discuss this issue yesterday. I would like to simply stress on the time score that we were operating under the rules of the House and we granted, at the request of the gentleman from Massachusetts [Mr. KENNEDY], extra time on each side. I am sorry if the gentleman did not get enough time to discuss this issue but we made every effort to be accommodating to the minority.

On the process point, it should be stressed that it is a norm, when Federal funds are extended, to put conditions and requirements into programs. That is what is being done in this bill, and that is why in the supplemental report filed by the committee we include a CBO estimate. And the CBO, as this body knows, is the general overseer of this circumstance.

The CBO states, and I quote directly, ''The bill would impose several new requirements on PHA's. These requirements, which are conditions of receiving assistance from HUD and, thus, are not mandates under the Unfunded Mandates Reform Act of 1995, include establishing and enforcing work requirements and self-sufficiency agreements with residents of public housing.''

In further clarification, CBO has informed me today that while H.R. 2 does contain several intergovernmental mandates as defined by the Unfunded Mandates Reform Act, in other parts of the bill, CBO has determined that the cost of those mandates is insignificant and would not exceed the threshold established under the law.

The bill contains other provisions that would have significant budgetary impacts on public housing agencies, such as the one the gentleman from North Carolina is concerned about, but these provisions are conditions of receiving Federal financial assistance and, therefore, would not be considered mandates under the Unfunded Mandates Reform Act of 1995.

On the substantive issue, I think care has to be taken how the community service requirement is described. Like the President's AmeriCorps program, this is a work-for-benefit approach. It is supported by Secretary Cuomo and his predecessor, Secretary Cisneros. The model bills that were submitted to Congress by the administration—one of which was introduced by request with the gentleman from Massachusetts [Mr. KENNEDY] as a cosponsor—included this work requirement.

In terms of section 106 that the gentleman is referring to, this section was also included in Secretary Cuomo's presentation and recommendation to the House Committee on Banking and Financial Services. It was further modified with amendments from the minority side. For example, the requirement that PHA's look at the population base in their areas with a particular eye to the poorest of the poor was a significant minority amendment.

And what the gentleman from North Carolina is attempting to do in this point of order, which I believe does not lie, on a substantive basis, is to knock out a provision recommended by the administration, further modified by the Democratic, not the Republican side, on the House Committee on Banking and Financial Services.

So on process grounds, I would suggest to the gentleman that as indicated by the CBO this amendment does not breach the requirements of the law. On substantive grounds, the gentleman from North Carolina is going against his administration and his party's amendments as adopted in the House Committee on Banking and Financial Services. So as the chairman of the committee, I am befuddled by the approach that is being presented.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds.

Let me make two points. This is not whether this is a Republican bill or a Democratic bill or a Republican amendment. The unfunded mandates requirement applies to both parties. It applies to this Congress. This is the integrity of our House that is at stake.

No. 2, this notion that a public housing authority is not a local government is just defied by the very definitions in the bill itself on page 17, which says that a local housing authority is one

authorized by State law to administer choice-based housing. That is a State entity.

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

I want to be very categorical first of all. The CBO, which is the overseer of this program, states that the public housing requirement in terms of the work program is not an unfunded mandate, period. There are other parts of the bill that involve small aspects of or that touch the unfunded mandates act, but they do not reach the threshold. But the requirement the gentleman is referencing in section 105, which is his principal point, is not an unfunded mandate.

With regard to section 106, which the gentleman wants to knock out, I would also point out that this section is largely maintained in the alternative to be offered by the gentleman from Massachusetts. So the gentleman is attempting to knock out a provision that will be in the alternative of the gentleman from Massachusetts, which is supported by the administration, and which is crafted in large measure with the input of his side in the committee.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts, [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, when the Republican chairman of the committee gets up and his basic argument is ''The President made me do it,'' we understand the weakness of his substantive arguments.

The gentleman even said we should be for this because this is the same principle as the AmeriCorps. I understood there was on the other side no great love for AmeriCorps, so I assume all those who are against AmeriCorps would agree with the gentleman from North Carolina [Mr. WATT].

But most damaging is the argument the gentleman is making, and people should understand here how he is narrowing the unfunded mandate piece. What he says is this: An unfunded mandate should be considered only if de novo, out of the blue, we impose a restriction. He acknowledges this will cost the local communities more money, but he says it is a condition and therefore we can impose greater costs on them as a condition of funds.

But understand, these are funds they are now getting and have been getting for a long time. Theoretically, his logical argument is, well, if they do not like the mandate, they can say no to the funds; therefore, it is not an unfunded mandate. But is it realistic to tell local communities that, having built this public housing, having people live in it, having the obligation to maintain it, they can now say no to the funds?

What the gentleman from Iowa is doing is turning the unfunded mandate point into a great ''gotcha'' for the communities. We give them grants, we establish some programs, and under his interpretation, years later, 20 and 30 years later, having provided for a program where they are locked in, where they are committed, where they have ongoing obligations, we then add a condition, and under the gentleman from Iowa's ruling, any expense, and it is a ''gotcha'' because we say, hey, if you do not like the condition, give up the money. But of course this is wholly unrealistic, to expect local communities which have now got this ongoing responsibility to residents to give up the money.

So if we reject the point of order, we accept the gentleman from Iowa's interpretation, it is yes, we cannot do a mandate out of the blue. But where there has been an ongoing, long-continuing program, where local communities have been given money to do something, we can ratchet up the conditions, we can impose new conditions, and if they complain it will cost them money, we say, well, they can always give it up.

I do not think that is the spirit of the unfunded mandate.

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

Let me just stress, the gentleman from Massachusetts referenced my interpretation. My interpretation is the interpretation of the CBO, which is the overseer. What the law states is that an exception to the unfunded mandates law are provisions imposing duties as a condition of receiving Federal aid or arising from participation in a Federal program.

What the gentleman from North Carolina is raising is a question of law in terms of a point of order. That point of order clearly, without any equivocation, does not rise.

Now, on the substance of the issue there are differences of judgment, and I am simply making the point that the majority side supports the precept of work for benefit. The President supports the precept of work for benefit. The gentleman may disagree with that precept, that is his philosophical prerogative, but he should not confuse a point of order argument with a substantive argument.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first and foremost, let me make certain the chairman understands that in no way does our work requirement marry their work requirement. We simply say that we encourage people to do some work if they are going to receive this benefit. It is not a term or condition of the lease. No. 1.

No. 2, the fact is, according to the rules of the House, according to the CRS report, a point of order against an unfunded mandate exists if it meets a $50 million threshold. According to the CBO, this provision is going to cost $65 million.

It is the gentleman's party which created the idea of the unfunded mandate. It is his party that is categorically denying the people of this House and the people of this country the opportunity to challenge this based on the fact that we are going to cost the public housing authorities the money.

Mr. Chairman, the gentleman from New York [Mr. LAZIO] maintains we are going to take this money out of the operating account for public housing. The operating accounts are already underfunded in this bill. That is the ultimate problem.

The gentleman from Iowa's party is unwilling to provide the funding that is necessary to achieve basic affordable housing for the poorest of the people of this country, and now what he is doing is scolding them and telling them they have to work.

I say if the gentleman wants to go after the mining companies and the oil and gas industry and get them to volunteer, go for it and I will be standing there right with him, but he should not point his finger at just the poor.

☐ 1230

Mr. LEACH. Mr. Chairman, I would like to ask how much time the two sides have remaining.

The CHAIRMAN. The gentleman from Iowa has 4 minutes remaining, and the gentleman from North Carolina has 4 minutes remaining.

The gentleman from Iowa has the right to close.

Mr. WATT of North Carolina. Mr. Chairman, let me take issue with that. Why does the gentleman from Iowa have the right to close? It is my point of order.

The CHAIRMAN. That has been established by precedent. The manager of the bill has the right to close.

Mr. WATT of North Carolina. He is not managing the bill. The gentleman from New York [Mr. LAZIO] is managing the bill.

The CHAIRMAN. The chairman of the committee is at this point in time managing the bill.

Mr. FRANK of Massachusetts. If the gentleman from North Carolina will yield, maybe it is because he is representing the President on this issue.

The CHAIRMAN. No, that is not correct.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Let me just clarify what is at issue here. It is not whether we support or do not support the underlying provision in the bill. I have made it clear from day one that I do not support this volunteer requirement. I do not know how you can require somebody to volunteer without compensation. This is not about whether I support or do not support that concept. This is about the rules of the House that we adopted and the law that is in place that says we cannot pass an unfunded mandate down to local governments and not pay for that mandate.

The Congressional Budget Office says that section 105 will cost local public housing authorities $35 million a year. The Congressional Budget Office says section 106 will cost local housing authorities an additional $30 million a year. That is a total of $65 million in additional costs that we are passing along.

The argument seems to be, well, these are not local governments, but if anybody believes that a local housing authority is not a part of the local government, they ought to read the definition on page 17 of this bill. It says that a local housing authority is anyone that is authorized under this act to engage in or assist in the development or operation of low income housing by any State, county, municipality or other governmental body or public entity.

If that does not make the local housing authority a part of the local government, I do not know what does.

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

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. To give the gentleman from Iowa his due, he has an alternative argument, which is once there is a vote of Federal funds to a local government, then the unfunded mandate issue disappears. His argument is that because the local governments have the theoretical right to refuse all public housing funds, any condition we impose on them which increases their cost is not an unfunded mandate.

As I said, that is the great gotcha. What it means is that you can give money to a local government, they incur ongoing operations, and the way they can get around it, the gentleman from Iowa says, is, ''It's not an unfunded mandate, you can abandon public housing altogether, and if you don't, we gotcha.''

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, let me make it clear that the unfunded mandate rules are neither Republican nor Democrat. They are bipartisan. Every single one of us has gone home and heard our local governments and our State governments say, do not pass along a mandate on us and then not give us the money to comply with it.

The Congressional Budget Office says the combination of sections 105 and 106 of this bill will cost local governments, public housing authorities, an additional $65 million a year. The threshold is $50 million under the law. We are $15 million over the threshold. We can take this provision out, the bill can proceed. It is not going to be the end of this public housing bill. But we do not need to pass an unfunded mandate down to our local governments if we are going to be true to the philosophies that we have said we believe in.

Mr. LEACH. Mr. Chairman, I yield myself the balance of my time.

What the gentleman from North Carolina is engaging in is captious argumentation. Let me explain this as carefully as I can. We have a long tradition in the House of Representatives, in the Congress of the United States, when we expend Federal funds to put requirements on them. Those in most instances are not unfunded mandates. Let me be as precise as possible. We have rules about money going to States form time to time, and we require that civil rights be enforced. That is not an unfunded mandate. That is a requirement for receipt of Federal funds.

The gentleman from North Carolina objects to the work requirement in this bill. He is free at any point in the debate to offer an amendment to strike it, and your side will attempt to do that. But I would simply stress that under the definitions of law provided by the CBO, which is the overseer of this program, this is a requirement for receipt of Federal funds. It is not an unfunded mandate, section 105, which is what the gentleman is principally getting at.

On the substantive side, let me say this. I was very intrigued the other evening. All of us looked at this issue of voluntarism where the President and the former Presidents met in Philadelphia, and I though it made a great deal of sense. Some of the criticism that came out, to the degree there was criticism, related to the fact that it may be a little bit presumptuous for people from the outside to volunteer in internal problems of other people. There was a degree of legitimacy to this argument.

What this bill is saying is that people in poverty should have a work component to also take care of themselves and assist in their community. It is a community service requirement, it is a work-for-benefit program. All of the gentlemen on the other side may object. I would only again stress in this regard two points. First, Secretary Cisneros, Secretary Cuomo, and the majority of the Committee on Banking and Financial Services have brought this to the floor. Second, this country and many people in it believe that reform in these programs is vital, and that people are looking at people getting benefits and not giving anything in return. This is an effort of stressing community service, work for benefit.

With regard to the gentleman's point or order, it is one that is clearly, and I say clearly, without merit. I would urge my colleagues to uphold the committee on a straightforward point of law. We will deal with the substance of the gentleman's issue at later points in time when debate on amendments come forth.

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

The CHAIRMAN. All time on this question has expired.

Pursuant to section 426(b)(3) of the Act, the question is, Will the Committee now consider the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services?

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 183, not voting 13, as follows:

[Roll No. 99]

AYES—237

Aderholt	Gekas	Nussle
Archer	Gibbons	Oxley
Armey	Gilchrest	Packard
Bachus	Gillmor	Pappas
Baker	Gilman	Parker
Ballenger	Goode	Paul
Barcia	Goodlatte	Paxon
Barr	Goodling	Pease
Barrett (NE)	Goss	Peterson (PA)
Bartlett	Graham	Petri
Barton	Granger	Pickering
Bass	Green	Pitts
Bateman	Greenwood	Pombo
Bereuter	Gutknecht	Porter
Berry	Hansen	Portman
Bilbray	Hastert	Pryce (OH)
Bilirakis	Hastings (WA)	Quinn
Bliley	Hayworth	Radanovich
Blunt	Hefley	Ramstad
Boehlert	Hill	Regula
Boehner	Hilleary	Riggs
Bonilla	Hobson	Riley
Bono	Hoekstra	Rogan
Brady	Holden	Rogers
Bryant	Horn	Rohrabacher
Bunning	Hostettler	Ros-Lehtinen
Burr	Houghton	Roukema
Burton	Hulshof	Royce
Buyer	Hunter	Ryun
Callahan	Hutchinson	Salmon
Calvert	Hyde	Sanford
Camp	Inglis	Saxton
Campbell	Jenkins	Scarborough
Canady	Johnson (CT)	Schaefer, Dan
Cannon	Johnson, Sam	Schaffer, Bob
Castle	Jones	Sensenbrenner
Chabot	Kasich	Sessions
Chambliss	Kelly	Shadegg
Chenoweth	Kim	Shaw
Christensen	King (NY)	Shays
Coble	Kingston	Shimkus
Coburn	Klink	Shuster
Collins	Klug	Skeen
Combest	Knollenberg	Smith (MI)
Cook	Kolbe	Smith (NJ)
Cooksey	LaHood	Smith (OR)
Cox	Largent	Smith (TX)
Cramer	Latham	Smith, Linda
Crane	LaTourette	Snowbarger
Crapo	Lazio	Solomon
Cubin	Leach	Souder
Cunningham	Lewis (CA)	Spence
Davis (VA)	Lewis (KY)	Stearns
Deal	Linder	Stump
DeLay	Livingston	Sununu
Diaz-Balart	LoBiondo	Talent
Dickey	Lucas	Tauzin
Doolittle	Manzullo	Taylor (NC)
Doyle	McCarthy (NY)	Thomas
Dreier	McCollum	Thornberry
Duncan	McCrery	Thune
Dunn	McDade	Tiahrt
Ehlers	McHugh	Traficant
Ehrlich	McInnis	Turner
Emerson	McIntosh	Upton
Engel	McKeon	Walsh
English	Metcalf	Wamp
Ensign	Mica	Watkins
Everett	Miller (FL)	Watts (OK)
Ewing	Molinari	Weldon (FL)
Fawell	Moran (KS)	Weldon (PA)
Foley	Moran (VA)	Weller
Forbes	Morella	Wexler
Fowler	Myrick	White
Fox	Nethercutt	Whitfield
Franks (NJ)	Neumann	Wicker
Frelinghuysen	Ney	Wolf
Gallegly	Northup	Young (AK)
Ganske	Norwood	Young (FL)

NOES—183

Abercrombie	Allen	Barrett (WI)
Ackerman	Baldacci	Becerra

Bentsen	Hastings (FL)	Ortiz
Berman	Hefner	Owens
Bishop	Hilliard	Pallone
Blagojevich	Hinchey	Pastor
Blumenauer	Hinojosa	Payne
Bonior	Hooley	Pelosi
Borski	Hoyer	Peterson (MN)
Boswell	Jackson (IL)	Pickett
Boucher	Jackson-Lee (TX)	Pomeroy
Boyd	Jefferson	Poshard
Brown (CA)	John	Price (NC)
Brown (FL)	Johnson (WI)	Rahall
Brown (OH)	Johnson, E. B.	Rangel
Capps	Kanjorski	Reyes
Cardin	Kennedy (MA)	Rivers
Carson	Kennelly	Rodriguez
Clay	Kildee	Roemer
Clayton	Kilpatrick	Rothman
Clement	Kind (WI)	Roybal-Allard
Clyburn	Kleczka	Rush
Condit	Kucinich	Sabo
Conyers	LaFalce	Sanchez
Costello	Lampson	Sanders
Coyne	Lantos	Sandlin
Cummings	Levin	Sawyer
Danner	Lewis (GA)	Schumer
Davis (FL)	Lipinski	Scott
DeGette	Lofgren	Serrano
Delahunt	Lowey	Sherman
DeLauro	Luther	Sisisky
Dellums	Maloney (CT)	Skaggs
Deutsch	Maloney (NY)	Skelton
Dicks	Manton	Slaughter
Dingell	Markey	Smith, Adam
Dixon	Martinez	Snyder
Doggett	Mascara	Spratt
Dooley	Matsui	Stabenow
Edwards	McCarthy (MO)	Stark
Eshoo	McDermott	Stokes
Etheridge	McGovern	Strickland
Evans	McHale	Tanner
Farr	McIntyre	Tauscher
Fattah	McKinney	Taylor (MS)
Fazio	McNulty	Thompson
Filner	Meehan	Thurman
Flake	Meek	Tierney
Foglietta	Menendez	Torres
Ford	Millender-McDonald	Towns
Frank (MA)	Miller (CA)	Velazquez
Frost	Minge	Vento
Furse	Mink	Visclosky
Gejdenson	Moakley	Waters
Gephardt	Mollohan	Watt (NC)
Gonzalez	Murtha	Waxman
Gordon	Nadler	Weygand
Gutierrez	Neal	Wise
Hall (OH)	Oberstar	Woolsey
Hall (TX)	Obey	Wynn
Hamilton	Olver	Yates
Harman	Ortiz	

NOT VOTING—13

Andrews	Istook	Schiff
Baesler	Kaptur	Stenholm
Davis (IL)	Kennedy (RI)	Stupak
DeFazio	Olver	
Herger	Pascrell	

□ 1258

Messrs. MCHALE, ACKERMAN, and KILDEE changed their vote from ''aye'' to ''no.''

Mr. GREENWOOD and Mr. CRAMER changed their vote from ''no'' to ''aye.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

□ 1300

AMENDMENT NO. 15 OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. LAZIO of New York:

Page 78, line 22, after ''used'' insert '', to the extent or in such amounts as are or have been provided in advance in appropriations Acts.''.

Page 79, after line 19, insert the following new subsection:

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

Page 116, line 6, after ''used'' insert '', to the extent or in such amounts as are or have been provided in advance in appropriations Acts,''.

Page 137, line 14, strike ''for financial assistance under this title'' and insert ''under section 282(l) for use under the capital fund''.

Page 164, after line 16, insert the following:

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading ''PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus consolidated Rescission and Appropriations Act of 1996 (Public Law 104–134; 100 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

Page 170, line 24, strike ''bond issued by the agency'' and insert, ''bonds issued by the agency or any State or local governmental agency''.

Page 171, strike lines 5 through 10 and insert the following:

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

Page 173, line 24, strike ''and'' and all that follows through line 2 on page 174, and insert a period.

Page 184, strikes line 7 and 8 and insert the following:

assistance under this title, such sums as may be necessary for each of fiscal years 1998, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601 (b) of this Act), and for replacement needs for public housing under title II.

Page 184, line 22, after ''227'' insert the following: ''or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992''.

Page 224, strike lines 21 through 25 and insert the following:

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

Page 228, line 18, strike ''section'' and insert ''title''.

Page 228, after line 25, insert the following:

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(1) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

Page 233, line 7, after the period insert the following: ''Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.''.

Page 320, line 13, strike the period and insert ''; or''.

Page 320, after line 13, insert the following:

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

Page 335, after line 6, insert the following new section:

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.''.

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section.)

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and a Member opposed each will control 5 minutes.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us the manager's amendment that speaks to certain technical changes and substantive changes that would improve and in some cases expand the bill before us.

Mr. Chairman, this manager's amendment speaks to certain technical changes and improvements in the bill, including the following: There is a technical correction regarding the fact that housing authorities can use any additional money earned from increases in rental income for more housing activities, including the provision of additional vouchers, to try and make our money stretch as far as it can to serve as many people as we possibly can.

We addressed, among other things, the ability of housing authorities to help direct some of their money toward remodeling activities of buildings where cost-benefit analysis would suggest that HOPE VI funds, one of the HUD grant programs, would be relevant and appropriate. We speak to the elimination of certain duplicative language having to do with Operation Safe Home.

We eliminate in title III precise authorization levels and instead in its place insert such sums as may be necessary to allow for the following new assistance. One is incremental, two would be renewals of tenant-based assistance, and three would be relocation assistance under the disposition of public housing in title II.

The reason for that, Mr. Chairman, would be that we are not certain exactly how much we need to authorize in terms of incremental assistance because we are not sure exactly about what disposition of public housing property might be. Namely, we do not know how many buildings will go down, how many cost-benefit analyses will require choice-based assistance; and so therefore, the more prudent course is not to cap it.

There is a provision in this that speaks to the help for nonelderly disabled who might as a consequence of the provisions of this bill be displaced but would allow them in that case to be qualified and to receive vouchers to allow them to participate in any number of programs outside of the traditional elderly only programs such as 202.

There are protections in this manager's amendment that allow the home rule flexibility grant option to be pursued, including rent protections, the inclusion of the community service requirements, and requiring targeting to lower income persons to ensure that the jurisdiction who chooses this option will continue to assist the same percentage of individuals with incomes under 30 percent of area median income as would have been assisted under H.R. 2 and various other clarifications of language that will provide direction to those people that might pursue that option.

Finally, there is an inclusion in this bill of an effort to try and eliminate the excessive fees that have been charged to senior citizens as a result of the reversed equity bill that has been passed by this House and signed into law. We have unfortunately found in some cases fees as high as $10,000 and more have been charged to seniors for services that would be provided for free by HUD, and that of course preys on the most vulnerable citizens in our society. This provision would permit the Secretary of Housing and Urban Development to promulgate rules and regulations that will ensure that that would not occur.

That is, in sum and substance, where we are with this manager's amendment.

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

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

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

Mr. Chairman, I want to thank my friend from New York, Mr. LAZIO, for the efforts that he has made to accommodate a number of the issues, some technical in nature, and others I think of greater substance that were included in the manager's amendment, and I support the manager's amendment.

It does not go as far as we would have liked in a number of areas in terms of targeting and particularly with regard to the block grant provisions where I will have further amendments, and there will be other amendments offered later in the bill to deal with some of these issues.

Mr. Chairman, I do want to indicate that Democrats very much support the changes that have been made to deal with the availability of certificates for the disabled and making technical changes to finance the programs so that PHAs can better develop mixed income housing. I think that is of particular note.

Mr. Chairman, there are important changes that I believe, particularly for the Members from New York and other high density areas, that ought to be aware that contained in this manager's amendment is a program that will allow public housing funds to go to mixed income housing development, thereby changing the face of public housing that has so concentrated the very poor in the past.

There are also, as I mentioned, provisions that I do not believe go far enough with regard to block grants. Also, it has a very important provision, to clamp down on the scam artists in the reverse mortgage program where senior citizens and elderly people will not have to pay exorbitant fees to invest in advisors for the privilege of securing disposable income based on the equity of their home. This has been a terrible scam that we have seen take place around the country.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO] my good friend who worked very hard on some aspects of the manager's amendment.

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

Mr. VENTO. Mr. Chairman, I am very concerned about one of the en bloc amendments.

I want to rise in support of the reverse mortgage amendment which is intended to prevent the abuse of those applying for such mortgage; that is to say that some brokers and agents have, in the process of in fact informing individuals of the availability of a reverse mortgage product have accessed a finders fee on the client which is exorbitant, and consumers need action quickly on this issue.

I would hope that an inclusion in this public housing bill as an expression of support for the reverse mortgage provision in this bill, that it would not subsequently get bogged down in conference, because we know that the difference between the House and the Senate on this bill in the last instance were not able to be bridged. I hope that that is not the case in this instance, as I am sure the subcommittee chairman also is going to work to avoid that.

Hopefully, we will be able to pass this very quickly, and with this expression of support and maybe do it on the House suspension calendar.

As far as the other provisions are concerned, I will defer to my colleague and the staff that have worked on these provisions.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself an additional 1 minute.

I want to come back to some of the changes that I think are important that we continue to try to keep in mind with regard to the block grant. I think the block grant provisions that continue to be contained in the bill and in the manager's amendment basically are very inadequate toward dealing with the idea of sending all of this money back to the States, back to the local communities, without having any stipulations as to how the moneys can actually be spent. I am further concerned about some of the provisions that continue to deal with the targeting and the lack of response to the needs of the very, very poor.

I do appreciate, however, as I have said, the flexibility of the gentleman from New York [Mr. LAZIO] on a number of very technical issues that required amendments in the initial part of this bill. He and his staff deserve a lot of credit, Mr. Ventrone and others, for their reasonableness in trying to work out some of these issues, and we thank the gentleman very much for his consideration.

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

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN] a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 2, particularly the manager's amendment. First, I would like to thank the gentleman from New York [Mr. LAZIO], the chairman, for his hard work in addressing the housing needs for people all across the country and for his keen desire which we all share to empower people so that they live with dignity and true independence.

I am particularly thankful that the chairman has included in his manager's amendment a technical change that I requested to address the housing needs of individuals with disabilities.

Mr. Chairman, last year we worked together to ensure that $50 million was set aside for tenant-based rental assistance for nonelderly disabled families. This successful effort was possible because of our shared commitment to meet the housing needs of people with disabilities. However, in administrating this program, HUD adopted an overly restricted definition of federally funded assisted housing, which restricted access for the very people this setaside was intended for, individuals with disabilities.

This manager's amendment, Mr. Chairman, the amendment of the gentleman from New York [Mr. LAZIO], corrects the situation and I thank him for his assistance.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman from New Jersey for his assistance and cooperation. I also wanted to thank again the gentleman from Massachusetts [Mr. KENNEDY] for his cooperation in trying to put this manager's amendment together. Again, it speaks to a number of concerns to provide the flexibility but also to provide the level of protections that we need to ensure that that money is dedicated to low and moderately low-income people.

At the same time, we looked for market-based solutions, competitive solutions to help drive some of our needs or overarching needs for new housing in America. That in fact is one of our goals here, to look for new ways in which we can rechannel the dollars and work as hard as we possibly can to meet the needs of America.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Housing Opportunity and Responsibility Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Declaration of policy to renew American neighborhoods.

TITLE I—GENERAL PROVISIONS

Sec. 101. Statement of purpose.
Sec. 102. Definitions.
Sec. 103. Organization of public housing agencies.
Sec. 104. Determination of adjusted income and median income.
Sec. 105. Community work and family self-sufficiency requirements.
Sec. 106. Local housing management plans.
Sec. 107. Review of plans.
Sec. 108. Reporting requirements.
Sec. 109. Pet ownership.
Sec. 110. Administrative grievance procedure.
Sec. 111. Headquarters reserve fund.
Sec. 112. Labor standards.
Sec. 113. Nondiscrimination.
Sec. 114. Prohibition on use of funds.
Sec. 115. Inapplicability to Indian housing.
Sec. 116. Regulations.

TITLE II—PUBLIC HOUSING

Subtitle A—Block Grants

Sec. 201. Block grant contracts.
Sec. 202. Grant authority, amount, and eligibility.
Sec. 203. Eligible and required activities.
Sec. 204. Determination of grant allocation.
Sec. 205. Sanctions for improper use of amounts.

Subtitle B—Admissions and Occupancy Requirements

Sec. 221. Low-income housing requirement.
Sec. 222. Family eligibility.
Sec. 223. Preferences for occupancy.
Sec. 224. Admission procedures.
Sec. 225. Family choice of rental payment.
Sec. 226. Lease requirements.
Sec. 227. Designated housing for elderly and disabled families.

Subtitle C—Management

Sec. 231. Management procedures.
Sec. 232. Housing quality requirements.
Sec. 233. Employment of residents.
Sec. 234. Resident councils and resident management corporations.
Sec. 235. Management by resident management corporation.
Sec. 236. Transfer of management of certain housing to independent manager at request of residents.
Sec. 237. Resident opportunity program.

Subtitle D—Homeownership

Sec. 251. Resident homeownership programs.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

Sec. 261. Requirements for demolition and disposition of developments.
Sec. 262. Demolition, site revitalization, replacement housing, and choice-based assistance grants for developments.
Sec. 263. Voluntary voucher system for public housing.

Subtitle F—Mixed-Finance Public Housing

Sec. 271. Authority.
Sec. 272. Mixed-finance housing developments.
Sec. 273. Mixed-finance housing plan.
Sec. 274. Rent levels for housing financed with low-income housing tax credit.
Sec. 275. Carry-over of assistance for replaced housing.

Subtitle G—General Provisions

Sec. 281. Payment of non-Federal share.
Sec. 282. Authorization of appropriations for block grants.
Sec. 283. Funding for operation safe home.
Sec. 284. Funding for relocation of victims of domestic violence.

TITLE III—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

Subtitle A—Allocation

Sec. 301. Authority to provide housing assistance amounts.
Sec. 302. Contracts with PHA's.
Sec. 303. Eligibility of PHA's for assistance amounts.
Sec. 304. Allocation of amounts.
Sec. 305. Administrative fees.
Sec. 306. Authorizations of appropriations.
Sec. 307. Conversion of section 8 assistance.
Sec. 308. Recapture and reuse of annual contract project reserves under choice-based housing assistance and section 8 tenant-based assistance programs.

Subtitle B—Choice-Based Housing Assistance for Eligible Families

Sec. 321. Eligible families and preferences for assistance.
Sec. 322. Resident contribution.
Sec. 323. Rental indicators.
Sec. 324. Lease terms.
Sec. 325. Termination of tenancy.
Sec. 326. Eligible owners.
Sec. 327. Selection of dwelling units.
Sec. 328. Eligible dwelling units.
Sec. 329. Homeownership option.
Sec. 330. Assistance for rental of manufactured homes.

Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families

Sec. 351. Housing assistance payments contracts.
Sec. 352. Amount of monthly assistance payment.
Sec. 353. Payment standards.

Sec. 354. Reasonable rents.
Sec. 355. Prohibition of assistance for vacant rental units.
Subtitle D—General and Miscellaneous Provisions
Sec. 371. Definitions.
Sec. 372. Rental assistance fraud recoveries.
Sec. 373. Study regarding geographic concentration of assisted families.
Sec. 374. Study regarding rental assistance.
TITLE IV—HOME RULE FLEXIBLE GRANT OPTION
Sec. 401. Purpose.
Sec. 402. Flexible grant program.
Sec. 403. Covered housing assistance.
Sec. 404. Program requirements.
Sec. 405. Applicability of certain provisions.
Sec. 406. Application.
Sec. 407. Training.
Sec. 408. Accountability.
Sec. 409. Definitions.
TITLE V—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES
Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies
Sec. 501. In general.
Sec. 502. Purposes.
Sec. 503. Evaluation of various performance evaluation systems.
Sec. 504. Consultation.
Sec. 505. Contract to conduct study.
Sec. 506. Report.
Sec. 507. Funding.
Sec. 508. Effective date.
Subtitle B—Housing Evaluation and Accreditation Board
Sec. 521. Establishment.
Sec. 522. Membership.
Sec. 523. Functions.
Sec. 524. Powers.
Sec. 525. Fees.
Sec. 526. GAO audit.
Subtitle C—Interim Applicability of Public Housing Management Assessment Program
Sec. 531. Interim applicability.
Sec. 532. Management assessment indicators.
Sec. 533. Designation of PHA's.
Sec. 534. On-site inspection of troubled PHA's.
Sec. 535. Administration.
Subtitle D—Accountability and Oversight Standards and Procedures
Sec. 541. Audits.
Sec. 542. Performance agreements for authorities at risk of becoming troubled.
Sec. 543. Performance agreements and CDBG sanctions for troubled PHA's.
Sec. 544. Option to demand conveyance of title to or possession of public housing.
Sec. 545. Removal of ineffective PHA's.
Sec. 546. Mandatory takeover of chronically troubled PHA's.
Sec. 547. Treatment of troubled PHA's.
Sec. 548. Maintenance of records.
Sec. 549. Annual reports regarding troubled PHA's.
Sec. 550. Applicability to resident management corporations.
Sec. 551. Advisory council for Housing Authority of New Orleans.
TITLE VI—REPEALS AND RELATED AMENDMENTS
Subtitle A—Repeals, Effective Date, and Savings Provisions
Sec. 601. Effective date and repeal of United States Housing Act of 1937.
Sec. 602. Other repeals.
Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs
Sec. 621. Allocation of elderly housing amounts.
Sec. 622. Pet ownership.
Sec. 623. Review of drug elimination program contracts.
Sec. 624. Amendments to Public and Assisted Housing Drug Elimination Act of 1990.
Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing
Sec. 641. Screening of applicants.
Sec. 642. Termination of tenancy and assistance for illegal drug users and alcohol abusers.
Sec. 643. Lease requirements.
Sec. 644. Availability of criminal records for tenant screening and eviction.
Sec. 645. Definitions.
TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS
Sec. 701. Rural housing assistance.
Sec. 702. Treatment of occupancy standards.
Sec. 703. Implementation of plan.
Sec. 704. Income eligibility for HOME and CDBG programs.
Sec. 705. Prohibition of use of CDBG grants for employment relocation activities.
Sec. 706. Use of American products.
Sec. 707. Consultation with affected areas in settlement of litigation.
Sec. 708. Use of assisted housing by aliens.
Sec. 709. Effective date.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DECLARATION OF POLICY TO RENEW AMERICAN NEIGHBORHOODS.

The Congress hereby declares that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) the Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

(3) the Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly;

(4) housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty;

(5) it is a goal of our Nation that all citizens have decent and affordable housing; and

(6) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector.

The CHAIRMAN. Are there any amendments to section 2?

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PROVISIONS

SEC. 101. STATEMENT OF PURPOSE.

The purpose of this Act is to promote safe, clean, and healthy housing that is affordable to low-income families, and thereby contribute to the supply of affordable housing, by—

(1) deregulating and decontrolling public housing agencies, thereby enabling them to perform as property and asset managers;

(2) providing for more flexible use of Federal assistance to public housing agencies, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources;

(3) facilitating mixed income communities;

(4) increasing accountability and rewarding effective management of public housing agencies;

(5) creating incentives and economic opportunities for residents of dwelling units assisted by public housing agencies to work, become self-sufficient, and transition out of public housing and federally assisted dwelling units;

(6) recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market; and

(7) remedying troubled public housing agencies and replacing or revitalizing severely distressed public housing developments.

SEC. 102. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACQUISITION COST.—When used in reference to public housing, the term ''acquisition cost'' means the amount prudently expended by a public housing agency in acquiring property for a public housing development.

(2) DEVELOPMENT.—The terms ''public housing development'' and ''development'' (when used in reference to public housing) mean—

(A) public housing; and

(B) the improvement of any such housing.

(3) DISABLED FAMILY.—The term ''disabled family'' means a family whose head (or his or her spouse), or whose sole member, is a person with disabilities. Such term includes 2 or more persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(4) DRUG-RELATED CRIMINAL ACTIVITY.—The term ''drug-related criminal activity'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(5) EFFECTIVE DATE.—The term ''effective date'', when used in reference to this Act, means the effective date determined under section 601(a).

(6) ELDERLY FAMILIES AND NEAR ELDERLY FAMILIES.—The terms ''elderly family'' and ''near-elderly family'' mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(7) ELDERLY PERSON.—The term ''elderly person'' means a person who is at least 62 years of age.

(8) ELIGIBLE PUBLIC HOUSING AGENCY.—The term ''eligible public housing agency'' means, with respect to a fiscal year, a public housing agency that is eligible under section 202(d) for a grant under this title.

(9) FAMILY.—The term ''family'' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(10) GROUP HOME AND INDEPENDENT LIVING FACILITY.—The terms ''group home'' and ''independent living facility'' have the meanings

given such terms in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act.

(11) INCOME.—The term ''income'' means, with respect to a family, income from all sources of each member of the household, as determined in accordance with criteria prescribed by the applicable public housing agency and the Secretary, except that the following amounts shall be excluded:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(12) LOCAL HOUSING MANAGEMENT PLAN.—The term ''local housing management plan'' means, with respect to any fiscal year, the plan under section 106 of a public housing agency for such fiscal year.

(13) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

(14) LOW-INCOME HOUSING.—The term ''low-income housing'' means dwellings that comply with the requirements—

(A) under title II for assistance under such title for the dwellings; or

(B) under title III for rental assistance payments under such title for the dwellings.

(15) NEAR-ELDERLY PERSON.—The term ''near-elderly person'' means a person who is at least 55 years of age.

(16) OPERATION.—When used in reference to public housing, the term ''operation'' means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a public housing development, including the financing of resident programs and services.

(17) PERSON WITH DISABILITIES.—The term ''person with disabilities'' means a person who—

(A) has a disability as defined in section 223 of the Social Security Act,

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his or her ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions, or

(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under title II of this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(18) PRODUCTION.—When used in reference to public housing, the term ''production'' means any or all undertakings necessary for planning, land acquisition, financing, demolition, construction, or equipment, in connection with the construction, acquisition, or rehabilitation of a property for use as a public housing development, including activity in connection with a public housing development that is confined to the reconstruction, remodeling, or repair of existing buildings.

(19) PRODUCTION COST.—When used in reference to public housing, the term ''production cost'' means the costs incurred by a public housing agency for production of public housing and the necessary financing for production (including the payment of carrying charges and acquisition costs).

(20) PUBLIC HOUSING.—The term ''public housing'' means housing, and all necessary appurtenances thereto, that—

(A) is low-income housing, low-income dwelling units in mixed-finance housing (as provided in subtitle F), or low-income dwelling units in mixed income housing (as provided in section 221(c)(2)); and

(B)(i) is subject to an annual block grant contract under title II; or

(ii) was subject to an annual block grant contract under title II (or an annual contributions contract under the United States Housing Act of 1937) which is not in effect, but for which occupancy is limited in accordance with the requirements under section 222(a).

(21) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' is defined in section 103.

(22) RESIDENT COUNCIL.—The term ''resident council'' means an organization or association that meets the requirements of section 234(a).

(23) RESIDENT MANAGEMENT CORPORATION.—The term ''resident management corporation'' means a corporation that meets the requirements of section 234(b)(2).

(24) RESIDENT PROGRAM.—The term ''resident programs and services'' means programs and services for families residing in public housing developments. Such term includes (A) the development and maintenance of resident organizations which participate in the management of public housing developments, (B) the training of residents to manage and operate the public housing development and the utilization of their services in management and operation of the development, (C) counseling on household management, housekeeping, budgeting, money management, homeownership issues, child care, and similar matters, (D) advice regarding resources for job training and placement, education, welfare, health, and other community services, (E) services that are directly related to meeting resident needs and providing a wholesome living environment; and (F) referral to appropriate agencies in the community when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

(25) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(26) STATE.—The term ''State'' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(27) VERY LOW-INCOME FAMILY.—The term ''very low-income family'' means a low-income family whose income does not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

SEC. 103. ORGANIZATION OF PUBLIC HOUSING AGENCIES.

(a) REQUIREMENTS.—For purposes of this Act, the terms ''public housing agency'' and ''agency'' mean any entity that—

(1) is—

(A) a public housing agency that was authorized under the United States Housing Act of 1937 to engage in or assist in the development or operation of low-income housing;

(B) authorized under this Act to engage in or assist in the development or operation of low-income housing by any State, county, municipality, or other governmental body or public entity;

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pursuant to subtitle D of title V, to manage housing; and

(2) complies with the requirements under subsection (b).

The term does not include any entity that is an Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996) or a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996.

(b) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—Each public housing agency shall have a board of directors or other form of governance as prescribed in State or local law. No person may be barred from serving on such board or body because of such person's residency in a public housing development or status as an assisted family under title III.

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in localities in which a public housing agency is governed by a board of directors or other similar body, the board or body shall include not less than 1 member who is an elected public housing resident member (as such term is defined in paragraph (5)).

(B) EXCEPTIONS.—The requirement in subparagraph (A) with respect to elected public housing resident members shall not apply to—

(i) any State or local governing body that serves as a public housing agency for purposes of this Act and whose responsibilities include substantial activities other than acting as the public housing agency, except that such requirement shall apply to any advisory committee or organization that is established by such governing body and whose responsibilities relate only to the governing body's functions as a public housing agency for purposes of this Act;

(ii) any public housing agency that owns or operates less than 250 public housing dwelling units (including any agency that does not own or operate public housing); or

(iii) any public housing agency in a State that requires the members of the board of directors or other similar body of a public housing agency to be salaried and to serve on a full-time basis.

(3) FULL PARTICIPATION.—No public housing agency may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

(4) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of members of the board or directors or governing body of a public housing agency.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term ''elected public housing resident member'' means, with respect to the public housing agency involved, an individual who is a resident member of the board of directors (or other similar governing body of the agency) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the agency; and

(II) have not been convicted of a felony;

(ii) in which only residents of dwelling units of public housing administered by the agency may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term ''resident member'' means a member of the board of directors or other similar governing body of a public housing agency who is a resident of a public housing dwelling unit owned, administered, or assisted by the agency or is a member of an assisted family (as such term is defined in section 371) assisted by the agency.

(c) ESTABLISHMENT OF POLICIES.—Any rules, regulations, policies, standards, and procedures necessary to implement policies required under section 106 to be included in the local housing management plan for a public housing agency shall be approved by the board of directors or similar governing body of the agency and shall be publicly available for review upon request.

SEC. 104. DETERMINATION OF ADJUSTED INCOME AND MEDIAN INCOME.

(a) ADJUSTED INCOME.—For purposes of this Act, the term ''adjusted income'' means, with respect to a family, the difference between the income of the members of the family residing in a dwelling unit or the persons on a lease and the amount of any income exclusions for the family under subsections (b) and (c), as determined by the public housing agency.

(b) MANDATORY EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency shall exclude from the annual income of a family the following amounts:

(1) ELDERLY AND DISABLED FAMILIES.—$400 for any elderly or disabled family.

(2) MEDICAL EXPENSES.—The amount by which 3 percent of the annual family income is exceeded by the sum of—

(A) unreimbursed medical expenses of any elderly family;

(B) unreimbursed medical expenses of any nonelderly family, except that this subparagraph shall apply only to the extent approved in appropriation Acts; and

(C) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.

(3) CHILD CARE EXPENSES.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

(4) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

(5) CHILD SUPPORT PAYMENTS.—Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this paragraph may not exceed $480 for each child for whom such payment is made.

(6) EARNED INCOME OF MINORS.—The amount of any earned income of a member of the family who is not—

(A) 18 years of age or older; and

(B) the head of the household (or the spouse of the head of the household).

(c) PERMISSIVE EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency may, in the discretion of the agency, establish exclusions from the annual income of a family. Such exclusions may include the following amounts:

(1) EXCESSIVE TRAVEL EXPENSES.—Excessive travel expenses in an amount not to exceed $25 per family per week, for employment- or education-related travel.

(2) EARNED INCOME.—An amount of any earned income of the family, established at the discretion of the public housing agency, which may be based on—

(A) all earned income of the family,

(B) the amount earned by particular members of the family;

(C) the amount earned by families having certain characteristics; or

(D) the amount earned by families or members during certain periods or from certain sources.

(3) OTHERS.—Such other amounts for other purposes, as the public housing agency may establish.

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

SEC. 105. COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY REQUIREMENTS.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency).

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(1) an elderly person;

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term ''covered family'' means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title III.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title III.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title III for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title III, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title III. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title III.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under sections 226, and into any agreements for the provision of choice-based assistance under title III on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title III, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term ''economic self-sufficiency program'' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship, or other activities as the Secretary may provide.

SEC. 106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this Act.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with, or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 203 and housing assistance to be provided under title III;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this Act to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 224(c);

(F) the criteria for providing and denying housing assistance under title III to families moving into the jurisdiction of the agency; and

(G) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title III and the system used by the agency to ensure that such rents comply with the requirements of this Act.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 641 and 642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 203(b), to convert to housing assistance under title III or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the agency under subtitle D of title II or section 329 for the agency and the requirements and assistance available under such programs.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 533(c) as at risk of becoming troubled; or

(B) under section 533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment). If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official or officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections, If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

SEC. 107. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing management plan submitted to the Secretary to ensure that the plan is complete and complies with the requirements of section 106. The Secretary shall have the discretion to review a plan to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each public housing agency submitting a plan whether the plan complies with such requirements not later than 75 days after receiving the plan. If the Secretary does not notify the public housing agency, as required under this subsection and subsection (b), the Secretary shall be considered, for purposes of this Act, to have made a determination that the plan complies with the requirements under section 106 and the agency shall be considered to have been notified of compliance upon the expiration of such 75-day period. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1883).

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 106, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 106.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 106 only if—

(1) the plan is incomplete in significant matters required under such section;

(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

The Secretary shall determine that a plan does not comply with the requirements under section 106 if the plan does not include the information required under section 106(d)(2)(D).

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a public housing agency shall be considered to have submitted a plan under this section if the agency has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such authorities to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 106.

(e) ACTIONS TO CHANGE PLAN.—A public housing agency that has submitted a plan under section 106 may change actions or policies described in the plan before submission and review of the plan of the agency for the next fiscal year only if—

(1) in the case of costly or nonroutine changes, the agency submits to the Secretary an amendment to the plan under subsection (f) which is reviewed in accordance with such subsection; or

(2) in the case of inexpensive or routine changes, the agency describes such changes in such local housing management plan for the next fiscal year.

(f) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—During the annual or 5-year period covered by the plan for a public housing agency, the agency may submit to the Secretary any amendments to the plan.

(2) REVIEW.—The Secretary shall conduct a limited review of each proposed amendment submitted under this subsection to determine whether the plan, as amended by the amendment, complies with the requirements of section 106 and notify each public housing agency submitting the amendment whether the plan, as amended, complies with such requirements not later than 30 days after receiving the amendment. If the Secretary determines that a plan, as amended, does not comply with the requirements under section 106, such notice shall indicate the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 106. If the Secretary does not notify the public housing agency as required under this paragraph, the plan, as amended, shall be considered, for purposes of this section, to comply with the requirements under section 106.

(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan, as amended by a proposed amendment, does not comply with the requirements under section 106 only if—

(A) the plan, as amended, would be subject to a determination of noncompliance in accordance with the provisions of subsection (c);

(B) the Secretary determines that—

(i) the proposed amendment is plainly inconsistent with the activities specified in the plan; or

(ii) there is evidence that challenges, in a substantial manner, any information contained in the amendment; or

(C) the Secretary determines that the plan, as amended, violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(4) AMENDMENTS TO EXTEND TIME OF PERFORMANCE.—Notwithstanding any other provision of this subsection, the Secretary may not determine that any amendment to the plan of a public housing agency that extends the time for performance of activities assisted with amounts provided under this title fails to comply with the requirements under section 106 if the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

SEC. 108. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each public housing agency shall annually submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this Act. The report of the public housing agency shall include an assessment by the agency of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The public housing agency shall certify that the report was available for review and comment by affected tenants prior to its submission to the Secretary.

(b) REVIEW OF PHA'S.—The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan; and

(2) has a continuing capacity to carry out its local housing management plan in a timely manner.

(c) RECORDS.—Each public housing agency shall collect, maintain, and submit to the Secretary such data and other program records as the Secretary may require, in such form and in accordance with such schedule as the Secretary may establish.

SEC. 109. PET OWNERSHIP.

Pet ownership in housing assisted under this Act that is federally assisted rental housing (as such term is defined in section 227 of the Housing and Urban-Rural Recovery Act of 1983) shall be governed by the provisions of section 227 of such Act.

SEC. 110. ADMINISTRATIVE GRIEVANCE PROCEDURE.

(a) REQUIREMENTS.—Each public housing agency receiving assistance under this Act shall establish and implement an administrative grievance procedure under which residents of public housing will—

(1) be advised of the specific grounds of any proposed adverse public housing agency action;

(2) have an opportunity for a hearing before an impartial party (including appropriate employees of the public housing agency) upon timely request within a reasonable period of time;

(3) have an opportunity to examine any documents or records or regulations related to the proposed action;

(4) be entitled to be represented by another person of their choice at any hearing;

(5) be entitled to ask questions of witnesses and have others make statements on their behalf; and

(6) be entitled to receive a written decision by the public housing agency on the proposed action.

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING.—A public housing agency shall exclude from its procedure established under subsection (a) any grievance concerning an eviction from or termination of tenancy in public housing in any State which requires that, prior to eviction, a resident be provided a hearing in court which the Secretary determines provides the basic elements of due process.

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any public housing agency to establish or implement an administrative grievance procedure with respect to assisted families under title III.

SEC. 111. HEADQUARTERS RESERVE FUND.

(a) ANNUAL RESERVATION OF AMOUNTS.—Notwithstanding any other provision of law, the Secretary may retain not more than 2 percent of the amounts appropriated to carry out title II for any fiscal year for use in accordance with this section.

(b) USE OF AMOUNTS.—Any amounts that are retained under subsection (a) or appropriated for use under this section shall be available for subsequent allocation to specific areas and communities, and may only be used for the Department of Housing and Urban Development and—

(1) for unforeseen housing needs resulting from natural and other disasters;

(2) for housing needs resulting from emergencies, as determined by the Secretary, other than such disasters;

(3) for housing needs related to a settlement of litigation, including settlement of fair housing litigation; and

(4) for needs related to the Secretary's actions under this Act regarding troubled and at-risk public housing agencies.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

SEC. 112. LABOR STANDARDS.

(a) IN GENERAL.—Any contract for grants, sale, or lease pursuant to this Act relating to public housing shall contain the following provisions:

(1) OPERATION.—A provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all contractors and persons employed in the operation of the low-income housing development involved.

(2) PRODUCTION.—A provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a–276a–5), shall be paid to all laborers and mechanics employed in the production of the development involved.

The Secretary shall require certification as to compliance with the provisions of this section before making any payment under such contract.

(b) EXCEPTIONS.—Subsection (a) and the provisions relating to wages (pursuant to subsection (a)) in any contract for grants, sale, or lease pursuant to this Act relating to public housing, shall not apply to any individual who—

(1) performs services for which the individual volunteered;

(2)(A) does not receive compensation for such services; or

(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(3) is not otherwise employed at any time in the construction work.

SEC. 113. NONDISCRIMINATION.

(a) IN GENERAL.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program

or activity funded in whole or in part with amounts made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) CIVIL RIGHTS COMPLIANCE.—Each public housing agency that receives grant amounts under this Act shall use such amounts and carry out its local housing management plan approved under section 107 in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, and shall affirmatively further fair housing.

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

SEC. 115. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles II, III, IV, and V shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority under the United States Housing Act of 1937 or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

SEC. 116. REGULATIONS.

(a) IN GENERAL.—The Secretary may issue any regulations necessary to carry out this Act. This subsection shall take effect on the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations authorized under subsection (a) shall not affect the effectiveness of any provision of this Act or any amendment made by this Act.

AMENDMENTS OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer several amendments consisting of the amendment of the gentleman from Michigan [Mr. SMITH] which is at the desk and replaces the amendment printed in the RECORD and numbered 37, the amendment of the gentleman from Michigan [Mr. KNOLLENBERG] printed in the RECORD and numbered 34, the amendment of the gentleman from Minnesota [Mr. VENTO] printed in the RECORD and numbered 22, and the amendment of the gentleman from Michigan [Mr. SMITH] printed in the RECORD and numbered 38, and I ask unanimous consent that they be considered en bloc.

I believe, Mr. Chairman, that Members of the minority have the amendments, including the corrected amendment that is at the desk.

□ 1315

The CHAIRMAN. The Clerk will report amendment No. 37 and designate the remaining amendments.

The Clerk read as follows:

Amendment No. 37 offered by Mr. SMITH of Michigan:

Page 16, line 14, after the period insert the following: ''This paragraph may not be construed to require any public housing agency to provide any programs or services for residents.''.

The text of amendment No. 34 offered by Mr. KNOLLENBERG is as follows:

Page 25, after line 20, insert the following new subsection:

(e) AVAILABILITY OF INCOME MATCHING INFORMATION.—

(1) DISCLOSURE TO PHA.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department of disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) APPLICABILITY TO FAMILIES RECEIVING PUBLIC HOUSING OR CHOICE-BASED HOUSING ASSISTANCE.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title III (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act)).

(3) PROTECTION OF APPLICANTS AND PARTICIPANTS.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and ''; and

(ii) by adding at the end the following new paragraph:

''(4) only in the case of an applicant or participant that is a member of a family described in section 104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement.''; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before ''or'' the first place it appears the following: '', pursuant to section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,''; and

(II) by inserting ''or 104(e)(I)'' after ''such section 303(i)''; and (ii) in paragraph (3)—

(I) in subparagraph (A), by inserting '', section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act''; and

(II) in subparagraph (A), by inserting ''or agreement, as applicable,'' after ''consent'';

(III) in subparagraph (B), by inserting ''section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act,''; and

(IV) in subparagraph (B), by inserting ''such section 104(e)(1),'' after ''such section 303(i),'' each place it appears.

The text of amendment No. 22 offered by Mr. VENTO is as follows:

Page 40, line 19, strike ''and''.

Page 40, line 19, insert the following new subparagraph:

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

Page 40, line 20, strike ''(G)'' and insert ''(H)''.

The text of amendment No. 38 offered by Mr. SMITH of Michigan is as follows:

Page 43, line 19, strike ''of any'' and all that follows through line 19, and insert the following:

of—

(A) any homeownership programs of the agency under subtitle D of title II or section 329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

OFFERED BY: MR. SMITH OF MICHIGAN

Amendment No. 39: Page 56, strike lines 14 through 18, and insert the following:

Pet ownership policy shall be established by the public housing agency. When establishing such policy, the public housing agency shall consider the positive effects of pet ownership.

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

Mr. KENNEDY of Massachusetts. Reserving the right to object, Mr. Chairman, I rise to say I might withdraw my objection, but I just want to seek some clarification on a couple of these issues that have been raised.

As I understand it, Mr. Chairman, on the Smith amendment No. 37, that is now going to read something to the effect that this paragraph may not be construed to require any public housing agency to provide any program or services for residents.

I just wondered if the chairman of the committee might explain that to us.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the language currently does not require the housing authority to perform these functions. However, a lot of my housing authorities feel that the existing language does require them to provide these kinds of services and counseling, so as we talked to the gentleman's counsel and our counsel, they were comfortable with making that more specific, that the PHA's do not have to provide that function.

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, the gentleman and I agree on a number of different issues out here. I cannot say that a requirement that says ''This paragraph may not be construed to require any public housing agency to provide any programs or services for residents,'' that sounds patently ridiculous. What are we talking about here?

That is exactly what public housing is supposed to do. I think we ought to be encouraging public housing agencies to work with tenant organizations in

order to make certain that the basic services that are required in order for public housing to work well are in fact included.

I do not know why we would be including language like this. I understand what the gentleman's concerns are, but I do not think that this particular language really gets to the gentleman's concerns.

Mr. SMITH of Michigan. If the gentleman will continue to yield, Mr. Chairman, if the gentleman is not comfortable, I would suggest maybe we move to exclude it, but let me try once more at the explanation.

This is under ''Definitions,'' and it starts on page 15, line 18, of what resident programs are. It is a definition of ''resident program.'' The only other area that ''resident programs'' is referenced is in a funding provision that says ''Included in funding may be these different functions.''

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, I understand the concern that the gentleman from Michigan has, but I would like to maybe just ask the chairman of the housing committee, the gentleman from New York [Mr. LAZIO] to engage in a colloquy as well.

I would say to the gentleman, I think this language is far too broad to be actually included in this bill. I would be willing to work with the gentleman between now and the conference to make certain that there could be no misunderstanding, and to perhaps include some language that might get to the concern of the gentleman from Michigan [Mr. SMITH]. But I do not believe this is appropriate language to be included in this bill.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would offer this, if this is acceptable to my friend.

If I could move to have this amendment removed from the en bloc unanimous-consent request, and then I will ask the gentleman from Michigan [Mr. SMITH] to come over and see if we can work out some language. If that is not possible, then we will see what we need to do subsequent to that. But for the time being, what we can do is delete this from the en bloc request.

If this is of some concern to the gentleman, I am happy to try to accommodate that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, on that issue with the dropping of amendment 37 from this en bloc, and with the understanding we will try to work something out, I am happy to withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from New York [Mr. LAZIO] modify his unanimous-consent request?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 37 from the unanimous-consent request.

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

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that amendment No. 34 offered by the gentleman from Michigan [Mr. KNOLLENBERG], amendment No. 22 offered by the gentleman from Minnesota [Mr. VENTO], and amendment No. 38 offered by gentleman from Michigan [Mr. SMITH] be considered en bloc.

The CHAIRMAN. The Clerk will redesignate the amendments.

The Clerk redesignated amendment No. 34 offered by Mr. KNOLLENBERG, amendment No. 22 offered by Mr. VENTO, and amendment No. 38 offered by Mr. SMITH of Michigan.

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

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield back my time.

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

Mr. Chairman, what I want to do is thank the gentleman from New York [Mr. LAZIO], his staff, and the gentleman from Massachusetts [Mr. KENNEDY] for their willingness and cooperation on the language that was part of the request for the amendments en bloc. I believe that that language will do a great deal to reduce the amount of fraud and abuse that exists when an individual is on public housing and the public housing PHA's are required to report their income.

What I wanted to do today, and I am not going to offer it, I wanted to submit another amendment that would go further. The language in the en bloc amendments did not go far enough, in my judgment, but I believe that another time, another day, we will be able to offer this, because what it does, it strengthens the disclosable income that individuals have that is presented to the housing authority.

I want to work continually with the gentleman from New York [Mr. LAZIO], with the gentleman from Massachusetts [Mr. KENNEDY], and also with the Committee on Ways and Means to present this in a fashion that I believe will be a provision that will strengthen further what it is that we want to do. We want to actually eliminate fraud and abuse. We only have so many dollars to go around. My language that would be presented in a second amendment will make sure that as much money as possible goes to those people who need it.

I think the most important thing is that each dollar that is lost due to fraud and abuse denies money to others. Again, I simply want to thank the chairman, the gentleman from New York [Mr. LAZIO], the staff, and the ranking member, the gentleman from Massachusetts [Mr. KENNEDY] for their cooperation and willingness.

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

Mr. Chairman, I rise in support of the Lazio en bloc amendment.

Mr. Chairman, as Members know, in this bill we provide for a 5-year local housing management plan to be developed. I felt it was important, and I offered a committee amendment in the full committee during the consideration that this include consideration in terms of community planning with regard to the homeless and the type of planning that is being done for the total needs of the community, and the nature of that population in this community planning process.

This rewrite of that amendment has won the support of the subcommittee chairman, and I thank him for that support. The homeless issue is obviously important, now as we move this bill to the Senate, that we look to a future rewrite of the McKinney homeless assistance programs, which I know the subcommittee chairman has introduced. This amendment will be helpful in terms of closing the loop in the housing planning process, I believe, so there is no difference in terms of the plans that are developed necessarily by communities under the McKinney, or under this public housing bill that is before us.

I thank the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] again for their support with this amendment.

As Members know, H.R. 2 creates a requirement in section 106 that PHA's must create a 5-year local housing management plan and annual plans that provide information to show housing needs, what resources are available, the policies of the agency governing eligibility and admissions, et cetera.

I revised an amendment I offered in committee because of concerns raised by the chairman of the Housing Subcommittee. My revised amendment No. 22, has been included in the en bloc amendment.

My amendment seeks to improve the local housing management plans by requiring them to include information explaining the procedures for coordination with the entities that provide assistance to homeless families in the jurisdiction of the agency.

It is a simple amendment that seeks to close the loop in terms of community planning for the very low-income persons who are homeless and may have difficulty participating in the public comment period. It will provide for a method to tie together the homeless planning that we envision in a future rewrite of the McKinney homeless assistance programs.

The amendment will assure that the populations who are the most vulnerable in a community, the homeless, will be taken into account in localities planning for the public housing. This is more important as we begin to see the impacts of welfare reform and changes in the targeting provisions of this bill that may increase the ranks of the homeless.

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

Mr. Chairman, briefly, I just want to thank my good friend, the gentleman from Minnesota [Mr. VENTO] for all the work he has done on behalf of homeless

families. There is no one in the Congress of the United States who has worked for more years to bring this issue up. He took a great deal of leadership on the original McKinney act, of which those provisions, most of those provisions actually, the gentleman from Minnesota wrote.

He then chaired for many years the homeless committee here in the Congress, and rewrote many of those provisions, and put together, I think, a very, very important block grant proposal that has greatly refined the way those programs operate. He is continuing those efforts today with this provision that tries to make certain we take into account some of the issues pertaining to homelessness when we are dealing with public housing policy.

So I think on behalf of the members of the Committee on Banking and Financial Affairs, and the Subcommittee on Housing and Community Opportunity in particular, we want to thank him for the efforts that he continues to make.

Mr. SMITH of Michigan. Mr. Chairman, I thank my colleagues for supporting and passing my amendment No. 38 in yesterday's Journal that promotes home ownership.

Conventional wisdom in Washington is that low-income families can't afford to own their own homes. Habitat for Humanity and other programs have shown that even families earning $10,000, $15,000, or $20,000 per year can own their own homes. America's families, including those with low incomes, should have the chance to achieve the American Dream.

My amendment encourages public housing agencies to provide assistance for low-income families desiring homeownership. It also directs agencies to establish annual goals for additional homeownership units. This is not a government giveaway program. Each new homeowner would have to save a downpayment, demonstrate the responsibility to be a homeowner, and make timely payments. Housing agencies would work with the community—banks, mortgage originators, realtors, religious institutions, charities, and government agencies—to provide these opportunities.

Owning property and accumulating net worth empowers and motivates the poor. It is a possibility that should be held out to low-income workers who are disciplined and industrious. For the specific language of the amendment, see the CONGRESSIONAL RECORD of April 30 or contact my office at 225–6276.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. LAZIO].

The amendments were agreed to.

AMENDMENT NO. 8 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. JACKSON of Illinois: Page 25, line 25, strike the second comma and all that follows through the comma in line 3 on page 26.

Page 27, after line 10, insert the following:

(4) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the community work requirement under paragraph (1).

Page 33, line 14, before the comma insert ''(except to the extent that this section specifically limits any authority to evict or terminate assistance)''.

Mr. JACKSON of Illinois. Mr. Chairman, I have some serious concerns with section 105 of the bill which mandates uncompensated community work in return for housing assistance. Evicting residents from their homes if they fail to volunteer is not voluntarism. We cannot mandate voluntarism. The concept is obviously a contradiction in terms.

My amendment would keep section 105 basically intact by requiring public housing residents to fulfill community work requirements. The only change that it will make will be to protect residents from eviction for failure to perform volunteer work in exactly the same way the majority did in the manager's amendment with regard to the target date provision.

Let us be absolutely clear about what we are debating with respect to the work requirements in section 105. I believe we should encourage voluntary community service, because it provides an invaluable benefit to the community and to the persons volunteering their time. I believe public housing residents have a responsibility to maintain their communities in proper condition. I believe poor people should work, want to work in living wage jobs.

Section 105 is not about jobs or voluntarism, however. It, in fact, undermines those objectives and undermines the majority's stated goal of fostering personal responsibility. Community service, when it is voluntary, allows residents to take pride and personal responsibility in their efforts. Forced community work, however, brings to mind the type of punishment imposed by a judge for a crime. It is inappropriate to treat residents of housing assistance as if they have committed a crime simply by being poor.

Forced voluntarism, under penalty of eviction, demeans residents by saying they are lazy. It tells them that we do not trust them to take part in their own communities, so we must force them to do so. There is no pride in community service when it is mandated as if residents have done something wrong.

There are many examples of community service which already exist in our public housing communities today. Many committed residents take part in neighborhood watches, in resident councils, and cleanup efforts. In the Chicago Housing Authority, about 800 residents take part in tenant patrols. No one has tried to force them into these efforts until now. We must not take away their sense of pride by telling them that they are merely fulfilling a mandatory work requirement.

Section 105 also undermines job creation for the very people we are trying to empower, and displaces low wage workers. If we want to encourage self-sufficiency, we should assist residents in finding jobs, not force uncompensated labor. If we create a steady flow of millions of hours of free labor, why would PHA's, nursing homes, or other organizations need to hire employees for housekeeping, for groundswork, for maintenance or other low-wage jobs? Labor groups are strongly opposed to this provision because it will displace low-wage labor with thousands of unpaid servants.

□ 1330

It is no accident that this provision requires 8 hours of work, the number of hours in a regular workday. The most disturbing aspect of section 105 is its disparate treatment of the Nation's poor. In this country we hold adequate housing to be a matter of such fundamental dignity that we provide Federal home ownership subsidies to middle and upper class income Americans in the amount of $86.6 billion per year. By contrast all Federal low income housing assistance equals roughly only $29 billion per year. We do not mandate community work in return for homeownership deductions. Why do we mandate uncompensated labor upon those hit hardest by our Nation's affordable housing crisis?

The message is that you are middle or upper class and can afford a downpayment, then housing is a right. But if you are poor, then adequate shelter is a privilege that you must repay.

One very important thing that the majority seems to forget is that public housing residents do not receive housing assistance for free. They pay rent. On a full-time minimum wage salary earning less than $11,000 per year, residents may not be able to pay as much for rent as others, but they pay what they can.

Section 105 would threaten them with eviction if they do not perform community work in addition to the rent that they already pay. If we begin mandating community work in return for housing assistance, what is next? Will we require community work in return for farm subsidies, for LIHEAP assistance, for Medicare, for Federal insurance for banks and savings and loans, food stamps or corporate welfare?

The 13th amendment to the U.S. Constitution prohibits involuntary servitude, except as punishment for crime. This amendment was enacted so that no person in this country would be forced to work without compensation unless convicted of a crime.

Being poor and receiving housing assistance, Mr. Chairman, is not a crime. On the contrary, the Housing Act of 1937 established that access to adequate shelter should be a basic human right. H.R. 2 would strip this basic dignity from all Americans and abandon our Nation's commitment to ensuring that poor and working class Americans have shelter.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

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

Mr. JACKSON of Illinois. Mr. Chairman, I would like clarification on just one section of the bill. Page 26, line 1, it appears that this bill makes the 8 hours of work a condition of occupancy. Does this mean that a person can be evicted if they fail to perform the work?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, it does.

Mr. JACKSON of Illinois. Mr. Chairman, are we prepared to put human beings and their families on the street if they fail to satisfy this requirement?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, as with other conditions of the lease, it is a legally enforceable element of the lease and can be enforced subject to the force of law in any court.

Mr. JACKSON of Illinois. Mr. Chairman, does this mean that only public housing residents are being singled out for this voluntary work requirement?

Mr. LAZIO of New York. Mr. Chairman, I would say the gentleman's characterization of it being a voluntary work requirement, the bill calls it ''community service,'' and that is, in fact, what it is. It applies to all people who receive the benefits of public housing under H.R. 2.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois. I think I have made my feelings about this issue of mandated voluntarism well known in the committee. I hope that my colleagues on both sides of the aisle will take this debate seriously and understand exactly how paternalistic this provision is.

There are no parallels that I have been able to find in any other Federal Government laws. This is not a work requirement. Work implies compensation. This is a volunteer mandate. If you are to live in public housing, you are mandated to volunteer, if that is not inconsistent, 8 hours of work per month, 8 hours of voluntarism.

There is not another parallel in the Federal law. We do not require recipients of the benefits of introductions for homeownership to volunteer their time. We do not require anybody to volunteer their time without being compensated for it. There are no parallels to this except an experiment that we had many, many years ago that we should be ashamed of.

As we have previously talked about, local public housing agencies are being mandated to administer, organize, and run these volunteer programs. The total cost to local public housing agencies, according to Congressional Budget Office estimates, will be $35 million per year. That is $35 million per year that local housing authorities could spend on other housing needs. They must now hire somebody to run these programs.

My colleagues on the committee and the proponents of this bill have failed to address the liability issues associated with this provision. If I am an elderly person and I am mandated to go, a poor person, and I am mandated to go out and volunteer time, I am cutting grass in the public square, a piece of glass flies up and cuts me on the leg. Guess what this bill says? It says the housing authority has no liability. Nobody has any liability other than the person that we sent out there and mandated that they do this work. So there is no provision for what happens if somebody gets hurt. We should not be doing this, Mr. Chairman.

I know it sounds like a good idea, as we sit in our ivory towers and we try to make it sound like these people who live in public housing are irresponsible and trifling and do not want to do anything, but that is inconsistent with my experience. The public housing residents are already voluntarily, they do not have to be mandated, they are voluntarily, many of them, keeping up their communities, going to community watch meetings, going to various meetings that they must go to to try to make their lives better. And here we are mandating that they volunteer.

This is a mandated requirement. There is no parallel. I ask my colleagues to take this provision from the bill and pass the amendment of the gentleman from Illinois [Mr. JACKSON].

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Let us first identify what this amendment is not about. This amendment is not about striking the community service portion from the bill. What it is about is striking the provision that allows us to enforce it. Why in the world would we have something in the bill that we consider a requirement, a condition of a leasehold, and then not allow for enforcement?

What that does, Mr. Chairman, is to encourage people to disrespect the rules, the mutual obligations, and the laws that we put in place. We are either for it or not for it.

This is not without precedent. We ask people who get medical school scholarships to contribute a certain amount of time in low-income areas in their practice. I wonder if we tied this to this amendment if this House would still vote for it, if we said people no longer, students no longer need to work low-income areas in exchange for their scholarship money.

This House has adopted the Americorps Program, and many people might say that the people that participate in Americorps could not pursue an education but for the fact that they are asked to do something in return, a sense of reciprocity. We are asking not 18 or 80 hours a month; we are asking 8 hours a month, 2 hours a week in return for rental payment, for an apartment, and in many cases utilities.

We are asking people to contribute in any number of ways, whether it is from sweeping their own halls to removing graffiti to helping with the Neighborhood Watch Program, to helping with the not-for-profit in their own backyard.

Let me tell my colleagues something: When we say this, we are saying we also respect you as tenants, we respect the fact that we think that you can contribute to your community, we think that you have talents, we think that some of the residents may find that they have talents that they had not recognized previously, talents that include teaching other people, helping other people, organizing, managing, working.

This is an effort to reconnect people with civic responsibility, and it is both an unfair and inaccurate representation to compare these things to issues involving deductions in the Tax Code. Because if you do that, you must presume that the Government has the first claim on your money and then you are lucky to get some back.

This is the case of a benefit for people who are not able to get into public housing, and that is the majority of people. We have heard in this Chamber that we are probably meeting the needs of only one-quarter of the population who needs help. And for those three-quarters who are not lucky enough to get into public housing, they are not working 8 hours a month, they are not working 8 hours a week, they are working 30 and 40 and 50 and 60 hours a month simply to pay the rent; and that does not even include the utilities and maintenance costs for the places that they live.

It is entirely reasonable to ask people who have asked for public housing who are receiving a benefit to contribute back to their community and to help themselves. We are not asking people to give to Big Brother in Washington. We are asking people to help their own neighborhood, to start with their own hallway, their own building, their own complex, their own development.

Mr. Chairman, we are exempting people who are elderly from this provision, we are exempting people who are disabled in this provision, we are exempting people who are employed part time or full time from this provision. We are simply asking people to give back who are able-bodied, who are younger or middle-aged and who have the capacity to give something, anything, back to their community.

How that strikes anybody as unreasonable is really beyond me. It is a sense of helping to reconnect America. I hope that we ask more Americans to contribute to their neighborhoods and to their communities. We have almost

1½ million families in America that avail themselves of the benefit of public housing. Probably less than one-third of those would be eligible and ask to participate through this program. But even with that, we are talking about hundreds of thousands of Americans contributing to improve their own community.

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

Mr. Chairman, I do not think there could be any more classic example of this House, particularly the Republican Party, in equating poverty with a morality. That is what this amendment gets to.

Basically, what is suggested here is that, if you are poor and you are eligible for public housing, you must volunteer or you are going to be thrown out of your house. We have a provision in our bill that asks people to volunteer. I think it is wonderful that we encourage people to volunteer.

□ 1345

But this provision that is contained in the bill as it sits right now does not ask. As the gentleman from New York [Mr. LAZIO] just said he wants to ask people to volunteer, this does not ask anybody. This says if they do not, they are out.

Now, I have supported provisions in the welfare bill that say that people who accept funds in the form of welfare from their government ought to be expected to work, and if they refuse their job, they should be thrown off welfare. I believe that. But it is news to me that we are going to start down all the programs that we provide and say that as a fundamental moral suggestion that if an individual receives any benefit from the Federal Government they must volunteer.

Is that where we are at today? Because if it is, I might actually support this provision. I would be interested in whether or not we can convince our Republican colleagues to say that anybody that receives any benefit whatsoever from the Federal Government, particularly in terms of equating the amount of money they get in benefits for receiving public housing, that they have to volunteer.

So let us take everybody that invests in project-based section 8. Should we ask all of them, that get a heck of a lot more money than the monthly subsidy that comes to the poor families that are already paying 30 percent of their income in rent, the vast majority of whom are already working, they just do not make enough money to be able to pay the rents that landlords can receive in most of the cities and towns across our country.

It may be news to some people around here, but the truth of the matter is minimum wage jobs simply do not allow people to pay the rents that can be required by the rest of this society without paying 50 or 60 percent of their annual income in rents, so we have housing programs that make up the difference. Now we are saying, listen, if an individual gets that housing program, in addition to everything else they have to go out and volunteer or else we will snap their housing program back.

All I say is, fine, let us go ahead and start with this mandate. Let us start it across the board. Let us go to the oil and gas industry and say to the oil and gas fellows, I used to be one before I came to the Congress, let us say to them, anyone who gets an oil depletion allowance, let us say to them they have to volunteer. Anybody who receives a timber subsidy, let us see if they want to go out and volunteer. Anybody around the Congress of the United States maybe, because we get paid by the Government. Maybe all of us ought to volunteer.

There are a lot of reasons to suggest that voluntarism ought to work and ought to be encouraged in America, but to try to suggest that we are going to do this only for residents of public housing is essentially immoral. It requires not a level of morality to say we are going to choose one particular group that everybody in the country seems to like to beat up on as the fundamental building block of all the moral decay of America.

What we do is we go before some monstrosity of public housing and say look at the disaster. Let us look at the way we treat our poor and then let us scold them for the conditions they live in, and then let us condemn them and say that the reason why they are poor is because they do not work. The reason why they are poor is because they live like animals. The reason why they are poor is because they do not have any sense of righteousness on their behalf in terms of how they treat one another.

So we will come here as a Congress and we will say, we know that they are the evil of America and we are now going to require them to go out and work. I say, listen, fine, let us encourage people to go out and volunteer. Let us encourage people to take ahold of their own destinies and to move themselves out of poverty, but let us not do it in a gratuitous, paternalistic way that ends up condemning the poor and contributing to the notion in this society that somehow the wealthy and powerful have greater morality than the poor and the vulnerable.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

First, I think we have to be very careful about semantics. It has been suggested that this is a voluntary mandate. It is not. This is work for benefit. It is a traditional, old-fashioned American precept.

There is a suggestion here that this is a Republican effort; that poverty equals immorality. Extraordinary. An extraordinary observation. And yet, so that we understand what is happening here, this is proposed by the Democratic administration.

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

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

Mr. KENNEDY of Massachusetts. The truth of the matter is the Democratic version does not throw a person out of their house.

Mr. LEACH. Reclaiming my time, Mr. Chairman, the Democratic version is what the gentleman is offering to this bill. The Democratic administration is what I referred to.

I will be very precise. This administration submitted a bill to the Committee on Banking and Financial Services which was introduced by request of the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY]. That bill contained 8 hours of community service as a requirement. That approach was endorsed in the last Congress by Secretary Cisneros.

What we have here is an approach that has been suggested that there are no parallels. The fact of the matter is the AmeriCorps Program might be defined as paid voluntarism. It is a parallel. It is not like this. This is work for benefit.

We have a number of education loan programs where when teachers work, for example, in the math area, their loans are considered written off. The work study programs is a similar analogy. There is a Perkins Loan Program where medical students are required to work in low-income environments. If an individual graduates from a military academy, that person must serve their country. Americans have a long tradition of wanting people that receive benefits to do something in return for those benefits.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished chairman for yielding.

When one volunteers for the military, one receives compensation for that service. When one receives a medical scholarship and then subsequently works in a low-income community, one receives compensation for that. Why are we requiring of poor people in public housing the only compensation that they volunteer?

Mr. LEACH. Reclaiming my time, Mr. Chairman, housing is part of the compensation. It is part of the compensation in the military, it is part of the compensation in other things as well, as well as in certain student environments.

And let me also be very clear. The issue of the minimum wage was raised. As someone who supported the recent raise in the minimum wage, let me say anyone that is working for a minimum wage or higher does not come under this requirement. It is not a part of this circumstance. Anyone that is

working is not required to participate in this program.

Let me also say the issue of paternalism has been raised. And I would like to go back to the issue of the week, where we had three Presidents of the United States meet under Colin Powell in Philadelphia to discuss voluntarism—which was largely well received by the American public. But the criticism, to the degree it is rendered, has been is that it is not a bit paternalistic?

So what this is, is not outsiders coming in for community service, it is for insiders to serve their own community in appropriate, thoughtful ways defined at the local level, not by outsiders. That is the reverse of paternalism. It is work for benefit. There is an element of pride, of community service.

Finally, there is an issue of reform here. I know of nothing that implies more of the status quo than the current system. We are trying to get the American public to support housing for poor people. This committee has come forth with a bill at precisely the administration's request for dollars and calling for community service reform as advocated by the administration.

The minority side in this body is objecting. In my judgment, one of the great questions that we have to ask is, Who is philosophically in step? Is it the administration with the Republicans in Congress or is it the minority in this body?

I would say the American people, as I listen to my constituents, as I get phone calls from around the country, as I read my mail, is saying let us put a work requirement to the degree possible in Federal programs. That is what this is.

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

This debate has been very fruitful and enlightening, but I want to go back to 1937 when Franklin Delano Roosevelt instituted the legislation that put forth public housing in America. At that time and certainly some 60 years later some Americans are in need of public housing. Some Americans find themselves in need, as they did in 1937, to have the Federal Government assist them in safe, decent housing.

As we debate H.R. 2, and we began this yesterday, I stand here supporting the Jackson amendment. I think the issue is not whether they ought to volunteer. Public housing residents volunteer all the time, as many of us do, in large proportion. Many public housing residents volunteer their time at their site to do wonderful things with their site, with the buildings, with their family. It is happening already.

The objection which the Jackson amendment supports is the mandate. We do not have to mandate poor people to volunteer; they do that. Actually, public assistance people are already required by the welfare bill just passed to volunteer 25 hours. This 8 hours will be on top of that.

What poor people want is a job. They do not want a handout, in spite of what you might think. This is an unfunded mandate. It would be a monster administratively for the public housing authorities even to administer this provision. But I think this Congress does ourselves, America, and poor people a disservice when we assume that they do not want to work, because they do; when we assume that they do not want to volunteer, because they do.

A high percentage of people in public housing are on welfare. They are required, by a law that was passed by this Congress in the 104th and signed by the President, to work, to volunteer 25-plus hours.

So the Jackson amendment should be considered. It should be passed. It should be included as it is not now in H.R. 2. One thing that this Jackson amendment does do is not mandate but continue the voluntarism that public recipients are already doing.

What H.R. 2 does not have in it is a grievance procedure, so that when these people who already have to do the 25 hours, who already now will have to do 8 additional hours, do not have an avenue to even speak to. The grievance procedure has been moved out of H.R. 2. Those people now volunteering 32 hours of their life a month will have to go straight to court or be evicted. Our homeless population will increase.

Mr. Chairman, I support the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished gentlewoman for yielding.

The distinguished chairman of the committee indicated that this was against Colin Powell's summit on voluntarism. Forced, mandated voluntarism is not what was discussed in Philadelphia this past week.

I believe in voluntarism, Democrats believe in voluntarism, and I genuinely believe that Republicans also believe in voluntarism, if that definition means emanating from self-will, from self-definition, one's own choice and consent, and not a Government mandate.

And I want to ask a question of the chairman if he would be so willing. Is the chairman willing to evict people who live in public housing for failure to volunteer 8 hours a month?

Mr. LEACH. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Iowa.

Mr. LEACH. First, Mr. Chairman, let me say to the gentleman I made reference to the weekend's work on voluntarism. I did not say this was part of voluntarism. This is work for benefit.

Ms. KILPATRICK. Mr. Chairman, reclaiming my time, if I might, as lively a debate as we are having today, and I know we will go on and on, let us not forget that poor people want to work. Poor people do volunteer. Let us support the Jackson amendment.

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

The amendment offered by the gentleman from Illinois, I think, raises some very interesting ideas. The point being, how do we protect civil liberties once somebody accepts welfare?

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This is not unique to just public housing, because in many ways this happens in our public schools. Public schools, we go there, but we still want to protect our civil liberties and we cannot overly dictate, and yet we have rules and regulations. Although I think these points are very important that the gentleman brings up, I am inclined not to support his amendment, but I think they are worth talking about.

First, I think the point about the other recipients of the welfare in the housing program is very important. Last week there was a rumor going around that I might introduce legislation that would repeal all of HUD, which would be a proper, good economic position and a proper constitutional position. I had a lot of phone calls. But none came from the poor people. They all came from the wealthy people, those who were receiving $850 rents for $400 houses, those who get to build the buildings, those who are the contractors and those who do the financing. They are very interested in this program.

I think the gentleman has a very good point. If we are going to punish people receiving welfare or have requirements, put the requirements on the others as well. I think this is very legitimate. But I think the idea of civil liberties, the whole notion here, the definition, has been distorted, because the one thing I think so many people forget, we should have concern about the civil liberties of those in a housing development.

For one, I have seen great danger about the abuse of the fourth amendment when it comes to the tenement houses, where they can go in without the proper issuing of a search warrant. I think that is very, very bad and seems like maybe that would put me over the line and say we should not permit this. Just because they belong, or they are living in Government housing, that should not allow us to say they have sacrificed their protections.

So I think this is important. But there are some civil liberties also of others that we have not discussed at all, because we are talking about the protection of the civil liberties of those who are receiving a house. What about the person who is paying for the house? It is assumed by so many that the wealthy are paying for these houses, but under our very regressive tax system, if we look at the amount of money the poor people pay through FICA, they are the ones who are paying. The wealthy do not pay the taxes.

So the poor individual, the low, middle income, the individual who is capable of still taking care of himself, is

hurt the most by what we do here in the Congress. Whether it is public housing or the deficit or our monetary system, these are the individuals who are hurt and are pushed aside. But they are losing their homes because we are pretending to do good to others and provide houses for them. So we should be concerned about their civil liberties as well, but it seems like we forget that.

But this whole notion about work condition, how many people can stay in a room, the search and seizures, I think these are very, very important and should not be ignored. But again we should not ignore the civil liberties of those who had to work and pay for these houses because quite frankly I think we should ask the question.

It is assumed by so many that we have a constitutional, natural right to a house. That is not in the Constitution. We have a right to our liberty, we have a right to our life, we have a right to pursue our happiness, and we ought to have the right to keep what we own. So think of the civil liberties of those who suffer when you take.

I agree that we should think of the benefits accrued to the welfare recipients and what kind of conditions we have, but I think we should think about the benefits accrued to the businessman who really is benefiting from these programs as well.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding. I appreciate the spirit of his critique. I would like to make the argument, however, that my amendment specifically addresses condition of occupancy. Are we prepared to put people who live in public housing, to evict them for failure to volunteer 8 hours a month? I would appreciate the gentleman's answer to that.

Mr. PAUL. Yes; and I have great sympathy for the gentleman. It is just I believe that some conditions do exist in everything we do in Government. You do not go into a public school without conditions. You cannot come in there and be disruptive, or you get thrown out. So if there are conditions, you come in, and the contract is the person who accepts the housing comes in, voluntarily accepting Government housing under the conditions that they will do A, B, and C.

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

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just wonder, given the formulation that the gentleman has made about the responsibilities of individuals and of Government, is it his contention, and would he support an amendment that would suggest that anybody, for instance, that gets benefit from the Eximbank or FmHA, that those individuals have a responsibility as a term and condition of those loans and of those programs to volunteer as well, or is it just the members of public housing?

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. PAUL was allowed to proceed for 30 additional seconds.)

Mr. PAUL. Mr. Chairman, I think that would be a very good suggestion. Seeing that I think the Export-Import Bank is welfare for the very wealthy businessman, I think the conditions would be very good.

Mr. KENNEDY of Massachusetts. I would like to perhaps work with the gentleman from Texas [Mr. PAUL] on these kinds of issues.

Mr. PAUL. I will think about that and think about the ramifications, but I certainly will consider it.

Mr. KENNEDY of Massachusetts. Do not back off now.

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

Let me begin with that point and assure the gentleman from Texas and others that when the Export-Import Bank reauthorization comes up, and I am for the Export-Import Bank, I think it performs an important function, but I think we will offer an amendment to require some community service.

Colin Powell has been invoked. One of the things that my friend the chairman is very good at is the principle of selective invocation. The President alternatively is someone to be scorned and someone whose word is not to be questioned when there is an unpopular issue he wants to hide behind.

Colin Powell specifically criticized the corporate sector. My colleagues may have read he asked to be invited to speak to the boards of directors, where the corporate executives have said voluntary work and contributions are not in the shareholders' interest.

We will offer an amendment, I guarantee to the gentleman, applying this principle, if it is to be mandatory, to the Export-Import Bank. We will not evict them from their homes, their homes are generally too large to find them, the people who live in them, but we will make it a condition.

We should also do it with Farmers Home. We have in this committee jurisdiction over the Farmers Home Program, a very justified and sometimes very comfortable level of subsidy. The gentleman says, no, how can you say we are doing this because of some animus against poor people? How can that be? I should have said, no, it is about urban poor people. When has anyone ever suggested doing this for the Farmers Home Program? A direct benefit. We are not talking now about a tax subsidy, we are not talking about a tax thing.

This committee has jurisdiction over a lot of benefits. One group, the poorest among us, are being singled out. I would also say, people have said, well, they should have jobs. Frankly, one thing that is going to happen, more people in public housing will be unemployed if the Federal Reserve has its way. I wish the chairman would join us in having a hearing on the Federal Reserve System.

The gentleman who just spoke talked about the monetary system. The Federal Reserve Open Market Committee just decided that we have about 450,000 too many jobs in America. It is very clear if you look at them that they thought when unemployment went from 5.5 down to 5.2 that that had exceeded what they thought was the level of jobs and they are moving to increase it.

By the way, when you talk about the very wealthy, they are solicitous there. Mr. Meyer in his speech said that the Fed had to act to ''validate the bond market.'' God forbid there should be low self-esteem on Wall Street. We will step in there. But the cost of validating the bond market is about .3 percent, we can estimate, of unemployment, another 436,000 people thrown out of work, more than that.

I would say to the chairman, let us have a hearing. Many of us, every single Democrat, the Independent member of the Committee on Banking and Financial Services have asked for a hearing. The chairman is refusing to allow us to have a hearing until after two more meetings of the Open Market Committee. These are tied in, these are relevant, I would say to the Parliamentarian anticipatorily, because the more we let the Federal Reserve, without debate, increase unemployment in America, the greater we will exacerbate these conditions.

The fact is that there is one other great example of selective principle on the Republican side here. This is not a mandate, but it is mandatory imposition on every public housing authority in America. Public housing authorities may say, well, you know in our case it would not make sense. The general principle of requiring people to work may be a good one, but in this particular circumstance given the nature of our buildings, given the neighborhood we are in, given the population we have, it would not make sense. What is the Republican answer to a housing authority that says in our special local conditions that would not make sense. The answer is: The Federal Government knows best, shut up and do it.

This is an example of as binding a centrally imposed detailed requirement as you will see. Maybe in my housing authority it should be 6 hours. Maybe it should be 12. No, 8 hours. We are going to tell every housing authority everywhere in the country exactly what they have to do. When it comes in fact to roughing up the poor a little bit, and the gentleman from Iowa is correct, he says he feels in tune philosophically with the American people. Unfortunately I think that is correct. I

think public housing has been so mischaracterized and the misunderstanding of what drives people into poverty is so widespread that he may well be philosophically in tune with the American people, but I would rather be philosophically in tune with the fundamental moral principle of decency and compassion and social justice. And to say to the people who get a lot of money through the Export-Import Bank, or housing through the Farmers Home, Godspeed, not a nickel in return. But to the poorest of the poor, you will do 8 hours of work a month whether your housing authority makes sense or not.

I do not think that is a very good idea. I am not sure what the President of the United States thinks about that. If it gives comfort to the chairman of the committee, that instead of having to defend it on the merit he can invoke the President, he is welcome to invoke the President. But I do not think that selective invocation of an administration with which he is often in disagreement helps when we are talking about the violation of fundamental principles of States rights and fairness. I hope the amendment is adopted.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, to the best of my knowledge, there is not one Member of this body who is homeless and not one Member of the Senate who is homeless. Some of us I know stay in our office, which is certainly a Federal benefit because we do not pay rent here in Washington, DC. However, none of us have ever signed a lease term that evicts us as a condition of our Federal subsidy.

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

There appears to be quite a bit of confusion over the subject before the House now, Mr. Chairman. It seems we do not recall the actions of this House just last Congress when a majority of Republicans and, yes, a majority of Democrats voted for a proposal which included workfare. Did it require 8 hours a month or 8 hours a year? No, it required some 80 hours of work in order for a recipient to continue to receive Federal benefits. That target not only stays at 80 hours, but it increases to 30 hours a week, or 120 hours, by 2000.

So the precedent for work for benefits received has been adopted by this House, by a majority of Members on both sides. During the course of that debate no one suggested it was demeaning, it was somehow inappropriate public policy but yet it was the right thing to do in order to facilitate transition. What transition? If one walks through public housing today, I would not say all public housing, I think we will agree there are many public housing projects in America today that are well run, that are well kept, where there are not significant problems, but in many of our urban centers, unfortunately one in my own State, in the city of New Orleans, it is not beyond deplorable, it is a bomb site, it is a disaster, it is an embarrassment.

In fact, I am reluctant to say it, but it is true, the U.S. Government has become the world's largest slum landlord. We warehouse people like tires in buildings and we stack them in there with no hope, no future, no prospect for a better tomorrow. Moms who do not have the ability to read, dads who do not have job skills, kids whose only role model is the drug dealer in the courtyard. They have no place to go. There is no future. That is why 13-year-old kids shoot another 13-year-old over tennis shoes, because they do not believe that tomorrow will be any better than today. They are without a sense of direction or hope.

So what are we doing with this wild Republican proposal? Are we mandating things that are unreasonable? No, we are saying to a person who is living in housing provided by the U.S. Government and taxpayers that if you are not already under the workfare requirement of the welfare proposal, if you are not disabled, if you are not elderly and, by the way, if you happen to have a job, you are not subject to this requirement. We are saying to those few people who remain, we would like you to get out of that public housing unit and do something in your community.

Why? Are we invoking some sort of slavery, as some have suggested, on these individuals? No, there is another purpose behind this. It is to let that individual who stayed within the walls of public housing get out into the community and learn what skills are necessary to get a real job. And perhaps some of the work these individuals may do in this volunteer effort may enable them to get employed. Nothing is more dignity building, establishing more esteem, giving a person more hope than to go earn a paycheck and pay for their own child's tennis shoes without the Federal Government having to say, here it is on a plate, we know better, we know how to take care of you.

If I am wrong, let us look back the past 60 years since the 1937 act passed and see what has happened to people who are poor in this country. You tell me that the Federal Government has done its job in providing for the needs of these individuals? I tell you they have not. I tell you it is an embarrassment.

This bill that the gentleman from New York [Mr. LAZIO], the chairman, is bringing forth to this House is not only right, it is an effort to restore dignity to the poor of this country. Working families across this country get up every morning, mom, dad, sometimes the kids go to work. They work 40 hours, 50 hours. They take their little paycheck after FICA, income tax, anything that is left, they pay their house note. What happens if they do not? They get evicted. What happens if they do not buy the kids tennis shoes and blue jeans? Well, it is an embarrassing situation. You have got to take care of those needs. They provide for their children. What they are saying to me is, we do not mind helping people in need. We do not think it is inappropriate for you to use our resources to help a guy when he is down. But do not turn public housing into a permanent retirement village where you can never move on; do not take my money and give it to people who will not make the effort to help themselves or their own families; give them a break, give them an opportunity, but hey, guys, if they do not want to take the first step, there is an end to this process.

Mr. Chairman, that is what the Lazio bill is about.

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

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

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman from Louisiana [Mr. BAKER] that while many of the conditions that he has articulated have in fact evolved in terms of public housing policy, that first and foremost 40 percent of the residents in public housing are senior citizens, there are 3,400 public housing authorities in this country, there are 100 out of the 3,400 that are in trouble. The Democratic version of this bill, RICK, in fact allows the Secretary to take over those badly run housing authorities, it allows the Secretary to take over badly run housing projects within well-run housing projects.

Mr. BAKER. If I may reclaim my time just to respond briefly.

Mr. KENNEDY of Massachusetts. We just have a basic disagreement.

Mr. BAKER. The basic number of people the gentleman cites as far as units are correct, but the vast number of people that are involved are far more significant because of very large, very troubled housing units.

There is one more important part about this legislation that I think is important to observe.

That is, the bill does allow a working person on welfare to keep earnings as opposed to giving it up for rent, a very important part of this legislation.

Mr. KENNEDY of Massachusetts. And that is contained in this version of the bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members of the importance of using proper forms of address. By directing remarks to the Chair and thereby refraining from speaking in

the second person, Members avoid undue familiarity and thereby maintain that level of formality which properly dignifies the proceedings of the House. The first step in avoiding personalities in debate is to refer to another Member as, quote, the gentleman from Virginia or whatever the appropriate State might be.

Mr. KENNEDY of Massachusetts. Would the Chairman explain why that is so important here?

The CHAIRMAN. The Chair has just read why that is important. This refers to referring to a Member by their first name.

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

First of all I want to compliment the gentleman from Illinois [Mr. JACKSON]. He brings to this House an enormous capacity for work. He brings it a sense of decency and dignity and also wisdom beyond his years. So I am very proud to be associated with him.

I support the amendment offered by the gentleman from Illinois [Mr. JACKSON]. In the first place it is absurd to say that community service hours required by H.R. 2 are voluntary. In fact the bill says that unless one does the service they can be evicted from their home. That hardly seems voluntary.

What this amendment does is to say that voluntary service is just that, voluntary. The bill does not, as I said yesterday, provide any money to administer the mandatory service program. It does not provide the housing agencies any money to set up and keep the elaborate records that will be required to verify hours that are worked. It does not provide any money to buy the tools and equipment that might be needed. It provides nothing to pay for the cost of training and supervising workers who may be unwilling or unskilled or maybe both, and it indeed provides nothing to verify whether the effort expended is doing any good. The provision in this bill or the provisions are not only offensive, they are unworkable.

By all means let us encourage people to do constructive work in their community, but it is clear that the only good volunteer is one who is truly a volunteer. Moreover, the very best volunteers are those who are given some training and who are given the support they need to do the job they choose to do. That is what the Jackson amendment is all about. It says encourage community work but do not make it involuntary servitude and do not make the housing agencies do more than they reasonably can.

Under the bill there is no money at all to pay the out-of-pocket cost that community work entails, bus fare, if the work site is away from home, or the orange hats and the vests and flashlights and radios that community patrols need, nor is there any money to do anything else like buy tools or paint or protective gear or insurance for workers who may be doing repairs of some kind or another.

The Jackson amendment recognizes these kinds of reality. It says that community work is good but that good community work cannot be coerced and it cannot be done for free, as the bill assumes.

Mr. Chairman, we should consider the gentleman's views very carefully. There is probably nobody else in America who knows more about voluntary community work than the gentleman from Illinois [Mr. JACKSON] who was born and brought up in the midst of one of America's great community self-help organizations. He knows what it is to be a volunteer, what it takes to organize a volunteer, a truly volunteer effort, and how much is required to create a program that works. He knows the difference between realism and wishful thinking. He knows the difference between a helping hand and a slap in the face.

The bill is a slap in the face. The Jackson amendment speaks to the necessity of giving a sense of dignity and self-worth to people who need to know they count for something.

Mr. Chairman, I support the gentleman from Illinois [Mr. JACKSON].

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

Mr. Chairman, I sat here and listened to this very interesting and insightful debate coming from a number of points of view, and one of the questions that comes to my mind as I look at the issues addressed since we are so concerned about the 8-hour work requirement, just exactly who does this requirement, who would this requirement apply to? And if I could, Mr. Chairman, I would like to yield to the gentleman from New York [Mr. LAZIO] to respond to a series of questions if that would be all right.

Now, Mr. Chairman, I say to the gentleman from New York, as I understand it, and clarify this to make sure that it is crystal clear in my mind, that in this language in this proposed section 105 there are exemptions for the elderly.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. LUCAS of Oklahoma. I yield to the gentleman from New York.

Mr. LAZIO of New York. It does.

Mr. LUCAS of Oklahoma. That there would not be a requirement that the elderly have to meet this; they would be exempt?

Mr. LAZIO of New York. If the gentleman would continue to yield, the bill does provide for an exemption for all those who are elderly. They would not form the provisions of the 8-hour work requirement per month.

Mr. LUCAS of Oklahoma. Now we also have a section that exempts the disabled; is that correct?

Mr. LAZIO of New York. If the gentleman would yield again, in fact that is the case that all those who suffer with a disability would be exempt from the provisions of H.R. 2 which would require 8 hours of work of community service as a condition of public housing.

Mr. LUCAS of Oklahoma. And those residents who are working or attending school or receiving vocational training; would they not be exempt also?

Mr. LAZIO of New York. If the gentleman will yield once again, in fact the gentleman is correct that in all those circumstances whether one is employed full-time or part-time, whether one is attending school or involved in vocational education, they would be exempt from the provisions of this bill that require 8 hours of community service.

Mr. LUCAS of Oklahoma. What about the physical imparity?

Mr. LAZIO of New York. If the gentleman would yield once again, all those that are physically impaired or have a disability would be exempted under the terms of this provision.

Mr. LUCAS of Oklahoma. So if the gentleman would give me one more response, if we make all of these exemptions for the elderly, the disabled, the working, those receiving additional education, those who are physically impaired, who is left for this to apply to?

Mr. LAZIO of New York. If the gentleman would yield, the provision would apply to all able-bodied adults who are receiving the benefit of public housing and who have the capacity to give back to the community. Those individuals would be asked to contribute no less than 2 hours of community service a week.

Mr. LUCAS of Oklahoma. Mr. Chairman, I thank the gentleman from New York for his insight.

So essentially as I see it the only people that this would apply to would be the able-bodied nonworking. What a concept, requesting that they return a little bit of what has been done for them. What a concept.

Mr. Chairman, I am just amazed, now that I have had this so precisely and so clearly laid out for me, I cannot imagine why there would be any opposition because, after all, we are all good citizens. Whether we live in public housing or nonpublic housing, we all want to do our part for our community, we all want to work our way through this world, so to speak. Having provided these kinds of exceptions, having given the people who need the exceptions the exceptions, clearly those left are the able-bodied working, folks who I am sure want an opportunity to make a difference in their community and in their housing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. LUCAS of Oklahoma. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Is the gentleman aware that the bill does not exempt those persons who are providing for an elderly person or providing for children in public housing? Is the gentleman aware of that?

Mr. LUCAS of Oklahoma. I am not aware of that particular point. I would

think that certainly that would qualify within the definition, but not being an expert on the definition, I cannot say that with certainty.

Mr. JACKSON of Illinois. The gentleman should be very well aware that my next amendment to the bill would include that definition which is presently not in section 105, and I would certainly hope that the gentleman would support that.

Mr. LUCAS of Oklahoma. I would gladly look at that next amendment when I am compelled unfortunately and have to vote against this amendment.

I thank the gentleman from Illinois for his input, and I respectfully thank my colleagues for an opportunity to clarify the true nature of this bill.

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

Mr. Chairman, I rise in support of the amendment of my colleague, the gentleman from Illinois [Mr. JACKSON], to prevent public housing residents from being evicted for failing to comply with the congressional majority's mandated volunteerism provisions. The majority calls the, quote, community work hours, requirements that are contained in H.R. 2 for public housing residents volunteerism. But it is volunteerism only in the most Orwellian sense. The real name for this is forced labor, and as my colleagues before me have pointed out, the overtones of these provisions are profound and frankly disturbing.

Residents of public housing are not criminals. Many work to support their families. They volunteer their time to housing projects and to their community. Forcing an individual to volunteer to avoid being thrown into the streets is hardly likely to provide positive results to the community. This is true if this volunteer requirements take a parent away from child care or efforts to find or to keep a job.

The congressional majority has a history of supporting tax breaks for the wealthiest corporations. Many support subsidies for farmers and loan guarantees for businesses. When in the history of this body have we required a farmer or a CEO of a major corporation to volunteer in return for a subsidy or loan guarantee? In the last session of this Congress we could not even get the congressional majority to close a loophole on those companies that made a fortune in this country and then turned around and gave up there citizenship, went to the Bahamas, went someplace else, denied being a citizen of the United States so that in fact they would not have to pay taxes, and we could not get the congressional majority to close that loophole. What do we do about the tobacco CEOs who lied about the addictive quality of tobacco, who have received billions of dollars in subsidies? What are we going to require of them for having killed people in this country because of tobacco, an addiction?

What we are talking about here? A true public housing volunteerism provision could have been written in any number of ways. It could have required housing authorities to establish outreach programs to encourage volunteerism; it could have provided financial resources to nonprofit organizations to increase volunteerism in public housing. There are many ways to engage people in volunteerism, as we just saw in this last weekend. Instead the majority has chosen to force nearly all public housing residents to volunteer their time, no matter what other commitments? These individuals may have.

The bill does not even contain an exemption, and I am delighted to hear that my colleague the gentleman from Illinois [Mr. JACKSON], is going to offer that as his next amendment. There is no exemption for the moment for caregivers, single mothers, individuals who care for the elderly, or even individuals who care for a disabled loved one.

Please accept this amendment on this issue. Let us do the right thing by the people who live in public housing in this country.

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

Mr. Chairman, I simply want to speak to the work benefit program. This is work for the benefit of living in housing which we, the American taxpayers, are subsidizing.

□ 1430

We are also anxious to educate people in the United States of America. One of the benefits of work is an education in how to work. One of the benefits of this program will be an education for people hopefully in how to work at a particular job where they then will be able to earn their salary so that they can pay for their own rent. We need to educate everyone in America to higher and higher levels. That is why I feel so strongly about supporting education.

However, in this instance where we have people who are able bodied and able to work and are able to find a job, but living in public supported housing, by putting them out, by helping them find a job and putting them out into the community where they can work in some place, they can work for the benefit of themselves as well as the fact that they are doing something for their community.

Consider the fact that in a public housing authority, one can work as a part of a floor watch, or one's block watch. Consider what that means. If someone is a part of the block watch for 2 hours a week, will that not help that person feel good? Most volunteers feel much better; they get more out of the voluntarism that they do than what they put in.

This is not voluntarism. This is work for a public benefit. The benefit would be for the person living in the housing authority. I quite frankly think there are so many opportunities that people can have. One can go to one's church and polish the collection plates, or one can work with Girl Scouts. One can do a lot of other things besides having to do things that are in a very limited scope, that have been presented here.

I believe very strongly that this is good, solid legislation. People on welfare who are working would be exempt, and I think that that was not clearly stated. We must understand that those who are working in any capacity would be exempt from this work requirement. It is only those who are able bodied and who do not work who would be out there and we would ask them to give a simple 8 hours a month.

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

First of all, I want to commend my good friend and colleague from Illinois, [Mr. JACKSON]. I wanted to thank him for his efforts in this regard and for his efforts to uplift the poor people of our country. I also thank the gentleman for realizing and trying to get the word out that the poor too is America.

Mr. Chairman, I rise today in opposition to section 105 of the bill and support the Jackson amendment. I am saddened. It seems that my colleagues on the other side of the aisle have blinders on. I understand that their intent in crafting this bill must have been honorable; however, what this body is doing today is abhorrent to the citizens that are the poorest in our Nation.

I might add, Mr. Chairman, that within 5 blocks of my home there are probably about 2,000 public housing residents. I represented them in my legislative district in the State of Maryland and I represent them now. I would invite the Members who are supporting section 105 to come and visit my district.

There appears to be a presumption that the poor just sit home and do nothing, and that is a major, major problem. Here we are today saying that we will dictate, we will sit here and we will dictate to them what they should be doing. I invite my colleagues to come into my district. I invite Members that supported this bill in committee and who support it today on the floor to visit the Seventh Congressional District, and they will see that these citizens have no other place to go.

My colleagues must understand that public housing is not the greatest place to live. They have no other place to live. This section is telling our poorest citizens that they must volunteer or they are to be evicted. Evicted to go where? Evicted to be set on the street.

I ask my colleagues who support this bill, who will take care of the children when they are volunteering? Or more importantly, will these citizens gain valuable work experience to put on a résumé, to help to find a job and have self-sufficiency? This is not work for benefit, no, this is not work for benefit. It is an edict, an order: Work or live on the street.

This section is placing misguided values on the poorest of the poor. We already have a society of the haves and the have nots and we are underscoring and highlighting this class distinction; a two-tier society. We are blocking the have nots and we are saying that have nots cannot be haves. We are keeping these citizens down and not allowing them to stand upon our shoulders to reach for higher ground and a higher way of life.

In my home State of Maryland, we already require welfare beneficiaries to do certain types of work. Additional regulations will constitute an administrative and bureaucratic nightmare which will place even greater burdens on local housing authorities, instead of allowing them greater flexibility to deal with the pressures they are facing as a result of declining funding. Mandating that poor citizens volunteer is demeaning and it is burdensome on the recipients, and it is also burdensome on our local housing authority.

I urge my colleagues to support the Jackson amendment.

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

Mr. Chairman, I rise to make two points. One is a point I would like to reiterate concerning this really constructive debate that we are having on the floor over the last 2 days which pertains to the philosophical, the real philosophical difference between folks on that side of the aisle and folks on this side of the aisle.

When one really gets down to it, it is all about mutuality of obligation. Some people believe those who take a benefit from the Federal taxpayer have no mutual obligation on the back end, and some do. That is basically what we are discussing with respect to this very minimal work requirement.

With respect to my second point, I want to get back to the facts of actually what the bill says and does, and with that, I would ask the gentleman from New York [Mr. LAZIO], chairman of the subcommittee and my good friend, if he would engage in a short colloquy.

Mr. Chairman, I have before me the transcript of the hearing that we had with Secretary Cuomo on March 6, 1997. Does the gentleman recall that hearing?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Chairman, in fact I do remember the fact that the Secretary testified before the committee with respect to H.R. 2.

Mr. EHRLICH. Now, with respect to the substance of this debate, I have a question for the chairman, because I think it is very important that people all over the country understand exactly what we are talking about, and the folks that we are expecting this very minimal work requirement from.

Mr. Chairman, it appears from my reading of the transcript that the chairman, in answer to a question by the gentleman from Texas [Mr. SESSIONS], said that we would require community work for residents not already meeting welfare reform requirements, which is also my view of what the bill says.

Is that not correct, Mr. Chairman?

Mr. LAZIO of New York. If the gentleman would yield, just as was the case with Secretary Cisneros when Secretary Cisneros, an articulate man, very often spoke about the need for community service and community work requirements in public housing, to build that type of social capital, so too is the case with the administration's proposal as submitted to the House, and so too is the position of Secretary Cuomo that a community work requirement is appropriate, is good, is a positive step in terms of public housing reform.

Mr. EHRLICH. Mr. Chairman, a positive step with respect to the building of human capital with respect to these folks, correct?

Mr. LAZIO of New York. If the gentleman would yield further, once again, not pretending to speak for them, but rather for myself, it is a fact that we are talking about the potential of hundreds of thousands of hours that can be contributed, a huge potential to begin to meet the significant challenges facing underserved communities, and it is at our disposal if we just tap into that.

Mr. EHRLICH. Mr. Chairman, I would like to read for the record, and I am sure the chairman would appreciate these words, exactly what the Secretary said. The Secretary, and I quote from page 38 of the transcript: ''We would agree with what the bill says, community work for residents who are not already meeting the welfare reform requirements'' which is my reading of the bill and the chairman's reading of the bill; is that not correct?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield once again, it is absolutely my reading of the bill. It was in the bill last year, a bill that was supported by nearly 100 Democratic Members who embraced this bill.

Mr. EHRLICH. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee.

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

Mr. EHRLICH. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I appreciate the gentleman yielding.

Let me just say what is occurring here is an effort to say the Democratic Party does not favor the work requirement, the Republican Party does, and therefore, to somehow socially divide the two political parties in these inner city environments.

The facts are, the administration has supported a work requirement and does, and to be very precise, let me read from the bill that was sent up by Secretary Cuomo, under a section called community service requirements for the public housing and section 8 programs.

The Secretary's bill states: ''Notwithstanding any other provision of law, each adult member of each family residing in a public housing or assisted under section 8 shall, without compensation, participate for not less than 8 hours per month in community services activities, not to include any political activity, within the community in which that adult resides.''

In other words, the Republican Party has taken great care to work with the administration in producing an approach that is a common sense reform initiative. At this time on the floor of the House, the congressional Democratic Party is objecting.

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

Mr. Chairman, I am deeply troubled by Congress's persistent attacks on America's poorest families. Let me just say this is one of the most mean-spirited provisions. It is an insult to poor people in this country. Here they come again. Today we are lecturing poor people.

My colleagues want poor people to work for human capital. Let us provide them with the tools that they need to become self-sufficient, not by imposing this provision.

We cannot expect families to work and to make the transition from welfare to work if they have no income or a place to live. How do my colleagues think they are going to acquire the tools that they need to become self-sufficient by cleaning toilets and collecting garbage? Is that the way that we are going to provide them with the skills that they need to become self-sufficient?

Let us be honest and serious about it. What we are doing today is victimizing the victims, and I can tell my colleagues, most of them have never been into a public housing development because if they have been, they know that they do volunteer. They know that they are the ones working and without any resources to do their job.

Let us be serious and stop talking about volunteerism. Yes, I will welcome IBM, I will welcome Johnson & Johnson to come to my district and come to the public housing development and provide some of the money that my Republican colleagues are taking away from poor people.

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

I am especially supportive of the work requirement for public housing residents. Few can disagree that current Federal housing policy creates disincentives to work, encourages the breakup of families, and has resulted in an undue concentration of poverty in certain neighborhoods. The Housing Opportunity and Responsibility Act addresses the problems with our Nation's public housing projects with commonsense solutions.

One key component of this approach is the work requirement for the public housing residents. The work requirement is not unreasonable. It applies only to able-bodied public housing residents without dependent children. It demands that a resident of public housing, as a condition of receiving Federal assistance, display a commitment to putting themselves on a path to self-sufficiency and economic independence.

As a member of the Subcommittee on Housing and Community Opportunity, I have heard criticisms of this work requirement from my friends on the other side of the aisle.

□ 1445

They will question why those who receive a tax deduction for the interest paid on their mortgages are not similarly required to work. I see that kind of logic as totally flawed, as evidenced by our decaying public housing projects across America.

The Federal Government has decided that owning one's home is an integral part to a strong and safe America and increases the quality of life in our great country. The Government encourages Americans to own their own home by giving some of the money they pay in taxes back to them. The mortgage interest deduction is very different from a work requirement for recipients of a government program that do not pay taxes or otherwise earn the benefits they are receiving.

The overwhelming majority of my constituents tell me that they are troubled by government handouts. We have seen time and time again that handout programs do not work. Public housing was intended to be a helping hand toward self-sufficiency, not another handout. I urge my colleagues to defeat any attempt to remove the work requirement from this very important piece of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. JACKSON].

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

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Illinois [Mr. JACKSON] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. JACKSON of Illinois:

Page 27, line 7, strike ''or''.

Page 27, line 10, strike the period and insert ''; or''.

Page 27, after line 10, insert the following:

(E) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(i) children who are 6 years of age or under;

(ii) elderly persons; or

(iii) persons with disabilities.

Page 29, line 3, strike ''or''.

Page 29, line 6, strike the period and insert ''; or''.

Page 29, after line 6, insert the following:

(5) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(A) children who are 6 years of age or under;

(B) elderly persons; or

(C) persons with disabilities.

Mr. JACKSON of Illinois. Mr. Chairman, I am joined by the gentleman from Wisconsin in offering this amendment, which addresses what I view to be a glaring oversight by the majority in the crafting of the community work provision of section 105.

While I am firmly opposed to the community work requirement because, as I have stated, I believe it demeans voluntarism and vilifies the poor, I am pleased that H.R. 2 at a minimum exempts the elderly, the disabled, and those individuals who are working, attending school, or receiving vocational training.

I would like to express my appreciation to the majority for their support of my amendment in committee, which clarified that these exemptions occur automatically and do not saddle another burden of proof on individuals who fall into one of these categories.

These exemptions, however, do not go far enough. Under this bill single parents who are not otherwise exempted will be forced to either leave their young children home alone, or pay costly child care or home care fees for fragile seniors or disabled family members. This amendment will exempt from mandatory community work requirement residents who are single parents with children under the age of 6 and grandparents or spouses who are the primary caregivers of dependent children or senior citizens.

Mr. Chairman, it is no wonder that the American public thinks this body is out of touch with reality. How can we not acknowledge that the care of the elderly, the disabled, or young children is a full-time job worthy of respect and appreciation? Who will care for their dependents while these primary caregivers are forced to do community work?

Just yesterday during general debate, a speaker in defense of the bill pointed to the tragic instance in Chicago where a 5-year-old boy was thrown to his death from Ida B. Welles House housing complex by two other children. If we require that single parents who are responsible for supervising young children are forced to leave their homes to perform mandated work hours or face possible eviction, will we not be creating the potential for more of these tragic incidents to occur?

We know that public housing residents will be hard-pressed to pay for costly child care or nursing assistance, and that the waiting list for affordable care may be a couple of years long. Will we expand upon the unfunded mandate that we already have imposed upon public housing authorities by putting them in a position to have to also provide child care?

I believe in voluntarism, but let us not confuse its meaning or its use. We have an all-volunteer armed services. Our young men and women volunteer to join. They are not subscripted into the military. But once they volunteer to serve, they are paid for their service. In fact, they receive a variety of forms of financial compensation, even after they leave the military, such as veterans and educational benefits, points in securing employment, and if their service is long enough, pensions.

Proponents of mandated community work insist that other Federal benefits are tied to community service. Yesterday, the gentleman from New York referred to particular medical school scholarships in exchange for which graduates agree to work in a low-income community for a certain period of time. The difference is that they likewise are paid for their medical work in the community.

I believe poor people should work. They want to work and will work if there are enough jobs paying adequate wages. Poor people do not have to be whipped to work. About 4 years ago, Mr. Chairman, in Chicago, the new Sheraton Hotel advertised the availability of 1,000 jobs. In the middle of a Chicago snowstorm, 10,000 people showed up.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would ask the gentleman, did he have an inquiry of me?

Mr. JACKSON of Illinois. It is my understanding we may have the opportunity to work something out with respect to my amendment.

Mr. LAZIO of New York. Mr. Chairman, what we are trying to do is to submit a proposal that would ensure that a certain percentage of people that might fall into some of these categories could be exempted by the housing authority without it being an across-the-board exemption for all in that category. I do not know if that is something the gentleman is interested in, but if he is, we will continue to pursue that.

Mr. JACKSON of Illinois. Mr. Chairman, I do not understand what the gentleman means by a particular percentage. Either they are a caregiver or someone providing for a 6-year-old-or-under child, or not. The gentleman needs to clarify.

Mr. LAZIO of New York. If the gentleman will continue to yield, Mr. Chairman, what we are trying to do is work on a counterproposal that might

meet the concerns of the gentleman and also meet my concerns and that of the Members on my side of the aisle.

Mr. JACKSON of Illinois. Mr. Chairman, continuing, the assumption underlying the goal of self-sufficiency is full employment, but there are currently not enough jobs for a living wage for everyone. If we create the jobs, I believe the people will come.

One of the unintended consequences of section 105 about which I am particularly concerned is that it will effectively displace thousands of low-wage workers who are currently employed by housing authorities. If we mandate millions of hours of uncompensated free labor by housing residents, PHA's, nursing homes, and other facilities can replace paid employees with public housing residents who are performing their 8-hour shifts; that is, 1 full day of uncompensated labor per month to perform maintenance grounds work and other low-wage jobs.

Mr. LAZIO of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know we are still trying to submit some language to the gentleman from Illinois that he might find acceptable, but on the chance that that is not the case, let me explain to the Members why I have reservations about this portion of the bill.

Even with respect to welfare reform, which requires not 2 hours a week but 20 hours of workfare, there is far more flexibility and no across-the-board exemptions that mirror the type of broad exemption that the gentleman from Illinois is offering in this bill.

Mr. Chairman, I ask again, for those people who are not in public housing, who are just as poor and who labor under just as difficult circumstances, do they find a way, even though they may be caregivers to people, whether they are children or older Americans, do they find a way to discharge those responsibilities and yet also go out there and earn enough money to put a roof over their head and pay for the utilities? The answer, Mr. Chairman, is absolutely yes.

The concern, of course, that I have is for working people who are already outside of the umbrella of public housing, who do not receive the benefit of public housing, who would do a great deal of work in order to put a roof over their head and over that of their family's.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Are we now saying that we do not trust the primary caregivers of senior citizens, or a woman who may be heading a household where there are children under 6 years old?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, what we are saying is that all people who receive the benefit of public housing who are able-bodied and who are not exempted because of age, who are not exempted because of disability, who are not exempted because of education, vocational training, or work will be expected to contribute 2 hours to their own backyard.

Again, that may include helping to sweep the hallway right in front of their apartment, it may include doing something in their apartment, it may include removing graffiti, or ensuring that somebody gets day care in that building. It may include working downtown or it may include, for some people, doing a Neighborhood Watch Program. There is extraordinary flexibility in this program to meet the concerns of people who actually do have some other obligations.

But the idea that only people in public housing have extra obligations diverts from reality. In fact, people who do not live in public housing, who have enormous obligations, who have families, who have needs, who may have parents who need to receive care, who do not receive the benefit of public housing, who do not receive the benefit of having their utilities paid for, are also asked to do something. They are asked to go to work to contribute to their rent. If they do not do that, yes, they are thrown out. That is what happens to people outside of public housing.

To afford special protections to the fortunate few who are accepted in terms of their application for public housing I think undermines some of the basic premises of this bill, which is a sense of mutual obligation and responsibility.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Chairman, this is really a commonsense amendment. The purpose of this amendment, it is really the family values amendment. It says that if we have a single mother at home who has children under the age of 6, or we have a person at home who is responsible for taking care of someone who is physically disabled, that we provide an exemption for it.

Mr. LAZIO of New York. Reclaiming my time, I understand what the amendment is trying to do, but what I am saying is there is no reason why somebody who is a caregiver cannot help out in their own hallway, in their own apartment, if they are not given enough work requirements so they can meet both concerns.

I might add that that flexibility is more than most people on the outside are able to get. Most people who are not beneficiaries of public housing who have to go out there to work are not lucky enough to have the type of flexible work requirement that will allow them to work in their apartment or work in their hall or in their building. They must go and travel to another area, very often. They must leave, they must make accommodations, they must ask family to watch their children or their parents. They find ways to do that.

Yet, we are not willing to ask the same of people in public housing, to give not 20 hours a week, as is called for under the requirements of workfare, but 2 hours a week, 2 hours over 7 days. That is what we are asking, in return for a subsidized apartment unit, and often utilities being paid. That is what is common sense.

That is the very essence of the proposal that has been embraced by both this administration and the past administration, by both Secretary Cisneros and Secretary Cuomo. That is the very provision that was in this bill last year, supported by nearly 100 Members who believe in a commonsense approach to solving some of the Nation's problems.

The idea here is to tap into the huge resource, the huge potential human resource that we have out there, people who can bring talent, people who can do things in their own back yard.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Chairman, I just want to make it clear that we are talking about a single parent, a grandparent, or a spouse.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 30 additional seconds.)

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I understand what the gentleman's amendment does. I am telling the gentleman that I cannot accept that amendment, because I believe that people on the outside are asked to actually do more; that there is flexibility in this bill for people who are caregivers to work close to home.

I think there are some in this Chamber who want to gut this entire provision using different means of gutting it. I want to protect this provision. I think this is an important part of the bill. I think people should be asked to contribute to their own community.

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

Mr. Chairman, I rise in support, and am pleased to offer this amendment with my friend, the gentleman from Illinois [Mr. JACKSON].

Mr. Chairman, I come to this issue from a little different perspective. My wife and I have a son who is 4 years old, we have a daughter who is 2 years old, and we have another daughter who is 12 weeks old. I am very well paid. But if you were to tell me or if you were to tell my wife that she has to give 8 hours of community service, to volunteer, my reaction would be, I will tell you what good community service is for a caregiver, either a mother or a father who is alone with a child. The best community service that that person can give is to take care of their child, whether the child is 12 weeks old, 2 years old, or 4 years old. I want that parent to be there to help that child.

I understand why the gentleman from New York is saying, well, if you are an able-bodied person and you do not have kids around the house, or if you are able, we do not want you to lie around on the couch.

We may agree or disagree on the merits of that. But I think all of us recognize that at certain times in a person's life you simply do not have the time to go out and help in community service. I would imagine any mother who is in this Chamber today, if they were told when their baby was 4 months old, we now want you to go give 8 hours a month for community service, would say no, I think I should be with my baby.

□ 1500

They may decide that they have a care giver who shares the responsibilities with them that would allow them to do so. If they could do that, they would do so, they could volunteer. That is the nature and the essence of volunteerism, that a person gives willingly. But to tell a mother of a 3-month-old or a 6-month-old or a 3-year-old, all right, you are a single mother, now you have to leave your child and go out and perform some community service that has been delegated by the Federal Government, to me is exactly the wrong way we should be going. We should be encouraging these people to do the best they can to support their children and to help their children along.

So for me this amendment is a very common sense amendment. It is recognizing that there are times in a person's life where the most important community service they can give is to take care of their children, and to suggest otherwise I think is demeaning to young mothers and young fathers. For some reason we are saying, OK, you have to give 8 hours community service. If community service is so great for these poor people, then let us apply it to everybody.

The gentleman from New York says there are poor people who are now living in public housing that do things beyond what is called on them. That is fine, I applaud them for doing it. I am happy that they are involved in the community. But we do not require them to give 8 hours community service. We do not require millionaires to give 8 hours community service. We do not require anybody to give 8 hours community service except for these people.

At a time when in many States in this country there are work requirements under welfare that are requiring these people to work maybe 20 hours a week in order to get welfare benefits, now we are saying we are going to tack on an additional requirement above and beyond; that I think is moving in the wrong direction.

I think this is a common sense amendment. I think it does go in the right direction. It recognizes that there are people who do think it is important to require people to work, but it also recognizes that if you are a young person, if you are elderly, if you are disabled, that it is really not fair to ask you to perform the service.

I would ask the Members to please support this amendment. Again, I think it is a very common sense amendment. It does not hurt anybody. It is not carrying out an exception that you can drive a truck through. It is just a commonsense exception.

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

Mr. Chairman, I just want to address the gentleman's amendment briefly if I may. I am prepared to offer a secondary amendment, a perfecting amendment to his amendment, but I just want to make a few general comments before we get into this. I am coming from this as a person who has lived in government housing.

When I was in college, I got a free dorm room and I got that free dorm room in exchange for working 6 hours a week in the dorm. And I had to do that over and above and on top of my requirements as a college student. I was a biochemistry major, it was a very demanding curriculum. I had to take a lot of courses in chemistry, physics. I also had to work my way through college, so on weekends I had to work. As a matter of fact, I worked the 11 p.m. to 7 a.m. shift on Friday days and Saturday nights at a local hospital. In exchange for that, I got a little room about as big as a walk-in closet.

I think what we are trying to do here with this amendment is ask people to work substantially fewer hours than I had to work. I had to work about 24 hours a month. We are asking people to work 8 hours a month. As a matter of fact, I am going to have an amendment I will introduce later because I think 8 hours is too little. I am going to try to increase that with an amendment to 12 hours.

I think the issue that we are bringing up right now, single moms, kids at home, I think that there is some legitimacy to that. I personally think in these housing authorities that people will be able to work together to say that somebody cannot find 2 hours a week to me is a little hard to swallow.

I am prepared to offer a secondary amendment to the gentleman's amendment, and I have that at the desk right now, that would give the housing authority the authority to exempt up to 20 percent on the grounds that are being brought up. I think that is a very reasonable compromise here to the gentleman's proposal. I think there is some legitimacy to what we are talking about in that there will be, there is some legitimacy to what the gentleman is talking about. I think to have the housing authority given the ability to exempt a certain percentage of people on the grounds that the gentleman is talking about, that they are very burdened with the requirements of their kids, might I just add that I think this requirement ultimately will be good for many of those moms to get out and to actually do some work, contributing to their local community.

I think we need to have some flexibility with the housing authority, and I think the gentleman's proposal should be allowed for a certain percentage. I would ask that the gentleman would consider my amendment. I think if the chairman will accept this and the gentleman will accept it, then we can move on to the other amendments.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, what is magic about exempting 20 percent? Suppose it happens to be 30 or 40 percent in a particular housing project? Is there something magic or special about 20 percent?

Mr. WELDON of Florida. Well, actually it could be 10 percent, it could be 5 percent.

Mr. WATT of North Carolina. What would be magic about that?

Mr. WELDON of Florida. Mr. Chairman, this is something we can revisit in the future. We can get some testimony. I am on the committee with the gentleman.

Mr. WATT of North Carolina. Mr. Chairman, my point is that it will vary from housing community to housing community. It is not going to be 20 percent all across the Nation.

Mr. WELDON of Florida. I think what we are proposing here is a very reasonable solution to the issue at hand. I think we can get testimony in the future on this issue, and if there needs to be more flexibility given to the housing authority, I think we will be able to do that.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO THE AMENDMENT OFFERED BY MR. JACKSON OF ILLINOIS

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida to the amendment offered by Mr. JACKSON of Illinois:

In the amendment, before ''a single parent'', each place it appears insert ''for not more than 20 percent of the total number of families assisted by a public housing agency,''.

Mr. WELDON of Florida. Mr. Chairman, I will not consume the entire 5 minutes because I basically, I think, have made my case. I think there will be some situations in the housing authority where it may be appropriate for the housing authority to exempt some residents. My own personal opinion is the vast majority of the people in the housing authority will be able to meet this work requirement because it is ridiculously low. I started out saying, I used to have to work 24 hours a month to get a room the size of a walk-in closet.

We have got people who are getting apartments with several bedrooms, a

kitchen. They are getting free electricity, free heat, and the gentleman is saying they cannot work 2 hours a week. Come on. Give me a break. That is one Oprah Winfrey show, that they cannot find somebody to mind their kids for 2 hours within the authority.

Now, there may be some situations where that would arise. I believe my exemption here would give the authority some flexibility to do that.

I just want to comment on one thing. In Florida, we had welfare reform in Florida and in one of the counties in Florida there is a work requirement in the whole State. After 2 years they have to go to work. In one of the counties, they decided to set up a citizens panel to see if they were doing something wrong. They had these citizens review these cases of people being put off of welfare. On every single case they reviewed about 36 cases. They have put every single one of them off because the people were making absolutely no attempt to find a job.

I think what we are doing here with my secondary amendment is we are giving the housing authority some flexibility. If there is a mom in the building who really legitimately cannot break away for 2 hours a week or 8 hours a month, you are talking about one 8-hour shift a month. I think this is a very, very fair and reasonable solution.

I will say it again, I think 8 hours is too low. I have got an amendment I will offer, I think it should be 12 hours or more. I had to work 24 hours a month to get a room the size of a walk-in closet.

Do my colleagues want to know something? In the dormitory I lived in, that was very competitive. All the students in the dorm wanted that. There was very, very vigorous competition for the privilege of getting a room the size of a broom closet in exchange for working 24 hours a month. So I think this perfecting amendment is a reasonable compromise to the concerns of the gentleman from Illinois [Mr. JACKSON].

If his concerns are that he does think that there are some people in the housing authority who will not be able to meet the work requirement, my amendment achieves that desired goal. I personally do not think that is the intent. The intent is to gut this. They do not want any work requirement.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, I went to college, worked my way through college as well. I was not a single parent at the time. Was the gentleman from Florida a single parent at the time he was asked to do this work requirement?

Mr. WELDON of Florida. No. I was a college student.

Mr. BARRETT of Wisconsin. OK. I thank the gentleman.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, what does the gentleman from Florida [Mr. WELDON] propose should happen to the other 80 percent under his amendment who do not meet the gentleman's threshold?

Mr. WELDON of Florida. I believe that they will be able to make accommodations and they will be able to meet the work requirement, and I think it will serve the community extremely well. I think there will be enhanced community spirit. I think it will deal with a lot of the problems with vandalism in the housing projects. I think it will help deal with crime in the housing projects.

Mr. JACKSON of Illinois. The gentleman from Florida's specific amendment states before ''single parent,'' the gentleman wants to insert ''for not more than 20 percent of the total number of families assisted by a housing agency.''

My specific question is, what becomes of the 80 percent in any given public housing agency who meet the threshold, who meet the criteria that we speak of in the amendment but do not meet the gentleman's threshold, which is precisely what the gentleman's amendment proposes to do?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I think it is absurd to argue that 100 percent are not going to be able to eke out 2 hours a week or 8 hours a month.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I am happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, why should not 100 percent of people who are primary care givers for children under the age of 6 or elderly persons or persons with disability meet that criteria?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, there are some people who will have a legitimate case that they cannot get away. There are some that do not.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman's amendment for reasons I have already stated but I want to reiterate. This last-minute amendment strikes and allows before ''single parents'' that a public housing authority can only exempt 20 percent of the total number of families assisted by that public housing agency for a particular amendment that my amendment offers.

We simply provide an exemption for a single parent, a grandparent or a spouse of an otherwise already exempt individual who is the primary caretaker of one or more of the following: children who are 6 years of age or under, elderly persons who obviously cannot care for themselves, and persons with disabilities.

This is a common-sense, family-values amendment; and why the gentleman from Florida [Mr. WELDON] is opposed to this particular amendment as it is stated and written is just unfortunate, Mr. Chairman. I think it speaks to the mean-spiritedness that is certainly surrounding some elements of this bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in opposition to this amendment. I think that the gentleman from Illinois [Mr. JACKSON] has a very reasonable approach to this.

The chairman of the committee has indicated that there are a number of exemptions. The only issue here is whether or not a mother with children or a primary care giver ought to be considered to have been doing a public service or volunteer work.

I do not know anybody in this country who has had children who does not think that taking care of those children is the most important volunteer work we can do in the United States of America. It is the future of our country. It takes an enormous amount of energy. It is the kind of values that I think we ought to be sustaining and encouraging in this country.

I am shocked to hear that the Republicans oppose this, and the Republican agenda is now that we no longer consider taking care of children to be volunteer work. What could be more important than taking care of our Nation's children?

If we are going to be considering this in terms of public housing, why should we not be considering that to be qualified? Is it not as well qualified as raking leaves? Is it not as well qualified as going down and cleaning up a playground? I know that the gentleman from Florida [Mr. WELDON], the doctor, feels that people in public housing hang around and watch Oprah Winfrey, as he suggested in his last comments.

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But I do not think that is a fair characterization of what goes on in public housing. And all we are trying to suggest is that if someone is the primary caregiver to a family with underage children, then maybe this should be considered a worthy voluntary effort on their part to take up those children.

We pay caregivers across this country. We pay and encourage child care. There was an effort to include child care in the past welfare bill.

I am really kind of taken aback by the fact that this amendment was not accepted by the chairman of the committee. I asked the chairman of the committee if he would accept this provision. It seemed to me to be a very fair and reasonable provision that the gentleman from Illinois had come up with, and in the spirit of working together in a bipartisan way to come up with a reasonable approach to how to deal with these issues that divide us, I thought this was a very reasonable way to move forward.

I guess I am just dumbfounded by the fact the chairman would not have accepted what I think is a very reasonable position. And I would predict that

if this bill ever moves to conference and actually gets to a point where we are talking about enacting this and its coming back into law, I would be very shocked to find that this provision was not taken up.

I do not know what the move is here. It seems to me it is fairly straightforward; that anybody that is taking care of children under the age of six ought to be recognized for the contributions they are making not only to that family but to the future of this country.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would point out to the gentleman that part of the work requirement would include child care; if there is a day care center in the project, that working in that child care center would qualify as a work requirement.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, I would point out to the gentleman that maybe he has access to a lot of child care, but most public housing agencies do not have access, and most public housing projects do not have access to child care.

So while that may appear to be an easy solution for the gentleman, it is not, in fact, an easy solution for a lot of the public housing residents we are talking about.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield again?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I would say to the gentleman that they would be able with this work requirement to create a child care facility within the housing project.

Mr. KENNEDY of Massachusetts. Taking back my time, Mr. Chairman, the gentleman obviously does not understand some of the costs that are associated with taking up child care.

If the gentleman was here and paid attention to the child care debate, there are all sorts of rules and regulations pertaining to child care and the like. That is not really what the issue is.

The truth of the matter is I think we should be encouraging mothers and families to take care of their children in their own homes and valuing that as a society. They do not have to be dropping them off in a child care center in order to get credit for it. They ought to be getting just as much credit in the family home as they do taking them to a child care center.

I thought that was, as a matter of fact, one of the core values we were trying to encourage in this country, not to go take children off to somebody else's home but to bring them up ourselves. And why is that not an effort? Why is that not a reasonable effort and one that should qualify under the gentleman's notions of volunteerism?

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, the intent here is that it is possible within the constraints the gentleman is describing——

The CHAIRMAN pro tempore. (Mr. LAHOOD). The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

I made no bones about it, I thought it was cavalier, paternalistic, and demeaning to even have a provision that mandates volunteerism, which, in itself, to me, are two internally inconsistent concepts: mandates and volunteerism. Those two things do not even go together.

We are demeaning this institution now, and we have gone from the sublime to the ridiculous. The gentleman comes forward with a completely reasonable amendment that says let us exempt people from this volunteer requirement if they are taking care of a disabled relative or if they are taking care of a child at home, both provisions that are not made in the underlying bill. It is a very, very reasonable amendment that the gentleman from Illinois has raised.

My colleague from Florida comes and says, oh no, we cannot accept that, but we will give the gentleman a 20 percent requirement. This takes us back to yesterday when in the general debate the notion was that anybody who disagreed with anything in this bill was bad.

We have got a perfect bill here, according to my colleagues, and anybody who disagrees with anything in it, regardless of how ridiculous it is, we are going to stand up and defend it at all costs. We will be here all afternoon defending this ridiculous provision in the bill.

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

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would say to the gentleman, as he knows, in the Committee on Banking and Financial Services on which he sits, 65 amendments from the minority side were considered and 29 were passed. So this bill has the strong fingerprints of the minority.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, let me say to the chairman that we have never, ever passed a perfect bill out of this House. Never. I do not care who wrote it, who amended it, regardless of the circumstance, we have never passed a perfect bill out of this House.

And the notion that somehow somebody who comes forward, just because they happen to be on the Democratic side, with a good idea and amends this bill is somehow protecting the status quo or is disingenuous or not being reasonable, is just ridiculous to me. We have never had a perfect bill out of this institution. We never will. And this one is not perfect.

Now, if I accept the chairman's argument, we got to a perfect bill in the Committee on Banking and Financial Services and, therefore, we ought not do anything else on the floor to improve that bill. This is an improvement to the bill. It is something that the Republicans told us in committee that they thought would be covered anyway.

If a person went out to work at a rest home or a nursing home where there are disabled people, then they would qualify as a volunteer. Why can they not do it in the confines of their own house and have it. If they go out and work at a child care center and volunteer, it qualifies. Why could it not qualify if they are volunteering in the confines of their own home?

This is ridiculous, to stand up and try to defend against this reasonable amendment. And now my chairman comes back and says, oh, well, reasonable housing authorities at the local level will let people go outside their door and sweep and they can satisfy their volunteer requirement that way. That is ridiculous.

And when the local housing authorities, who they will not give any discretion under the provisions of this bill, when they go and say, OK, we will let them sweep right outside their door.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. Watt] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Then they will come back and cite the local housing authorities for not complying with the law, because they will say, oh no, we wrote a perfect bill, and how dare they tell the Federal Government that they will not comply with the spirit and the letter of the law.

My colleagues, we have reached a point of ridiculousness here. It is ridiculous partisanship. If this amendment were offered by a Republican on the floor of this House, it would have passed just like that. And the only thing we are defending against is pride here. Partisan pride. That is all we are defending against and we ought to be ashamed of ourselves.

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

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. First, I hope the gentleman recognizes that this side has a lot of respect for the perspective being put forth.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

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

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. This side has never made a statement this is a perfect bill. We are dealing with each issue on its merits. But I would stress to the gentleman, in terms of partisanship, the provision that we are defending came to us, largely speaking, from the administration and we supported it.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, the administration, I believe, would support the gentleman's amendment to this bill.

Has anybody called the administration? I guess we are going to call the President every time we pass some legislation in this body. We have never done that before and I do not want to start now.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

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

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to point out to the chairman of the full committee that he has cited on a number of occasions the fact this is a Democratic provision. The truth of the matter is, if we go back through the legislative history of this provision, it came from a Senator on the Republican side of the other body who inserted it in a bill 2 years ago that nobody thought was going anywhere.

It is not a proper representation to suggest that this is a provision that came from the Democratic side or from the President of the United States. It is just not proper.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, I will say it should not matter who offered the amendment. It is a good amendment. We should support it. The gentleman from Iowa should consent to it.

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

I think it only fair that we lay on the record what is the circumstance in the fairest possible way. The gentleman from Massachusetts may well be right that originally a legislator may have come up with this idea. But the gentleman from Massachusetts, I think, will acknowledge that the bill that was transferred from the Department of Housing and Urban Development under Secretary Cuomo, that was introduced by the gentleman from New York, [Mr. LAZIO], and by the gentleman from Massachusetts, [Mr. KENNEDY], contained a community service component of 8 hours of work per month.

And I would ask the gentleman, is it not true that, basically speaking, in the nomenclature and the vocabulary of the House of Representatives, when an executive branch agency or department presents a bill to the U.S. Congress, it is normally considered to be the administration position?

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

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

Mr. KENNEDY of Massachusetts. For purposes of clarification, it is my understanding that the bill that the President, that HUD submitted, does not contain this as a binding agreement. It does not evict someone, and it is not a term of the lease, No. 1. No. 2, it does in fact contain the provisions that the gentleman from Illinois [Mr. JACKSON], is offering.

Mr. LEACH. Reclaiming my time, Mr. Chairman, I will respond directly to the gentleman.

The majority would like to acknowledge that there are certain tightening up circumstances that have occurred in this bill under the committee markup process. But I would like to read to the gentleman precisely the bill submitted by Secretary Cuomo, under section 111, community service requirements for the public housing in section 8 programs. And it reads, and I quote directly, this is the position of the Department of Housing and Urban Development, which is a part of the Clinton administration:

''Notwithstanding any other provision of law, each adult member of each family residing in public housing or assisted under section 8, shall, without compensation, participate for not less than 8 hours per month in community service activities not to include any political activity within the community in which that adult resides.''

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The reason I stress this, I think it is absolutely fair for any individual Member on either side of this body to disagree with the administration. I think it is absolutely fair to disagree with any provision in this bill. I happen to believe that virtually all American Presidents are more than half right more than half the time, and so I have been criticized for being inconsistent in sometimes supporting a President and sometimes not. That is a matter of individual judgment at a time, and I think the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from North Carolina [Mr. WATT] are thoroughly within their rights to disagree, even though they are disagreeing with a provision of a bill that they themselves introduced by request, and when you introduce by request, it does not mean that you agree with all subtle points.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

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

Mr. WATT of North Carolina. I appreciate the gentleman yielding.

My question to the gentleman is, what difference does it make? If the gentleman thinks this is a good idea, and I think everybody does, what difference does it make whether the President sent a bill over that said something different? What difference does it make if you passed a bill out of the committee? If you think it is a good idea, support it.

Mr. LEACH. Let me recapture my time. The gentleman makes a very good point, with this exception. It has been your side of the aisle that is trying to define a partisan differentiation, not simply an issue of judgment. Repeatedly on your side of the aisle, there has been an effort directed at given constituencies in America to try to say the miserable Republicans, or implying the Republicans are attempting to do this to you. All I am suggesting is that this is a judgment that I think the majority of Republicans probably support, a number on your side of the aisle will probably support, and the Executive Branch supports in broad precept. I make this point because it is very important in terms of public policy, if Congress passes a law of this nature, that people in public housing should not then come to think that this is a Republican ax held over their head. It is the judgment of the Congress, a bipartisan kind of judgment of which there are individuals that will differ. But I refuse to hear the suggestion and implication that you as individual Members stand for the complete Democratic Party. You may stand for the majority of the Congressional Democrats, but on this particular issue in broad measure, the Executive Branch differentiates itself from you and is closer to our side.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

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

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, first I want to go back to the gentleman citing this initial law. I go back to the issue that there was an intention and there is an intention on the Democratic side to encourage individuals to participate in volunteering who receive public housing. There is also a recognition that this should not be a term of the lease. In other words, yes, they shall in fact participate in volunteerism and the like. We do not as Democrats always agree on every provision. The gentleman is correct in pointing out that there is perhaps a broad agreement in this country that what we ought to do is fix up public housing by virtue of abandoning our commitment to the very poor. It is within the rights of those of us within the Democratic Party, and I would hope maybe a few in the Republican Party, that think that it is wrong as policy of this country for us to turn around and abandon the poorest people

in this country so that we can say that public housing works simply because we no longer provide them a benefit. I think that that is a moral question, and I think that these are issues that get to the heart of what this country is all about, and I think that these are issues that need to be openly and honestly debated. I think when one particular party happens to agree with that set of policies and there is great division in the other party, that it is perfectly reasonable for us to characterize what is coming out by your own admission as a policy that is generated largely by virtue of what your party has come to stand for. It seems to me that it is eminently reasonable for us to characterize the way your party has acted towards the poorest and most vulnerable as insensitive to their needs. I appreciate the gentleman yielding.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. LEACH. Mr. Chairman, in responding, let me just put this in a little broader background: 2½ years ago, there was a major effort and consideration by this administration to eliminate HUD. That effort received widespread consideration in this body. Our committee, of which the gentleman from North Carolina [Mr. WATT] and the gentleman from Massachusetts [Mr. FRANK] are members, made a collective kind of decision to try to not eliminate public housing but to reform it. The dollars that we have put on the table are precisely the dollars requested by the President of the United States, Mr. Clinton. The reforms are in large measure consistent with the proposals of the Department of Housing and Urban Development. I acknowledge on this issue, and also with regard to this amendment, there are some differentiations. This amendment, for example, addresses a point where the committee may have gone further than the bill that HUD supplied, but we think we are largely consistent. But having said that, the big picture is that we have made a decision to try to reform rather than to allow continued stultification and decay. We believe we are in tune with the American people on the view that when one receives a benefit, to the maximum extent possible, there ought to be something provided back in a public kind of way. That is what we have on the table and what you have every right to individually differentiate yourself with. But in large measure, the approach the Committee on Banking and Financial Services has brought forth is one in which we have worked very closely with HUD. HUD has worked very closely with us, and by HUD, I do not mean it in broad terms, I mean the administration and the Presidency.

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

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

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would point out to the gentleman that I have been asked by HUD to submit an alternative bill because of the significant differences that exist between HUD and the Republican version of this bill, No. 1.

No. 2, I do believe, as I have said earlier, that there are significant differences between the way we are approaching taking care of the very poor in this country, the kinds of requirements that we are putting only on the poor in this bill with regard to how we are handling the fact that we expect them to volunteer. I am sure the gentleman from Iowa, who has had a very balanced approach to his legislative career, would understand that there are a lot of people in this country that gain great benefits, financial benefits, much more substantial than the families that go into public housing, that are never asked to volunteer at all. I would just like to understand from the gentleman from Iowa why he believes that it is fair to ask people in public housing to submit to this kind of voluntarism but it is not fair to ask people that get other kinds of tax benefits, people that get oil and gas benefits, people that get benefits from the Eximbank, or the Housing Administration.

Mr. LEACH. I think the gentleman makes a fair inquiry. Whether it is exactly apples and oranges, I will put aside. But I would say the effort of the majority side at this time is to enhance and increase the incentive for work and to enhance social obligation. The gentleman's uncle was a great believer in community service, in public service. That is what this bill is designed to enhance at the local level. I do not mean to say I presume that I speak more for the gentleman's uncle than he can.

Mr. KENNEDY of Massachusetts. I appreciate that, Mr. Chairman. I am not going to react to that one. I appreciate the fact that the gentleman has cited, I assume, President Kennedy for his efforts on trying to give people the notion that we all have a responsibility to give back to this country.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. But I do not believe that President Kennedy or anybody else ever suggested for one moment that that was to be the exclusive provision of the poor, but rather that that ought to be a uniform sense across this country.

The trouble, Mr. Chairman, is that within this bill what we see is an almost mean spiritedness that qualifies only the poor for the programs. If they gain a benefit from the United States, they are forced to give back, or they are thrown out of their homes. This is patently unfair and is an indication that poverty is equated with immorality.

Mr. LEACH. Mr. Chairman, if I could reclaim my time, I say to the gentleman from Massachusetts [Mr. KENNEDY], nobody on this side of the aisle said poverty is equated with immorality. That is language that comes from your side and it is a debate technique attempting to put an idea on our side.

The second point, I just think it very important to say, the words mean spirited has been introduced. No one to my knowledge has approached this from a mean-spirited direction. To the degree that any appellation applies, it has to also apply to the administration who submitted this precept. And so if there is either a positive or a pejorative, it has to be considered collective, I am sure shared by some on the gentleman's side of the aisle as it is shared by the administration.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to the gentleman that another gentleman on your side of the aisle suggested that what the poor in public housing do is sit around and watch Oprah Winfrey. I believe, Mr. Chairman, that that has racist characteristics that ought to be dealt with by the gentleman's side. That is a mean-spirited comment.

Mr. LEACH. I did not hear those words. I will look for them in the RECORD.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Illinois.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I just want to make one clear observation. My amendment says that a mother with a newborn can be exempted from this particular requirement for caring for her newborn. His amendment specifically says that only 20 percent of those residing in a public housing authority can be exempted for having a newborn. That is the difference between my amendment and his amendment. I say 100 percent of women with newborns under the age of 6 or caring for their children, caring for senior citizens, caring for those that are physically disabled should be exempted. His amendment calls for only 20 percent and no provision whatsoever for how that 20 percent should be determined in a given public housing authority. That, sir, from my position and my perspective, and I say this respectfully, is quite mean spirited.

Mr. LEACH. I think the gentleman makes decent points and they ought to be respected.

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

Let me begin in a spirit of conciliation. The chairman has several times cited the position of the President. I would ask unanimous consent that we substitute the language submitted in this regard by the administration for the language in the bill.

Mr. WELDON of Florida. Mr. Chairman, I object.

Mr. FRANK of Massachusetts. The gentleman objects. The gentleman has a right to object, but what he cannot do is object to the insertion of the President's language and continue to cite it. I know lawyers sometimes get criticized but they have a very useful term called estoppel. If in fact the gentleman objects as he has just done to using the President's language on this as the legislation, he is estopped from using the President as the justification. So I trust the Republican side having objected to my effort to amend it with the President's language, we will not hear the President again invoked. The President I suppose in this bill as far as you are concerned will be here in spirit even though he cannot be here in language, but I do not think that is an appropriate parliamentary thing. Let us now get that stalking horse out of here.

We are prepared to accept the President's language. Your side apparently is not. If you want to, and it is only one objective, maybe we can work this out. Second, let us now talk about the substance. The fact is, and here is why I subscribe to the language of my friends from North Carolina, Illinois, and Massachusetts, why I believe this does bespeak a meanness toward people in low income. Let me give an analogy. We had a very similar debate about this during the welfare bill. Some of us felt that the language as it applied to legal immigrants, with regard to the exclusion of legal immigrants from a whole variety of programs was mean. We were told, oh, no, that is just soft. The American people want it. The gentleman from Iowa said we are in tune with the American people. You may have been in tune with the American people last year and what have you got, a situation which almost everybody admits is intolerable. We did exactly that last year. We listened to the people who said let us get tough and let us not fool around and we now have 80-year-olds desperate, 80-year-olds committing suicide in some cases. You are going to have to try to fix it. Do not make the mistake again.

Impose on every housing authority, everywhere in America, this obligation. By the way, let us note that using this kind of labor in some cases will cost you more than it will bring in in dollars. We are not talking about something that has any cash value. It is going to be expensive for some housing authorities to administer this.

□ 1545

What did CBO say it is going to cost? About $30 million, $35 million. For the larger housing authorities, they can probably absorb it. For the smaller ones, it does not. My colleagues underfund the housing authorities and simultaneously impose this requirement on them, and they impose it only on the very poor, only on the unemployed poor.

We can say, ''Well, we'll think about it,'' but nobody has done this for recipients of direct subsidy from the Export-Import Bank, nobody has done this for the people who get farm subsidies, no one has done it for a whole range of other things, and to single out the lowest income group and impose this restriction bespeaks the sense that they are therefore really people of low moral fiber. Why do my colleagues have to force them to do this? Why do they pick out the poorest of the poor and say, if they are not working, we are going to make them do this, because the underlying assumption is these are not people of great moral worth, these are not people who will do it, and please, as I say again, do not, basic principle, do not invoke the President if my colleagues are not prepared to invoke the President. If my colleagues want to accept the President's language, invoke the President for support, but if they object to the President's language, let us not have the President being thrown in that way.

This is a very clear-cut singling out of the poorest of the poor in public housing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I just want to make sure that it is clear, because I get the impression we are getting ready for a vote shortly, this is the amendment that says that 80 percent of mothers in public housing with newborns can be evicted for failure to volunteer.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman has clearly not followed this. Yes, we believe in this body that women with their children or fathers with their children should be there and there is some evidence that that is important, but if they are poor enough, then they lose that right to do it all the time, and 8 hours a month in principle may not be that much, but if one does not have child care available to them, 8 hours a month could be a problem, particularly if they have to schedule the 8 hours. There may be some unscheduled problems with the children, and I have to say imposing this restriction on every housing authority, whether they want to do it or not, on everyone in the country, yes, it does to us mean that our colleagues are singling out the poorest of the poor for a harsh treatment.

And I will concede one thing to the gentleman from Iowa. He says this is philosophically in tune with the people. I recognize, given the distorted view of things it comes across, it will be popular, but it is mean, it is not right, and I would hope we would at least make this exemption.

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

Mr. Chairman, I think citizens in this country ask one thing of their government above all other things. That is a sense of fairness, a sense of justice, a sense of consistency in the way we treat people irrespective of their economic wherewithal or irrespective of their needs.

There is a wonderful line in a poem by Robert Frost, the poem called ''Death of the Hired Man.'' Silas, the old hired man, has come back home. He is still able-bodied, but the gentleman who owned the farm said to the lady he ought to have to earn his way here. He has come back home, and we should not keep him unless he can earn his way.

Now I remember the words of the lady who spoke to her husband, and she said, ''You know, home is something you somehow have not to deserve. Home is the place that when you got to go there, they got to take you in.''

Now think about that. That is the real argument here. America, out of its goodness, provides a home for a lot of people who are in very difficult circumstances, and what some folks here want to do is say, ''Nah, before we provide it, they have to somehow earn it, they have to deserve it.'' That is not what the heart of America says. That has never been what the heart of America says. America says just what Robert Frost said:

''Home is somehow something you have not to deserve.''

That is what we owe our poorest people. We cannot legalize their sense of contribution to the little box where they live. That does not make it right or make it better.

If we want to do something, why do we not direct our efforts to provide more education, more training, more opportunity so people can escape some of these circumstances? That ought to be the real thrust of what we do out of the heart of America.

I have 46,000 families in my district, one of the largest districts in the Nation, that have earned income tax credit qualifiers. I know what people's perception of poverty is in this country. Five percent of those people in the earned income tax credit in my district are black; the rest of them are all white.

Listen. They work really hard. They do not want to stay in these circumstances. They never wanted to be in them to begin with. They want hope. Just go there and talk to them. My colleagues would not get a sense that they are lazy or they want to be there. Most of them already work 20 hours a week for the welfare benefits that they get. That little box they call home is about

all they really feel is theirs. Do not demean their ownership. Opportunity, not mandating their innate sense of contribution, is what they need.

None of us, none of us in this country, really deserve the tremendous good that our country gives to all of us. I can think of 100 different categories of people which the Federal Government helps who we do not mandate that they do anything to deserve the help. We build ballparks, race tracks for people who are multimillionaires, and we do not say, ''You got to do something to deserve it.''

I go through a major airport at least two or three times a week. I do not see many poor people there flying. We pay for that with tax money. I go to our great land grant institutions of higher learning. Ninety percent of the children that are there are children that are from wealthy families or families at least that have a decent wherewithal. They are not poor children. We pay for that with tax dollars. We do not say they have to deserve this.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Illinois [Mr. POSHARD] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. POSHARD was allowed to proceed for 1 additional minute.)

Mr. POSHARD. Let us not make the poor people of our country feel like they are the only ones who have to deserve the goodness, the heart of our Nation, that they have to prove that they are deserving to live in housing that the rest of us here in this body probably would not live in if it were given to us for free. That is what this is really about. We are changing the ground rules here. We are flying in the face of something very basic and fundamental as Americans, and we ought not to do it unless we are willing to do it across all classes and be consistent for all manner of people and needs.

Mr. SESSIONS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, the words that have been spoken today on both sides do address the heart of the issue. The heart of the issue is whether we are going to ask those people who are American citizens, those people who live in public housing, whether they are going to participate in an America that is moving forward.

On March 6 of this year, I am the person that engaged Secretary Cuomo on the discussion as it related to H.R. 2, section 105, and that is the discussion that I attempted to engage with the leading housing authority in this country on this specific issue, the issue of how are we going to have people who live in public housing who are not employed but who receive something of substance from the Government, how are we going to enable these people to become a part of the process not only within their own housing unit but within the general community? And I must tell my colleagues that as I talked to Secretary Cuomo the sense that I received was that in the spirit in which we meant it is that we need people to participate in America.

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

Mr. SESSIONS. Mr. Chairman, I will yield to the gentleman in just one moment, because we were there that same day and I would like the gentleman to recount the same things that I heard.

I would like for the RECORD to once again be noted that Secretary Cuomo agreed with this section, and it is specifically my point in rising today that I believe we are asking for participation from those people who live in public units to become a part of that public unit and to make it work.

Lastly my point, and then I will yield, I believe that what we should do is listen to the people who are in the business of public housing about how they see the public policy working, and Secretary Cuomo said he agreed with it. It was a forthright, honest question that I gave to him, and he gave me a forthright honest answer.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think a lot of the sort of inclinations that the gentleman has I think are reasonable. I think that the real question is whether or not we are going to be evenhanded with this notion of how we expect people to react to this renewed sense of commitment to America, and what I wonder is in this bill there are a lot of landlords that are going to have, they are going to make millions of dollars.

Mr. SESSIONS. That is not the discussion of this bill. That is not the discussion about who is making money and who is not because that is an investment issue.

Mr. KENNEDY of Massachusetts. If the gentleman will continue to yield, I just have a question for him.

There are a lot of landlords that in this bill are going to make millions of dollars this year. They are going to be people that own project-based section 8 housing, people that receive section 8 vouchers, and be all sorts of folks that make money.

Now, I wonder whether or not the gentleman feels that those individuals that are going to make money out of this bill have the same requirement for voluntarism that the people that occupy the public housing do.

Mr. SESSIONS. Mr. Chairman, it should be noted that they have invested that money for the purpose which is for the good of all people. They get up and go to work every day. I would like to say that even though I have what might be considered a full-time job I still take time to volunteer.

Mr. KENNEDY of Massachusetts. If the gentleman would continue to yield, I am not discounting his voluntarism.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to make it clear because I was also a participant in the conversation with Secretary Cuomo on that particular occasion. Secretary Cuomo also made it clear that failure to volunteer was not a binding lease term and he would not support the eviction of an individual for failing to volunteer. And we made a distinction on that occasion between public service in terms of voluntarism; i.e., Boy Scouts and Girl Scouts, a form of volition, and another form punitive in nature, which this bill and this particular section that the gentleman from Florida [Mr. WELDON] has recommended speaks to, and that is that right now 80 percent of mothers in public housing, under Mr. WELDON's amendment, 80 percent of women in public housing who have newborns will subsequently be evicted if, in fact, they do not volunteer, and that is what we are talking about.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, let me ask the gentleman this. The gentleman's amendment evidently talks about children up to the age of 6; is that correct?

Mr. JACKSON of Illinois. I would think that is exactly what my amendment speaks to.

The CHAIRMAN. The time of the gentleman from Texas [Mr. SESSIONS] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. SESSIONS was allowed to proceed for 1 additional minute.)

Mr. SESSIONS. So the question is, is that we should take these women who have babies, children that are under 6, and to exempt them simply because they might have children that they have to take care of?

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman from Texas again yield?

Mr. SESSIONS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. No, my amendment specifically states that a single parent, a grandparent or a spouse of an otherwise already exempt individual who is the primary caretaker of a child under 6, an elderly person or person with disability, that they be exempted from the community work requirement. The gentleman then subsequently proposed an amendment that allows a public housing authority an amendment to my amendment which simply suggests that only 20 percent of people living in public housing should meet this requirement, and that is the specific amendment that we are addressing, and therefore I raise the question about the additional 80 percent that would not be exempted under the gentleman's amendment.

That is specifically what we are talking about. His amendment says that 80 percent of women in public housing who have newborn children must volunteer, leave their child at home or

face eviction. That is what his amendment says.

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the leadership of the gentleman from Massachusetts [Mr. KENNEDY] and of the gentleman from Illinois [Mr. JACKSON] on this issue in bringing it up for our attention.

I was prepared today to offer an amendment to eliminate totally this aspect of this legislation. I think the amendment of the gentleman from Illinois [Mr. JACKSON] is eminently fair, it is reasonable, and it responds to the concerns that I have heard expressed on behalf of the American people.

I would simply like to ask the gentlemen on the other side of the aisle why they would not accept the Jackson amendment, why they do not believe that this is eminently fair, that they would distinguish those parents, those disabled individuals, those caretakers. First of all, they are representing that they are representing the American people, and that is that America now is caught up in the emotion of volunteerism.

Might I emphasize that volunteerism is just that. I believe in volunteerism. I believe in what the President did over the last weekend when thousands of people came and voluntarily came and voluntarily committed themselves to volunteering. I believe in the schools who are saying, we are not going to give diplomas unless some of our children are engaged in volunteerism as a part of the diploma. I believe in that. Why? Because children are in a learning mode.

So all of us are not to be labeled as fighting against this concept of volunteerism, and the other side of the aisle holds up the moral standard of volunteerism for this Nation.

The question is that my colleagues on the other side of the aisle are forcing individuals who need a roof over their head to be able to say that we have a place to live, to go out and abandon children, to not be able to be the appropriate caretakers. And in actuality, my colleagues are taking from them, without due process.

If we explain to the American people that we are categorizing poor people, taking from them their rights without due process, I think the American people would understand and believe that this side of the aisle with this amendment, this fair amendment, is right. My colleagues are denigrating them, and they are also disrespecting the volunteerism that goes on in housing authorities across this land.

I have almost the largest number of housing units in my district in the State of Texas, public housing units, section 8 vouchers. Those individuals volunteer. I have personally worked with them myself to clean up housing projects, housing developments. I have personally worked with them, personally swept up, personally planted plants with people who live in housing authorities. I have seen no lack of interest in cleaning up their area, no lack of interest in beautification, no lack of interest in volunteerism, begging for the community to come to the housing developments, begging for them to volunteer with us.

This is an outrage. It is an outrage because my colleagues are forcing the 8 hours on individuals that have been claimed, as the Jackson amendment exempts, grandparents, spouses who are primary caretakers for dependent young children, senior citizens or disabled persons.

I cannot understand, and I would ask the gentleman from New York [Mr. LAZIO] as well, why he is not willing to accept this as a faithful compromise to this issue, why the gentleman is not wanting to see us work together to be able to provide this kind of leadership on this issue.

Mr. SESSIONS. Mr. Chairman, will the gentlewoman yield?

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

Mr. SESSIONS. Mr. Chairman, I thank the gentlewoman for yielding and, in the bipartisanship from the State of Texas, I appreciate her words.

It is our concept and idea that this is a good idea. That is why we are not yielding on this amendment. We think that volunteerism is important. We would like to encourage, where appropriate, each of the people who are in section 8 housing units to get together, those mothers, to band together, to know each other, to get to know who their children are, who those children are and to work together, and then to allow, as a result of this community work, this volunteerism, to allow a mother to go out and to expand her horizons.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much, out of the spirit of bipartisanship in the State of Texas. Let me respond to that.

We had the welfare reform package that has indicated to those on welfare, some of whom are in the public housing from welfare to work. We have already set parameters for individuals to transition out of dependency into independence. This issue of volunteerism should be what it is.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

Mr. LAZIO of New York. Mr. Chairman, I am going to object to this. People are waiting in line. Everyone is wanting to have a chance to speak.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman from New York [Mr. LAZIO] has not answered my question, and he has not objected to more time for all the other speakers, and I would like to get an answer to my question. It certainly seems to be unfair when we engage in this debate to not give appropriate time. There have been unanimous consents before without an objection.

The CHAIRMAN pro tempore. There is an objection.

Ms. JACKSON-LEE of Texas. Let me simply say, Mr. Chairman, the gentleman is misguided and misdirected. I am withdrawing my amendment in support of the amendment of the gentleman from Illinois [Mr. Jackson], and I think my colleagues on the other side of the aisle all need to do the same thing.

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

Mr. Chairman, I think everybody in the Chamber this afternoon wants to resolve a problem that has persisted in this Nation for decades, and that is the problem of poverty, particularly the problem of poverty in public housing.

Someone mentioned that we are about to change the ground rules. I think it is about time to change the ground rules. We are attempting to change the ground rules so that we can cut the cycle of the paralysis of poverty that has existed in public housing for far too long. We are talking about women who have children should not be a part of this particular program of voluntarism.

Well, No. 1, if someone living in public housing with children has a part-time job, it is my understanding that they are exempt from this voluntarism program. However, let us take a look at the women who are not exempted, let us take a look at the women who are not working and who have children. It seems to me that, if we create a structure where these women will have an opportunity to have an exchange, a simple, human exchange with other people for a couple of hours a week, that is a positive thing. If we are to break the cycle of poverty, we need people to have an exchange of information, an honest exchange of information with other people within the community.

Women with children should be offered an opportunity to improve the quality of their life. They will not improve the quality of their life unless they have the chance, created by this structure, to exchange information with other people, and the community, the public housing project, the manager of that project, has the opportunity to create an infinite number of volunteering opportunities, not just one or two. We could even have two women in that project who would volunteer to baby-sit 2 hours a week for their neighbor. That is an opportunity to volunteer.

Let me make one other point. As we discuss this issue, I think a fundamental issue has to be raised here. As we

discuss the issue of trying to break the cycle of poverty, which is what has paralyzed people, often for decades, what is the mystery of human initiative? Why do some people seem to be successful and other people are not so successful? It seems to me, the mystery of human initiative is responsibility, dignity, and compassion, and offering the structure, a very flexible structure, so people will have the opportunity to meet other people, to exchange ideas, to listen and learn, to improve the quality of their life, the structure that we are offering here, that the gentleman from New York [Mr. LAZIO] is offering here I think is beginning to resolve or solve that mystery. We are offering people responsibility, we are offering people dignity, and in the process we are offering people compassion.

Now, I want to look at public housing. I have many public housing units in my district. I go from Baltimore city to the rural Eastern Shore, and I can tell my colleagues some housing projects are wonderful and some housing projects no one would want to live there, and no one should live there.

The reasons for that are several. There is a lot of money pumped into public housing projects. I can tell my colleagues just in my district, and we relentlessly pursue this, a lot of that money never reaches the maintenance of the public housing project. It never reaches the problems of drug abuse. It never reaches the problems of recreation. It never reaches the people that we intended that money to be served for. Whose responsibility is that? It is each Member of Congress that needs to get into every housing project in their district and see what some of the problems are.

When we pass this bill, and I hope we pass this bill and I hope this bill is signed into law by the President, it is not the end of it; it is only the beginning of it. We should begin to pursue not only how this volunteerism program works but follow the money trail, because I would say right here on this House floor, Mr. Chairman, that there should not be one housing project in the United States that is managed well that should not be a fine example of how people should live, not only the maintenance, but the education and how people are nurtured.

So I would support the amendment of the gentleman from New York [Mr. LAZIO].

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

Mr. Chairman, let me offer a suggestion as to what I think underlies this. Mr. Chairman, I think that some of our friends over here on this side know that the American people, many American people are very angry and they are very frustrated. The reason is that, despite what we read in the newspapers every day about our, quote unquote, booming economy, what our Republicans friends know, some of our Democratic friends know, is that the ordinary American is working longer hours for lower wages. What our Republican friends know is that most of the new jobs that are being created are low-wage jobs, they are often part-time jobs, they are temporary jobs.

So the average American today is frustrated and is angry, because his or her standard of living is in decline. They look around and they say, well, why am I in worse shape than I was 10 years ago? Why are my kids in worse shape than was the case in the previous generation? And instead of having the courage to look at the real causes of our problems, trying to understand that our jobs now are going to China and to Mexico, trying to deal with the fact that, while the richest people in America have never had it so good, the standard of living of working people is in decline, trying to understand that the minimum wage has not kept pace with inflation for 4 years, trying to really address the frustrations and the angers of the middle class when our Republican friends are saying, we know why they are hurting, and they are hurting because all of their money is going to those poor people.

They are the ones who are taking the tax dollars. They forget to talk about the $125 billion a year that goes in corporate welfare, tax breaks and subsidies for the largest multinational corporations in the country, many of which are taking our jobs to China and Mexico. We do not talk about that. They do not talk about a housing policy through the home interest mortgage reduction program which allows billionaires to get checks from the Government when they deduct the interest on their mortgage from their mansions.

We do not talk about that. But what we say, it is the poor people. And then if we are going to target the poor people, we have to figure out a way to humiliate them.

So what we say is: If you are poor and you live in a housing project, you must work. Now, how do we have a volunteer program when we force somebody to work? I have never heard about that. Now, some people say well, we want to help these poor people. What about creating jobs that actually pay something? Are my colleagues going to work with me for having public works programs and get those people out so they can earn a paycheck? I have not heard that.

What my colleagues are saying is: We want you to work, but we are not going to pay you. We are going to give tremendous power and authority to your supervisor, the administrator at the public housing authority, to tell you what you are going to be volunteering to do.

☐ 1615

I would suggest that what this entire process is really about is scapegoating; is having the middle class and the working people think that their problems are because of the poor, rather than looking at what the wealthy and the powerful are doing.

Mr. Chairman, I would suggest, somebody here before said about upper-income people, you have upper-income people who are getting checks who do not work. We have not heard any suggestion that maybe those people might want to be forced to volunteer in order to get their checks from the government.

I would suggest that this entire policy is one of an effort to humiliate poor people; to get the middle class in opposition to poor people, rather than to really look at what the causes of our problems are.

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

Mr. Chairman, I thank the gentleman from Illinois [Mr. JACKSON] and the gentleman from Massachusetts [Mr. KENNEDY] for their leadership, and even Chairman LAZIO, and really make a final appeal to my Republican colleagues to withdraw the Weldon amendment; that we all recognize as we negotiate here on this House floor we must do what is best for the American citizens, particularly our weakest citizens, our economically weakest citizens.

Mr. Chairman, I echo and underscore many of the points that have been made by several of my colleagues on both sides of the aisle, particularly those who would suggest to us that we ought to be fair and consistent in how we treat all Americans from an economic perspective.

To mandate to those who happen to be poor, who happen to not be able to write huge checks to our campaigns, who happen to not be as politically strong as some constituencies in this Nation, Mr. Speaker, and I say to my colleagues on both sides of the aisle, we all know that is wrong.

Let us support the Jackson amendment and do what is right for America. If we are indeed sincere and serious about eradicating poverty, or reducing levels of poverty, of giving children and young people a chance in this Nation, let us do the right thing and provide for senior citizens and caretakers to this Nation, who in a sense are providing the grandest form of volunteer service, the tallest and proudest form of public service.

I appeal to my colleagues on both sides of the aisle, do the right thing. Do the American thing. Do the fair thing. Bring a sense of justice or restore a sense of justice to this issue. Treat those who live in public housing authorities like we treat those who receive tax and oil subsidies in this Nation. Treat those who live in public housing authorities like we treat those who receive any type of other subsidy in this Nation.

Let us do the right thing. Let this body restore the confidence that we know we deserve, that we have lost, that has been shattered. Let us do the right thing and treat public housing residents like American citizens.

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

Mr. Speaker, I have been listening to this debate in my office, absolutely fascinated. I am seeing some people on both sides of the aisle who I absolutely have the most tremendous admiration for. I basically feel I have friends arguing with friends.

But this is a very important debate. It is a debate about an attitude and an approach. I think that we could probably misread some of the motivation on that side of the aisle, and I think they could probably misread some of the motivation on this side. In my view, in the final analysis, it is not what you do for your children but what you have taught them to do for themselves that will make them successful human beings.

I am sincerely not troubled by seeing a 4- or 5-year-old by his or her mother. I think of my dad taking me outside and working at 2 or 3 or 4, just seeing my parents active and doing something. I do not view this in the sense that this is a type of servitude. I view this as opportunity.

If this legislation were to say or this amendment were to say 3 and under, I would be more sympathetic. If it was disabled, I would be more sympathetic. But it is just, to me, a gutting amendment. I do not understand why a 6-year-old or a 5-year-old cannot work by their parent. For me, I just feel that there is some kind of a disconnect that is taking place here.

Democrats have pushed national service, legislation I strongly support; AmeriCorps, which I strongly support. Our side says we do not want the mandate and we do not want this kind of enforced opportunity to volunteer. Now I see the role reversed. It is almost like they are on the other side arguing against this concept of AmeriCorps and our side is arguing for it. For me, this is a logical step.

Mr. Chairman, I had a young woman call me when I was a State legislator and say she wanted to live in Stamford. She had a young child at age 16. She was adamant that she be allowed to live in public housing in Stamford. I said, we do not have any. But she said, it is my right. I said, you have a young child. You are going to receive welfare. You are also going to be provided a place in Bridgeport. Maybe it is not Stamford.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all of the information that we have from Time this week, the cover of Newsweek, all of the indications are that children between zero and 6, that is when their personalities are formed, it is who they will be.

Are we saying that single parents can no longer——

Mr. SHAYS. Mr. Chairman, reclaiming my time, I would love for a 4- and a 5- and a 6-year-old who is going to be influenced, that they would be influenced by seeing their parent work, and to see them at a gainful activity that is of community service. So I view that as a positive.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

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

Mr. WATT of North Carolina. Mr. Chairman, one of the concerns I expressed, and the gentleman should know this, I understand that what the gentleman is suggesting is that they should take the children to work with them when they are doing this volunteer work. One of the serious concerns that we have raised is that there is no liability protection if somebody gets hurt, and that is going to double that concern, because not only can the parent then get hurt and not have coverage, but the child can also get hurt.

Mr. SHAYS. Reclaiming my time, with all due respect, Mr. Chairman, I think we can find 100 reasons why they may not want this. I think it is an approach and an attitude. I view this as opportunity.

I congratulate the gentleman from New York [Mr. RICK LAZIO] for what he is trying to do. I understand the concern. If there was an effort to amend this, I would be speaking for an amendment that said apply to 3 and under and disabilities, but it is just too broad. In my judgment it is a gutting amendment.

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

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

Mr. KENNEDY of Massachusetts. I would just like to follow up on the point that my friend, the gentleman from Illinois [Mr. JACKSON], made.

The issue pertaining to the development of youngsters does not have to do with the fact that they are in some kind of an eligible home or some kind of day care center. It has to do with whether or not they are in the loving arms of a parent or a grandparent. That is what all these recent studies show.

What we are trying to suggest——

Mr. SHAYS. Reclaiming my time, Mr. Chairman, to me it is not just being in the loving arms, it is seeing a parent who is setting an example. Sometimes it is in the loving arms, sometimes it is working side by side.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, he said to him; that is the operative word, to the gentleman from Connecticut [Mr. CHRIS SHAYS], to you. But the reality is that the scientific evidence says from zero to 6 they should stay close to their parent.

Mr. SHAYS. Reclaiming my time, the gentleman misses the point. I do think between 1 and 6 is a very important time in a child's life. I think part of that is seeing a parent contributing to society and to their community. I want a young child to see a parent contributing to society.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

We all know what is going on here. We should know what is going on here. It is nothing different from the welfare bashing that we saw in the last Congress. My colleague, the gentleman from Massachusetts [Mr. FRANK] said it really well. They are playing upon a perception here. They are bashing poor people just as they bashed immigrants.

Make no mistake, if the immigrants had been Irish overstays, there would not have been half the impetus to pass that bill and go after immigrants. It was the perception of Hispanic-Americans coming across the southwestern border of this country, the anecdotal mythology about legal immigrants and illegal immigrants. They did not even want to make the distinction between legal immigrants and illegal immigrants.

What I am saying, Mr. Chairman, is they are going to pass a policy here that says make the poor pay, because we know what the poor are. We are talking minorities here. Make the poor pay. OK?

What they should be doing, if they really thought that people, the Federal Government, ought to be getting a little bit of return on its investment, which is what they are trying to cloak this argument as, then why not apply it to every other Federal contract and Federal program that is out there? They and I know why they are not doing it to defense contractors. They and I know why they are not doing it to farmers. They and I know, because that is not the same.

Excuse me, it is not the same? They are receiving taxpayers' money. Why are they not volunteering? Because they know and I know what we are talking about. They are talking about a perception out there of the poor being minorities, and they are thinking, they ought to go out and work, because my taxpayers back home are sick and tired of this welfare state.

It was the same mistake they made with the immigrant, the legal immigrants, because they did not want to make the distinction between legal immigrants and illegal aliens, because they figure they are all immigrants, OK? And we do not want to make the distinction because it would hurt our political cause to be true to what the reality is, because we are playing politics here. That is what we are doing.

We are playing politics, which is a dangerous thing. It is playing politics with prejudice and playing politics in the kind of divide-and-conquer way that these people have been so good at playing politics in the last Congress, and they are continuing to play that same brand of politics in this Congress.

I want to say that I want to support the amendment offered by the gentleman from Illinois [Mr. JACKSON]. I think he is absolutely correct in what he is fighting for here. If we are really caring about having everyone sort of

volunteer if they are going to be given some Federal program, then we ought to have it apply to a lot more programs than the ones that they are trying to target here. That is poor people in Federal housing.

I think it is just a clear case of scapegoating, as my friend, the gentleman from Vermont [Mr. SANDERS] said earlier.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to rise in support of the Jackson amendment and against the amendment being offered to the Jackson amendment. I think the gentleman raises some important points.

I think we passed welfare reform. The question is, how many more layers of bureaucracy do we need? How many more do we need? Do we need one for food stamps? Do we need a layer of bureaucracy for public housing? Why do we want to turn our public housing agencies into employment? Is that going to be their role with this type of block grant, these new types of mandates?

I think it is really a mistake to go down the path that is being proposed here by the majority in this public housing. But for this fact and some others, I think there have been some changes in this bill for the good. But I think this fact, in terms of this sufficiency contract, is superimposing something from Washington on thousands of local public housing authorities, where we have already programs that deal with JTPA, that deal with welfare reform. We already have those programs in place now.

There was great debate about that in the last Congress. We are obviously trying to clean up some of the problems with that that dealt with the unfair aspects of it, that dealt with legal immigrants. I hope we can do that.

The fact is, why do we not build in what we have in place in terms of the child care, the skills, the education, the counseling and the other services that are necessary? We know that those elements are necessary in terms of health care, in order to move people into the world of work, to let people do what they can for themselves.

But to try and superimpose this on a housing agency, with separate records, proprietary and personal information that has to be dealt with, the record-keeping. Basically it comes down as a very, very significant problem, a lot of debate. I think it really stands as political symbolism as opposed to a substantive effort to deal with and to try to provide for people, in the world of work, an opportunity.

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

Mr. Chairman, there has been a lot of talk here that there has been an attack on the poor. Quite frankly, I do not believe that either side of the aisle is really attacking the poor. Even in this bill, which is supposed to be a radical change in direction on public housing, I find that in the budget we are appropriating $5 billion more, so that is hardly an attack, in an effort to help the poor.

But I do think the poor are suffering. I think there are a lot of people in this country who are suffering. I think the recipients of public housing are suffering. I think those who are paying for it are suffering.

There is a problem much more perceived in the hinterlands of America than we seem to realize. The poor in this country are suffering, but this is a result of the type of policy that we have here in the Congress, the policy of spending too much, the policy of inflating, the policy of destroying the currency. When a Nation destroys its currency, it transfers wealth from the poor and the middle class to the wealthy.

Even in this very bill where we are appropriating more money, it is to the benefit of many wealthy people: the people who build the houses, the people who receive the rents. So there is a transfer. There is a transfer of wealth, but the achievement on public housing policy has never been successful. This is what we are facing today.

But we are also facing the fact that the consequence of a 30- to 50-year welfare state is coming to an end.

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This is why the great debate is on. We have this every 30 years. We were much wealthier in 1965 and subsequently spent $5 trillion on a welfare state. Now we are facing a bankruptcy.

The concern for the poor is justified. The poor are suffering. The poor are suffering because they pay the bills. I would like to see the challenge of the welfare for corporate welfare in this very bill itself. There are wealthy beneficiaries from this.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, my amendment specifically calls for the exemption of a mother who has a single child to keep her from being evicted for failure to do 8 hours a month of community service work. If the gentleman would speak to that particular part, we may reach some agreement on this.

Mr. PAUL. Mr. Chairman, I think that is a minor point and something we should be concerned about. But I am also concerned about those individuals who have been evicted from their homes because they have been taxed. The system that we have today works on a regressive tax system.

We talk about the Social Security tax that goes into the general revenues. Those are on individuals that have a greater tax burden than the wealthy. And this is the reason this country is getting poorer. But you are taking money from poor people and giving it to another group of poor people and in the transition, the wealthy get more money. So we do not have a very good system here.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

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

Mr. WATT of North Carolina. Mr. Chairman, I hope the gentleman was here when we debated the mandate, the unfunded mandate amendment, and understands that to implement the plan that is in the bill, it is going to cost $65 million a year. The gentleman is aware of that.

Mr. PAUL. Mr. Chairman, I think so. This is the reason I have great concern about most of the details of this bill and also the reason I will be voting against the bill. I think the gentlemen make many good points.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for supporting our efforts.

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

Mr. Chairman, first of all, I want to again commend the gentleman from Illinois [Mr. JACKSON] for his efforts. I particularly want to commend him for his concern about the children of the poor.

One of the things I think we must keep in mind is children's personalities. I am the father of a 3-year-old, and I know for a fact that from zero to 6 is a very critical time for a child. If we think about children's development, they develop their personalities; they become who they are. And our children have basically one life to live. And there are no dress rehearsals and this is it. And that is why it is so critical that parents be with children.

Somebody asked a question just a moment ago, why is it not zero to 3? Well, the fact still remains that zero to 3 is a critical period, but most children go to school at 5 to 6. The question becomes, who takes care of those children before they go to school? I think that is extremely important.

Another thing that we have to keep in mind is that taking care of children is a very, very significant job. It takes time. Children need their parents. So the fact is that the Jackson amendment is very, very critical.

If we want to talk about ending the cycle of poverty, one of the greatest ways to end that cycle is to make sure that children are taken care of so that they then form the personalities so that they then grow up so that they then become responsible citizens. And what happens to those children between zero and 6 will go with them for the rest of their lives.

My distinguished colleague from North Carolina on the Democratic side just talked about something that was very critical. He talked about liability. Somebody asked a question, well, why can we not take these children to work with us and do this volunteer work?

First of all, I want to define volunteer. We keep saying volunteer. This is not volunteering. We would not be having this debate if it was volunteering. It is not.

What we are saying to people is that if they do not do a certain thing, we will put them in the street. And that is what is called punishment. If we are connecting what we call volunteering to punishment, it is not volunteering.

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

Mr. CUMMINGS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman makes, I think, the key point in this whole debate. If we want a volunteer program, let us develop a volunteer program. But a volunteer program says, we would like you to volunteer. And we create the circumstances.

That is a good idea. If we want people to work, we have got to pay them. I would hope that my Republican friends, who have talked about the virtue of work and how people's self-enhancement and self-esteem goes up with work, would understand that when most people work they expect a paycheck.

I look forward to an amendment from my Republican friends that says, when we get people to work, we are going to pay them so their kids can see them earning a paycheck.

Mr. CUMMINGS. Mr. Chairman, that goes back to what I am saying. We have to put all of this discussion in some kind of context. We must define what we are doing. I am getting tired of hearing us talk about volunteering when we are not.

Mr. Chairman, I submit that if we are going to stop the cycle of poverty, what we must first do is invest in our children, lift our children up. There is no greater thing that a parent can do than to be beside a child to help form that personality to pass on wonderful ideas, wonderful feelings and give them a sense of self-worth.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to try and work this out. I would like to call for a vote very soon on the Weldon amendment, but I want to make it clear that if the Weldon amendment passes, that I want Members to vote against my amendment, because 20 percent does not cover the number of housing residents who will be single mothers with children who will be affected by the Weldon amendment to my amendment, which is very basic, very family-value oriented, and it is very clear and very well worded.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. CUMMINGS] has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. CUMMINGS] be allowed to proceed for 1 additional minute.

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

Mr. LAZIO of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I support the efforts of the gentleman from Illinois to bring this issue to a vote.

Let me just say that my intention in offering this amendment was purely one that I felt there was some merits to what the gentleman was talking about. I wanted to give the housing authority the flexibility it needed to accommodate situations that the gentleman is describing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

I am of the opinion that there is no such thing as 20 percent of a person. There is no such thing as 20 percent of a child.

My amendment is a very common sense amendment. It simply says that single parents, grandparents, or spouses or otherwise exempt individuals who are the primary caretaker of a child under the age of 6, 6 or under, elderly persons or persons with disabilities should be exempt from 8 hours of monthly mandatory service.

Mr. Chairman, the gentleman from Florida [Mr. WELDON] is amending my amendment by saying that only 20 percent of those who meet my qualifications are entitled to be exempt, and I think that is clearly wrong.

I yield back to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I would just point out that this is the type of detail we get into when we begin to require public housing agencies to, in fact, mandate or permit them to mandate certain requirements with regard to work requirements for receiving housing.

My point is that I think I understand that the gentleman from Florida [Mr. WELDON] is trying to do something in the positive sense to try and provide some relief. I think the Jackson amendment really addresses what the issue is. If, in fact, this is a good-faith effort in terms of work, we would obviously incorporate that.

Personally, I have real problems with housing authorities having this responsibility. I do not think it is their role for 3,400 housing authorities to have this particular responsibility, especially when we have counties, we have welfare programs within the States, they are fully developed, it is, in fact, quite a task for them on their own.

This comes across as being punitive. This comes across as punishing people because they are poor, because they are in public housing. Mr. Chairman, I think that that is wrong. I think that, if we are going to put this in place, the least we can do is to deal with women that have children that, in fact, those children need care.

They cannot afford quality day care and child care. In many communities it simply is not available. We increased that amount in the welfare bill last year. I think we are going to have to deal with that if we are serious about welfare reform and seeing it work. To a greater extent, I think it is the right way to go in terms of work requirements under one set of Federal requirements, working with the States, rather than superimposing for every program we have a new type of work requirement.

I think, if anything, it confuses, it undercuts, it works against a sound type of welfare reform. That is what these particular provisions, these so-called self-sufficiency provisions in this bill cause; and I think they ought to be all taken out. But if we are going to have them, at least we should deal with women that have children, single women, or single parents I might say, that have children that are living in public housing that they can receive the assistance.

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

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MCGOVERN] for yielding.

Mr. Chairman, I would like to just get a clarification of where we are on these votes so that the Democratic and Republican Members both understand exactly what we anticipate coming and we can give our best judgment on our side of the aisle what we think the proper votes might be.

So if the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity, will let me know what he anticipates being the votes and in what order they will come.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, I anticipate that we will have three votes and that they will be in the following order: the Jackson amendment, which we have debated; the Weldon amendment would be the second vote; and the Jackson amendment which we are currently debating would be the third vote that we would have.

Mr. KENNEDY of Massachusetts. So the previously debated Jackson amendment would be the first vote; is that correct?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, the Jackson amendment, as printed in the RECORD as No. 8, would be the first amendment, if that helps out.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will suspend for just one moment.

Amendment No. 8 does what?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, this is the amendment that totally strikes the provision.

Mr. KENNEDY of Massachusetts. So this is the amendment that we previously postponed a vote on; it has nothing to do with the debate that is currently taking place, correct?

Mr. LAZIO of New York. Yes, the gentleman is correct.

Mr. KENNEDY of Massachusetts. OK. So the first vote on the first Jackson amendment has nothing to do with the vote on the provision surrounding whether or not parents have to work who are taking care of their children; that would be the third vote?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, that is correct. That is my understanding.

Mr. KENNEDY of Massachusetts. And the second vote will be on the Weldon amendment?

Mr. LAZIO of New York. That is correct.

Mr. KENNEDY of Massachusetts. And the third vote will be on the Jackson amendment as potentially amended by the Weldon amendment.

Mr. LAZIO of New York. That is correct.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to make it very clear that the Democratic side is strongly in favor of the first Jackson amendment, strongly opposed to the second Weldon amendment, and strongly opposed to the Jackson amendment if, in fact, the Weldon amendment passes.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

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

PARLIAMENTARY INQUIRY

Mr. WATT of North Carolina. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Carolina will state his inquiry.

Mr. WATT of North Carolina. Mr. Chairman, it is my understanding that we have been debating the Weldon amendment to the Jackson amendment.

The CHAIRMAN. The gentleman from North Carolina is correct.

Mr. WATT of North Carolina. And that there are Members who still desire to debate the underlying Jackson amendment. When we vote on the Weldon amendment, if we do that today, will that foreclose the possibility of continuing debate on the Jackson underlying amendment?

The CHAIRMAN. The gentleman is correct, there will be continued debate on the Jackson amendment if any Member seeks recognition on that amendment, unless there is a time agreement reached limiting debate between those supporting and opposing the amendment.

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Mr. WATT of North Carolina. Further parliamentary inquiry, Mr. Chairman.

If we call for a vote on the Weldon amendment to the Jackson amendment, and that vote is taken, we would still have ongoing debate on the underlying Jackson amendment if there were people who wished to be heard?

The CHAIRMAN. That is possible.

The time of the gentleman from Massachusetts [Mr. MCGOVERN] has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. WELDON] to the amendment offered by the gentleman from Illinois [Mr. JACKSON].

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

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Florida [Mr. WELDON] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 8 offered by the gentleman from Illinois [Mr. JACKSON]; an amendment offered by the gentleman from Florida [Mr. WELDON] to amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON]; and a possible recorded vote on amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON].

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

AMENDMENT NO. 8 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentleman from Illinois [Mr. JACKSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 251, not voting 22, as follows:

[Roll No. 100]

AYES—160

Abercrombie	Bishop	Capps
Ackerman	Blumenauer	Cardin
Allen	Bonior	Carson
Baldacci	Borski	Clay
Barrett (WI)	Boucher	Clayton
Becerra	Brown (CA)	Clyburn
Bentsen	Brown (FL)	Conyers
Berman	Brown (OH)	Costello
Berry	Campbell	Coyne
Cummings	Kennedy (RI)	Pastor
Davis (FL)	Kennelly	Payne
DeGette	Kildee	Pelosi
Delahunt	Kilpatrick	Poshard
DeLauro	Kind (WI)	Price (NC)
Dellums	Kleczka	Rahall
Diaz-Balart	Kucinich	Rangel
Dixon	Lampson	Reyes
Doggett	Lantos	Rivers
Engel	LaTourette	Rodriguez
Eshoo	Levin	Roemer
Etheridge	Lewis (GA)	Ros-Lehtinen
Evans	Lipinski	Rothman
Farr	Lofgren	Roybal-Allard
Fattah	Lowey	Rush
Fazio	Maloney (NY)	Sabo
Filner	Markey	Sanders
Flake	Martinez	Sandlin
Foglietta	Mascara	Sawyer
Forbes	Matsui	Schumer
Ford	McCarthy (MO)	Scott
Frank (MA)	McCarthy (NY)	Serrano
Frost	McDermott	Skaggs
Furse	McGovern	Skelton
Gejdenson	McIntyre	Slaughter
Gephardt	McKinney	Snyder
Gonzalez	McNulty	Stark
Green	Meehan	Stokes
Gutierrez	Meek	Thompson
Hall (OH)	Menendez	Thurman
Hamilton	Millender-McDonald	Tierney
Hastings (FL)	Miller (CA)	Torres
Hefner	Minge	Towns
Hilliard	Mink	Velazquez
Hinchey	Moakley	Vento
Hinojosa	Mollohan	Visclosky
Hooley	Morella	Waters
Hoyer	Nadler	Watt (NC)
Jackson (IL)	Neal	Waxman
Jackson-Lee (TX)	Obey	Wexler
Jefferson	Olver	Weygand
Johnson (WI)	Owens	Wise
Johnson, E. B.	Pallone	Woolsey
Kennedy (MA)	Pascrell	Wynn
		Yates

NOES—251

Aderholt	Davis (VA)	Horn
Archer	Deal	Hostettler
Armey	Deutsch	Houghton
Bachus	Dickey	Hulshof
Baesler	Dingell	Hunter
Ballenger	Dooley	Hutchinson
Barcia	Doolittle	Inglis
Barr	Doyle	Istook
Barrett (NE)	Dreier	Jenkins
Bartlett	Duncan	John
Bass	Dunn	Johnson (CT)
Bateman	Edwards	Johnson, Sam
Bereuter	Ehlers	Jones
Bilbray	Ehrlich	Kanjorski
Bilirakis	Emerson	Kaptur
Blagojevich	English	Kasich
Bliley	Ensign	Kelly
Blunt	Everett	Kim
Boehlert	Ewing	King (NY)
Boehner	Fawell	Kingston
Bono	Foley	Klink
Boswell	Fowler	Knollenberg
Boyd	Fox	Kolbe
Brady	Franks (NJ)	LaHood
Bryant	Frelinghuysen	Latham
Bunning	Gallegly	Lazio
Burr	Ganske	Leach
Burton	Gekas	Lewis (CA)
Callahan	Gibbons	Lewis (KY)
Calvert	Gilchrest	Linder
Camp	Gillmor	Livingston
Canady	Gilman	LoBiondo
Cannon	Goode	Lucas
Castle	Goodlatte	Luther
Chabot	Goodling	Maloney (CT)
Chambliss	Gordon	Manzullo
Chenoweth	Goss	McCollum
Christensen	Graham	McCrery
Clement	Granger	McDade
Coble	Gutknecht	McHale
Collins	Hall (TX)	McHugh
Combest	Hansen	McInnis
Condit	Harman	McIntosh
Cook	Hastert	McKeon
Cooksey	Hastings (WA)	Metcalf
Cox	Hayworth	Mica
Cramer	Hefley	Miller (FL)
Crane	Hill	Molinari
Crapo	Hilleary	Moran (KS)
Cubin	Hobson	Moran (VA)
Cunningham	Hoekstra	Murtha
Danner	Holden	Myrick

Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Baker
Barton
Bonilla
Buyer
Coburn
Davis (IL)
DeFazio
DeLay
Dicks
Greenwood
Herger
Hyde
Klug
LaFalce
Largent
Manton
Oberstar
Ortiz
Schiff
Stupak
Walsh

☐ 1707

The Clerk announced the following pair:

On this vote:

Mr. Manton for, with Mr. Ortiz against.

Messrs. DAVIS of Virginia, FRELINGHUYSEN, HUNTER, SAXTON, JOHN, ADAM SMITH of Washington, BARTLETT of Maryland, FOLEY, and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Mr. MINGE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO AMENDMENT NO. 9 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. WELDON] to amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 252, not voting 28, as follows:

[Roll No. 101]

AYES—153

Aderholt
Archer
Armey
Barr
Barrett (NE)
Bateman
Bilbray
Bilirakis
Blunt
Bono
Boucher
Brady
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Christensen
Coble
Collins
Combest
Cooksey
Cramer
Crane
Cubin
Cunningham
Deal
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Ewing
Fawell
Foley
Fowler
Frelinghuysen
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Green
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Johnson (CT)
Jones
Kelly
Kim
Kingston
Kolbe
Latham
Lazio
Leach
Lewis (KY)
Lucas
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Nethercutt
Ney
Norwood
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Riggs
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Tauzin
Taylor (MS)
Thomas
Thornberry
Thurman
Towns
Upton
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

NOES—252

Abercrombie
Ackerman
Allen
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Crapo
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Doolittle
Doyle
Dunn
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gonzalez
Goodling
Gordon
Graham
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Hoyer
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Northup
Nussle
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schumer
Scott
Serrano
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Snyder
Solomon
Spratt
Stabenow
Stark
Stokes
Strickland
Talent
Tanner
Tauscher
Taylor (NC)
Thompson
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—28

Andrews
Baker
Barton
Bonilla
Brown (OH)
Buyer
Coburn
Danner
Davis (IL)
DeFazio
DeLay
Dicks
Gallegly
Greenwood
Herger
Hyde
Johnson, Sam
Kasich
Klug
LaFalce
Largent
Manton
Oberstar
Ortiz
Schiff
Sensenbrenner
Stupak
Walsh

☐ 1718

The Clerk announced the following pair:

On this vote:

Mr. Greenwood for, with Mr. Manton against.

Ms. DUNN changed her vote from ''aye'' to ''no.''

Messrs. WELLER, BRADY, and CRAMER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that debate be limited prior to the vote to 3 minutes on each side. This has been fully debated, and I think each side wants to clarify their positions and make a summation, and then this will be the last expected recorded vote, as I understand it, of the day.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, could you explain to us the rules? Who has the right to close this debate?

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] as the chairman of the subcommittee has the right to close.

The gentleman from Illinois [Mr. JACKSON] will control 3 minutes, and the gentleman from New York [Mr. LAZIO] will control 3 minutes.

The Chair recognizes the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to reiterate once again how important this particular amendment is. This is the family values amendment that will simply exempt single parents, grandparents, spouses of otherwise already exempt individuals under the bill who are the primary caretakers of one or more children who are under the age of 6, elderly persons, or persons with disabilities.

I do not know what is so difficult about this particular amendment and why it has been such a tremendous source of concern for my colleagues on the other side of the aisle. This amendment is one that when we are no longer in public service we indeed will be able to provide the kind of opportunities, if in fact we have children under the age of 6, that we can spend time with them.

Mr. Chairman, in a housing project in the city of Chicago, because the parents were not home, a 9-year-old child was thrown to his death from the 14th story of a building by a 13- and a 14-year-old. It was clear that the parents were delinquent because they were not present on that particular occasion.

My amendment exempts those primary caretakers for children under the age of 6, those who have senior citizens who are senior citizens, and those who have disabilities from this particular community work requirement. We have an opportunity, Mr. Chairman, to make this particular provision a more humane bill.

And let me just take a moment, if I can, Mr. Chairman, of personal privilege. This is the first time since I have been a Member of this Congress that I have had the opportunity to engage in a dialogue on substantive issues across the aisle with Members of this body. These are the first amendments that I have passed and attempted to pass in this institution, and I would certainly hope that my colleagues would support this amendment.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment speaks to the very essence of whether we believe that people should contribute community service in return for a benefit. There are people in America that want to get into public housing but do not have the capacity to get in public housing. Three out of four Americans who are eligible for public housing are still out there working not 8 hours a month or 8 hours a week, but 30 or 40 or 50 hours a week in order to pay for their rent. In many cases they are not just paying for the rent in public housing, we are paying for the utilities as well.

This 8-hour-a-month community service requirement comes to 2 hours a week, 15 minutes a day. Fifteen minutes a day. And we are asking people not to give to Big Brother, we are asking people to give to themselves, to contribute to their own housing, to sweep their own hallway, to remove graffiti in their own building, to make sure that grass is cut or to help with the community watch program or to help to read to the blind or to work with a not-for-profit.

There is broad flexibility as to how they can do this, and if they happen to have somebody that they are caring for in their house, they have the flexibility to do work and to contribute and fulfill this requirement by staying in their own unit or working in their own hallway. This is a flexible, commonsense approach. This defines the difference between those people who want to change the culture of disaster and despair in some public housing complexes around this country and those who are willing to allow the status quo to continue.

We believe in this because we think that people will find tenants who contribute to this system will find that they can do things that they did not imagine they can possibly do. We are tapping into the huge human resources that we have in this country to be able to begin to transform low-income areas because that change is not going to happen in Washington. That change, the real war to beat poverty, is going to happen in the communities, and it is going to be begun by people who live there.

And, yes, we are asking them to give back for this benefit. Yes, we believe in reciprocity. Yes, we believe in responsibility. And, yes, we believe that children should watch it as well.

Now my friend, the gentleman from Florida [Mr. WELDON] had proposed an amendment that would provide a little more flexibility which unfortunately was opposed by this body and by some on the other side. But let me say this is a gutting amendment because in this bill we exempt seniors, we exempt the disabled, we exempt people of vocational training, we exempt people who are being educated, we exempt people in college, we exempt people who are part-time workers, we exempt people who are full-time workers; we just simply ask that people who are able-bodied and can work and can contribute to their own backyard, do something, do anything, but do something to help inspire others and to help improve the quality of life for their own community, and for that reason I ask for a ''no'' vote on this amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Jackson amendment. Mr. Chairman, when I was growing up my grandmother insisted that I learn one new word every day. Interestingly, I learned that the word volunteer means ''one who enters into or offers himself for a service of his own free will.'' His own free will, Mr. Chairman. This bill mandates volunteerism. Only Republicans could think of something like this.

Congressman JACKSON's amendment simply prevents residents from being evicted for failure to comply with the community work requirement. As the gentleman from Chicago has already so eloquently expressed, mandated volunteerism just does not make sense. Additionally, it very well could be unconstitutional according to the 13th Amendment to the Constitution.

Mr. Chairman, we place no termination dates or work requirements on middle and upper class recipients of homeowner deductions. Why do we impose such restrictions on those most severely affected by our Nation's affordable housing crisis—especially when they are already required by welfare agencies to work toward self-sufficiency? Frankly, this is absurd.

We don't require community work from other recipients of federal assistance—agricultural subsidies, LIHEAP, corporate welfare, loan guarantees, and the list goes on. Chairman LAZIO points to medical school scholarships which require work in low-income areas. The major difference, however, is that these doctors are paid for their work. They are not forced to work for free.

I ask my colleagues to support Congressman JACKSON's amendment and return volunteer community service to its proper meaning.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. JACKSON].

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

RECORDED VOTE

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 216, not voting 36, as follows:

[Roll No. 102]

AYES—181

Abercrombie	Boswell	Coyne
Ackerman	Boucher	Cummings
Allen	Brown (CA)	Davis (FL)
Baldacci	Brown (FL)	DeGette
Barrett (WI)	Brown (OH)	Delahunt
Becerra	Campbell	DeLauro
Bentsen	Capps	Dellums
Berman	Cardin	Deutsch
Berry	Carson	Diaz-Balart
Bishop	Clay	Dingell
Blagojevich	Clayton	Dixon
Bonior	Conyers	Doggett
Borski	Costello	Dooley

Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates

NOES—216

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boyd
Brady
Bryant
Burr
Burton
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Young (AK)
Young (FL)

NOT VOTING—36

Andrews
Baker
Barton
Bateman
Blumenauer
Bonilla
Bunning
Buyer
Callahan
Christensen
Clyburn
Coburn
Danner
Davis (IL)
DeFazio
DeLay
Dicks
Gallegly
Greenwood
Herger
Hyde
Johnson, Sam
Klug
LaFalce
Largent
Manton
McInnis
Oberstar
Ortiz
Parker
Ros-Lehtinen
Schiff
Sensenbrenner
Stupak
Walsh
Wamp

□ 1742

The Clerk announced the following pairs:

On this vote:

Mr. Manton for, with Mr. Greenwood against.

Mr. Blumenauer for, with Mr. Ortiz against.

Mr. QUINN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, due to unforeseen circumstances I was unable to vote during rollcall vote No. 102 on Jackson-Lee amendment No. 9. If I had been present, I would have voted ''aye.''

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

□ 1745

ADJOURNMENT TO MONDAY, MAY 5, 1997

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 6, 1997

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 5, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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.]

WISHING A HAPPY BIRTHDAY TO THE HONORABLE HENRY B. GONZALEZ

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 wanted to take this brief moment. It is not often that we have an opportunity to salute a gentleman who has served this body for so many years. I would like to salute the dean of our Texas delegation, a ranking member and former chairman of the House Committee on Banking and Financial Services, the gentleman from Texas, HENRY B. GONZALEZ, U.S. Representative of the 20th Congressional District.

It seems one would question, why now? That is because I want to wish him a very happy birthday on tomorrow. He will have been in this great body since November 4, 1961. That means that he served under the leadership of President John F. Kennedy,

President Richard Nixon. He has served, as well, under the leadership of President Lyndon Baines Johnson, Ronald Reagan, George Bush, and certainly, now, William Jefferson Clinton. He has served for 35 years in this Congress as of November 4, 1996.

He has served on the House Committee on Banking and Financial Services from January 1962, and on many of the subcommittees. Since we have the housing bill on the floor of the House, it is certainly important to recognize him as a strong advocate for housing for Americans. It is important to be able to acknowledge that he was a civil rights leader. He was someone who many thought would not make it to the State senate, and certainly would not make it to the U.S. Congress.

Most of all, he is a gentle warrior. He stands tall for the principles he believes in. He is a lover of America, but he is a lover of the least of those in our community. He certainly is a gentle giant on this floor: kind, thoughtful, and respected.

It is my pleasure to wish to him, on behalf of the constituents of the 18th Congressional District, on tomorrow, his birthday, a very, very happy birthday, and to say to him that May 2 is a special day, because that was the day that America had as one of its own born a great American.

So Henry, happy birthday. Happy birthday on behalf of my constituents, and happy birthday on behalf of Texas, and happy birthday on behalf of America. God bless you, HENRY GONZALEZ.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN 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 Arkansas [Mr. BERRY] is recognized for 5 minutes.

[Mr. BERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A CLARIFICATION REGARDING THE WORK REQUIREMENT IN THE HOUSING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise this evening to talk a little bit about some of the preceding debate that occurred today on the housing bill. Let me just say, though the debate was frequently very heated and sometimes tempers and passions were quite high, I believe personally that a lot of this is very good. We need to openly debate these issues.

I rise this evening, Mr. Speaker, because I feel there were a number of points being made by the minority which were entirely inaccurate as they pertain to my opinion on this issue of a work requirement in the housing bill, and as they pertain, I believe, to our party, the Republican Party's position on a work requirement in the housing bill.

I have experience living in government housing, living in a dormitory in a State university. It was no bigger than the average walk-in closet. I had to work 24 hours a month for the privilege of having that small dorm room. I believe it is perfectly reasonable to ask somebody who is living in a government-funded apartment to put in 8 hours a month of work time.

Mr. Speaker, in our provision we exempt the elderly, we exempt the disabled, we exempt those people who are going to school, even if it is part-time, even a vocational school, and we exempt people that have full-time jobs and part-time jobs.

The gentleman from Illinois [Mr. JACKSON] had brought forward, I think, a reasonable, well-thought-out amendment to exempt virtually every single mom. Though I feel there was some merit to that, I felt that his amendment was unreasonably broad, but that it would be reasonable to give the housing authorities some flexibility to allow them to exempt some single moms.

Many of the people on our side of the aisle felt that they should be able to eke out somewhere in their week 2 hours a week to devote to community service. Let me just say that I agree with that sentiment. There were sentiments expressed by the minority that this is some sort of mean-spirited attempt to hurt the poor. On the contrary, my motivation in this work requirement is very much one of wanting to help the poor.

I believe by, in exchange for them getting government-funded housing, requiring them to go out and work and thus having them work, we will instill a work ethic in people. We will instill in them a sense of community, and I believe that the children of these people living in public housing will benefit from seeing their parent or parents actually working.

This point was driven home to me so vividly when I met a gentleman when I was campaigning in 1994 who told me about a program that he had taken part in where he went into the housing projects and read to young children, because as many people know, the psychologists have shown that if you read to small children, you can improve their academic performance; that their reading scores will get better when they get older and that they will have just higher academic performance at school.

So he was going in and reading to these little kids, most often children of single moms that did not have a father in the house. I remember him telling something to me one day that just totally broke my heart.

He said that he once asked a group of these kids what they wanted to do when they grew up. I have told this story before on the floor of this House. They did not say ''I want to be a fireman, I want to be a doctor, I want to be a teacher.'' They said, ''I want to collect a check.'' I kid you not, Mr. Speaker. These little 4-and 5- and 6-year-old kids, they knew nothing other than their mom living in the project with them collecting a check, and that is the only thing they knew.

We have what I think is a very reasonable requirement suggested to us by Secretary Cuomo, supported by the administration, to require people who are able-bodied, people who are not disabled, who are not working, who are not going to school, to require them to contribute to the community in the form of community service, in the form of working in the project. I think it is an excellent idea, and it is unfortunate that our intentions are frankly maligned.

Our intention on this side of the aisle, the Republican majority, is to help these people by getting them out into the community and working, whether it is cleaning up, whether it is removing graffiti, whether it is volunteering for child care. I think any of those things is going to help instill a work ethic in people, and it is going to set a good example for their children to be able to see their mom or dad going out and being a part of the local community. I think it will go a long way to helping those communities.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

[Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEGISLATIVE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, I am pleased to announce the schedule for the week of May 5.

We will next meet at 2 p.m. on Monday, May 5 for a pro forma session. There will be no legislative business—and no votes—on that day.

On Tuesday, May 6, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we will not hold any recorded votes before 5 p.m. on Tuesday.

We will first debate—under suspension of the rules—H.R. 1463, an authorization bill for the Customs Service, U.S. Trade Representative, and ITC.

After consideration of the suspension on Tuesday, the House will resume consideration of amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997.

On Wednesday, May 7 and Thursday, May 8, the House will consider the following bills, all of which will be subject to rules: H.R. 478,

the Flood Prevention and Family Protection Act of 1997; H.R. 3, the Juvenile Crime Control Act of 1997; and the Fiscal Year 1997 Supplemental Appropriations Act.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 6 p.m. on Thursday, May 8.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SALMON] is recognized for 5 minutes.

[Mr. SALMON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SELF-DETERMINATION FOR THE KURDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. FILNER] is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, I want to focus my colleagues' attention this evening on the plight of the Kurds, an ancient people living in the Middle East in a land that should be a nation called Kurdistan, a proud people numbering some 30 million, perhaps the largest people in the world today lacking in the exercise of their right to self-determination.

The Kurds have resided in their present homelands for thousands of years. Kurdish Guti kings ruled Persia and Mesopotamia over 4,000 years ago. Before that, the Neolithic revolution probably first took place in Kurdistan, around 7000 B.C., 3,500 years before similar developments in Europe.

Some of the earliest towns and villages, as well as other human settlements, have been discovered in Kurdistan. Yet, one of the largest nations in the Middle East is prevented from exercising sovereignty over any part of its own land. It is an international colony, governed over by the states of Turkey, Iraq, Iran, and Syria.

The Kurdish people suffer from ghastly atrocities committed by all four regimes. Over one half of Kurdistan and nearly two-thirds of the Kurdish population are under Turkish control, an occupation legitimized in the 1923 Treaty of Lausanne, which reneged on a promise to Kurds and Armenians in the earlier 1920 Treaty of Sevres. That promise envisioned the creation of a Kurdish state on Kurdish territory in the aftermath of World War I. The Lausanne Treaty legitimized the Turkish massacres against the Armenians which had already taken place and set the stage for a stepped-up campaign of genocide against the Kurds in subsequent years.

Turkish states have been responsible for a long string of ethnic cleansings ever since. Historian James Tashjian has estimated that over 2½ million people perished in a 100-year period between 1822 and 1922.

□ 1800

Among them were Greeks, Nestorians, Maronites, Syrians, Bulgarians, Yezidis, Jacobites, and Armenians. He acknowledged that these figures did not include over 500,000 Kurds murdered, deported, or displaced in the same period.

Between 1925 and 1938, an additional 1 million Kurds were reported slaughtered. Almost the entire Armenian population under Turkish control had previously been exterminated, over 1½ million people.

Today, Turkish Special Komandos actually collect rewards for the severed heads of Kurdish guerrillas and others, casually referring to their victims as Armenians, leaving no doubt as to what is in store for the Kurds and their national aspirations.

''Special action teams,'' as they are called, color their faces green and white. The paint, as well as 80 percent of Turkey's military hardware and equipment, is furnished by the United States, much of it at the taxpayer's expense.

Today, seven Kurdish members of parliament are in prison in Turkey. Most prominent among them is Leyla Zana, the recipient of the Sakharov Freedom Award. Andrei Sakharov came to the defense of the Kurds in 1989, when he declared, and I quote, ''The tragic struggle of the Kurdish people, which has continued for so long, originates in the principle of the right of peoples to self-determination, and for this reason, it is a just struggle.''

Human Rights Watch, Helsinki Watch, Amnesty International and a variety of other human rights groups have devoted much attention to Turkish depredations against the Kurds in recent years. They note that over 20,000 people have been killed since 1984, over 3,000 villages destroyed with rampant torture, murder, displacement and imprisonment directed at the Kurdish population.

The repression by the Saddam Hussein regime in Iraq has been more widely publicized. Over 200,000 Kurds were killed in the wake of the Iran-Iraq war, and over 4,000 Kurdish villages have been destroyed over the past three decades by Iraqi forces. Three tons of documents and other materials related to the post-Iran-Iraq war ''Anfal'' campaign are stored away by the U.S. Government. I call upon the State Department to release them for general inspection by interested parties. I believe they would confirm the crimes against humanity carried out by the Iraqi regime in Kurdistan.

It is imperative that we affirm a human rights linkage with any foreign aid given by the United States and to oppose the furnishing of lethal equipment to those who would use it for repressive purposes. Never again should United States-made chemical weapons be used against the Kurds or against anybody else, as they were at the ancient Kurdish city of Halabia, where over 5,000 Kurdish civilians, mostly women and children, were gassed to death in March 1988.

It is time, Mr. Speaker, to reverse our longstanding policy and recognize the existence of Kurdistan and the rights of its citizens to exercise the prerogatives and liberties which every people without exception should and must enjoy.

We should use our influence to help resolve the Kurds' internal conflict and support their unity in the effort to achieve their inalienable right to self-determination. We must stop looking at whole nations in terms of the profitability of oil companies and as assets to be deployed in big power maneuvering. We must ban the export of chemical weapons. Both Iraq and Turkey have used lethal weapons against the Kurds which were furnished by the United States. Cluster bombs are continuing to be sold to Turkey and continuing to be used in bombing runs against Kurdish villages and areas.

Iran also continues to oppress the Kurds in its territory. The Shah's father, a Fascist sympathizer who was removed from his throne by the Allies in 1941, oversaw what was called the ''sedentarization'' policies which resulted in the disappearance of many Kurdish and other tribes. Khomeini's regime went after the Kurds almost immediately upon assuming power over Iran in 1979. Leaders of the major Kurdish party resisting Iranian domination have been repeatedly assassinated by agents of the government, often in European settings.

The Kurdish plight at the hands of Iran has received surprisingly little notice in America, given our oft-stated concerns over the human rights violations of that regime.

We must stop viewing freedom for the Kurds as being some kind of threat to stability and instead welcome such freedom.

As was stated by Michael van Walt van Praag, an adviser to the Dalai Lama of Tibet, and again I quote, ''The potential for explosive disintegration lurks in all states where the people are prohibited from exercising their right to self-determination. We must move away from our misguided view of stability premised on immediate short-term economic and political considerations to a long-term perspective which will ensure the peaceful coexistence of all peoples. Universal recognition is the cornerstone and, indeed, the sine qua non of a truly peaceful and stable world.''

According to Justice William O. Douglas, who visited the Kurds nearly 50 years ago, ''The Kurds have a saying: The world is a rose; smell it and pass it to your friends.''

The source of such resources as water, oil, gas and agricultural wealth, Kurdistan has much to share with neighboring peoples in the world, once the pall of oppression has been lifted and they can manage their own affairs and control their own resources and their own destiny.

President John F. Kennedy was right when he said that ''There can be no doubt that if all nations refrain from interfering in the self-determination of others, the peace would be much more assured.''

And Dwight D. Eisenhower underscored the point when he declared that ''Any nation's right to a form of government and an economic system of its own choosing is inalienable. Any nation's attempt to dictate to other nations their form of government is indefensible.''

We must apply these principles to our dealings with the Kurds and their aspirations. United States military aid to Turkey should be halted pending a review of Turkish policies toward Kurdistan. Kurdish initiatives for peaceful resolution of conflicts related to the occupation of Kurdistan should be supported.

Above all, we must recognize the Kurds as a people with the right to self-determination, a right held sacred by liberty-loving Americans, a right that should be enjoyed by all people in the world.

Mr. Speaker, I hope to speak about this at a later time.

Mr. PALLONE. Mr. Speaker, I rise to join in this effort to focus more attention on the plight of the Kurdish people. I want to thank my colleague from California, Mr. FILNER, for taking this time to discuss the ongoing human tragedy in the mountains of Kurdistan.

About half of the worldwide Kurdish community lives within the borders of the Republic of Turkey, where their treatment is an absolute affront to the basic fundamentals of human rights. At least one-quarter of the population of Turkey is Kurdish. Yet, in Turkey, the Kurds are subjected to a policy of forced assimilation, which is essentially written into the Turkish constitution. To date, 3,124 Kurdish villages have been destroyed, and more than 3 million of their residents have been forced to become refugees, either in Kurdistan or abroad.

While the situation for the Kurdish people in such nations as Iraq, Iran, and Syria is also deplorable, I wish to draw particular attention to the situation in Turkey for some basic reasons. Turkey is, after all, a military ally of the United States, a member of NATO. As such, Turkey has received billions of dollars in military and economic assistance—courtesy of the American taxpayers. In addition, Turkey aspires to participate in other major Western organizations and institutions, such as the European Union.

Mr. Speaker, I believe that most Americans would be frankly appalled to know that a country that has received so much in the way of American largesse is guilty of so many breaches of international law and simple human decency. I have joined with many of my colleagues in denouncing Turkey's illegal blockade of Armenia, its failure to acknowledge responsibility for the Armenian Genocide of 1915–1923, its ongoing illegal occupation of Cyprus, and its threatening military maneuvers in the Aegean Sea. The brutal treatment of the more than 15 million Kurds living within Turkish borders offers a major argument for cutting back on military and economic aid to Turkey, or to at least attach very stringent conditions to the provision of this aid. If Turkey wants the benefits of inclusion in Western institutions that are supposed to be founded on the defense of democracy and human rights, then that country should start living up to the agreements it has signed.

Mr. Speaker, I want to say a few words on behalf of one of the most prominent victims of Turkey's cruel irrational anti-Kurd policies. Mrs. Leyla Zana was elected to a seat in the Turkish Parliament in 1991, representing her hometown of Diyarbakir. She was elected with 84 percent of the total vote. She became the first Kurd to break the ban on the Kurdish language in the Turkish Parliament, for which she was later tried and convicted. She had uttered the following words: ''I am taking this [constitutional] oath for the brotherhood of the Turkish and Kurdish peoples.''

On May 17, 1993, she and her colleague Ahmet Turk addressed the Helsinki Commission of the United States Congress. This testimony was used against her in the court of law. On March 2, 1994, her constitutional immunity as a member of Parliament was revoked, and she was arrested, taken into custody, tried, in a one-sided mockery of justice, convicted and sentenced to 15 years in prison. Leyla Zana, who is 35 years old and the mother of two children, is in the third year of her 15-year sentence at a prison in Ankara, the Turkish capital.

Leyla Zana's pursuit of democratic change by non-violent means was honored by the European Parliament, which unanimously awarded her the 1995 Sakharov Peace Prize. She has twice been nominated for the Nobel Peace Prize. I know that some of my colleagues are circulating a letter to the President on her behalf, and I hope a majority of the Members of this House will join with the European Parliament in defending the human and civil rights of this brave woman—and, I might remind my colleagues—a fellow Parliamentarian, a fellow-elected official. We owe her our moral support, and to urge our ambassador in Ankara to raise Mrs. Zana's case with the Turkish authorities at the highest levels.

Mr. Speaker, I would like to share with the Members of this Body, and anyone watching us, some of the basic goals of Mrs. Zana and of the repressed Kurdish people of Turkey: The Kurdish identity must be recognized; The use of the Kurdish language in conversation and in writing should be legalized; All cultural rights should be conceded; Kurdish political parties must be given full Constitutional rights; and A general amnesty for all political prisoners must be granted.

Mr. Speaker, we often hear—from our own administration, from other apologists for Turkey—about what a great democracy the Republic of Turkey is. Yet this is how a duly elected representative of that so-called democracy is being treated, for the crime of speaking her language and defending the rights of her people.

Mr. Speaker, this cannot go on. For many years we have witnessed a clear pro-Turkish tilt on the part of the State Department. We often hear about the strategic importance of Turkey, its pivotal location. I don't discount these arguments completely. But we have to balance these factors against some other very important considerations. Turkey continues to spend billions of dollars on obtaining sophisticated weapons systems, not only from the United States, but from France, Russia, and elsewhere. Much of this military hardware is then used to repress and terrorize the Kurdish people, citizens of Turkey who should be extended the protection of their country's armed forces, and not be victimized by those armed forces. Meanwhile, Turkey does not have a strong industrial base and is lacking in infrastructure in many key areas. Why is Turkey, our ally, throwing away so much of its limited resources on sophisticated weapons to use against its Kurdish residents, when it could be investing in better schools, health care and other services that could help put Turkey on a par with the Western nations it seeks to be associated with?

Mr. Speaker, last week I led a special order in this House commemorating the Armenian Genocide of 1915–1923, committed by the Ottoman Turkish Empire. Just yesterday, I joined with members of the Armenian-American community for an observance of the anniversary of the unleashing of the Genocide. In recalling this well-documented part of history, the existence of which Turkey continues to officially deny, we often point out that the importance of remembering the past is to prevent similar tragedies from occurring in the future.

Mr. Speaker, we are currently witnessing a similar tragedy in Kurdistan. True, the Kurdish people have not been slaughtered on the scale that the Armenians were in the early part of this century. To some extent, the greater scrutiny that exists today—through satellite imaging and instantaneous communication—may be playing some role in restraining the Turkish Government. But there is a certain similarity to the pattern: A concerted effort by a Turkish government to wipe out the presence of a nonTurkic people which has lived in the region for centuries.

Mr. Speaker, I would like to close my remarks with a statement from Lord Eric Avebury, the chairman of the Parliamentary Human Rights Group of the British House of Lords, who recently visited Turkish and Iraqi Kurdistan. He cited a quote, dating from AD 84, from the Roman historian Tacitus describing the Roman conquest of Britain: ''Ubi solituneinem faciunt, pacem appelant.'' ''They made it a desolation and called it peace.'' Mr. Speaker, let us resolve not to let the entire land and nation of Kurdistan be made into a desolation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BERRY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. STOKES.
Mr. HAMILTON.
Mr. FRANK of Massachusetts.
Mrs. LOWEY.
Mr. DELLUMS.
Mr. BONIOR.
Mr. COYNE.
Mr. ACKERMAN.
Mr. FOGLIETTA.
Mr. STARK.
Mr. HILLIARD.
Mr. LANTOS.
Mr. EVANS.
Mr. RANGEL.
Mr. PAYNE.
Mr. CAPPS.
Mr. KLECZKA.
Ms. ESHOO.
Mr. TOWNS.
Ms. SANCHEZ.
Mr. DINGELL.
Mr. SHERMAN.
Ms. KAPTUR.
Mr. VISCLOSKY.
Mr. SERRANO.
Mrs. MALONEY of New York.
Mr. MURTHA.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Ms. PRYCE of Ohio.
Mr. GILMAN.
Mr. SOLOMON.
Mr. GALLEGLY.
Mr. RADANOVICH.
Mr. RAMSTAD.
Mr. PITTS.
Mr. PACKARD.
Mr. HEFLEY.
Mr. PAUL.
Mr. EHLERS.
Mr. DAVIS of Virginia.
Mrs. ROUKEMA.
Mr. EVERETT.
Mr. WOLF.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. DREIER.
Mr. FORBES.
Mr. FAWELL.
Mr. GINGRICH.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, May 5, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3053. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F–0245] received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3054. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of 14 naval vessels to certain foreign countries; to the Committee on International Relations.

3055. A letter from the Director, Peace Corps, transmitting a draft of proposed legislation to amend the Peace Corps Act, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

3056. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend title 4, District of Columbia Code, to reform the pay of members of the U.S. Secret Service Uniformed Division, and for other purposes; to the Committee on Government Reform and Oversight.

3057. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting a draft of proposed legislation that would reauthorize the work of the Appalachian Regional Commission, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

3058. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Implementation of Equal Access to Justice Act in Agency Proceedings [Docket No. OST–96–1421] (RIN: 2105–AB73) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3059. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Ticketless Travel: Passenger Notices [Docket No. OST–96–993] (RIN: 2105–AC36) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3060. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Inspection User Fees (U.S. Coast Guard) [CGD 96–067] (RIN: 2115–AF40) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3061. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Potomac River, Point Lookout to Hull Neck (U.S. Coast Guard) [CGD05–97–011] (RIN: 2115–AA97) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3062. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Oceanside, CA (U.S. Coast Guard) [COTP San Diego; 97–001] (RIN: 2115–AA97) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3063. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, Virginia (U.S. Coast Guard) [CGD 05–97–004] (RIN: 2115–AE46) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3064. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River (U.S. Coast Guard) [CGD08–97–008] (RIN: 2115–AE84) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3065. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Puget Sound and Adjacent Waters, WA—Regulated Navigation Area (U.S. Coast Guard) [CGD13–97–003] (RIN: 2115–AE84) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3066. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Electrical Engineering Requirements for Merchant Vessels (U.S. Coast Guard) [CGD 94–108] (RIN: 2115–AF24) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Availability of Interpretations of Hazardous Materials and Pipeline Safety Regulations (Research and Special Programs Administration) [Docket No. RSP–3] (RIN: 2137–AD00) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3068. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Archaeological and Ethnological Material From Canada [T.D. 97–31] (RIN: 1515–AC14) received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3069. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the ''Surface Transportation Safety Act of 1997''; jointly, to the Committees on Transportation and Infrastructure, Commerce, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes (Rept. 105–74 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1463. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission; with an amendment (Rept. 105–85). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3. A bill to combat violent youth crime and increase accountability for juvenile criminal offenses; with an amendment (Rept. 105–86). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. PRYCE of Ohio (for herself and Mr. MORAN of Virginia):

H.R. 1508. A bill to reform the multifamily rental assisted housing programs of the Federal Government and maintain the affordability and availability of low-income housing, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. STARK, Mr. RAMSTAD, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. RANGEL, Mr. MATSUI, Mrs. KENNELLY of Connecticut, Mr. COYNE, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. JEFFERSON, and Mr. BECERRA):

H.R. 1509. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. KENNEDY of Massachusetts, Mr. GREENWOOD, Mr. SPENCE, Mr. GOODLATTE, Mr. DELLUMS, Mr. FORD, Ms. LOFGREN, Mr. HINCHEY, Ms. CHRISTIAN-GREEN, Mrs. MALONEY of New York, Mr. LAFALCE, Mrs. KELLY, Mr. KNOLLENBERG, Mr. CLEMENT, Mr. COLLINS, Mr. CASTLE, Mr. BRADY, Mr. SESSIONS, Ms. GRANGER, Mr. SAM JOHNSON, Mr. BONILLA, Mr. THORNBERRY, Mr. PAUL, and Mr. ARCHER):

H.R. 1510. A bill to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. MCKEON (for himself, Mr. GOODLING, Mr. GREENWOOD, Mr. SMITH of Michigan, Mr. LAFALCE, Mr. ENSIGN, Mr. KLUG, Mrs. KELLY, Mr. LUTHER, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. GRAHAM, Mr. GORDON, Mr. PETRI, Mr. RIGGS, Mr. DEAL of Georgia, Mrs. ROUKEMA, Mr. BARRETT of Nebraska, Mr. UNDERWOOD, Mr. UPTON, Mr. LEWIS of California, Mr. BONILLA, Mr. HALL of Texas, Mr. SHAYS, Mr. MILLER of Florida, Mr. HORN, Mr. FROST, Mr. CALVERT, Mr. FATTAH, Mr. KASICH, Mr. CLEMENT, Mr. DELAY, and Mr. BOEHNER):

H.R. 1511. A bill to establish a National Commission on the Cost of Higher Education; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to provide incentives for public-private educational partnerships for public educational institutions serving disadvantaged students and to provide tax relief to families who are struggling to pay for college; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. LIPINSKI, and Mr. POSHARD):

H.R. 1513. A bill to amend the National Trails System Act to designate the Lincoln National Historic Trail as a component of the National Trails System; to the Committee on Resources.

By Mr. BOUCHER:

H.R. 1514. A bill to restore the exclusion of employees' death benefits from gross income; to the Committee on Ways and Means.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. HASTERT, Mr. ARMEY, Mr. PICKETT, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. POSHARD, Mr. TRAFICANT, Mr. MCHALE, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. ACKERMAN, Mr. FROST, Mr. CONDIT, Mr. HALL of Texas, Mr. STENHOLM, Mr. BOSWELL, Mr. RUSH, Ms. MOLINARI, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. HOEKSTRA, Mr. MCKEON, Mr. SAM JOHNSON, Mr. TALENT, Mr. GREENWOOD, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. SOUDER, Mr. MCINTOSH, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. UPTON, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. SCARBOROUGH, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHLERT, Mr. BONILLA, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMPBELL, Mr. CANADY of Florida, Mr. COLLINS, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. CUNNINGHAM, Mr. DICKEY, Ms. DUNN of Washington, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. EWING, Mr. FOLEY, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GOSS, Mr. HERGER, Mr. BEREUTER, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HUNTER, Mr. HYDE, Mr. KIM, Mr. KINGSTON, Mr. KOLBE, Mr. LAHOOD, Mr. LEACH, Mr. LEWIS of California, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MANZULLO, Mr. MILLER of Florida, Mrs. MORELLA, Mrs. MYRICK, Mr. NEUMANN, Mr. NEY, Mr. PACKARD, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. REGULA, Mr. ROYCE, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. SCHIFF, Mr. SHAYS, Mr. SHIMKUS, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, and Mr. WICKER):

H.R. 1515. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in mobile work force, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open market, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CLAY (for himself, Mr. MILLER of California, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mrs. MINK of Hawaii, Ms. WOOLSEY, Mr. FATTAH, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND of Wisconsin, Ms. SANCHEZ, Mr. FORD, Mr. BROWN of Ohio, Mr. DAVIS of Illinois, Mr. DINGELL, Mr. ETHERIDGE, Mr. FILNER, Mr. GREEN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSON of Wisconsin, Ms. KAPTUR, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. REYES, Mr. SAWYER, and Mr. TOWNS):

H.R. 1516. A bill to support local reading programs for children so that all children are able to read well and independently by the end of the third grade; to the Committee on Education and the Workforce.

By Mr. COOKSEY:

H.R. 1517. A bill to amend the Internal Revenue Code of 1986 to reduce the capital gains tax on individuals and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself and Mr. EWING):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to permit farmers to rollover into an individual retirement account the proceeds from the sale of a farm; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. MORAN of Virginia, Mr. SCOTT, Mr. TOWNS, Mr. CONYERS, Mr. FAZIO of California, Mr. HERGER, Mr. DEUTSCH, Mr. WOLF, Mr. ROEMER, Mr. STEARNS, Ms. NORTON, Mr. DEAL of Georgia, Mr. CLAY, Mr. DIAZ-BALART, Mr. SISISKY, Mr. WHITFIELD, Mr. YOUNG of Alaska, Mr. TORRES, Mr. CLEMENT, Ms. BROWN of Florida, Mr. PASTOR, Mr. FROST, Mr. HAMILTON, Mr. LEACH, Mr. SANDLIN, Mr. MCCOLLUM, Mr. DUNCAN, Mr. PETRI, Mr. BENTSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, Mr. THOMPSON, Mr. SHUSTER, Mr. PICKETT, Mr. BILBRAY, Mr. LAMPSON, Mr. BOUCHER, Mr. BISHOP, Mr. BATEMAN, Mr. BEREUTER, Mr. PORTER, and Mr. MARTINEZ:

H.R. 1519. A bill to provide for the recognition and designation of the official society to administer and coordinate activities in the United States to commemorate and celebrate the achievements of the second millennium and to promote even greater achievements in the millennium to come by endowing an international cross-cultural scholarship fund to further the development and education of the world's future leaders; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 1520. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Education and the Workforce.

By Mr. GALLEGLY:

H.R. 1521. A bill to amend title 49, United States Code, concerning the treatment of certain aircraft as public aircraft; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 1522. A bill to extend the authorization for the National Historic Preservation Fund, and for other purposes; to the Committee on Resources.

By Mr. HOEKSTRA:

H.R. 1523. A bill to amend the Small Business Act to exempt subcontracts for dredging activities from local buy requirements under the business development program authorized by section 89(a) of that act; to the Committee on Small Business.

By Mr. HUTCHINSON (for himself, Mr. BALDACCI, Mr. TAYLOR of North Carolina, Mr. COOKSEY, Mr. BOUCHER, Mr. MCGOVERN, Mr. FROST, and Mr. BUNNING of Kentucky):

H.R. 1524. A bill to establish a National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 1525. A bill to assure equitable treatment in health care coverage of prescription

drugs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, 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. QUINN (for himself, Mr. BARCIA of Michigan, Mr. PRICE of North Carolina, Mr. DUNCAN, Mrs. KELLY, Mr. WELLER, Mr. PACKARD, Mr. WEXLER, Mr. DAVIS of Florida, Mr. PICKETT, Mr. KLUG, Mr. KNOLLENBERG, Mr. BUNNING of Kentucky, Mr. BILBRAY, Mr. LAHOOD, Mr. BAESLER, Mr. MENENDEZ, Mr. CUNNINGHAM, Mr. PETERSON of Minnesota, Mr. FOX of Pennsylvania, Mr. WALSH, Mr. GRAHAM, Ms. PRYCE of Ohio, Ms. MOLINARI, Mr. LARGENT, Mr. LATOURETTE, and Mr. NUSSLE):

H.R. 1526. A bill to amend the Tariff Act of 1930 to treat as noncounteravailable certain activities relating to timber; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Ms. ESHOO, Mr. GREENWOOD, Mr. TOWNS, and Mr. HALL of Texas):

H.R. 1527. A bill to amend the Food, Drug, and Cosmetic Act with respect to the classification of and performance standards for devices; to the Committee on Commerce.

By Mr. HINCHEY:

H.J. Res. 76. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes; to the Committee on Resources.

By Mr. VENTO (for himself, Mr. MARTINEZ, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Ms. LOFGREN):

H. Con. Res. 70. Concurrent resolution expressing the sense of the Congress that State and local governments should be encouraged, and have the right, to pass laws and ordinances designed to preserve and protect the safety and well-being of young people; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mrs. MORELLA, Mr. WYNN, Mr. FILNER, Mr. CARDIN, Mr. FAZIO of California, and Mr. DEFAZIO):

H. Con. Res. 71. Concurring resolution expressing the sense of the Congress that Federal retirement cost-of-living adjustments should not be delayed, and that retirement contributions on the part of Federal agencies and Federal and postal employees should not be increased; to the Committee on Government Reform and Oversight.

By Ms. MCKINNEY (for herself, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. OWENS, Mr. RANGEL, Mr. THOMPSON, Mr. DELLUMS, Mr. CONYERS, Mr. CLYBURN, Mr. HILLIARD, Mr. CLAY, Mr. DIXON, Mr. FATTAH, Mr. STOKES, Mr. TOWNS, Mr. FLAKE, Mr. WYNN, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. BISHOP, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE, Mr. HINCHEY, Mr. SANDERS, and Mr. CUMMINGS):

H. Con. Res. 72. Concurrent resolution postponing the relocation of the statue known as the Portrait Monument to the rotunda of the Capitol; to the Committee on House Oversight.

By Mr. PITTS (for himself, Mr. GRAHAM, Mr. BLUNT, Mr. GOODLING, Mr. HOEKSTRA, Mr. ISTOOK, Mr. RYAN, Mr. HULSHOF, Mr. NORWOOD, Mr. SNOWBARGER, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, Mr. CHABOT, Mr. SOLOMON, Mr. CHAMBLISS, Mr. KNOLLENBERG, Mr. SAM JOHNSON, Mr. HERGER, and Mr. HAYWORTH):

H. Res. 139. Resolution expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 140. Resolution expressing the sense of the House of Representatives that ''Sugar'' Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform and Oversight.

By Mr. YATES:

H. Res. 141. Resolution waiving clause 2(b) of rule XXII to permit introduction and consideration of a certain bill; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

58. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution 31 urging the U.S. Environmental Protection Agency to cease operation of the incinerator at the Drake Chemical Superfund site until the serious concerns about onsite decision making, involving the officials of the city of Lock Haven, PA, and the Pennsylvania Department of Environmental Protection in key decisions and the allegations of drug and alcohol abuse, are investigated; to the Committee on Commerce.

59. Also, memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 9 urging Congress to act in a timely fashion to reauthorize the Federal Surface Transportation Program and to continue to recognize the national interest in the investment in highways that serve and cross rural western States; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII:

Mrs. MALONEY of New York introduced a bill (H.R. 1528) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Southern Star;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. DEAL of Georgia and Mr. FOLEY.

H.R. 9: Mr. DAVIS of Illinois.

H.R. 12: Mr. BARRETT of Wisconsin.

H.R. 14: Mrs. LINDA SMITH of Washington and Mr. MARTINEZ.

H.R. 27: Mr. RYUN.

H.R. 58: Mr. ISTOOK, Mr. KUCINICH, Mr. FAWELL, Mr. ROGERS, Mr. RILEY, and Mr. TAYLOR of Mississippi.

H.R. 66: Mr. BACHUS, Mrs. MINK of Hawaii, and Ms. KAPTUR.

H.R. 80: Mr. OLVER, Mr. SOLOMON, Ms. STABENOW, Mr. FOLEY, Mr. PALLONE, Mr. SAWYER, and Mr. TORRES.

H.R. 96: Mr. DICKEY, Mrs. CUBIN, Mr. PARKER, and Mr. MANZULLO.

H.R. 108: Mr. BORSKI and Mr. KLUG.

H.R. 122: Mr. HOSTETTLER, Mr. HASTERT, Mr. HERGER, Mr. SENSENBRENNER, Mr. ROHRABACHER, and Mr. HILLEARY.

H.R. 145: Mr. BARR of Georgia, Mr. BLAGOJEVICH, Mr. MURTHA, Mr. MINGE, Mr. BROWN of Ohio, and Ms. DEGETTE.

H.R. 158: Mr. LATHAM, Mr. MATSUI, Mr. YOUNG of Alaska, Mr. NETHERCUTT, Mr. EHRLICH, and Mr. CRAPO.

H.R. 159: Mr. HOLDEN and Mr. HOUGHTON.

H.R. 176: Mr. KILDEE, Mr. HINCHEY, Mr. LAMPSON, Mr. RYUN, and Mr. ACKERMAN.

H.R. 192: Mr. BISHOP, Mr. COMBEST, Mr. ENGEL, Mr. BARRETT of Nebraska, Mr. PACKARD, Mr. SKELTON, and Mr. ADAM SMITH of Washington.

H.R. 218: Mr. KING of New York, Mr. ENSIGN, Mr. POSHARD, and Mr. TURNER.

H.R. 253: Mr. FAWELL, Mr. DEFAZIO, Mr. LEVIN, and Mr. BARRETT of Wisconsin.

H.R. 284: Mr. DAVIS of Illinois, Mr. OLVER, and Mr. HINCHEY.

H.R. 285: Mr. HINCHEY.

H.R. 286: Mr. HINCHEY.

H.R. 305: Mr. PARKER.

H.R. 335: Mr. BISHOP.

H.R. 339: Mr. SPENCE and Mr. HUTCHINSON.

H.R. 344: Mrs. ROUKEMA.

H.R. 347: Mr. EWING.

H.R. 366: Mr. TOWNS.

H.R. 407: Mr. TOWNS, Mr. MARTINEZ, and Mr. ROTHMAN.

H.R. 414: Mr. BISHOP, Mr. COMBEST, Mr. ALLEN, Mr. WISE, Mr. ENGEL, Mr. PACKARD, and Mr. SKELTON.

H.R. 426: Mr. HILLIARD, Mr. LEWIS of California, Mr. DICKS, Mr. ADAM SMITH of Washington, and Mr. MARTINEZ.

H.R. 453: Mr. YATES, Mr. CAMPBELL, Mr. HYDE, and Mr. ENGEL.

H.R. 455: Mr. DAVIS of Illinois and Mr. ENGEL.

H.R. 459: Mr. BACHUS.

H.R. 465: Mr. HOUGHTON.

H.R. 475: Mr. MARTINEZ.

H.R. 477: Mr. KNOLLENBERG.

H.R. 546: Mr. ENGEL and Mr. TRAFICANT.

H.R. 553: Mr. COSTELLO, Mr. FLAKE, Mr. PALLONE, Mr. SANDERS, Ms. NORTON, Mr. PETERSON of Minnesota, and Mr. MARTINEZ.

H.R. 566: Mr. MARTINEZ.

H.R. 586: Ms. KAPTUR, Mr. SPENCE, and Mr. LIPINSKI.

H.R. 589: Ms. DUNN of Washington, Mr. BARR of Georgia, Mr. WICKER, Mr. Weller, and Mr. STUMP.

H.R. 590: Mr. DAVIS of Illinois, Mr. GEJDENSON, and Mrs. KENNELLY of Connecticut.

H.R. 598: Mr. BRYANT.

H.R. 617: Mr. BAKER, Mr. WALSH, Mr. WATT of North Carolina, Mr. ROTHMAN, and Mr. GONZALEZ.

H.R. 622: Mr. SENSENBRENNER.

H.R. 693: Mr. PAPPAS and Mr. MILLER of Florida.

H.R. 695: Mr. DELAHUNT.

H.R. 699: Mr. RUSH, Mr. RIGGS, Mr. HANSEN, Mr. BILBRAY, Mr. NORWOOD, Mrs. EMERSON, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. HORN, Mr. GIBBONS, Mr. PICKETT, Mr. DEFAZIO, and Mr. PARKER.

H.R. 715: Mr. HOBSON.

H.R. 774: Mr. PETERSON of Minnesota and Ms. KAPTUR.

H.R. 789: Mr. HILLIARD, Mr. HILL, and Mr. GALLEGLY.

H.R. 840: Mr. EHLERS, and Mr. BARCIA of Michigan.

H.R. 862: Mr. MORAN of Virginia.

H.R. 874: Mr. MARTINEZ.

H.R. 893: Mr. OLVER, Mr. HORN, Mr. THOMPSON, Mr. UNDERWOOD, Ms. DEGETTE, Mr. BOUCHER, Mr. FOX of Pennsylvania, Mr. KLUG, Mr. COYNE, Mr. WAXMAN, Ms. LOFGREN, Mr. GREENWOOD, Mr. SANDERS, Ms. SLAUGHTER, Mr. RUSH, Mr. LAZIO of New York, Mrs. LOWEY, Mr. HOLDEN, Mr. FILNER, Mr. BONIOR, Mrs. CLAYTON, Mr. KLINK, Mr. MORAN of Virginia, Mr. MINGE, Ms. RIVERS, and Mr. CARDIN.

H.R. 894: Mr. OLVER, Mr. WAXMAN, Mr. KLUG, Mr. GREENWOOD, Mr. RUSH, Mr.

BONIOR, Mrs. CLAYTON, and Mr. MORAN of Virginia.

H.R. 900: Mr. ROTHMAN, Mr. DAVIS of Illinois, Mr. MENENDEZ, and Mr. LEACH.

H.R. 901: Mr. LINDER and Mr. CHABOT.

H.R. 911: Mr. PETERSON of Pennsylvania, Mr. MCHALE, Mr. BALLENGER, Mrs. LINDA SMITH of Washington, Mr. GIBBONS, Mr. MURTHA, Mr. RYUN, and Mr. KLUG.

H.R. 934: Mr. COBURN, Mr. BACHUS, Mr. POMBO, and Mr. HEFLEY.

H.R. 947: Mr. KLECZKA, Mr. GREENWOOD, and Mr. GILCHREST.

H.R. 956: Mr. PARKER and Mr. HEFLEY.

H.R. 965: Mr. TAUZIN, Mr. BOB SCHAFFER, Mr. SKEEN, Mr. PAUL, Mr. PACKARD, Mr. WICKER, Mr. WHITFIELD, and Mr. OXLEY.

H.R. 979: Mr. BACHUS, Ms. WOOLSEY, Mr. SKELTON, Ms. CARSON, Mr. PETERSON of Pennsylvania, Ms. LOFGREN, Mr. EVERETT, and Mr. CAPPS.

H.R. 993: Mr. PETRI.

H.R. 1009: Mr. MCINTOSH, Mr. WATTS of Oklahoma, and Mr. SPENCE.

H.R. 1010: Mr. HOSTETTLER and Mr. SKEEN.

H.R. 1017: Mr. FARR of California, Mr. JEFFERSON, and Mr. FOGLIETTA.

H.R. 1031: Mrs. KELLY, Mr. CALVERT, Mr. BALLENGER, Mr. NETHERCUTT, and Ms. GRANGER.

H.R. 1046: Mr. POMEROY.

H.R. 1047: Mr. DELAHUNT and Mr. WEXLER.

H.R. 1068: Mr. MCCRERY and Mr. ROHRABACHER.

H.R. 1074: Ms. WATERS, Ms. KILPATRICK, and Mr. MALONEY of Connecticut.

H.R. 1077: Mr. OLVER and Mr. DOYLE.

H.R. 1114: Ms. RIVERS, Mrs. KELLY, Mr. LIPINSKI, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, Mr. DICKEY, and Mr. REYES.

H.R. 1126: Mr. WISE and Mr. BALDACCI.

H.R. 1129: Mrs. MINK of Hawaii, Mr. COYNE, Mr. GIBBONS, Mr. FOGLIETTA, Mrs. LOWEY, Mr. GEJDENSON, and Mr. LUCAS of Oklahoma.

H.R. 1140: Mr. HEFNER.

H.R. 1154: Mr. MCINTYRE.

H.R. 1159: Mr. MCDERMOTT, Mr. LAFALCE, Mr. BORSKI, Mrs. CLAYTON, and Mr. SPRATT.

H.R. 1162: Mr. DUNCAN.

H.R. 1169: Ms. KILPATRICK, Mr. DELLUMS, Mr. HILLIARD, Mr. FROST, Ms. LOFGREN, Ms. SLAUGHTER, Mr. BUNNING of Kentucky, and Mr. CUNNINGHAM.

H.R. 1172: Mr. BRADY, Mr. BURTON of Indiana, Mr. COBURN, Mr. COMBEST, Mr. CRAPO, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FORBES, Mr. FRANKS of New Jersey, Mr. GANSKE, Mr. HILL, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KINGSTON, Mr. RIGGS, Mr. RILEY, Mr. ROGAN, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. THUNE, and Mr. UPTON.

H.R. 1176: Mr. FRANKS of New Jersey and Mr. TIERNEY.

H.R. 1218: Mrs. LOWEY.

H.R. 1231: Mr. LEWIS of Georgia.

H.R. 1247: Mr. PARKER, Mr. EHRLICH, and Mr. COOK.

H.R. 1260: Ms. BROWN of Florida, Mr. BAKER, Mr. CLYBURN, Ms. DANNER, Mr. GILCHREST, Mr. ENGEL, Ms. CHRISTIAN-GREEN, Mrs. ROUKEMA, Mr. MCKEON, Mr. PETERSON of Minnesota, Ms. KAPTUR, and Mr. NADLER.

H.R. 1263: Mr. ALLEN, Mr. CAPPS, Ms. WOOLSEY, Mr. ROTHMAN, Mr. KUCINICH, Mr. FALEOMAVAEGA, Mr. TIERNEY, Mr. ACKERMAN, and Mr. GONZALEZ.

H.R. 1289: Ms. DELAURO, Ms. WOOLSEY, Ms. RIVERS, Mrs. MCCARTHY of New York, Mrs. MEEK of Florida, Mr. COOKSEY, and Mr. GREEN.

H.R. 1299: Mr. BISHOP, Mr. WOLF, Mr. NEY, Mr. DICKEY, Mrs. EMERSON, Mr. HUTCHINSON, Mr. SKEEN, Mr. ADAM SMITH of Washington, Mr. RYUN, Mr. LEWIS of Kentucky, Mr. HEFLEY, Mr. ENGLISH of Pennsylvania, and Mr. TAUZIN.

H.R. 1302: Mr. MILLER of California.

H.R. 1315: Mr. CLEMENT and Mr. MCGOVERN.

H.R. 1320: Mr. ABERCROMBIE.

H.R. 1321: Mr. MORAN of Virginia and Mrs. KENNELLY of Connecticut.

H.R. 1323: Mr. LAFALCE.

H.R. 1330: Ms. DANNER and Mr. DOYLE.

H.R. 1333: Mr. KOLBE and Mr. DUNCAN.

H.R. 1340: Mr. LIPINSKI.

H.R. 1349: Ms. NORTON and Ms. WOOLSEY.

H.R. 1350: Mr. PICKETT and Mr. UPTON.

H.R. 1362: Mr. DAVIS of Virginia, Mr. BISHOP, Mr. BEREUTER, Ms. LOFGREN, Mr. SHIMKUS, Mr. ACKERMAN, Mr. PORTER, Mr. TAYLOR of Mississippi, and Mr. HALL of Ohio.

H.R. 1363: Mrs. ROUKEMA.

H.R. 1364: Mr. GILMAN and Mr. CAPPS.

H.R. 1371: Mrs. CUBIN.

H.R. 1375: Mr. NORWOOD and Mr. DOYLE.

H.R. 1379: Mr. YOUNG of Alaska.

H.R. 1395: Mr. RUSH and Ms. CHRISTIAN-GREEN.

H.R. 1396: Mr. MCCOLLUM.

H.R. 1398: Mr. BARCIA of Michigan.

H.R. 1407: Mr. WATTS of Oklahoma.

H.R. 1408: Mr. METCALF.

H.R. 1415: Mr. GORDON, Mrs. CUBIN, Mr. THORNBERRY, Mr. BALDACCI, Ms. MOLINARI, and Mr. MCDERMOTT.

H.R. 1427: Mr. DEUTSCH.

H.R. 1432: Mr. KLUG.

H.R. 1437: Ms. CARSON, Mr. BLUMENAUER, Mr. GILCHREST, and Mr. FOX of Pennsylvania.

H.R. 1438: Mr. PORTER, Mr. CAPPS, and Mr. SENSENBRENNER.

H.R. 1450: Mr. VENTO.

H.R. 1456: Mr. WATTS of Oklahoma, Mr. NEY, and Mr. FROST.

H.R. 1458: Mr. MCINTOSH and Mr. COBURN.

H.R. 1487: Mr. EHLERS.

H.R. 1496: Ms. FURSE, Mr. WATKINS, Mr. BLUNT, Mr. EHRLICH, and Mr. LOBIONDO.

H.R. 1503: Mr. CLEMENT.

H.R. 1507: Mr. CAMPBELL, Mrs. KENNELLY of Connecticut, and Ms. SLAUGHTER.

H.J. Res. 45: Mr. OWENS.

H.J. Res. 54: Mr. MORAN of Virginia.

H.J. Res. 56: Ms. JACKSON-LEE.

H.J. Res. 75: Mr. MCHALE, Mr. GRAHAM, Mr. PARKER, Mr. WAMP, Mrs. CHENOWETH, Mr. SMITH of New Jersey, Mr. NORWOOD, Mr. WELDON of Pennsylvania, Mr. LINDER, Mr. SCARBOROUGH, Mr. PICKERING, Mr. SMITH of Oregon, Mr. NETHERCUTT, Mr. THORNBERRY, Mr. MCCRERY, Mr. BUNNING of Kentucky, Mr. CONDIT, Mr. SISISKY, Mr. SAXTON, Mr. DEAL of Georgia, Mr. PICKETT, Mr. FILNER, Ms. MOLINARI, Mrs. CLAYTON, Mr. PETERSON of Minnesota, Mr. TALENT, Mr. KINGSTON, Mr. HAMILTON, Mr. GEKAS, Mrs. MYRICK, Mr. HOYER, Mr. BLUNT, Mr. DOOLEY of California, Mr. SHAW, Mr. CLEMENT, Mr. EHLERS, Mr. GILCHREST, Ms. GRANGER, Mr. LEWIS of California, Mr. GOODLATTE, and Mr. REYES.

H. Con. Res. 10: Mr. EHLERS, Ms. DELAURO, and Mr. MCDERMOTT.

H. Con. Res. 52: Mr. STARK, Mr. MCDADE, and Mr. BOEHLERT.

H. Con. Res. 53: Mr. CAMPBELL.

H. Con. Res. 65: Mr. KENNEDY of Rhode Island, Mr. PICKETT, Mr. TRAFICANT, Mr. JEFFERSON, Mr. TAYLOR of Mississippi, Mr. WELDON of Pennsylvania, Mr. CLAY, Mr. QUINN, and Mr. CALLAHAN.

H. Res. 27: Mr. COSTELLO.

H. Res. 64: Mr. GOSS.

H. Res. 111: Mr. DAN SCHAEFER of Colorado and Mr. TAUZIN.

H. Res. 119: Mr. MANTON, Mr. ADAM SMITH of Washington, Mrs. JOHNSON of Connecticut, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. FROST, Ms. DEGETTE, Mr. MARKEY, Ms. DELAURO, Mr. DELLUMS, Mr. SCHUMER, Mr. COYNE, Mr. FILNER, Mrs. TAUSCHER, Mr. MEEHAN, Ms. STABENOW, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. GILCHREST, and Mr. GUTIERREZ.

H. Res. 122: Mr. CLEMENT, Mr. BEREUTER, Mr. EHRLICH, Mr. WALSH, and Ms. CHRISTIAN-GREEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. HOLDEN

AMENDMENT NO. 45: Conversion of section 8 tenant-based assistance to project-based assistance in the borough of Tamaqua.

SEC. . For the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, the Secretary of Housing and Urban Development shall require the public housing agency to convert the tenant-based assistance under section 8 of the United States Housing Act of 1937 to project-based rental assistance under section 8(d)(2) of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2). The tenant-based assistance covered by the preceding sentence shall be the assistance for families who are residing in the project on the date of enactment of this Act and who initially received their assistance in connection with the conversion of the section 23 leased housing contract for the project to tenant-based assistance under section 8 of such Act.

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 46: Page 164, strike lines 1 through 4 and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(A) $500,000,000, which shall be available only for use for activities under paragraphs (1), (2), and (3) of subsection (a); and

(B) such sums as may be necessary, which shall be available only for use for activities under subsection (a)(4).

Page 173, strike lines 8 through 13 and insert the following:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $3,700,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

(5) OPERATING FUND.—For the allocations from the operating fund for grants—

(A) $3,200,000,000 for fiscal year 1998; and

(B) for each of fiscal years 1999, 2000, 2001, and 2002, such sums as may be necessary to provide each eligible public housing agency with the full amount determined under the formula under section 204(c)(2) or 204(d)(1), as applicable, for such agency to cover operating expenses for the agency.

H.R. 2

OFFERED BY: MR. KLINK

AMENDMENT NO. 47: Page 69, line 14, after the period insert the following:

The Secretary shall require that each such agreement for local cooperation shall provide that, notwithstanding any order, judgment, or decree of any court (including any settlement order), before making any amounts provided under a grant under this title available for use for the production of any housing or other property not previously used as public housing, the public housing agency shall—

(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the public housing for which such amounts are to be so used is located (or to be located) of such use; and

(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the public housing to be so assisted (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the public housing.

H.R. 2

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 48: Page 15, line 21, strike ''includes'' and insert ''may include''.

H.R. 2

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 49: Page 287, after line 15, insert the following new paragraph:

(6) TREATMENT OF COMMON AREAS.—The Secretary may not provide any assistance amounts pursuant to an existing contract for section 8 project-based assistance for a housing project and may not enter into a new or renewal contract for such assistance for a project unless the owner of the project provides consent, to such local law enforcement agencies as the Secretary determines appropriate, for law enforcement officers of such agencies to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

Page 287, line 16, strike ''(6)'' and insert ''(7)''.

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, THURSDAY, MAY 1, 1997 *No. 55*

Senate

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word Sovereign, we echo Washington, Jefferson, Madison, and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one nation under You, God, and we place our trust in You.

You have promised that if Your people will humble themselves, seek Your face, and pray, You will answer and heal our land. Lord, as believers in You, we are Your people. You have called us to be salt in any bland neglect of our spiritual heritage and light in the darkness of what contradicts Your vision for our Nation. Give us courage to be accountable to You and Your Commandments. We repent for the pride, selfishness, and prejustice that often contradict your justice and righteousness in our society.

Lord of new beginnings, our Nation needs a great spiritual awakening. May this day of prayer be the beginning of that awakening with each of us in this Senate. We urgently ask that our honesty about the needs of our Nation and our humble confession of our spiritual hunger for You may sweep across this Nation. Hear the prayers of Your people and continue to bless America. In Your holy name, Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COVERDELL of Georgia, is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, for the information of all Senators, this morning the Senate will begin consideration of S. 543, the Volunteer Protection Act. As a reminder, the previously ordered cloture votes for today are vitiated, and the Senate is now able to begin consideration of this important legislation. It is my understanding that amendments are expected to be offered to this bill. Therefore, Senators can anticipate votes throughout today's session of the Senate. It is the majority leader's hope that the Senate will be able to complete action on the Volunteer Protection Act today.

Also, there is the possibility that the Senate could consider items on the Executive Calendar. Therefore, additional votes could occur other than votes on the Volunteer Protection Act during today's session. In addition, the Appropriations Committee has completed action on the supplemental appropriations bill and it is the majority leader's expectation to begin consideration of that bill next week.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the leadership time is reserved.

VOLUNTEER PROTECTION ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 543, which the clerk will report.

The bill clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on activities of volunteers.

The Senate proceeded to consideration of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as the Presiding Officer knows, we have been at this for the better part of the week. I am pleased that the two sides have decided to proceed to the actual legislation and to consider its merits straightforwardly. I was also pleased to be notified this morning that during the summit—and I had not realized this—that occurred, Governors Branstad of Iowa, Whitman of New Jersey, and Wilson of California, issued a public statement in support of the Volunteer Protection Act while in Philadelphia, and called on the President to sign it. I am deeply grateful to these Governors, who have longstanding careers in public service, for stepping forward and calling on the passage of the Volunteer Protection Act.

Mr. President, I thought it would be useful, given the fact that we are now beginning the actual debate, to revisit the general parameters of the Volunteer Protection Act of 1997, which is a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

First, Mr. President, I will frame the problem. Prior to 1980, there was virtually no issue for us to consider here. Millions upon millions of Americans over the history of our country have continued to step forward, help their neighbors, help in disasters, help that is grandiose, like fighting off the waters in a flood to something as simple as crossing the street with a spare meal or a good wish for a neighbor.

But something happened in 1980. Suddenly there were several very celebrated lawsuit cases that targeted the volunteer. It changed the whole nature of the environment for voluntarism in America. As we moved on through the 1980's we found a situation where, with increasing frequency, for a variety of reasons, it was the volunteer that was singled out by a plaintiff or a claimant. It could have been that the organization that the individual was contributing to did not have any resources, that

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

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the volunteer had accumulated some assets—a home, a checking account, whatever—and so the lawyers for the claimant went to the volunteer.

What has resulted from this? Well, as best we can tell, and you really cannot get the exact data, there have not been a rash of findings against the volunteers. They have been able to defend themselves, by and large. Many of the cases have been thrown out. But there is a chilling pall that has been cast over voluntarism across the land. In other words, we have put a question mark in the mind of an American volunteer. ''Well, I want to help this family, I want to travel to North Dakota and help in that flood, but could I be putting my home or my business, or whatever we have accumulated in our family, at risk for having made this decision?'' The answer, unfortunately, is yes. So the result is that voluntarism over the last several years since 1989 has been dropping—54 percent to 51 percent to 48 percent, the last number we have seen.

Second, we have had thousands of volunteers who served on boards of colleges and universities and charities and charitable organizations resign because they became fearful they would be the target of these lawsuits. So you not only have people with a question in their mind about coming forward, you actually have caused volunteers to step backward and resign. Some estimates are as many as 50,000 of these kinds of occurrences have taken place.

Now comes the summit, the volunteer summit, in the Presiding Officer's home State, Pennsylvania, in the city of Philadelphia, where the President and three former Presidents and First Ladies for six administrations have come forward, 100 mayors, 30 Governors, and called on America to step forward, to relight the fire, to reinvigorate volunteer activity in America. I believe that is a very wholesome thing, a very inspirational thing.

But if you study the remarks, Mr. President, this was more than a call for voluntarism. It is very interesting as you review it. This is fairly well targeted. Children are evoked over and over and were the centerpoint of this call to voluntarism. Furthermore, the call was for voluntarism to occur in difficult environments. We have heard language like the poisonous streets. We are talking about difficult, rough, abnormal environment that you are asking these volunteers to go to. So the specter of the problem is elevating. You are asking them to go into a more troubled center, a more volatile arena, where communication and differences and diversity are great and, therefore, the probability of accident or misstep is higher.

I have been arguing all week that the Congress should respond in a very forceful way by passing the Volunteer Protection Act of 1997 which will make it easier for a volunteer to respond, in the first place; and second, to a troubled place. The Volunteer Protection Act takes the volunteer and provides some shield against being a target of a lawsuit.

I told the story earlier in the week of a charity that ran a gym and a youngster broke a leg by dropping weights. A volunteer, a woman, was the receptionist—not in the gym. She is out answering the phone. She became the legal target. She had virtually nothing to do with the incident other than having been on the premises on the phone. The Volunteer Protection Act would have protected that woman because she had no relation to the incident. If she had been engaged in willful misconduct, if she had been reckless, wanton, if she had been involved in a hate crime or a sex crime or a civil rights crime, this legislation would not protect her, nor should it, and no one wants it to. It deals with simple acts of omission—an accident—that would protect the volunteer.

I want to point out, because in all the chaotic conditions that go on on Capitol Hill, I am not sure everybody has had a chance to read it and understand that no one is protected from willful misconduct or reckless behavior or drunk driving. Mr. President, even if the volunteer is protected, the organization itself, the institution, the nonprofit, is still liable. This is directed, principally for acts of omission, at the volunteer. There are some other protections in the bill for nonprofits that would help the charitable organization, but primarily this legislation would protect the volunteer from simple acts of omission or an accident of that kind.

The second thing it would do, Mr. President, is that it would create proportional responsibility. There is a legal term for that, but I think it is easier to understand when we say proportional responsibility. The case I just cited is a great example. This woman had no responsibility, so she would not be eligible to be a target. What it does here is, it says that you can't go after an individual, a volunteer, who has minimal responsibility or only a small proportion, or none, and cause them to be the target for compensation for the entire event, that there has to be proportional responsibility. That, too, would protect the volunteer.

Mr. President, we have concluded—those of us who have cosponsored the legislation—that the issue is one of national concern and scope. I go back to the summit. They were not there creating volunteers for Philadelphia; they were there calling on the whole Nation to step forward. Volunteer organizations, many of them, are national in scope. You don't have to spend much time thinking about it. They are organizations like the American Red Cross, the United Way, and Little League Baseball. The call for voluntarism is a national call, not a local community call. Many of the volunteers cross State jurisdictions in their activities. There is absolutely no way that many of these charitable organizations—600,000 of them—could in any way understand the myriad of laws that relate to this across the several States. Certainly, a volunteer would have no capacity to do this.

So this law, the Volunteer Protection Act, sets a national standard of protection. But if a State chose to create more protections, that would be their right. Or if the State took an affirmative act to opt out from under this in those cases where all the parties involved are citizens of that State, they could do that as well. So we believe this is an appropriate balance with regard to the interaction between the States and the Federal Government.

Mr. President, I have gone back to this summit time and time again in the discussion, but there is something I noted here this morning that I think is very interesting. There was an article about the summit, and it says:

> Perhaps no one put the challenge more simply or compellingly than former First Lady Nancy Reagan, known during her White House years for her antidrug slogan, ''Just say no'' . . .

For which, I might add, many of us are greatly indebted.

> Speaking for herself and her husband, ailing former President Ronald Reagan, she implored, ''From this day forward, when someone asks you to help a child, just say yes.''

Just say yes. How right she is. My plea to the Senate and to the House and to the President is, just make it easier to say yes. Let's try to remove this question mark that is holding volunteers back. Let's try to not call on them to step forward and then leave a system in place that trips them if they do. Let's remove this cloud that causes high-profile public policymakers to not agree to serve on a board. I venture to say, Mr. President, that every Member of Congress has had the question mark I am talking about in their minds at one time or another when they had to make a decision about whether to respond to an organization seeking their support.

Let's try to create an environment where volunteers don't resign from boards but are willing to serve on them. Let's try to create an environment where a volunteer immediately would rush to an accident scene and not put a question in their mind about whether they are putting their assets into a legal lottery. Let's do it in a way that is thoughtful—and I believe we have—and which does not protect somebody from ill doing, which I believe we have. The minority leader and I had a brief discussion with regard to this yesterday evening. I was enumerating the fact that this would not protect reckless conduct. We want to be conscious of a victim of an accident. But we have to do something here to free up America so that it can do what it has always done.

Mr. President, just before I conclude here, I want to reiterate that I believe American voluntarism is as much a part of our culture and life and a treasure of American life as our national monuments, our parks, and this very

Capitol itself, because it is unique. There are very few places in the world where voluntarism takes on the components and proportions that it has in America. I was reading this morning that, last year alone, the equivalent value of American voluntarism, which was about 4½ hours a week, was around $200 billion-plus that had been given freely. But that is declining, and that trend should be reversed. We should nurture this American treasure and we should protect it, just as if it were one of the crown jewels of this Nation, like our Capitol.

Mr. President, I wanted to begin the debate by at least framing the reason for the law, a brief description of the law, and a call for the Congress to come forward and reinforce what took place in the historic days of the summit in Philadelphia, PA.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. 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.

Mr. SANTORUM. Mr. President, I rise to congratulate the Presiding Officer, who just spoke, for his stick-to-itiveness in continuing to force this issue here in the U.S. Senate and, finally, accomplishing what we had hoped to accomplish and probably should have accomplished a couple of days ago, which is at least to move to this bill and begin the debate on whether we can, here in the U.S. Senate, do some positive things to the volunteer spirit of America, to see if we can remove some of the barriers that are in place right now that limit the amount of volunteer participation in our society.

I think the present Presiding Officer's remarks about the Philadelphia summit, the spirit created there, the momentum that was created there can only be enhanced. The big concern in Philadelphia, as I talked to so many people, was, ''Isn't this wonderful? Don't you feel this great spirit? Don't you feel like we are focused on the right thing and we are pulling the country together, Republican and Democrat alike, liberal or conservative, focusing on a value that we all share?'' It is an understanding that is sort of core as an American to understand the significance of participating as a volunteer in your community and the benefit that it gives not only the people you volunteer for but the benefit it gives you. But the big concern I heard over and over again, even from the most enthusiastic supporters of the summit, was, ''Can we keep this going? Can this momentum continue? Will much happen after this week? How can we keep this spirit alive and keep this momentum that we have built, the commitments that were made? How can we continue to keep this ball rolling?''

I point right here to the U.S. Senate. This is the best way that I know of to keep the ball rolling, to keep the momentum going. If we follow up this week and maybe early next week with the passage of this legislation, with a strong message to the American public and to the prospective volunteers in America that not only do we think it is a good thing—and everybody says nice things about voluntarism and we talk about the benefits of it and about all of the wonderful things that it accomplishes for your community and for you as an individual—but we can lay down something solid, something tangible for them to say that things are different. It is not just that people are talking about it now, or not that it is an in-vogue thing, but there is a different set of ground rules now to participate and, to me, they are much more favorable. I don't have to look over my shoulder as a Little League coach as to whether I gave the catcher the right mask. I know that was one of the examples that was used over in the House. But I am doing this because I love my community, I love my neighbors, and I want to do something positive to contribute to their lives. I want to do so in a way that I feel that I can really express myself without having to be concerned about the whole troop of lawyers hanging in the wings for somebody who may have some accident in the process of volunteering.

So I think what we are doing here is taking that first step after the summit. This is the first step. People who have given all the great speeches about how important voluntarism is—if they don't follow through with doing something to move this agenda forward then I think we have every right to question the sincerity of the remarks. We have every right to question whether this was in fact a political stunt, and nothing more; that this was an attempt to revive individuals involved in their own public reception and nothing more than that; that it wasn't really real.

This is an opportunity to make the summit in Philadelphia more real in the eyes of the American public, to do something tangibly good for the volunteer in America, and thereby for the needy among us who have such a need and such a desire to deal with their fellow men and neighbors in solving the problems that confront them and their communities.

So I again congratulate the Senator from Georgia for his tremendous drive and enthusiasm and stick-to-itiveness to stand up here—for 3 days now—and fight this battle and refuse to relent.

I know some have said we are holding things hostage. I would suggest that this bill releases hostages all over America who are hostage to litigation fears—who now can go out and participate in their communities, and do the kind of things that will liberate so many other people who are in the need of volunteers, and the organizations with whom they work.

So I again congratulate the Senator from Georgia. I commend him for this.

It sounds like we have accomplished something tremendous. We have. All we have accomplished is that we can now talk about the bill, and we can now debate the bill. We are going to have, I am sure, amendments that will dramatically weaken this and that will take the teeth out of this legislation. Unfortunately, those will be offered on the floor. We have a tough battle ahead of us to be able to stand up to those kinds of weakening amendments, stay the course, and follow through with this responsibly.

I believe it is a very valid piece of legislation that preserves the right of those who are injured and at the same time liberates the volunteer in America to go out and pursue what they know in their hearts is the right thing to do which is to serve their fellow man to a greater good.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, thank you very much.

I certainly join my colleague, the Senator from Pennsylvania, in his expression of concern and hope for the outcome of the volunteer summit that has just occurred in Philadelphia. I, too, hope that we can keep the dynamics of that going.

There is no question, though, that one of the blights against voluntarism and giving freely of one's time to the benefit of human kind is what has transpired in this country over the last several decades when we have, in fact, denied the doctrine of charitable immunity; in other words, the ability to go out and give of your time and then by chance you make an accident—or by chance somewhere in the process someone might claim some question of injury—that, all of a sudden, you are liable, the courts take it up, the trial lawyers drag you through the courts, and they put a phenomenal blight on the giving concept that voluntarism is all about.

That is what S. 543 is about—to clearly prescribe what the limits are so that we don't put a legal damper on the kind of energies that are spilling forth from Philadelphia that Colin Powell is trying to once again fire up in this country. It is here. It is already here. It is part of the Judeo-Christian ethic that has made up the great growth of this country over the years.

I want to relate to you a comment that the director of March of Dimes Easter Seals told me right after the Berlin wall came down and Eastern Europe was freeing itself from the shackles of communism that some of it had been under for 70-plus years; most of it for about 45 years. I was with this gentleman one night at a banquet. We were visiting, and we were both seated at the head table.

I said, ''What are you doing nowadays besides the work of Easter Seals and March of Dimes?''

He said, ''You would be fascinated.'' He said, ''I am spending a lot of time in Eastern Europe with the countries of Eastern Europe.''

I said, ''Doing what?''

He said, ''Teaching them voluntarism.''

I said, ''Tell me more. What do you mean teaching voluntarism?''

You and I, Mr. President, would have considered that part of our family heritage, part of going to church, part of the extension of the person of the American citizen—voluntarism. What had happened in Eastern Europe and throughout the greater Soviet empire was that government had taken over. Government had become the operative of people. No longer could you give of yourself. It was government that told you what to do, how to do it, what to say, what to think, and all of those kinds of things. Up until that time, I had forgotten, or I guess I had never really concentrated on the root of voluntarism, and what has transpired in our country over the years from the very early days of the barn raising in your State and mine—of neighbors sharing amongst themselves, because there was never enough work force to go around. So I would come over to your farm and help out, and you would come over to my farm and help out. And together, in a sense of community, we would help each other. That was before the days of lots of laws and lots of trial lawyers, and somebody looking around, and, saying ''Gee. You have to be liable for that. It is your fault that something happened. And, therefore, we are going to take you to task on that.''

Voluntarism has always been a phenomenal force in our country. And it did start from a Judeo-Christian ethic of helping one fellow person. That has been and remains the strength of our country.

I was so pleased when I heard Colin Powell through a series of interviews leading up to the summit in Philadelphia. In fact, I was pleased but a little disappointed one day when Katie Couric in a rather—at least my interpretation—cynical way said, ''Well, but, but, but, surely you have to have Government doing some of these things, and, surely, you have to have a Government program. I mean, you have cut welfare, or Congress cut welfare.'' And, very consistently, Colin Powell said there is a role for Government. Yes. But there is a very clear role for people. Government doesn't nurture the child in the community. We can put food to the child. But we cannot nurture the soul. That is a personal relationship. That is a giving kind of relationship that is only put forth through the volunteer effort of the caring individual.

It was the sense of the Soviet States, if they were truly to become free states again and knowing that government could never provide everything to everybody, that they would have to reignite voluntarism in the voluntary spirit of nearly half a century past. So they were asking large contributive voluntary charitable groups from this country to come across, to extend to them how we did it, and to work with them to rekindle the human spirit in an effort of voluntarism.

That is what Philadelphia is trying to do—not to rekindle because it is clearly here in this country, and it always has been, but to extend it into other areas, urge people to give more of their time, to urge companies to provide time for their employees to go out and participate in the community in a free and giving way, and to knock down some of the barriers that exist in normal life that limit people's ability to contribute to give and to volunteer.

That is what S. 543 is all about—knocking down the percolation of legal barriers that have built up over the years of somebody trying to make somebody liable for something. We know that when you give of your time it is going to put you at risk. You are willing to give less. You back away, and say, ''I can't be a part of contributive or voluntary effort if I might be sued.'' I mean that isn't in the spirit of Americanism. That isn't in the spirit of the raising of the barn in Kansas a century ago. Sure, the wall might have fallen down, and you had to pick it back up and somebody might have been hurt. There was always that risk. But it was always understood that nobody was liable under those circumstances—that you weren't trying to profit from it personally, that you weren't trying to gain from it. You were giving.

That is what this legislation is all about—to recreate at least an understanding that people can give of their time freely without a loss of the immunity they have always had with charitable voluntary efforts.

So I am truly complimentary of the Senator from Georgia for the tremendous effort that he has put behind this. It has come at a very important time. I must say to my colleagues across the aisle. You are filibustering. Get with it. Don't do that. There may be other reasons. But, if it is for this, it is a bad reason. If the trial lawyers of this country are wanting to play games with this, it is the wrong reason. They ought to go somewhere else instead of trying to go at the voluntary spirit of this country, the energy that built our country that made us what we are. It was not Government. It was people giving freely of themselves to other people.

That is what this legislation is about. That is what the nations of the former Soviet Union have had to actually seek from us. Yes. They want our institutions of government because they figure that ours is the best form of government. But they want our people institution. They know that they cannot have government alone, that it will not serve the needs of citizens of Poland, or Czechoslovakia, or one of those nations that was barricaded and imprisoned behind the Iron Curtain.

So they reached out to our great charitable voluntary contributive organizations immediately after the fall of the wall, and said, ''Come. Teach us again how you make it work because what we see in America, what we see as the great energy and the spirit of your country, is the blend of government with the blend of the free citizen, both working together for the betterment of humanity and for the betterment of your country.''

That is what S. 543 is all about. It isn't about trial lawyers taking people to court. There is plenty of that to go on in the private sector, and in the private economy, but not in the private giving should that be allowed. I am thankful that S. 543 speaks so clearly of that.

I again say to my colleagues on the other side: Get with it. Come on. Stop this filibuster. This is a time to stand together, as former Republican Presidents and former Democratic Presidents and a Democrat President stood together in Philadelphia and said this is Americanism at its best. We should not use Government to tear down voluntarism. We should not use laws to restrict it. Let us use our energies to multiply it for the betterment of our citizens and for mankind.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President. I am particularly grateful for the statement of the Senator from Idaho, and for the measure of the Senator from Georgia.

When you try to define America, you can't define America by looking at people and from outward appearance. We are not all of one race or one ethnic origin. We represent every possible assemblage from around the world. We have come here. What we have, together, is not ethnicity nor religious background. It is not racial. What we have is a common commitment to community, a common commitment to what it is America is. It goes beyond politics. It goes beyond where we go to church. It goes beyond where the ancestors on our family tree came from. It simply goes to the heart of how we feel about each other.

No other nation on the face of the Earth has been so characterized by the idea of caring. Look at the great service organizations around the world, such as the Lions Club, which has a specific interest in protecting vision and making sure that people can see. The idea has been exported to the world from the United States of America. Look at the Rotary Club. Rotary clubs literally go around the globe. They have come from the United States of America where we look at the four-way test of rotary, which talks about the betterment of all concerned, which looks at the other side of the coin, which always asks about someone else.

Look at the Kiwanis Club, the slogan of which is ''We Build.'' It has been exported to nation after nation. It has been embraced by cultures all around the globe, but it is something that started in the United States of America. It is something that is so universal and so important to the fabric, to the very tapestry that defines what this Nation is that it crosses party lines just like that.

You have four Presidents of the United States joining together, Republicans and Democrats, in the Presidents' summit on voluntarism, and you have a person who in most societies would be considered to be an individual who knows how to deploy military resources and how to fight and how to hate and how to kill but an American whose heart really is in how to help, Gen. Colin Powell. He is heading up the entire focus again on voluntarism. It is something that is the character of this country. It is what makes us community. Frankly, it is richer than cultures that rely on Government and entitlement for all the things that are done. It is not universal in the world. In lots of places people think that charitable things are wrong, that it should be done by Government, so no one ever owes anyone else.

Well, in America we do not owe each other. We love each other. And the idea of voluntarism is a way that we can extend to each other and build the chords of community that bind us together. The poets from overseas have said it well: Never send to know for whom the bell tolls; it tolls for you.

That is why I have been involved in all kinds of charitable endeavors. I remember even when I was Governor of my home State, when a child was lost close to the State capital 20 or 30 miles away, I walked through the woods during the night with hundreds of other individuals to find the child. We were all kinds of people from all kinds of political persuasion, from all kinds of backgrounds, yet there we were walking through the woods at night. I remember in the great floods that afflicted Missouri, I filled sandbags next to people I did not know but people whom I loved because I cared for the communities, and I knew that if there were ever a flood at my place, they would be there with a shovel and their children with them, as mine were with me, filling sandbags.

That is what America is about. We would not want to do anything to destroy the capacity of Americans to help each other, to love one another, to participate in community activities, charitable activities where we reach out to one another. How many times did dads, when I was a boy, haul me to the ball game? My father traveled a lot. My father was an itinerant, in some respects, minister at some times during his life and then traveled extensively when he was involved in education, raising money for the college. But you know, there was always some dad from the area who took me to the game.

I will never forget Charles Wilcox. One time after a dusty, hot baseball practice, he took the whole team to the root beer stand, and he walked up to the window and said the most generous thing I have ever heard in my entire life. It almost knocked me over as a boy. He said to the fellow inside the root beer stand, ''This is my team. Fill em up.'' It had never happened to me before and perhaps has not happened to me since. I think soda pop is pretty commonplace these days, but back in the 1950's, when someone walked up to the root beer stand and said, ''Fill em up,'' it was a big thing.

I do not want the Charlie Wilcoxes of this world not to be able to do that anymore. I do not want them so afraid that when they coach the Little League team, they are going to have to put on their family the risk of financial ruin. We have seen the cases, the shear lunacy of cases where the coach is sued because the youngster was moved from shortstop to left field and got hurt when a fly ball hit him in left field. His mom had said he was a born shortstop. Who is going to be the coach if you can get sued when you move someone to left field?

We have seen the ridiculous cases where the youngster insists on sliding in headfirst and then injures himself and the coach is sued because the youngster slides headfirst instead of feet first, in spite of the fact that the youngster has seen all the big leaguers doing it time after time after time. But if that coach is going to lose his home, if his children cannot go to college because he is generous enough to care for someone else, we will certainly have cheated a lot of young people out of a lot of helping hands.

When I was at the summit this last weekend in Philadelphia, each of these Presidents called upon me personally. No, they did not come up to talk to me, but they spoke to me, they spoke to my heart. They said America needs again to have a revival of individuals who are willing to care for each other. I thought to myself, we need to make sure as Members of the Congress that we do what is necessary to make that possible. I think of the Scout volunteers on the west coast who allowed the boys to play touch football. When I was a Scout, we would never settle for touch football, but these must have been very good leaders, interested in the safety of the youngsters. But one got injured and he ended up with a $7 million judgment against two of the volunteers. The appellate courts reduced it to $4 million. I cannot imagine that was much of a consolation to those Scout volunteers.

Most people do not want to have to choose between helping the community and protecting their family. No one really will ever say I will help someone else if I have to sacrifice my family, because we have a very strong commitment to our families in America. It is a cornerstone of what we are. But a similar cornerstone of this house we call the United States of America is helping each other, and we should not put these cornerstones at odds. We should not say to people, in order to help someone else, you have to put your family at risk. That is what we have done with a tort system that has awarded judgments like $4 million against Scout leaders, that has awarded judgments against a Little League coach who moved someone from shortstop to left field.

Let us get serious. The Presidents, past and present, know what America is about. It is in the hearts of Americans across this country. We want to make it possible for people again to extend themselves in a voluntary way without putting their families at risk. That is the long and the short of what we want to do.

I think it is entirely inappropriate for some in this Chamber to stand against us, for those whose President has called us to a summit on voluntarism to say no, we are not going to allow any discussion of that in the Senate, we are not even going to proceed to the bill; we do not want you to have a chance to vote on it. That is what this filibuster by the Democratic Members of this body is achieving right now. It is keeping us from voting on this bill. This is not the bill itself we are talking about. We are talking about the motion to proceed. This is technical gobbledygook of the Senate. But in order to consider a bill, you have to succeed in passing a motion to proceed to the bill, and we are being filibustered on the motion. It is time for all Americans to again enlist in this great enterprise of community which we call America and help each other, and it is time for the Senate, Members of the Congress, to build a framework where we do not ask people to choose between protecting their family and helping other people. We have to say we will make sure your family is protected if you are kind enough and loving enough and caring enough to extend a helping hand, a hand of care, compassion, and love to those in your community.

I have been told we are on the bill now. I am glad to know that we are on the bill. Yesterday we were on a filibuster to the motion to proceed, and I appreciate the correction. I apologize to Members of this body on the other side of the aisle. I would not impair or impugn their motive here. I am glad to be on the bill. I think with that in mind we ought to make sure we all vote in favor of this. This is an outstanding piece of legislation which will stop the irrationality of asking people to choose between protecting their family and helping their neighbor. The history of this country is that we have not only protected our family; we have enriched our families by helping our neighbors because we have been taught one of the most important values of life, that is, that we are not alone, that we live together in community.

I thank the Chair.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I commend both the Senator from Idaho and the Senator from Missouri for their statements. Senator ASHCROFT is a cosponsor, as is Senator CRAIG, and they both have devoted extensive activity and time and energy to the promotion of this legislation.

Mr. President, I am going to talk a little bit more about the bill and then move to a quorum call. It is my understanding there are several Senators who wish to speak as if they were in morning business. It would be appropriate with us. We have now had a full hour framing S. 543, but I want to just go back to the summit a minute and quote three prominent figures in American life. As First Lady Hillary Rodham Clinton put it in her column last week in the Washington Times:

> Whether through tutoring children, picking up litter on a highway, or providing free legal counsel to a needy client, we all have a chance to help address problems in our communities and enjoy the satisfaction that comes from being good neighbors. What we may not realize is that in the process we are also strengthening our democracy. Democracy depends on citizenship and citizenship depends on people voluntarily contributing their time and performing services that their country needs.

She is absolutely correct. I have always believed, Mr. President, the genesis of the American spirit is that we are a free people, and if you really want to know the roots of voluntarism, because it is uniquely American, it is because we have been free and we have unleashed spirits and thinking and activity which the world has never seen nor compared. What we are talking about here in this legislation is there has evolved in the last decade and a half a constriction, a choke, on that kind of freedom. We have chilled it. What we are seeing is the same kind of thing that happens anytime a government or practice becomes engaged in constriction of freedom and the natural activity of human beings.

We have, unwittingly I believe, had evolve a situation where the volunteer has become a target, and they have become fearful of it, which is a step back from freedom. Fear is one of the first things that happens when people, for whatever reason, begin to lose their freedom. They become fearful and their behavior changes. The explosion of voluntarism in America was born in freedom, and the constriction of it is occurring because they do not feel as free to do it. They fear harm. They fear retribution. They fear consequences. They fear for their families. So they alter their activity, and the Nation and the neighbor suffer. This legislation is designed to remove the fear and come back to the genesis of freedom to make choices, freedom to help the person cross the street or the person suffering from the flood that was described yesterday.

I do not believe our policymakers have really quite understood how serious this is. Everybody is busy with all their activities and their agenda, whether you are the President of the United States or you are running a store or you are the mayor of a local town. No one realized the field changed in the 1980's; the volunteer was not as free to step forward. It happened in the 1980's. So, this legislation is necessary to try to recreate the environment that has so enriched our Nation and our country.

Mr. President, I will take a minute. I have mentioned several times I am the former Director of the U.S. Peace Corps, which is one of America's preeminent institutions of voluntarism. There have been about 150,000, since 1961, who have gone all over the world, and their voluntarism does not stop there. In fact, the original charter of the Peace Corps has a third mission: Go where you are asked to go, be of assistance to the people there—and bring the knowledge of the world back home. So we continue to ask these volunteers to serve when they return, and thousands of them do. Many of their activities are addressed at the very core of the summit call—children.

As you might expect in an institution like that, there is a lot of discussion about voluntarism. There would be discussion, from time to time, about: Should they receive greater compensation? Would that create more volunteers? And you always came up with the same answer, that what we wanted was the volunteer who willingly stepped forward and wanted to do it and there was not another incentive. They were not doing it for a check. They were doing it to serve. Because, when you alter that chemistry, the whole interaction between the volunteer and the beneficiary changes, and you create a completely different kind of interaction.

I mentioned the story yesterday of the fellow who was helping train in the Civil Air Patrol. He even had to spend his own money to do it. But as he got out of the car he turned to me and he said, ''But the payback is when I look in their faces, when I see their pride and sense of accomplishment.'' That is a volunteer.

This issue of legal threat changes the chemistry of the volunteer. It changes the component of the interaction between the volunteer and beneficiary and alters their behavior, sometimes to the point of causing it to cease. This is a very important piece of legislation, and it is about America. It is not very complicated—12 pages. But it is right near and sitting up beside the heart and soul of who we are as a people. We need to get this done.

Mr. President, I yield the floor. I see we have been joined by the distinguished Senator from—Alaska.

The PRESIDING OFFICER. Who seeks time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I appreciate my colleague from Georgia recognizing the North Pole.

First, let me say a few words about the effort of my good friend from Georgia in bringing to the attention of this body, as well as to the Nation, the importance of the Volunteer Protection Act. The issue before us is vital; it is a matter defending the noble act of personal sacrifice and contribution for the benefit and good of others. So I commend the Senator for his diligence, the time he spent on the floor, and the effort that has been made. And I look forward to supporting the effort for the Volunteer Protection Act which has been introduced by Senator COVERDELL of Georgia.

Let me just ask my colleagues to bear with me for a moment. As we know, this past week President Clinton and other prominent Americans appeared in Philadelphia. Philadelphia is the city where our American heritage is rooted. What better place to come to for the recognition of voluntarism and what it means to this country, because those who founded our Constitution—our early efforts to formulate the principles of this country—were all volunteers. They were volunteers coming forward and contributing their knowledge, their expertise, their willingness to formulate a nation. So it was certainly appropriate that a summit on voluntarism was held in the city of Philadelphia during the past week. But what did this summit really accomplish?

I am told there were balloons, streamers, speeches, and a lot of good photo ops. But, unfortunately, we have to look at the bottom line and ask what was accomplished? How much was accomplished? It brought the issue to the American people. But, specifically, what did we get out of it? Because I think the summit ignored the fact that, in order for the spirit of voluntarism to flourish, you must, first of all, have real reform in our American judicial system.

What the Senate is basically doing today, and what we have been trying to do for the past 4 days—for the past 4 days—is not put on a highly publicized summit about voluntarism. We are trying to reform a justice system that deters voluntarism.

I am pleased, after several days of procedural delay, we have finally begun debate on this important legislation.

Mr. President, recent congressional findings reveal that our legal liability system deters voluntarism. In fact, according to the testimony given before a congressional committee last year, one in six volunteers withholds his or her services due to the fear of exposure to a lawsuit. That is the system that we have unfortunately devised. If that figure is applied to the number of volunteers in nonprofit organizations alone, we might see as many as 100,000 have had to decline to serve because of the fear of being sued.

America's litigation explosion forces nonprofit organizations to spend an ever-increasing amount of time and resources preparing for and avoiding lawsuits. The American Society of Association Executives testified before Congress last year that the association's liability insurance premiums increased an average of 155 percent; one in eight nonprofit organizations reported an increase of insurance premiums of 300 percent alone. This has put some of our most revered nonprofit organizations at risk.

For example, Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795, in the last 5 years. Because most leagues cannot afford such an expense, many operate without insurance. Some have, unfortunately, been disbanded altogether. The bill before us protects volunteers from liability unless they cause harm through reckless or criminal conduct.

This common-sense approach legislation would put an end to tragic liability cases such a 1990 negligence case in which a Chicago jury awarded $12 million to a boy who was injured in a car crash. Who was the negligent party? According to the jury, it was the estate of the volunteer—the estate of the volunteer, who gave his life attempting to save that boy.

Here are just a few other examples of recent outrageous litigation which threatens voluntarism.

In Oregon, a boy on a Boy Scout outing suffered a serious injury while playing tag football. The court dismissed the original lawsuit filed against the Boy Scouts, due to an insufficient nexus between the Boy Scouts and the youth's injury. The injured boy then decided to sue the volunteers who supervised the game. In one of the largest monetary verdicts in Oregon history, the jury found the two volunteers liable for $7 million.

When a 10-year-old boy in New Jersey lost a fly ball in the Sun during Little League practice, the ball dropped and hit the boy in the eye. The boy's coaches were sued for negligence.

In Oklahoma City, a member of an amateur softball league was so angered when he was ejected from a game that he drove away in a fit of rage and crashed his car. So what does the ejected player do? He files a suit against the umpire.

According to William J. Cople, a Washington lawyer who is pro bono counsel for the Boy Scouts of America, ''Volunteers have simply been swept away in the hysteria of litigation. . . . Suits are brought for almost anything, under any circumstances.'' What good comes from these suits? Well, about all you can say is that they keep a lot lawyers in business.

Mr. President, the bill we are debating will help put an end to such unwarranted litigation. This bill creates a system in which plaintiffs sue only for good reason and sue only those who are responsible for the damage. Such common-sense reforms will create an atmosphere which will nurture voluntarism. This legislation will foster the spirit of voluntarism, not just speak about it at a photo op.

For centuries, volunteers in America have fed our hungry, sheltered our homeless, instilled values in our youth. Volunteers are vital, as we know, to our survival as a moral nation. It is time we gave volunteers something in return, and that something is this legislation that will protect them from frivolous and outrageous legal attacks that are the result of a judicial system in desperate need of reform.

Finally, there is something else I believe we should do to encourage the volunteer spirit in America. This is to allow volunteers to get a more realistic tax deduction for their travel costs associated with charitable activities. Later today, I, along with Senator COCHRAN, will be introducing the Charitable Equity Mileage Act of 1997. This bill will increase the standard mileage rate of deduction for charitable use of an automobile from 12 cents a mile to 18 cents a mile. I think this bill should be unanimously supported by my colleagues on both sides of the aisle.

Further, many of our citizens who volunteer for charitable activities do incur expenses for which they are not reimbursed. For example, when an individual uses his or her automobile to deliver a meal to a home-bound elderly individual or to transport children to Scouting activities, the volunteer usually pays the transportation costs out of his or her own pocket with no expectations of reimbursement. I believe the costs associated with charitable transportation services ought to be deductible at a rate which fairly represents the individual's actual costs. This is especially important for volunteers living in rural communities who have to travel long distances to provide community services.

Congress, in 1984, set the standard mileage exemption deduction rate of 12 cents per mile for individuals who use their automobiles in connection with charitable activities. At the time the standard mileage rate for business use of an automobile was 20.5 cents per mile. In the intervening 13 years, the business mileage rate has increased to 30.5 cents per mile, but the charitable rate has remained unchanged at 12 cents per mile because the Treasury Department does not have the authority to adjust the rate. By raising the charitable rate to 18 cents a mile, my legislation, I think, restores the relationship that existed in 1984 between the charitable mileage rate and the business mileage rate. In addition, the legislation authorizes the Secretary of Treasury to increase the charitable mileage rate in the same manner as is currently allowed for business mileage expenses.

All of us agree that, with the changing role of the Federal Government, we need to do more to encourage voluntarism in our country. The Volunteer Protection Act will do that, and so will the legislation that I am introducing. Volunteers who provide transport services should be allowed to deduct such costs at a rate which fairly reflects their true out-of-pocket costs, and this is precisely what the bill does.

I urge my colleagues to join with me in sponsoring this important legislation.

Mr. President, I have a letter of support for my bill from the American Legion. I ask unanimous consent that this letter be printed in the RECORD.

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

THE AMERICAN LEGION,
Washington, DC, April 24, 1997.

Hon. FRANK MURKOWSKI,
Member, U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: The American Legion fully supports the ''Charitable Travel Equity Act of 1997,'' to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

Not only does The American Legion applaud the increase in the mileage rate deduction, but more importantly this measure fixes the problem that has not allowed for incremental increases without an act of Congress action. The standard mileage rate deduction for business use of passenger automobiles has increased significantly while no adjustments were made in the charitable use rate. Granting the Secretary the authority to make prescribed adjustments will provide fairness and promote additional volunteerism.

Thank you for your continuous leadership on behalf of America's veterans and their dependents.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

BUDGET NEGOTIATIONS

Mr. GRAMM. Mr. President, we have been in the midst of a filibuster where our President and many of our notable leaders around the country have gone to Philadelphia and called for an expansion in voluntarism, something that we all believe in, something that America was built on.

We have a bill on the floor of the Senate now to try to protect volunteers from frivolous lawsuits which threaten the whole process, and we are in the midst, basically, of a stall and a filibuster by our Democratic colleagues in opposition to this bill.

In this lull, I wanted to take the opportunity to come to the floor of the Senate and, for the first time, publicly make a comment on the emerging budget agreement.

Mr. President, I believe that the budget agreement that is now emerging is a good political deal, but it is a

bad budget. It is a good political deal because, in a sense, it gives both parties in the negotiation what they want.

The President in this budget negotiation gets what he wants. He gets an ironclad guarantee that the era of big Government is alive and well and guaranteed in Washington, DC. He gets new entitlement programs. He gets the reestablishment of entitlements that we eliminated in welfare reform. He gets more social spending than President Carter and nearly twice as much as in the 1960's under Lyndon Johnson. The President, in this emerging budget agreement, gets the one thing that he cares most about, and that is a guarantee that Government is going to continue to grow and that its presence in the American economy and American society is going to continue to be dominant.

In a sense, Republican Members of Congress get what they want. We get to claim a tax cut. We get to claim that we have delivered on a campaign promise we made to let people keep more of what they earn. There are still negotiations underway as to how big that tax cut is going to be. But the problem is that by politically manipulating the Consumer Price Index, something I will talk more about in a moment, what is happening is that while on one hand we are going to be guaranteeing a cut in taxes in the short run, by manipulating the measure of inflation upon which the Tax Code is built, we are guaranteeing increases in tax rates that will, over time, offset the cut in taxes that we will claim from this budget agreement as a victory.

The President gets what he wants: more Government and a lot of it. Republicans get what they want, and that is a claim of a short-term tax cut. But let me say the American people do not get what they want. The American people get no fiscal restraint. In the end, the American people will not get a balanced budget. In the end, the American people are not going to get a stronger economy from this budget. In the end, the American people are not going to get any lasting tax relief from this budget.

This budget is a great deal for Washington, but it is a bad deal for America. This is the kind of budget that comes about when the two great political parties stop debating ideas and start conspiring against the public, conspiring to promote their interest but not working either together or in contention to promote the public interest.

Let me say a little bit about the Consumer Price Index and about politicizing it.

America is a country where statistics matter. Facts are persistent things. Facts have an impact on what happens in our country, and the measure of inflation affects everything from how much you get in Social Security benefits to how much veterans receive in retirement benefits to how much we pay in taxes to how contracts are negotiated. We have set up an agency which, historically, has acted independently, the Bureau of Labor Statistics, to try to come up with a measure of what inflation is, what consumer prices are.

Obviously, no statistic is perfect. In fact, we have had a debate in economics for 40 years about whether the Consumer Price Index is a good measure of the cost of living. To listen to politicians talk about it in the last 4 or 5 years, there is this unanimous opinion among professional economists that the Consumer Price Index overstates inflation. Let me say that there are only two economists in the Congress, DICK ARMEY and myself, and we both oppose the change in the Consumer Price Index. In fact, economists are split on this subject.

No less an authority than Milton Friedman, Nobel Prize winning economist, perhaps the best known economist on the planet and probably the most able, has concluded that the CPI may well overstate the rise in private prices, but it almost certainly understates the cost of living, which is the measure that we are using it for.

And why does the CPI understate the cost of living? Because it leaves out the No. 1 cost of living for the average working family in America. In fact, it leaves out an involuntary expenditure that is bigger than health care, housing, nutrition, and transportation combined. The Consumer Price Index does not include the cost of Government, does not include taxes and, therefore, through that exclusion, Milton Friedman argues it understates the true cost of living, even though it might understate the rise in the cost of goods and services in the private sector. But whether CPI overstates or understates the Consumer Price Index, we should not have political decisions being made about economic statistics, and I would have to say, obviously, it was inevitable in the Clinton administration that the process of setting statistics was going to become politicized.

We are looking in this negotiation underway at mandating, through an assumption that it will happen in the future, a change in the Consumer Price Index that will raise taxes over a decade by over $100 billion, and it will raise taxes by changing the inflation rate and, therefore, pushing working families more quickly into higher tax brackets and lowering the value of the personal exemption and the dependent exemption, which are critical factors in calculating the taxes of working families.

So the bottom line is, by deciding on a political basis where Members of Congress and the President have decided that we are going to manipulate the Consumer Price Index, we are going through that process to cut Social Security and other benefits over a decade by about $180 billion, and we are going to raise taxes by about $120 billion.

What are we going to do with that money? We are going to spend every penny of it. So Social Security is 15 years away from insolvency, we are going to manipulate the Consumer Price Index and reduce benefits, but we are not going to put those benefits back in to saving the Social Security trust fund.

We have the highest tax rates in American history. No American has ever lived a day where the aggregate tax rate, where you are looking at taxes at all levels of Government, was as high as it is today. Never; not a day. But what we are doing by manipulating our statistics is we are raising taxes on working families, and we are all doing it sort of quasi under the table.

I will offer, when we debate the budget, an amendment which I think is a pretty important amendment. In fact, I am going to call it the CPI Social Security and Tax Equity Improvement Act. What this amendment is going to say very simply is this: That rather than having a bunch of politicians manipulate the Consumer Price Index to try to cut Social Security benefits and raise taxes so we can spend the money, we ought to go ahead, since this has now reached such a political fever pitch to seize this money and squander it will not go away, we should leave it to the experts but dedicate the savings to specific purposes.

So what I am going to propose is two things. In the budget, I am going to say whatever we do to change the Consumer Price Index, that every penny that comes from raising taxes on working families ought to go back to those working families to raise the dependent exemption and the standard deduction first back to the level that existed in 1950 in real dollars. Today, the standard deduction is about $2,550. In current-day inflation adjusted dollars, in 1950, it was $3,800.

So the first thing we would do with these savings that come with increases in taxes from changing the CPI, if Congress does it in the budget, is we would take that money rather than letting Congress spend it, the part that comes from raising taxes we use first to raise the standard deduction up to $3,800 a year, and then we would use it to reduce marginal tax rates. And those parts of savings that come from cutting Social Security benefits, we would put back in the Social Security trust funds, but we would set up real trust funds with it. It would be outside the Treasury Department. It would not count as the internal debt of the Federal Government, because it is the debt of the Federal Government to Social Security beneficiaries. When we pay interest on that debt, it would count as an outlay of the Federal Government. Today, it does not even count as an outlay of the Federal Government when Social Security earns interest. Finally, we would set up a procedure where we could look at having a real trust fund, including real investments.

I also will introduce a bill that will establish an independent commission made up of all living American Nobel Prize winners in economics and have

them, in conjunction with the Bureau of Labor Statistics, review for 6 months the Consumer Price Index and make a recommendation to the Commissioner of Labor Statistics. If she decides, based on their recommendations, which will be made public, to change the Consumer Price Index, then under the bill I will introduce, the part of savings that come from raising taxes will go back to families to raise the standard deduction and cut marginal tax rates. The part of savings that come from the Social Security trust fund will go back into it, but into a real trust fund that will be set up outside the Treasury, and it would be capable for the first time in American history of making real investments.

I am not here to criticize our leader or to criticize Senator DOMENICI for their work on these negotiations. We all have to do the best job we can do. We all have to try to achieve what we believe in, and I am sure that if the negotiations are completed along the lines that they have negotiated them, that they will believe they have gotten the best agreement they can get. But I cannot and do not support an agreement where the President gets what he wants, a guarantee of big Government in perpetuity, new entitlement spending, social spending the likes of which we have not seen since the 1960's; Congress gets what it wants, the ability to claim a tax cut, even though by manipulating the measure of inflation, we raise taxes and, over time, offset that tax cut.

The problem is the President gets what he wants politically, Congress gets what Congress wants politically, but the American people do not get what they want politically. They want a real budget; they want fiscal restraint. Nobody can claim that this budget exercises fiscal restraint. Nobody—Democrat, Republican—no one can look at this budget and say that a tough decision has been made, that spending has been controlled. There is no fiscal restraint in this budget.

While we will be able to claim a short-term tax cut, the reality is there is no permanent tax cut when you factor in the change in consumer prices in this budget. We do not guarantee in this budget a balanced budget. In fact, this budget begins by assuming a balanced budget, for all practical purposes. By changing the underlying assumptions in this budget, if we simply went with a spending level set out in discretionary spending in current law, which is $4 billion for next year below what we are spending now—that is the law of the land—and we did nothing else under the assumptions of this budget, for all practical purposes, we would have a balanced budget.

So a balanced budget is not achieved by this budget; it is assumed by this budget. In the end, this budget gives both political parties what they need politically, but it does not give the American people what they need and, as a result, I am not for it. This is a bad deal in the making. It is a deal that is a political deal with political ends. It is a deal that comes about when we move away from the traditional function of our great political parties, which is to contest, which is to present competing ideas and then ultimately allow the superior ideas to prevail. This budget really represents what I am sure will be portrayed in the media as great bipartisanship, but in reality it is the two parties working together to claim political victories for each party without achieving the objective that the American people seek.

So I do not doubt that there will be great support for this budget. When you claim you are balancing the budget, when you can demonstrate that we are creating new entitlements and the largest social spending that we have ever seen since the 1960's, you are going to have a lot of Democrats who are going to support this budget. When you can claim, no matter how temporary it may be—with the procedures in this budget, we will over time raise income taxes—but when you can claim that we are cutting taxes, even for a short period of time, there are going to be some Republicans who find this agreement to their liking.

Finally, there is pressure on us all, and there should be, to find a compromise to balance the budget, to work with the President. But I do not see an effort here to work with the President to solve the problem. I do not see an effort here to work with the President to gain control of spending. Both parties campaigned in the last election on controlling spending. There is no effort here to control spending. In fact, there is a conspiracy here, a bipartisan one, to increase spending. I do not see an effort here to guarantee and lock in a balanced budget. I see an effort here to assume a balanced budget, so I see bipartisanship all right, but it is bipartisanship basically to achieve a political goal for each political party. I do not see bipartisanship to achieve a goal for America.

Let me touch on two final points and then I will yield the floor.

We are going to bring up next week a supplemental appropriations bill. That supplemental appropriations bill, for all practical purposes, raises the deficit $8.4 billion, though there are some offsets in the defense area.

I remember when we had 43 Members of the Senate who were Republicans, and the Democrats tried to bring up a $17 billion so-called economic stimulus package, and we blocked it. We now have 55 Republicans, and yet next week we are going to bring up an $8.4 billion spending bill where virtually every penny of it is going to raise the deficit. We are already spending $22 billion above what we said in our 1996 budget we would be spending on discretionary spending this year.

I intend to offer an amendment next week. That amendment is going to do two things. No. 1, it is going to say every penny we spend this year on emergencies—and I am in favor of disaster relief—but I think it is very instructive that if you look at the number of States we have had floods in, and then you look at the fact that we are giving disaster assistance to 23 States, this disaster is taking on manmade implications made in Washington, and the disaster is not just flooding houses in North and South Dakota and Minnesota, but it is increasingly runaway Government spending at the expense of the taxpayer and at the expense of the deficit.

What I will propose is the amount of money we are going to spend for an emergency this year, spend it, but do an across-the-board cut in other programs to pay for it. Then whatever we spend next year, make it count as part of the budget for next year; in other words, for next year that it be offset against other programs that we might have spent it on.

I know we will have colleagues here who will jump up and say, well, we have people who have been flooded out of their homes. And we do. And we should help them. But shouldn't we pay for it?

What family would not like to say, when Johnny falls down the steps and breaks his arm, ''Well, look. We don't have any money. We have planned to go on vacation this year'' or ''we were going to buy a new refrigerator this year. So we are just going to have to assume that Johnny's arm gets fixed, and it would be nice if somebody would come in from Heaven and just give us the money.'' But that does not happen in American families. What they have to do is they have to go back and they have to not buy that new refrigerator or they have to not go on vacation.

What I am saying is, help people who have been the victims of natural disaster, but do not create a financial disaster by simply adding it to the deficit. Let us provide disaster assistance, but let us cut other programs that now, with these disasters, we cannot afford.

Let me also note that this is not unexpected. We have had a disaster every year that President Clinton has been in office and we have not had the money to pay for it because we did not write it into our budget. It has averaged about $7 billion a year. There is nothing unexpected. Every year in America we have floods or hurricanes or tornadoes or earthquakes. We know it is going to happen. When we do not write the money in our budget to pay for it, all we are doing is saying, let us borrow the money and just keep spending. My answer is, let us pay for it by cutting other Government programs.

I do not believe, Mr. President, that amendment is going to be adopted. There is no constituency that I can determine in the Congress for controlling spending. But we are going to vote on it. We are going to know where people stand on this issue.

The final point I want to mention is on the so-called CR. We all know that when the Government shut down, people were dislocated. I would have to say

that I think the President did an exceptional job politically of exploiting it. I admire him for it. I think we did an inept job of explaining that in fact the President vetoed the bill and shut the Government down.

But in an unusual effort to have good Government, what Republicans are saying on this appropriations bill we are going to vote on next week is, look, before we get into any disputes with the President, let us just agree that if at any point during the year we cannot agree on how much money to spend to keep the Government open, that we will keep it open temporarily at 98 percent of the spending we spent last year, which, by the way, is substantially above the budget that we adopted last year.

Our Democratic colleagues are saying, ''Well, no, we can't do that. We can't set out that if we can't reach an agreement we will simply spend 98 percent of last year's level.'' They are saying that somehow we are trying to impose priorities on the President. What we are trying to do is to guarantee that we do not have a shutdown in Government. I think our proposal is eminently reasonable. And I intend to support it. I do not intend to vote for this supplemental appropriations bill if we do not have this provision to prevent a fiscal disaster written into it.

I think it is time for us to understand that we have an obligation, No. 1, to pay for these bills, and, No. 2, to try to set out some way of gaining control of runaway Federal spending. The problem in Washington is still spending. We are still not controlling it. That is what this debate is about.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, as some of my colleagues know, I was considering introducing, as a substitute to the bill by the distinguished Senator from Georgia and others, the bill of the distinguished gentleman from Illinois, Mr. PORTER, as introduced in the other body. I am withholding that because staff from my office and staff of the distinguished Senator from Georgia and others have been talking about some additional amendments to the pending legislation that, if acceptable to all sides, would improve a number of the concerns that the Senator from Vermont has with the pending legislation, concerns I will not go into again here because the Senator from Vermont has discussed them on a number of occasions on the floor.

While I was waiting to make that announcement, though, I could not but hear some comments of the Senator from Texas regarding the budget.

Frankly, I will say to my friend from Texas or anybody else, if they are not happy with the recommendations being made by the White House or Democratic Senators or anything else, the Republican Party has a majority of the Members in the House of Representatives, the Republican Party has a majority of the Members in the Senate of the United States. All they have to do, if they have a budget they prefer to anything the President has, is bring it forward and pass it. They have enough votes to pass it. And the President cannot even veto it; it is a budget resolution. So it is a little bit disingenuous to suggest that somehow the President or anybody else is winning on this.

The Republican Party has the majority of votes in the House and the Senate. A budget resolution cannot be vetoed. All they have to do is pass it. In fact, the law requires that they pass it by April 15—I mean, April 15 of this year, not next year. The law also requires that you and I, Mr. President, file our income taxes by April 15. If we do not, we get a knock on the door from the IRS. Apparently nobody is going to knock on the door when the Congress did not pass a budget resolution by April 15.

But I suggest, before anybody goes tearing too hard after the President or anybody else that may have been negotiating a budget, with all due respect to my friends on the other side of the aisle, if they do not like it, just pass their own. They could have followed the law and passed one by April 15. They did not. I will not chastise them for not obeying the law, even though they want the rest of us to. But just pass it, if you like. You can do it. I will also say, as far as passing an automatic continuing resolution, whoa Nellie, that has nothing to do with cutting budgets. I am perfectly happy to vote for budget cuts. I voted for more successful budget cuts than an awful lot of people in this body, I mean those that actually passed in the Appropriations Committee and elsewhere.

But this idea of some kind of an automatic continuing resolution is just a law that says we do not have to do our work. Now, by the end of September we have to pass 13 appropriations bills. If we all just go off and take another vacation, do not pass them, then this law proposed by the Senator from Texas and others would kick in, and nobody would even know if we were out of town.

I prefer we do our work. Maybe some of the same people, some of the same people who were unable to come up with a budget by April 15, who refused to follow the law to come up with a budget by April 15, want this new wrinkle, this unprecedented wrinkle of basically passing appropriations bills in advance, because if you pass this law, this continuing resolution, we can just go home. Maybe the American people would like that, but I do not think we are meeting our responsibilities. So I think we should stop the gimmicks in the appropriations bills. And this is just one more. It is not an issue of whether you want to cut budgets or not. It is an issue of whether we do our work.

We have had several vacations this year and we confirmed two Federal judges and we are now in the fifth month. There are 100 vacancies. We have had several vacations this year and we are now in May, even though the budget resolution is supposed to be here April 15. I think before we pass any more laws that allow us to escape the responsibility for carrying out our actions in this body, we ought to do what we are supposed to do.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 678 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

VOLUNTEER PROTECTION ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, going back to the matter at hand, all of us support the concept of volunteers working to help. In fact, this country could not make it without volunteers. I think of those volunteers in the recent disastrous floods in the Dakotas who worked 16- and 20-hour days to pack sandbags, sometimes to protect homes and property and businesses of people they did not know and probably never would know. They just showed up, volunteered, and did it.

I think what happens, sometimes we will get hit with a vicious storm in my part of the world, power lines will come down, electricity will be out, and people gather to volunteer and help. I think of some people I have seen in times when I have had the opportunity to volunteer in what we call our Cleanup Day. Cleanup Day in Vermont was begun by a dear friend and former Governor of Vermont, Dean Davis. This is where thousands of Vermonters all over the State go out at this time of year—the snows are gone, we hope—and we will pick up trash all over the State, beautify our roads, our streams.

In fact, I recall when my daughter was the State director, and I went with her and some others. We saw a little piece of metal sticking up in a stream and we decided to pull it, and more of us pulled, and pulled and pulled, and we got a car hooked up and pulled and pulled, and out came a sink—a whole sink. Somebody had tossed it in there. We cleaned it up. I hope that stream was better as a result.

I think of the men and women who work with children in my State, the volunteers who work with the 4–H Club, for example. During my 8 years as a prosecutor in Vermont, I went back through the records of all those who came in our juvenile courts in the county where I was the States attorney or district attorney. We had about a quarter of the population. During 8 years in that juvenile court, we never had a person in there who had been active in 4–H or active in Scouting. Those people worked so hard at it and learned good basic values, but they had a lot of adults who volunteered to help in those operations.

I daresay that every single Member of this body is for volunteers. What I am concerned about in this particular bill is that it was introduced, we never had a hearing, we have never had discussion of some of the problems—and there are some significant legal problems in it—and I think that of late the Senate has been acting that way, just taking up a big piece of legislation and rushing to the floor with it.

I raised a concern that various hate groups might be protected with their volunteers under this bill. The Senator from Georgia, the Senator from Vermont, and all the others both for and against this have a total abhorrence of hate groups. There is not a single Member of this body that will stand for the kind of thing that so many hate groups stand for.

What I have suggested is they should be looked at carefully. How do you make sure that even beyond the prohibitions against hate crimes that are in the bill that we have the prohibitions against immunizing various hate groups? Do we immunize the volunteers, and do we go further and immunize large organizations that might utilize volunteers and might not take the kind of care they should for the people that come in there, absent those volunteers, or absent that immunization?

Let me give an example. If you have a large for-profit hospital, the kind of hospital where some of the administrators and owners of it will make millions of dollars a year, where the daily care of the patients—nurses, nurses aides and others, of course, make a tiny infinitesimal fraction of that—are augmented by people who willingly come in and volunteer in those hospitals, who are not the millionaire administrators, do we want to set it up so the millionaire directors are somehow removed from that because they were wise enough to bring some volunteers in? Now, I do not think anybody wants to do that.

So let us look at this legislation. As I said, I think we could have avoided several days of discussion and cloture votes and everything else if we had just done what we normally do or should do around here, and that is have a hearing on it. I am the ranking member of the Judiciary Committee, and we are not having to take much time for hearings on Federal judges and nominations even though there are 100 vacancies in the Federal courts. We had time to spend the whole day yesterday to beat up on Janet Reno in a hearing. We could have had time to take a couple hours to hold a hearing on this bill and probably corrected the problems and we would have taken up a lot less time of the Senate in the long run.

I found very interesting the hearing with Attorney General Reno. At the end of 7, 8, or 9 hours, whatever it was, I commended her. She had listened to interminable speeches punctuated by an occasional question. She showed equanimity during the speeches, which made up most of the hearing—speeches from Senators—but also answered the occasional questions with candor and integrity. It does not mean everyone will agree with her answers.

She sure showed a streak of independence, a streak that may have bothered some, because she showed a willingness to look into inappropriate activity by Members of Congress as well as just at the White House, a matter that I realize has caused some consternation to some on the Hill, but I think it is only fair. If we look at one end of Pennsylvania Avenue, we should look at the other end. I am sure the distinguished Presiding Officer and others would agree with me in that regard.

Let us go to the bill at hand, let us continue to work together. The Senator from Georgia has been dealing in good faith, and he knows the Senator from Vermont has. We will continue to work and see if we can find something, I hope, very soon.

I see the Senator from Georgia on the floor, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Vermont for his remarks and his interest and dedication to the effort.

I respond to him that, indeed, the effort to try to mesh the concerns on both sides is eagerly being addressed right here at the moment, and there are some positive indications, and I am hopeful that between the Senator from Vermont and his staff and ours and others that are interested in the subject, that we can show some very positive, bipartisan effort here maybe in the next couple of hours or so. Again, I thank him for the effort to create the atmosphere that would allow us to perhaps bring resolution to this matter this afternoon yet.

Mr. President, I also say I think it is fair to note that the issue has been before the Congress in one form or another since 1985. This is the first time that we have really had legislation—that is 12 years. So we are really not dealing with a subject matter for which there is unfamiliarity. We are really trying to hasten the coming together.

There is a propensity in Washington and in the Congress to mull things a bit long. We have had a summit in Philadelphia where we have had the President and three former Presidents, 30 Governors and 100 mayors say, ''Now is the time. Now is the time.'' They have called on over 2 million Americans to step forward. We want them to be able to step forward and not get tripped up. This is exactly the time for us to be addressing this legislation. It has been studied, reviewed, and argued for 12 years. We are down to, as I have said many times, 12 pages. I am very hopeful that people of good faith and good will on both sides can mesh these 12 pages together and, hopefully, by the end of the day, at least in the Senate, we can say yes to the President's call and yes to Nancy Reagan, when she said, ''I hope from now on when somebody asks for a helping hand, you just say yes.'' This helps American volunteers do just what she requested: Just say yes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. BINGAMAN. Mr. President, I want to speak a little bit about the supplemental appropriations bill, which I gather will be on the floor here probably next week, and this issue which has come to light about the effort to put a so-called continuing resolution onto the supplemental appropriations bill. I want to just try to make sense out of that as best I understand it and describe my recollection of things.

There has been a lot of talk in the last few days about the shutdown of Government that occurred in the last Congress. I was here at that time and I remember the occasion. What was happening, as I recall it, was that the President indicated very clearly in public statements and private statements, in a variety of ways, that he would not sign appropriations bills that contained major cuts in education and some of the funds for enforcement of the environmental laws in particular. Those were areas of great concern to the President. He indicated that he wanted Congress to agree with him to maintain funding in those areas—not necessarily increase it, but at least maintain funding in some of those areas before he would sign those bills.

In spite of those statements to that effect, the majority here in Congress sent those bills to the President and he vetoed them. Accordingly, we had a shutdown of the Government. There was no funding available through that appropriations process for those areas of the Government that were covered by those appropriations bills. So, essentially, what was going on was that the majority in Congress was trying to force-feed the President to accept some proposals and some cuts in funding that he was not willing to accept, and that precipitated a crisis. Some felt strongly. Some in the majority party—the Republican Party—at the time felt strongly enough about it that they

were willing to just keep the Government shut down and not send another continuing resolution, not agree to fund Government at the steady State level, but to allow the Government to stay shut down as a way of gaining leverage in those negotiations. I believe it was on the 18th day of, I think, the second shutdown when Senator Dole, the leader in the Senate, finally came to the Senate floor and spoke and said that he believed enough was enough and he himself was going to urge that a continuing resolution be passed in order to go ahead and at least keep the Government funded on a steady-state basis while negotiations between the President and the Congress continued. I came to the floor right after Senator Dole spoke, or I was here at the time he spoke, and I commended him for his decision to break with the House leadership and to go ahead, after 18 days of shutdown, and finally go ahead and fund these departments of the Government. Many of his colleagues here in the Senate followed his lead after that and agreed to go ahead and pass a continuing resolution to fund those areas of the Government.

That was the shutdown, as I recall it. That is a general description of the shutdown that occurred. What we have now is a bill to provide very important funding for a variety of subjects. It is all wrapped into this supplemental appropriation. It is a supplemental, of course, because it is not one of the regular appropriations bills which we do each year. It is a supplemental that comes at an unusual time, and the time that we are dealing with this has been driven, perhaps as much as anything, by the natural disasters that have occurred in particular parts of the country, in North Dakota, South Dakota, Minnesota, and in some other areas as well. There are some other provisions in this supplemental which are also very important. My home State of New Mexico will be able to receive, under this supplemental, $14 million of desperately needed highway funds, which should have been provided to us under last year's bill and which I made a major point about in the last Congress. We had been fighting to get this money for over 6 months. We lost it in the last set of appropriations bills.

This year, we have been able to persuade the appropriators to include it in this supplemental, and I think that is a very important step forward. So there are provisions in this bill that are important to my State highway funds, title I funds, as well as, of course, the provisions that are intended to assist with the disaster relief, which is so needed by many families that have been devastated by the weather and by the floods that they have experienced in recent weeks in these areas of the Midwest. So that is where we are.

The problem has come up that there is an amendment being included in the supplemental appropriation that is another continuing resolution, and it says that essentially if we adopt that amendment, it would say that if the Republican majority in Congress does not send the President an appropriations bill he will sign, an acceptable appropriations bill, in any area, there will be allowed to be continued funding in those areas at a rate of 2 percent less than this current fiscal year. The difficulty with it, of course, is that it again changes the dynamic very greatly against a real compromise occurring between the Executive and the Congress on these very important funding issues.

It says to the President, ''Look. Before, you had the ability to veto an appropriations bill which you disagreed with, and then everyone had to go back to the table.'' Now, if we add this continuing resolution provision to the supplemental, that requirement won't be there anymore because there will be no pressure on the Republican Congress to go back to the table and negotiate further with the President. The President will, if we send an appropriations bill that he determines is unacceptable for whatever reason and he vetoes it, as called for in the Constitution, then there is no pressure on the Republican leaders in Congress to renegotiate. They will have in place at that point a continuing resolution, which will have been part of the supplemental, which says we are going to fund everything, and, by the way, the funding level is going to be 2 percent less than it was in the previous year, or, in the case of areas such as education, it is going to be 7 percent less than he requested for this year. That will be the steady rate, and that will be the continuing situation from now on. So there is no pressure for the compromise that the Constitution contemplates between the executive branch and the legislative branch to occur. I think it is a very ill-advised provision.

I think the President is taking the right position by saying that he will not agree to this kind of continuing resolution being adopted as part of this supplemental. But basically, if the Congress says to the President,

> If you want this relief for these flood victims, if you want this money for highways in New Mexico, if you want this money for Head Start, or for title I, or any of the other provisions in this supplemental, then you have to agree to a spending level that is 2 percent below this current year's level in all of these other areas, unless we are able to send you something else that is preferable at a later date.

This is not an acceptable proposal. I think the President is correct in refusing to agree to it.

We on the Democratic side are correct in refusing to agree to it. What we should do, and what I believe the American people would like us to do, is to go ahead and approve the supplemental appropriations bill, go ahead and appropriate the funds for flood relief, go ahead and appropriate the funds for the additional highway funding, go ahead and appropriate the additional funds for title I. Then we can have a debate, as we go through the rest of this year, on the budget resolution and on the appropriations bills. We can have a debate about what the right level of spending ought to be in each of these other areas.

We should not at the very beginning, before we have a budget resolution, before we have any appropriations bills, have some kind of legal provision that says, unless the President agrees to what the Republican majority in Congress sends him, that he has to settle for a 2-percent cut in all areas: education, environmental protection, and all of the other areas.

That is what this continuing resolution provision would do. It needs to be dropped from the supplemental appropriations bill if we are going to go ahead and pass this supplemental appropriations and have it signed into law. It is very important that it be signed into law, and sooner rather than later.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The distinguished Senator from Georgia is recognized.

VOLUNTEER PROTECTION ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. COVERDELL. Mr. President, we are very hopeful, now that we have gotten to S. 543, an accord that deals with the views and concerns of both sides can be reached, but that is not the case as yet and I thought I would take just a moment on something I wanted to acknowledge during the course of the debate.

I found it very interesting that one of the periodicals that came out following the summit in Philadelphia quoted President Clinton and President Bush. I want to share that with the Senate. President Clinton said:

> I am keenly aware of the need for strong, caring adults in a child's life. My mother taught me to see opportunities where others see only challenges. My grandfather took me with him, visiting with neighbors and teaching me about people. My grandmother read aloud to me every day so I would be able to read before going to kindergarten. I want children in every family and community to have the same chance I did.

President Bush said:

> I said it as President and I'll say it again: Someplace in this country every problem that plagues us is being solved through volunteerism, whether it's drug addiction, street crime or teenage pregnancy. Some community, through volunteers, has solved the problem.

Both of these Presidents have pointed, as most of the summit did, to the

shortfall that is occurring among and for many of the youth of our Nation, which is again why I think it is so important that S. 543 garner passage here today, because it will free up so much energy to address this problem.

The other point I want to reiterate is that when you read through the statements and the work of General Powell and the others at the summit, they are not only talking about voluntarism but they are talking about voluntarism that occurs in very troubled communities. They use the terms poisonous streets and difficult environments. They are talking about not the everyday idea of an American family. They are talking about people who are products of broken families and very serious difficulties. The issue that I have tried to underscore with regard to S. 543 is that because these areas are so troubled and so difficult, it more than accentuates the need for some protection, legal protection for our volunteers who are willing to go into this area, because they are going into an environment, they are going into a situation that is troubled, volatile, abnormal, prone to difficulties and accidents, and conditions that would elevate the threat of legal ramifications.

So I think it is important that we are not talking out of the summit about some of the more traditional forms of voluntarism, many of which are not surrounded with risk, but this call for 2 million people to step forward in a difficult situation is all the more reason this Congress should take steps to make it easier for those volunteers to step forward.

Mr. President, I see my distinguished colleague from Alaska has come to the floor, and I am glad to yield the floor so that he might make his remarks.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my friend from Georgia for his vigilance on this matter, trying to ensure that volunteers in this country are not subject to the extreme liabilities associated with their actions which, obviously, benefit all of society. I commend him for his commitment.

Mr. President, I ask unanimous consent I might make a statement as in morning business for about 6 or 7 minutes.

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

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

BENEFITS FROM CRUISE SHIPS VISITING ALASKA LEGISLATION

Mr. MURKOWSKI. Mr. President, yesterday I reintroduced a bill that I introduced some years ago. I think it is a very important measure. It is a measure that will unlock and open a door that Congress has kept barred for over 100 years. By opening this door, we are going to create thousands of new jobs, hundreds of millions of dollars in economic activity, and significant revenue for the Federal and State and local governments. Furthermore, that door can be opened with no adverse impact on any existing U.S. industry, U.S. labor interest, or on the environment. And it will cost the Federal Government nothing.

There is no magic to this. In fact, it is a very simple matter. This bill allows U.S. seaports to compete for the ever-growing cruise ship trade, specifically to my State of Alaska, but all west coast ports, Tacoma, San Francisco, Los Angeles, and so forth, would benefit. Further, it would encourage the development of an all-Alaska cruise business as well.

The bill I propose amends the Passenger Service Act to allow foreign cruise ships to operate from U.S. ports to Alaska and between Alaska ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of cruise ship designed to exclude any foreign flag vessel that could conceivably compete in the same market as U.S.-flag tour boats, ferries, vessels that carry cargo, et cetera.

Finally, it provides a mechanism to guarantee that if a U.S. vessel, a cruise vessel, ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers. Specifically, it would require that foreign-flag vessels of greater passenger capacity will be required to leave the market upon the entry of any U.S. cruise ship.

People say, don't we have U.S. passenger ships? We have one, just one left: the *Constitution,* that operates off the Hawaiian Islands. The last U.S. passenger ship that was built to cruise ship capability, was the S.S. *United States,* nearly 40 years ago. We are simply not in the cruise passenger business in the United States anymore, but foreign ships from the Caribbean are. They move to Alaska and the west coast of British Columbia in the summer, where they carry passengers between American ports and foreign ports, but cannot carry passengers between U.S. ports. What we are proposing is we simply allow those vessels on the west coast to carry passengers from west coast U.S. ports such as San Francisco and Tacoma, to Alaska, and on intra-Alaska voyages.

This is a straightforward approach to a vexing problem that deserves support by this body.

Let us look at the facts. The U.S. ports currently are precluded—let me emphasize this—U.S. ports are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of—when? Of 1886. That act bars foreign vessels from carrying passengers on one-way voyages between the U.S. ports. However, it is not 1886 anymore. These days, no one—no one is building any U.S. passenger ship of this type. And no one has built one in over 40 years. The S.S. *United States* was the last one.

Let me again emphasize that it is not 1886 anymore. These days, no one is building any U.S.-flagged, U.S.-crewed, U.S.-built cruise ships of the type that are in the cruise business and sail out of Caribbean ports in the wintertime and out of Vancouver, British Columbia, to Alaska in the summertime.

Because there are no U.S. vessels in this important trade, the only real effect the Passenger Service Act has been to force all vessels sailing to my State of Alaska to base their operations in a foreign port, namely Vancouver, British Columbia.

In essence, Mr. President, what we have here is an act of Congress prohibiting U.S. cities from competing for thousands of jobs, and for hundreds of millions of business dollars. This is absurd. It is worse than absurd. In light of our ever-popular election year promises to keep the economy growing, I suggest it belongs to Letterman's top 10 reasons why Congress oftentimes does not know what it is doing.

Can anyone argue with a straight face for the continuation of a policy that fails utterly to benefit any identifiable American interest, while actively discouraging economic growth?

This is not the first time I have introduced this legislation. When I began the process, Alaska-bound cruise passengers totaled about 200,000 per year. By last year, 445,000 people, most of them American citizens, were making that voyage. This year's traffic may exceed 500,000 people. Almost all of those passengers are sailing to and from Vancouver, British Columbia, not because Vancouver is necessarily a better port, but because our own foolish policy demands it.

I have nothing but admiration for my friends in British Columbia and the city of Vancouver. They have done a fine job. But we are simply spiting ourselves and our own U.S. interests and it is time we looked at this issue rationally. The cash flow generated by this trade is enormous. Most of these passengers fly in and out of Seattle-Tacoma International Airport in Washington State, but because of this law they spend little time there. Instead they spend their pre- and post-sailing time in a Vancouver hotel, in a bus to Vancouver, at a Vancouver restaurant, a Vancouver coffee shop, and when their vessel sails it is loaded with food, fuel, general supplies, repair, maintenance needs taken care of—by Canadian vendors.

There is nothing wrong with that, but this business could be in the United States. According to some of our estimates, the city of Vancouver receives benefits of well over $200 million a year. Others provide more modest estimates, such as a comprehensive study done by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of

Vancouver, plus payments to Canadian vendors and employees of over $119 million.

If that business had taken place in the United States, in U.S. ports such as Tacoma or San Francisco, it would have been worth additional Federal, State and local tax revenues of approximately $60 million.

I note that there is interest now in ports in South Carolina to offer sailings along the eastern seaboard. It is interesting to note also that we have already seen fit to exempt Puerto Rico from the Passenger Service Act, under less onerous restrictions than in this bill, so that foreign vessels are allowed to from the United States to the territory of Puerto Rico. So we have made these exceptions, they can work without destroying the fabric of our life, and there is no justification why this should not also be done for voyages from the west coast to Alaska.

In addition to the opportunities now being shunted to Vancouver, we are also missing an opportunity to create entirely new jobs and increased income flow by developing new cruise routes between Alaska ports.

The city of Ketchikan, AK, was told a few years ago that there were two relatively small cruise lines that were very interested in establishing short cruises within southeastern Alaska, and indeed, were interested in basing their vessels in Ketchikan. I am told such a business could have contributed as much as $2 million or more to that small community's economy and created dozens of new jobs, but because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the most spectacular States of the United States, namely, Alaska, and yet we force them to go to another country, Canada, to do it. We are throwing away both jobs and money and getting nothing in return. Why is this allowed to happen? The answer is simple, but it is not rational.

Although the current law is a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit that simply is not the case. For some inexplicable reason, paranoia seems to run deep among those who oppose this bill. They seem to feel that, by amending the Passenger Service Act so that it makes sense for the United States and would create jobs, somehow it is a threat to the Jones Act. That is not true. The vessels covered under the Jones Act haul freight, not passengers, between U.S. ports. They are required to be U.S. built, U.S. crewed, and U.S. documented, and because this protects an existing industry, we support that. But the circumstances for freight vessels do not exist for passenger ships.

There is simply no connection whatsoever between the two issues. I have repeatedly made it clear that I have no intention of using this bill to create cracks in the Jones Act. This bill would actually enhance, not impede, opportunities for U.S. workers—shipyard workers and certainly longshoremen, not to mention hotel and restaurant workers, and many others who would have a great deal to gain from this legislation.

The bill has been carefully written to prevent the loss of any existing jobs in other trades. As I have said before, Puerto Rico already enjoys an exemption from the Passenger Service Act. We looked at that exemption—which has worked successfully—and drafted this effort with even more care in mind.

Finally, there can be no suggestion that this bill might harm smaller U.S. tour or excursion vessels built in U.S. yards with U.S. crews. The industry featuring these small vessels is thriving and doing well but simply does not cater to the same clientele and same base as the larger cruise ships. For one thing, the tour boats operating in Alaska are much smaller. The smallest foreign flag vessel eligible under this is Carnival Cruise Lines *Wind Star*, which is about 5,700 gross deadweight tons. It overnights approximately 159 passengers.

By contrast, although the largest U.S. vessel in the Alaska trade is rated at 138 passengers, she is less than 100 gross deadweight tons. This means there is a vast difference between these two vessels. The small U.S. vessels should be protected from foreign competition, and our bill does that, but it does so with the realization that not all markets, and not all passengers, are the same.

The fact of the matter is that there is no significant competition between the two types of vessels, because the passengers inclined to one are not likely to be inclined to the other. The larger passenger vessels offer unmatched luxury, personal service, onboard shopping, entertainment, gaming and so forth. The smaller vessels offer more flexible routes, the ability to get closer to the extraordinary natural attractions along the way and are able to get into the smaller communities.

Now Mr. President, in the spirit of full disclosure, let me acknowledge that there is one operating U.S. vessel that does not fit the mold, as I mentioned earlier. That is the *Constitution*, an aging 30,000-ton vessel operating only in Hawaii. It was a U.S. flag vessel that was built years ago to operate in the United States. It went out of U.S. operation, into foreign flag service, then was refitted. It took action by Congress to allow it to come back into the U.S. trade.

This is the only oceangoing-capable U.S. ship that might fit the description of a cruise vessel, but I question its ability to compete, certainly in the market with the newer cruise vessels. And I repeat, it is the only one. I searched for other U.S. vessels that meet or exceed the 5,000-ton limit in the bill, and the only ones I found that even approach it are the *Delta Queen* and the *Mississippi Queen*, both of which are approximately 3,300 tons and both of which are somewhat like 19th century riverboats. They can operate on the Mississippi and other large rivers, but are entirely unsuitable for any open-ocean itinerary.

I cannot claim this legislation would immediately lead to increased earnings to U.S. ports. There are advantages of operating out of Vancouver—the sailing time to Alaska is shorter, and so forth. But I can say that it would allow U.S. ports—ports like Tacoma and San Francisco—to compete fairly for this lucrative business.

Instead of being anchored by a rule that is actively harmful to U.S. interests, as I said at the beginning, this is only a way to open the door so we can look at what we are losing and look at what we can gain.

We heard a lot of talk about growing the economy and creating jobs during the last years, and we all know that such changes are easy to talk about but difficult to accomplish. Here is a bill that opens up the door to thousands of jobs and hundreds of millions of dollars, and can do it without 1 red cent of the taxpayers' money. Isn't that worth thinking about?

It has been 110 years since the current law was enacted, and it is time for a change.

VOLUNTEER PROTECTION ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that during the pendency of S. 543, there be 30 minutes for debate, to be equally divided between Senators COVERDELL and LEAHY or their designees, with an additional 15 minutes under the control of Senator MCCONNELL; that there be one amendment in order only, to be offered by Senator COVERDELL, encompassing the managers' agreed-upon language, that there be 40 minutes of debate on the amendment to be equally divided between Senators COVERDELL and LEAHY or their designees, that no other amendments or motions be in order and, following the disposition of the amendment, the bill be advanced to third reading and there be an additional 10 minutes for debate to be equally divided between Senators COVERDELL and LEAHY.

Mr. President, this agreement has been cleared by the ranking minority member.

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

AMENDMENT NO. 53

(Purpose: To provide a complete substitute.)

Mr. COVERDELL. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. LEAHY, Mr. ASHCROFT, Mr. MCCONNELL and Mr. ABRAHAM, proposes an amendment numbered 53.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The 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 ''Volunteer Protection Act of 1997''.

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a volunteer shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2))

for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term ''volunteer'' means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Mr. COVERDELL. Mr. President, let me explain our disposition. While there is considerable more time in the unanimous consent, it is anticipated that there would be a delegating of time back so we might vote as closely to 2 o'clock as possible. So, I would like to proceed to explain this amendment so we might get this piece done. There are conditions that are affecting certain Members that would require, hopefully, we could vote as close to 2 o'clock as possible.

Mr. President, I want to explain to our colleagues. First, I thank the ranking member, the Senator from Vermont, Senator LEAHY. It has been a long week for both of us. He and his staff and colleagues have worked diligently with this Senator and his staff and colleagues throughout the morning to arrive at the amendment that has just been forwarded to the desk under unanimous consent.

This substitute adds a finding to clarify the Federal role in civil liability matters related to voluntarism. The substitute clarifies the State opt-out section, to ensure the provision does not supersede State requirements for enacting legislation and allows for States to include an effective date. The substitute clarifies the punitive damage protections only relate to cases that are based on the actions of the volunteer and do not supersede more restrictive Federal or State laws.

The substitute would clarify that the specific exemptions in the bill for cases of violent crime, sex offenses, hate crimes, civil rights violations, and DUI, do not restrict the general exemption where the harm was willful or criminal misconduct, gross negligence, reckless misconduct or conscious, flagrant indifference to the rights or safety of the individual harmed.

The substitute clarifies that the joint and several liability limitations for noneconomic damages and the punitive damage limitations only apply to defendants who are volunteers. The substitute clarifies that the volunteer can receive reimbursement for reasonable expenses and still be considered a volunteer.

I and the other authors on our side have concurred with these changes. We still believe the version we submitted, S. 543, was reasoned and balanced, but feel that this is a compromise that gets us to the target we were after—the shield for the volunteer. And in these actions, assuming we receive a favorable vote, we will have responded responsibly and rightfully to the call of the administration, President Clinton, and Presidents Bush, Ford, and Carter, to launch a new era in voluntarism in the United States.

With that brief statement, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am pleased to learn we have worked out a compromise with the other side on this very important issue. I commend the Senator for his diligence and commitment to proceed with a solution that is going to be in the best interests of voluntarism.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, let me give the disposition of our situation on S. 543. We are trying to communicate to the principal authors so that they might have a chance to make closing comments with regard to the amendment that I have submitted, and we are still endeavoring to try to vote between 2 and 2:15.

While we are waiting for those Senators to arrive, I will talk about what the passage of this bill will mean, an achievement that will be secured in the Senate.

We will have effectively responded to a circumstance that has been developing since the mid-1980's when volunteers suddenly found themselves the targets of lawsuits in the act of volunteering. Prior to that time, very little of this type of legal allegation occurred. We have discovered that voluntarism has been chilled and threatened and pushed back and been less exuberant. Volunteers' behavior is even different when they do volunteer because of the threat of legal consequences.

When we pass this legislation, S. 543, and hopefully ultimately pass it in the House and send it to the President and he signs it, we will have created a protective buffer, a shield for the well-meaning volunteer, the volunteer who experiences a simple accident or omission. We have heard some of the stories on the floor of the Senate. A coach who has a player who inadvertently slides into home head first instead of feet first will not have to spend long nights awake wondering whether, because he was or she was a volunteer, they will lose their home and assets and checking account, et cetera. The principle we will have accomplished is to protect a volunteer from being under assault for that kind of omission.

The second thing we will have achieved is that the volunteer will no longer be looked at as the deep pocket. If they volunteer for an organization that does not have any resources, they may have a home, or something to that effect, and so the suit goes to the volunteer instead of the organization. But now the volunteer cannot be held liable for anything more than their proportional responsibility. So the story we talked about on the floor of the Senate yesterday and today of the woman who was nothing more than a receptionist out front answering a phone while an accident occurred in the gym will no longer be held liable for the fact that something went wrong somewhere else.

So this is very meaningful, as I said a moment ago, a very significant congressional initiative that keeps the legacy of the summit alive and helps fuel the call for new volunteers.

The Senator from Pennsylvania, Senator SANTORUM, said earlier today that one of the concerns of the summit was that it would flame out, that after all the glitz and the visuality of seeing the celebrities and political leaders gathered together, what would keep it

going? I think S. 543 will be one response from the Congress, one opportunity to keep the fuel under the idea of more and more Americans stepping forward in a very, very difficult time.

Mr. President, I am hopeful that we will be able to conclude this vote, if at all possible, by at least 2:15.

Mr. HATCH. Mr. President, I am pleased today to announce my strong support for S. 543, the Volunteer Protection Act.

As the excitement surrounding today's events in Philadelphia have so poignantly illustrated, ours is a nation that has a particular dependence on the volunteer movement. Nonprofit organizations mobilize volunteers by drawing on their members' special talents to meet social or economic needs. Volunteer organizations are currently deeply involved in such activities as alleviating hunger, educating the public about the dangers of drug and alcohol abuse, providing care of the elderly and infirm, providing athletic programs for our Nation's youth, providing opportunity for the poor, building housing for the homeless, promoting literacy and education, finding missing children, teaching fire safety, aiding victims of natural disasters, providing moral education for our youth, and spreading American ideals across the world. In fact, according to a 1990 study by the Hudson Institute, which polled approximately 5,500 associations, volunteer time in America was conservatively estimated to total $3.3 billion per year.

This is nothing new. In his 1835 commentary of our country, the epic ''Democracy in America,'' Alexis de Toqueville noted that America was a nation of joiners. To de Toqueville this was very significant. Nongovernmental charitable, religious, and community organizations combined with the family and other natural social units to form what he termed ''intermediary'' organizations—organizations that impede the trend toward centralization of virtually all administration in the national government. It is these intermediary groups that are essential in protecting the liberty of the individual and community from the regulatory state.

In recent times, there has been an awareness of the need to strengthen volunteer organizations as a way to buttress the newly rediscovered virtues of limited government. Americans are coming to realize that government should not and cannot be relied on to provide all social services. The gap between American needs and American resources must be filled by the generous efforts of our volunteer corps. But the current litigation nightmare sweeping our Nation is going a long way to hinder the efforts of these important volunteers. This at a time when we must be doing everything possible to encourage the spirit of voluntarism.

Mr. President, I'd like to illustrate for you a couple of reasons why I believe the litigious nature of our society is dampening the spirit of voluntarism. A Gallup study revealed the large extent to which the threat of lawsuits, and the prohibitive cost of liability insurance, have a negative effect on volunteer participation in charitable organizations. The survey found that nearly 20 percent of all nonprofit organizations in the United States have experienced volunteers withholding service or resigning due to fear of liability exposure. This figure represents a very significant portion of the volunteer community. Specifically, 1 in 10 nonprofit organizations have experienced the resignation of a volunteer due to liability concerns. Let's do the math—with approximately 600,000 nonprofit organizations in America, we know that 48,000 volunteers have been lost during the past few years strictly due to liability concerns. Additionally, one in six volunteers report withholding their services due to fear of exposure to liability suits. This means that 100,000 potential American volunteers have declined to serve due to fear of exposure to lawsuits. This is an extraordinary figure.

Additionally, the rate voluntarism has been steadily declining in recent years. The percentage of Americans volunteering dropped from 54 percent in 1989 to 48 percent in 1993. Sadly, charitable donations are also declining, falling roughly $100 per household during this same short period. However, in 1991 alone, Americans spent a hefty $132 billion on the civil justice system. As a result, it is not surprising to note that liability insurance premiums for nonprofit organizations continue to rise.

These figures demonstrate that the on-going litigation craze has seriously damaged the spirit of voluntarism. I would like to document several cases that stand out in particular:

Lawyers for an injured mountain climber sued volunteer rescuers for $12 million on the grounds that their rescue methods were negligent and reckless. Prior to assisting this particular climber, the rescue team successfully and carefully made hundreds of rescues without incident.

In February 1995, Cleighton Hall, then CEO of Little League Baseball, wrote in the Wall Street Journal that Little League had turned into ''Litigation League.'' In one instance, two youngsters collided in the outfield, picked themselves up, dusted themselves off, and sued their coach. In another instance, lawyers won a large cash settlement when their client was struck by a ball that a player failed to catch—that player, strangely enough, was the client's daughter. Finally, trial attorneys for a child in Runnymeade, NJ, filed suit against the youth's coach when he was struck by a flyball in center field.

Finally, a boy in a scouting unit with the Boy Scouts of the Cascade Pacific Council suffered a paralyzing injury in a game of touch football. Several adults volunteered to supervise the trip. The youth's attorneys filed a personal injury suit alleging that the Boy Scouts and the volunteers were negligent for failing to supervise the youth adequately. The jury found that the volunteers were personally liable for $7 million. Oregon law ultimately caused the judgment to be reduced to around $4 million, but few Boy Scout volunteers can afford this kind of judgment.

Anyone who has been a Boy Scout or has volunteered in any capacity knows that certain accidents are impossible to prevent. The basic problem is that the actions of this Nation's greedy trial lawyers are serving to undermine the positive effects of voluntarism. Clearly, Mr. President, the current situation cries out for reform.

The Volunteer Protection Act helps charities and nonprofit organizations serve their communities by giving their volunteers immunity from lawsuits. Volunteers who act in a grossly negligent or incompetent manner are, of course, not be protected under the legislation.

This bill will provide a volunteer protection from litigation in cases where, first, the volunteer was acting within the scope of the volunteer's responsibilities; second, the volunteer was properly licensed, certified, or authorized by the State in which the harm occurred, if such authorization is required; and third, the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.

The bill also limits punitive damages that may be awarded against volunteers and nonprofit organizations based on harm caused by a volunteer acting within the scope of the volunteer's responsibilities. Punitive damages against any such defendant will be available only where the claimant demonstrates by clear and convincing evidence that the volunteer caused the harm through willful or criminal misconduct.

Finally, while the bill preempts State law to the extent that it is inconsistent with the bill, the bill will not preempt any State laws that provide additional protections from liability relating to volunteers or nonprofit organizations.

Mr. President, this bill is consistent with the overall thrust and punitive damages reforms of my bill, S. 79, the Civil Justice Fairness Act. I am proud to support it as another step in our march toward complete civil justice reform.

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

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I yield up to 10 minutes of my time to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator has 8 minutes left.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes.

Mr. THOMAS. Thank you, Mr. President.

First, let me say how much I have appreciated the efforts of the Senator from Georgia in promoting this legislation, this Volunteer Protection Act of 1997. I think probably most everything about the bill has been said. I am delighted to hear that there has been an agreement. I can hardly imagine that anybody does not agree with the concept of making it easier for people to volunteer, of taking away some of the kinds of threats that have inevitably been there when someone does volunteer to serve. So I am very pleased about that.

I think it is true—and I guess I will probably be saying some of the same things again—it is true that the nature of this society, this democracy, requires that people care. It is a Government of the people and by the people, and designed to be a relatively minimal Government in that it sets a framework for us to do the things that we think should be done, for us to take the leadership to cause our communities to be strong.

The Federal Government clearly has a role. But, you know, the more I am here, Mr. President, and the more I see what I think is the role of the Federal Government, the more I am impressed with the fact that you and I make our communities strong there. And much of that is because we are willing to volunteer. I think it was the Frenchman de Tocqueville who came to examine and to explore and to look into this new idea of democracy. One of the things that he observed and found to be most important was this was a country, this was a society that was doing things together for each other voluntarily. And that still is—that still is—the root, it seems to me, of our society. The role of the Federal Government is minimal in that.

I was pleased with the President and the several Presidents last week who raised the image and raised the visibility of voluntarism. But the fact is, national voluntarism is not really the key. It is in Casper, WY, or Gillette, WY, or Louisville, KY. That is where voluntarism works and that is where it will continue to work.

So I think this bill is something we all should support. I am so delighted that the sponsors have done this, worked on it. I am delighted that we will be able to vote and vote positively on it in a few minutes.

I see some others wishing to speak, Mr. President, so I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I now ask for the yeas and nays on final passage of S. 543.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, this is a very significant bill. I want to commend the Senator from Georgia for his leadership which has brought us to this point this year. As he knows, I introduced similar legislation in 1990 and in 1993 and again in 1995. So I take particular pride in seeing it moved to this point where, hopefully, it will pass the Senate in the next minutes ahead.

This bill really, Mr. President, comes from the grassroots of American voluntarism. This bill sprang from the concerns and complaints of volunteers and national leaders in the volunteer community, thoughts of the men and women who are on the frontlines in our national volunteer efforts.

Just last week over on the House side we heard from Terry Orr, a former Washington Redskins football player. He said when he came into the NFL a few years ago players were asked to volunteer, and they responded, ''Just tell me where to go.'' There was not a moment's hesitation. In today's litigious world, players are asked to volunteer, and they respond, as Terry Orr said, ''Do we have coverage?''

Players are afraid to play a benefit ballgame or do any kind of volunteer activity without engaging in extensive discussions with their lawyers. That is today's environment, Mr. President.

Lynn Swann, another famous football player with the Pittsburgh Steelers, is a commentator on one of the networks. He was also at that press conference. He is the immediate past president of Big Brothers/Big Sisters of America. This is what he had to say. He said in the late 1980's the Big Brothers/Big Sisters federation endorsed Federal volunteer protection legislation. According to Lynn Swann, the Big Brothers and Big Sisters organization endorsed the legislation because ''a series of high visibility law suits against direct service volunteers had dampened [the] enthusiasm for volunteering in our program.''

He went on to say the legislation was necessary because: ''We [can] not afford to lose prospective, high quality volunteers due to liability fears.''

That was Lynn Swann and Terry Orr, two former professional football players, just expressing their own experience in this highly litigious society in which we live and how it affects the willingness of people to volunteer their time.

William Cople, former pro bono general counsel for the National Capital Area Council of the Boy Scouts of America has written as follows:

> Volunteer service is under assault from an unlikely quarter—the civil justice system.
>
> The civil justice system.
>
> Like so many others, volunteers and their service organizations have been swept into the courts to face potential liability in civil suits.

Thomas L. Jones of Habitat for Humanity International also testified just this past week that volunteers across the United States have declined service on Habitat for Humanity boards ''because of perceived liability responsibility.''

Mr. President, the bill before us protects volunteers who serve on the boards of nonprofit organizations.

H.R. 911, a bill over on the House side, however, provides little protection for volunteers who want to serve as officers on nonprofit boards. H.R. 911 defines volunteer so narrowly that it excludes anyone who receives reimbursement for expenses of $300 per year. And H.R. 911 would not—I repeat, not—cover a volunteer who serves in a rape crisis center or a child abuse center and gets reimbursed $30 a month for reasonable expenses, such as transportation costs. In other words, the bill over in the House is simply too narrow.

Our bill allows a volunteer to be fully reimbursed for reasonable expenses.

The opponents of volunteer protection argue that: This legislation is not necessary because there is no comprehensive digest of jury awards against volunteers. That is the argument.

First, let me say I have already cited several examples of outrageous lawsuits and jury verdicts. Second, the fact that jury verdicts are not rendered against volunteers every month is simply not relevant—simply not relevant.

Most lawsuits settle before trial and thus are unreported. The chilling effects of even one case is astounding.

As the Boy Scouts' former general counsel has explained, ''a legal judgment entered in a single case can have a multitude of consequences extending far beyond that case itself. This surely is a reason for concern in the case of volunteers to service organizations.''

We have heard opponents argue that the bill is too broad and might offer immunity to the Ku Klux Klan or other organizations whose views we all abhor. This argument fails for several reasons.

Organizations are not granted immunity from lawsuits under this bill.

A volunteer is not covered under this bill if the volunteer engages in willful misconduct, specifically including hate crimes or civil rights violations.

It is not at all clear that the KKK would be covered as a nonprofit entity that exists primarily for public benefit and operates primarily for charitable purposes.

Survey of State volunteer protection laws indicates that there are States

that define ''nonprofit organization'' in the same manner as S. 543 or even broader. Yet, no one can come up with any examples from those States where KKK members were immune from lawsuits. The KKK argument is an offensive and bogus bogeyman argument.

Mr. President, also, opponents argue that this is a matter of States rights. I am constantly amazed to hear people make that argument. It is reminiscent of the argument against the civil rights laws in the 1960's where opponents said this really is a States rights matter, not a matter for the Federal Government.

The same argument was made against national voting rights legislation. And a lot of the folks who were the most enthusiastic for that kind of legislation now turn around and start arguing that the States rights is a good argument to not deal with what is clearly a national problem with national implications which needs a national solution.

Opponents also argue that some States have some protections for some volunteers in some circumstances. Well, that is not good enough. That kind of patchwork protection is simply not going to get the job done.

In my State we have some basic protections for volunteers. But these Kentucky protections are of no benefit to a Kentucky volunteer who goes to help his neighbor in one of the seven States which border the Commonwealth of Kentucky.

Volunteers, Mr. President, should not have to hire a lawyer in order to cross State lines to help their neighbor.

Bob Goodwin, president and CEO of the Points of Light Foundation, testified last week that a national solution is necessary because ''there is no consistency among our States with regard to volunteer liability statutes, and that lack of consistency has led to confusion in the volunteer community.''

Let me quote another leader in the national volunteer movement. John H. Graham, CEO of the American Diabetes Association, also testified last week on behalf of the National Coalition for Volunteer Protection. This is what he had to say:

> We have seen recently that otherwise qualified and willing individuals are withholding their services out of fear of liability and confusion concerning the different volunteer protection laws on the books in many states. These are individuals who would help house and feed the homeless, who would treat and support the elderly, and who would clothe and care for the poor.

So in summary, Mr. President, our national volunteer movement is built upon the idea of loving your neighbor as yourself, of being a good Samaritan, of stopping alongside the road and lending your neighbor a helping hand.

People from my home State of Kentucky understand this concept. Their neighbor is not just the child across the street, but it is the family across the bridge or across the State line.

If the Kentucky Red Cross volunteer wants to cross over into Tennessee or Ohio or Illinois or Indiana or West Virginia or Virginia and help his neighbor recover from a flood, then he should not have to call his lawyer to check on his liability potential in a surrounding State. We must have a uniform minimum standard.

The principles of loving your neighbor, of being a good Samaritan are woven deeply into the fabric of our Nation. We need to find ways to free up this spirit, not to suppress it. We must inspire and encourage people to do good works, not sue and harass and discourage.

Those who say that our volunteers do not need this legislation have obviously not been talking to the people on the frontlines.

My longstanding interest in this issue comes from talking to volunteers like the very ones that I have mentioned here today. However, I must confess, Mr. President, that one particular volunteer leader has had my ear on this issue for quite awhile. That is my wife, Elaine, who is a former Director of the Peace Corps and former president and CEO of the United Way of America. She has been involved in this battle for a long time and understands fully the implications.

So, Mr. President, let me close by again thanking Senator COVERDELL for his leadership, and the others who participated in this. This is an extremely important piece of legislation which I hope will pass the Senate overwhelmingly.

I yield the floor.

Mr. LEAHY. Mr. President, I do wish to thank my friend from Georgia, Mr. COVERDELL. With the Coverdell-Leahy-Ashcroft-McConnell and others substitute, I think this piece of legislation has been substantially improved.

So Members know, we have limited it to individual volunteers. The bill is no longer intended to provide immunity or limitation of liability for organizations. I think it is also important that the original sponsors of the bill agree not to include any limitation on motor vehicle liability, even as it relates to individuals. I think that is important.

I believe this bill has been significantly modified. It is not precisely the bill I would have written, but it is not precisely the bill my friend from Georgia would have written. I think it reflects what is best in the Senate when both sides can give and come out with something that can be better and more acceptable to a broad cross-section of Senators. Most of us do have concerns if we preempt State laws. In this, we have tried as best as possible to preserve State options.

I do not believe the threat of litigation deters Americans from volunteering to help neighbors, and did not deter the hundreds and hundreds who volunteered in floods in the Dakotas or in so many other areas we have seen in recent times. I am glad we have been able to limit the reach of the Federal protections provided, but we will be able to help individual volunteers. They should have some insulation from honest mistakes. We all want volunteers to be able to help whenever they can and worry most about how much stamina they will have to help, and have that be their chief concern.

So we will continue to work on this. Of course, it will have to go through conference, and we will make sure there is no unintended benefit or defenses available to anybody, and that nobody is harmed or left without a remedy.

We have seen an extraordinary week, as I said, in Philadelphia, with the President of the United States, together with past Presidents, the wife of a past President, General Powell, and others, who came together to promote voluntarism. We do not want to do anything to hamper that.

Again, I thank my friend from Georgia. I thank Ed Pagano and Jonathan Lamy on the Judiciary Committee staff, and all the others on both sides of the aisle who worked to make this legislation better.

I am prepared to yield if there is any time left on this side, and am prepared to go to vote on the Coverdell-Leahy substitute.

Mr. COVERDELL. I will take just a few minutes of my time, then do the same as the Senator from Vermont and yield back time and proceed to the vote.

I want to take a moment to thank Senator LEAHY and his staff. It is interesting how life makes people's paths cross each other from time to time. He and I have done so now on various occasions over the last decade. As always, I have found him to be an admirable either adversary or cooperator, but always with well-intentioned and good purpose. I thank him for his attention to this matter and the assistance both here and on those occasions in the past.

I also want to thank Senator MCCONNELL. Senator MCCONNELL has labored in this area for years and has made contributions to this legislation that are exceedingly significant. I am very grateful for his assistance on this matter, as well as Senators ASHCROFT, SANTORUM, and others.

I want to acknowledge the work of Kyle McSlarrow, Terri Delgadillo, and Dan McGirt on our side who have worked so hard to iron out the differences so we could produce this meaningful piece of legislation.

The hour is 2:05. We said we would vote as near as possible to 2 o'clock. I yield back all time on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 53) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. There are now 10 minutes equally divided.

Mr. LEAHY. All time is yielded back.

Mr. COVERDELL. We yield back all time on this side.

The PRESIDING OFFICER. The question is on final passage of S. 543 as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—99

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

NAYS—1

Thompson

The bill (S. 543), as amended, was passed.

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

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—S. 672

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. on Monday, May 5, the Senate turn to consideration of calendar No. 43, S. 672, the supplemental appropriations bill.

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

Mr. LOTT. Mr. President, for the information of all Senators, then there will be no further rollcall votes today nor on Friday. We have a prior agreement with the Democratic leadership that we would not have a session on Friday because of a meeting that they have. We have a similar agreement for Friday of next week because of a meeting that we have.

The Senate will shortly begin debate on the motion to proceed to S. 4, the flextime/comptime bill.

On Monday, at 1 p.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are expected to be offered. Therefore, votes could occur but are not expected prior to 5 p.m. on Monday.

As we work through agreements on amendments, or getting an understanding about amendments, we will let Senators know what time they may expect votes late Monday afternoon, Tuesday, or early.

FAIR LABOR STANDARDS ACT AMENDMENTS—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 32, S. 4, the flextime legislation.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

Mr. LOTT. Mr. President, in light of that objection, I move to proceed to Calendar No. 32, S. 4, the flextime bill.

The PRESIDING OFFICER. The question is on the motion.

Mr. LOTT. Mr. President, we will have some debate, I believe, and then I will have a further motion.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 684 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. CONRAD. Mr. President, I would like to speak for one moment about the disaster supplemental bill.

It is fair to say that my State has been absolutely devastated by this extraordinary set of occurrences. First of all, the greatest snowfall in our State's history—over 10 feet of snow—followed in early April by the most severe winter storm in 50 years. Nearly 2 feet of snow fell in that one blizzard, accompanied by 70-mile-an-hour winds and an ice storm that brought down the electrical grid serving 80,000 people. That was followed by what we are now told was not the 500-year flood but the 1,000-year flood. That was coupled in Grand Forks with a fire that destroyed nearly three city blocks and was only contained because of the heroic efforts of the fire department in Grand Forks.

Mr. President, we have not had in this country a circumstance in which a town of the size of the city of Grand Forks with more than 50,000 people having been evacuated on a mandatory basis. Those people are not able to return to their homes for perhaps as long as a month.

This is a disaster of truly staggering proportion and dimension. Those people need help, and they need it now.

Mr. President, I know there are some who would like to attach amendments that are, in fact, extraneous to disaster relief to that legislation. I ask my colleagues to forbear the temptation to add extraneous matters to this disaster legislation. I know that some feel these amendments are not extraneous. In my own judgment, virtually all of these amendments that have been added have nothing to do with the immediate purpose of the legislation, which is to address the disasters that have been experienced in some 22 States—most recently the States of North Dakota, South Dakota and Minnesota. Some of these amendments really relate to the budget dispute of last year. We are going to have lots of opportunities for budget discussions. This disaster bill is not the time and is not the place for that to be.

The people who have been hurt deserve to be helped, just as we have helped other States impacted by disaster. Over and over, when we have had disaster bills, we have agreed, on a bipartisan basis, to withhold extraneous amendments. I have agreed to do it, even though I, too, have been tempted to offer things that I thought were critically important.

I hope my colleagues will extend that same courtesy to those of us who represent States that have been devastated in the most recent disasters. Our people deserve the same consideration and the same treatment that we have extended to others in similar circumstances.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, I will be very brief, for a question.

Senator CONRAD talks about the disasters that have precipitated the need for a disaster bill. As a member of the Appropriations Committee in the Senate, I participated yesterday in writing the bill that would come to the floor of the Senate next week.

Included in that legislation are amendments that have really nothing to do with the legislation at all, that are very controversial and could delay or impede the progress of this bill.

I join with my colleague to urge those who I know have other agendas and amendments, which I am sure are important to them, to decide not to offer them to this legislation.

I encourage those who have offered them in the Senate Appropriations Committee to take those amendments out of this bill and allow us to do what we need to do for the victims of these disasters—to extend a helping hand and say to those who have suffered so much

that this country understands that you need help, that you are not alone, and this legislation and this Congress, by enacting this legislation, wants to do that and do it quickly.

The Senator from North Dakota, Senator CONRAD, makes a very important point. I associate myself with that point—that between now and next Tuesday, or Wednesday, when we take that legislation to the floor of the Senate, I hope very much that we will see those who have been adding and probably those who might want to add additional amendments to decide not to do that on this very important bill.

Mr. WELLSTONE. Will the Senator yield?

Mr. CONRAD. If I can follow up on Senator DORGAN's comments, then I would be happy to yield further.

Last night I accepted an award on behalf of the Grand Forks Fire Department for the extraordinary heroism they demonstrated when this fire was burning out of control and they were prevented from fighting that fire as they normally would by the flood waters. And yet they took on an extraordinary circumstance; with live wires in the floodwaters, they could not know, as they moved to rescue people who were in those buildings, if they would be electrocuted, and they went forward, they did their jobs, and they rescued more than 20 people. And because of their bravery not a single life was lost. We lost some buildings. We did not lose a single life.

Last night the Firefighters of America gave to me, on behalf of the Grand Forks Fire Department, an award. I might say those firefighters who risked their lives to save others were doing it at the very time their own homes were being destroyed. Forty-three of those firefighters had their homes destroyed while they were saving other people's lives.

I can tell you, those people are wondering, why is it when we have a disaster that impacts our area people want to put on amendments that have nothing to do with disaster relief? They cannot understand it. We did not do that when the shoe was on the other foot. When other States were hit by disaster, we did not offer other amendments. I hope that cooler heads would prevail here and that we would find other vehicles for Senators to offer their amendments that they believe are important but leave the disaster bill clean so the people who are trying to rebuild their lives from an extraordinary set of disasters have a chance to rebuild their lives. That is not too much to ask.

Mr. WELLSTONE. Will the Senator yield for a minute?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I wish to proceed to the motion to proceed to S. 4. However, I would ask unanimous consent that the Senator DODD be allowed to talk for 2 minutes and 1 minute to——

Mr. CONRAD. Mr. President, I had not yielded the floor.

Mr. JEFFORDS. I believe the Senator gave up the floor.

Mr. CONRAD. No; I had not yielded the floor. I was yielding for a question from my colleague from Minnesota.

Mr. WELLSTONE. I will be brief. Minnesota is one of these States, too, and every day we come here and speak briefly because we just keep trying to pitch away.

Could I ask one question? I think the Senator recognizes I would rather give a statement. I will not. But is it not true that when you talk to people in North Dakota—I certainly find this to be the case in Minnesota—they just do not understand at all how it can be that we just do not get this to them and how there can be this discussion of amendments having to do with budget cuts in education and budgets cuts in any number of other areas?

I say to the Senator, if I could get his attention for a moment, the most difficult thing for me is to try to explain to people how it could be we are at this impasse and that we cannot get the help to people as quickly as possible. In terms of how they live their own lives, people do not understand this kind of discussion about strategy and tactics and they feel as if we are just playing with their lives.

Does the Senator have trouble explaining to people why it is we cannot get this done for them?

Mr. CONRAD. I just say to my colleague by way of a quick answer that in Grand Forks two-thirds of the people are refugees. They cannot be in their own homes. They have been gone now for nearly 2 weeks. They still do not know in many parts of the city when they will return. And when they hear that there are amendments not related to disaster that are slowing down the disaster bill, they are just bewildered by what we are doing here. I must say there are times when I wonder what we are doing here. And again, I just hope that our colleagues would desist from offering amendments that are not disaster related to a disaster bill.

I thank the Chair and yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I will proceed on the motion to proceed but I would ask unanimous consent that the Senator from Connecticut be allowed to speak for 2 minutes out of order and that upon completion I be able to resume my management of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

DEBTBUSTERS BALANCING THE BUDGET

Mr. DODD. Mr. President, very briefly, I may not even take the 2 minutes. I just wanted to inform my colleagues that about a week ago, Congressman CHRIS SHAYS, of Connecticut, and I hosted a program called Debtbusters with a group of 200 of our constituents. We invited people to come together to sit down in groups and try to balance the Federal budget in 5 years. This is an exercise designed by the Concord Coalition, and it is the first time such an event has been done on a bipartisan basis. I highly recommend it to my colleagues.

It is a fascinating exercise to watch people act as Members of Congress over a period of 2 or 3 hours, faced with the choices that many of us have to make here in Washington as we work toward a balanced budget by the year 2002. It was a tremendously worthwhile exercise. I want to commend the Concord Coalition for organizing it, for putting together the questionnaire. It was not perfect. Anyone who writes questions and makes choices obviously is going to bring some bias to it. But overall I found it to be rather fair and interesting. I would also like to commend the citizens of Connecticut, specifically the citizens of Stamford and the surrounding area, for taking the time out of their weekends to come together and work in such a constructive spirit.

It was curious to see the choices that people made. People, when they sat down and had to work with six or seven or eight other people from their community with many different ideas and issues, were able to compromise and come to conclusions and even give up on things they cared about very, very much. It was instructive. It did not solve the budget problem. But last Saturday I was impressed that, on a gloriously sunny day, people came out and spent the 2 or 3 hours to try and resolve these issues. I thought my colleagues might find it interesting.

As we are about to hopefully reach some sort of budget agreement ourselves, I believe it is worthwhile to appreciate what average citizens are able to do, just as I said, in a few hours on a bright sunny Saturday morning.

Mr. President, I thank my colleague from Vermont for making the time available and I yield back any time I have.

The PRESIDING OFFICER. The Senator from Vermont.

FAIR LABOR STANDARDS ACT AMENDMENTS—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. JEFFORDS. Mr. President, we are now proceeding on the motion to proceed to S. 4, the Family Friendly Workplace Act. First of all, I wish to commend Senator DEWINE, who is the chairman of the subcommittee which very dexterously handled this bill in committee. I would also like to thank Senator ASHCROFT, the original author of the bill, who has done so much to bring, not only the attention of Congress to the problems we are addressing in the Family Friendly Workplace Act,

but also helped and assisted in bringing the attention of this body to the problems that are created by the current law.

I am pleased to be on the floor of the Senate today for the opening debate on the motion to proceed to S. 4, the Family Friendly Workplace Act. I would also like to acknowledge the hard work of many other colleagues and the effort that went into S. 4 by the committee who was able to bring out a piece of legislation which I am confident will have the support of the Senate.

I am extremely excited about this legislation because I believe it will positively affect the lives of millions of Americans. Today, there are more working single parents and dual-income families in America than ever before. The Family Friendly Workplace Act represents an important step in providing employees in the private sector greater latitude to balance the conflicting demands of work and family. This legislation provides men and women working in the private sector the opportunity to voluntarily choose compensatory time off in lieu of overtime pay as well as to voluntarily participate in biweekly and flexible credit hour programs. It does so by giving employees the opportunity to choose to take paid leave time instead of cash compensation for overtime worked and to work out more flexible schedules with their employers if it suits their needs. These same options have been available to State, local and Federal employees for some time and they have been enormously popular with these public sector employees.

Mr. President, since this bill was first introduced, it has met with opposition. I believe the opposition stems from the political positions of big labor unions rather than the needs of working men and women. I imagine that S. 4's opponents are concerned, in part, because it is the first piece of legislation in nearly six decades that makes any significant modification to the Fair Labor Standards Act of 1938.

While I understand the concern of S. 4's opponents, I believe that it is misplaced. The Fair Labor Standards Act was, and still is, an important piece of legislation because it provided much needed protection to American workers at the time when their welfare was often disregarded, in the horrible period of the Depression. While the principles behind the Fair Labor Standards Act have not changed, its stringent provisions make it difficult to accommodate the needs of today's work force.

Since the enactment of the Fair Labor Standards Act in 1938, there have been considerable changes in our Nation's economy, labor market conditions and labor-management relations. One of the greatest transformations has been in the composition of the U.S. labor force. More women are working than ever before. According to the Bureau of Labor Statistics, women now account for 46 percent of the labor force. Between 1948 and 1995, women's labor participation rates almost doubled from 33 percent to 59 percent.

The increase of women in the workplace has had a significant impact on the day-to-day activities of the American family. The stay-at-home mom is now the exception rather than the rule. Indeed, in 1995, only 5.2 percent of all American families mirrored the traditional ''Ozzie and Harriet'' family structure of a wage-earning father, a nonworking mother, and two children. According to the Bureau of Labor Statistics, 62 percent of two-parent families with children have both parents working outside the home.

The makeup of the American work force has changed dramatically, yet few provisions of the FSLA have been updated to reflect these changes. The needs of today's work force are different than the needs of the work force of the 1930's. Although employees are demanding more flexible work schedules and compensation packages, the FSLA and its underlying regulations preclude employers from complying with employee needs.

This need for a change in the existing law was exhibited in a recent poll conducted by Penn & Schoen for the Employment Policy Foundation. The poll indicates that 88 percent of all workers want more flexibility through scheduling and/or the choice of compensatory time. Another national poll revealed that 65 percent of Americans favored changes in the labor law that would allow for more flexible work schedules. It is not surprising that the private sector is demanding change. In a 1985 survey of Federal employees participating with flexible work schedules, 72 percent said that they had more flexibility to spend time with their families, and 74 percent said that having a flexible schedule had improved their morale.

Over the past several years, the committee has heard compelling testimony from workers about the difficulty of balancing work and family responsibilities. For example, Christine Korzendorfer, who works for TRW Systems in Fairfax, VA, testified that she works a lot of overtime hours. Her husband, who is self-employed, also works 7 days a week making caring for their two children a constant struggle. Ms. Korzendorfer said that while the overtime pay is important to her, having extra time off to be with her family is more important. She wants the choice to be able to take comp time off instead of overtime when it best fits her needs and her family's needs.

In addition, the committee heard from Sallie Larsen, vice president, Human Resources and Communication, TRW Systems Integration Group, about TRW employees' frustration with the rigidity of the current law. Ms. Larsen explained that it was important for her business unit to understand their employees' work patterns because the work patterns factored into how TRW bid for new work. To meet the needs of its employees, TRW saw an opportunity to add flexibility for all of its salaried employees and managers in its work scheduling. As a result, TRW invented a program called the Professional Work Schedule which gives salaried employees the ability to participate in 2-week flexing, partial-day time off and additional time off. However, the restrictions of the Fair Labor Standards Act prevented TRW from offering the program to its hourly employees. Ms. Larsen testified that TRW's hourly employees were amazed to learn that it is a 60-year-old law that is substantially unchanged since it was passed that stands in their way of becoming a full member of the team.

When the employees ask, ''Why am I treated as a second-class citizen?'' TRW explains, ''It is the law, not the company's unwillingness to offer the professional work schedule to them.''

As I mentioned earlier, employees in the public sector have had this option since 1985, and it has been very popular. Unlike in the public sector, however, S. 4 would prohibit employees from forcing workers to accept comp-time off instead of being paid overtime as a condition of employment. That is a change from the public law. In fact, under S. 4, an employee's participation in any flexible work arrangement would be totally voluntary. We have worked hard on the language since its introduction to make this crystal clear and to provide strong penalties against any employer who coerces, intimidates, or threatens a worker into accepting such an agreement.

This is true flexibility for workers and not the heavy hand of the employer. Providing families more flexibility in the workplace to help meet family needs should be a bipartisan goal. In the last year, President Clinton has acknowledged the importance of work force flexibility. For instance, in his recent State of the Union Address the President said, ''We should pass flextime so workers can choose to be paid overtime in income, or trade it for time off to be with their families.''

Because S. 4 will assist American workers to balance the needs of an evolving work environment and quality family time, I urge all my colleagues to join me in supporting this bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think, since this is the Ashcroft legislation, the Senator should be entitled to make the first statement on it.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I urge my colleagues to join us in moving to consideration of S. 4, the Family Friendly Workplace Act. It is an act which would help us accommodate the needs of families by recognizing that there are competing stresses. Most families feel two important stresses in their lives: One, the need to be with their families and to do for their families what their families require; the

other is to provide resources, financial resources, for the family. These two stresses have put us in a unique condition, in terms of the way families operate. In the 1930's, when we enacted the Fair Labor Standards Act, it was clear that very few families found both parents as wage earners. As a matter of fact, in the 1930's, only one out of every six women with school-aged children worked outside the home.

We have seen these two stresses—the requirement to spend time with our family and the requirement to provide financial resources in order to support our family—drive both parents in many situations into the workplace so there is this tension that exists in the workplace. It is a tension that relates to how we accommodate our families at the same time we provide the financial resources for our families. That being the case, the sponsors of S. 4 sought to find a way that we could say to families: We understand how important it is to you to get the financial resources to support your children. We understand how much you need to spend time with your children. Finally, we want to say to American families that we understand how important it is that you spend time with your children without sacrificing the financial resources that your family needs. The solution—we thought it best to provide a way for people to be able to work flexible work schedules.

This is not a way for people to take a pay cut or to lose resources. We already have the Family and Medical Leave Act, which allows people to take a pay cut in order to meet a family emergency. But public policy in this country should not require American workers to take a pay cut in order to be a good mom or dad in this country. Most people have the understanding that they want to be able to both meet the financial needs of their family and meet the social needs that are attendant to being a mom or dad. That is what this bill would do.

This bill would simply allow flexible work schedules to be arranged, when the employee and the employer agree—when there is agreement on both parties—it cannot be a coerced agreement. The bill provides specifically, that if there is coercion—either direct or indirect coercion—that there are enhanced, heightened, and substantial penalties involved. Therefore, when there is a voluntary agreement between the employer and employee, the employee in overtime situations can opt to take time-and-a-half off instead of getting time-and-a-half pay. And, where there is an employee who does not get overtime work regularly, and that happens to be most of the hourly workers in the country—the vast majority of citizens do not get overtime work. In those settings, where an employee never has an opportunity to earn overtime compensation, there should be an opportunity for people to say to the boss, ''If I work an extra hour this week, calling that flextime, can I take an hour off next week when my son or daughter is going to get an award at the high school and I need to take an extended lunch hour? Can I take some time off next week if I need to go take a group of kids to the soccer game? I will work the hour this week.''

Americans really are not aware that that is against the law for hourly workers right now. For an employer to trade with an employee an hour in 1 week, and say you can make it up in the next week, if the hour in the next week puts the person over 40 hours—it simply is illegal to make that up on an hour-for-hour basis. If you want to take the hour off this week and make it up next week, it is now a responsibility of the employer to make it up at a time-and-a-half basis. So you have to pay time and a half. Most employers cannot afford that, so they do not have that kind of flexible working arrangement. It is pretty clear to me that most Americans would like to have the opportunity to swap an hour, sometimes, one week for an hour the next week. Under this bill, if the employer asked, suggested, or even hinted that he wanted an employee to work over 40 hours in a week, the employee would be entitled to overtime pay. In order to bank hours on an hour-for-hour basis, the employee ''initiate and request'' the ability to work the additional hour.

So, there are a number of components of this bill, all of which are designed to relieve the stress of working families, all of which are designed to give Americans more time with their families. These provisions are designed to do it without forcing you to take the time off without pay. The real challenge we have in our culture is to continue to sustain our families financially but also to continue to sustain our families in their abilities to do the kinds of things they need to do together. What is important to note is that, in addition to the overtime provision, which can be compensated at time and a half, there is also the flextime provision of the bill which attends to workers who are not normally able to get overtime work.

The Census Bureau collects data on a regular basis. Out of their data they collected in 1996, the data revealed that only 4 percent of working women who work on an hourly basis reported that they get regular overtime pay. It would be fine for those women if they could take that overtime and convert it to time-and-a-half off. But let's be serious. If we were only going to address the stresses and tensions that exist in the families of that 4 percent of the work force, we are not really going to do much to improve the lives of very many people. We need to be able to address this tension and this stress that exists in the work force generally. That is why it is important to offer the flex-time parts of this bill, which allow a person to say, ''I will work an extra hour this week in return if the boss will let me take that hour off next week, or vice versa.''

Those are the kinds of provisions that have been available in the public sector for the last 20 years. In 1978, sponsored by Congresswoman Ferraro, of New York, and Congresswoman Schroeder, of Colorado, we enacted the law in the Federal system which provided for flexibility in employment for Federal workers. The same provisions, which we now are offering before the Senate, ought to be extended to workers around the country in the private sector. What is interesting is that the system has worked so well at the Federal and local level. As a matter of fact, the General Accounting Office wanted to see what the impact of having these kind of work rules was on governmental performance, on morale of workers. When the General Accounting Office surveyed the workers they found out that workers approved or expressed their appreciation for this kind of working arrangement at a 10-to-1 ratio. So, for every 1 worker here who said, ''I am not enthusiastic about this, I do not really care for it,'' 10 workers said they approved it.

Frankly, you cannot get that 10-to-1 ratio of workers to agree that today is Thursday afternoon. That is an overwhelming endorsement. That is a clear statement by workers, the workers themselves—union workers, nonunion workers—that this system works.

One of the features that is allowed in the Federal Government system that would be allowed and available in the private sector under this bill would be the ability of workers and their employers, upon the agreement and voluntary—voluntary consent of both parties, to schedule work over a 2-week period to average 40 hours a week. This was extremely popular in the Federal Government, because it allowed people to work 9 days in the 2-week period instead of 10 days in the 2-week period. Working 9 days in the 2-week period really meant that workers had every other Friday off, so they would work 8 days at 9 hours a day for 72 hours and then the ninth day they would work 8 hours. That took them to 80 hours. Then, with that in mind, having worked 80 hours in the 2-week period, 45 hours in the first 5 days and 35 hours in the next 4 days, those 2 weeks together constituted 80 hours. And each second week, Friday would be off.

The opportunity is apparent, here, in terms of the ability to spend time with your children; the ability to tend to things that can only be done during business hours. This is one of the reasons, when Federal employees are asked about the program, they endorse it overwhelmingly. It is one of the reasons why unions in the Federal arena insist on these provisions, these capacities, these flexibilities. It is one of the reasons why individuals in the work force ought to really have this opportunity in the private sector.

Having worked flawlessly for the last 20 years, increased productivity, built morale, and been endorsed by workers overwhelmingly, it is time for us to say

to the work force generally: This is something you should have. Federal workers have it. It is time that ordinary workers in the private sector have it. I should not say ''ordinary'' because I do not want to suggest that the other workers are extraordinary. The point is, salaried workers have had flexibility for a long time. The boardroom has had flexibility for a long time. The guys who run the company never seem to have difficulty in being able to take time off to see their kids get an award, or even to play a game, or a round of golf, or perhaps link up with some of their friends at a predetermined time for a fishing trip or outing, or to even be volunteers, when it is necessary, to help their communities.

But the hourly individuals are the ones who have faced that challenge. Of course, the people who have felt the squeeze the most, I think, are the moms who have gone into the work force since the 1930's. There are 28.8 million working women who work by the hour in this country and it is time for us to say to them: You should be entitled to some of the same flexibility that people in the boardroom or at the head of the company or the salaried workers of America have had. It is time for us to say to them you should be entitled to some of the same opportunities to work with your family as the people who work for the Federal Government have had. It is time for us to say to them it would be appropriate for you to have the same capacity to volunteer and to help your children in their athletic activities, or academic activities, or extracurricular activities, as the people who work for State and local governments have had.

It is time to give the average worker in the United States of America, that individual who has served, working hard on an hourly basis, these same benefits that have been enjoyed by individuals who have worked on a salaried basis and have worked for the U.S. Government, for State governments, or for local governments.

Some individuals have indicated that perhaps it is enough for us to just address the issue of comptime. I would just suggest, because comptime is available only to workers who work overtime regularly, that we ought to think carefully about limiting the flexible working arrangements that we think ought to be available to American workers to those who are normally endowed with the right to work overtime.

Overtime is not the prerogative of most American workers. Estimates run as high as a third of the workers get regular overtime. The census clearly indicated only 4 percent of the hourly workers who were women in 1996 said they got regular overtime.

What if you would triple that number from 4 percent to, say, 12 percent? You would still only have one woman working by the hour out of eight who received regular overtime. If we are going to provide flexibility to only one out of eight women, it seems to me we have missed the boat; or only two out of eight men, because twice as many men work in jobs that get overtime as women do.

If you take the universe of people who get overtime work, it is a 2-to-1 population in favor of men who have worked in the jobs that historically get overtime.

I do not think it is appropriate for us to try to limit what we do to individuals who have had the good fortune to find themselves in jobs where they would traditionally get overtime, especially when that means that it would only result in maybe one out of eight women in the work force working by the hour, having the flexible options, having the capacity to have an adjustable schedule the way people do in the boardroom, the way people do in State government, the way people do in the Federal Government.

I think it is time for us to say to America generally, ''We understand it's tough to balance the competing demands of the homeplace and the workplace. We understand that when you take time off, you don't want to lose money doing so, because you wouldn't be working in the first place if you could afford to lose money by taking time off.''

We need to say, ''We understand you don't want to take a pay cut to be a good mom or dad.''

We need to say, ''We understand that you want to be a volunteer and you will need to have flexible working arrangements from time to time.''

We want to build a framework that says to them, ''If, indeed, those are your aspirations, here is the way you can accomplish them. At least you and your employer can together agree voluntarily that these kinds of things can be done.''

I emphasize the word ''voluntarily,'' because that is the way the bill would work. If there is coercion, either direct or indirect coercion, the bill provides for elevated, extraordinarily high penalties. It says, ''If you are going to coerce workers, beware, you are going to have a doubling of the penalties you previously had in overtime settings.''

Second, in order to provide a further incentive for employers, who are offering compensatory time off options, to not only allow employees to take the time when they need it but also to not see it as a cost savings, the bill provides that if an employee has chosen a comptime option, if at any time the employee changes their mind, the employee only has to say ''Nope, I've changed my mind. I would like to have the money back instead of the time and a half off.''

So, if someone had originally said, ''I'll take time and a half off,'' thinking that would please the employer in some way, they can reverse that decision. In addition, if he believed he needed to accept the comptime, in lieu of financial compensation, it would be coercion and double current penalties could be assessed.

As an ultimate backup to make sure we don't have any abuse of the workers here, we have a situation built right into the structure of the bill so that at the end of the year, all the time and a half that is there as comptime is automatically paid as time and a half and at time-and-a-half rates.

So what we have here is a clear voluntary situation. You do not have any incentives for any employer to distort the voluntarism. You have employers who really understand that, if they can help employees be good parents, they are going to be better employees and, together, with a happier employer and happier employee, people are going to be able to meet the needs of their family without taking pay cuts. That it is a win-win situation. That is what we targeted. We built protections into the bill and structurally designed the bill, so that compensatory time can be converted quickly and efficiently. It is automatically converted if it is not used by the end of the year and we have provided elevated penalties in the event that there is a problem with any coercion, direct or indirect.

I might add as well, in the event the employer and employee in this measure do not agree to take time off as compensatory time, if there is no agreement on it, we fall back under the 1930's Fair Labor Standards Act. In other words, nothing is done to deprive any worker who wants to live under the terms and conditions of the law as it now exists from working under those conditions.

What we really have is an ability of the worker and the employer to choose to be more flexible and, if either one is dissatisfied, that choice is reflected in the continuation of the status quo: The 40-hour week continues to be in existence; the required payment of overtime at time and a half payment instead of time and a half off continues in existence. So the ultimate security for any worker is that the worker can choose to operate in the same framework of legal protection that worker has at this very time.

This is an attempt to say to the work force, ''We know that you are stressed. We know that the demands of your house and the demands of your job are competing, and when they collide, if possible, we would like to give you the option of being able to work it out with your employer and to work it out in a framework of protections that are likely to result in your being able to succeed.''

We are doing this, not with some program we have dreamed up, not with some novel, untested, untried set of opportunities. We are doing this with a program that has been in existence now since 1978, almost 20 years, in the Federal Government. We are doing this by proposing for the private sector the kind of flexible working arrangements which have been available in the public sector and which workers in the public sector have endorsed at a 10-to-1 ratio, which workers in the public sector, be

they union workers or nonunion workers, are eager to continue, and when contracts are negotiated, there is an insistence that these kinds of provisions continue to be available.

I might just add one other thing about the President and his involvement. The President, in his campaign, called for ''flexible work arrangements'' for citizens. He used that very language. He used that language again in his State of the Union Message. He talked about ''flexible working arrangements.'' When the President of the United States, President Clinton, came into office, he noticed that there was a small group of executive branch workers who didn't have the privileges that were accorded to the rest of the Government workers regarding flexible working arrangements and compensatory time. When the President made that observation, he did the right thing. The President said to the rest of the workers, ''I'm going to extend the benefits of these kinds of working relationships by Executive order to you as Federal workers, because these are the kinds of things which will help you do a good job, they will help us get good work, and they will help you resolve the tension between your family and your workplace.''

What was good for the President of the United States in his campaign, what he remarked on favorably in his remarks to the Congress, what he indicated was appropriate by way of Executive order, is good for the American people.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, the Republican leadership is pushing its so-called compensatory time bill, but a better name for it is the Paycheck Reduction Act. The bill has four fatal flaws:

First, it is a pay cut for large numbers of workers who don't deserve that harsh treatment from either Congress or their employers. The bill eliminates the guarantee of pay for overtime work for 65 million employees. The Republicans have openly admitted their pay-cut strategy. When the National Federation of Independent Businesses testified at the Senate Labor Committee hearing on the bill, they said ''Small businesses can't afford to pay overtime.'' That's why they support this legislation.

Vast numbers of today's workers depend on overtime pay to make ends meet. Half of those who earn overtime take home $16,000 a year or less. More than 80 percent earn under $28,000 a year. American workers cannot afford this Republican pay cut.

Second, the bill cuts other benefits. Health and retirement benefits are based on the number of hours worked by employees, and their benefits would be slashed too. Comptime hours do not count as hours worked, so employees will lost health coverage while they are working, and much-needed pension benefits after they retire.

Third, the proposal abolishes the 40-hour week. Employers could require employees to work up to 80 hours in a week without receiving overtime pay. A company could schedule a worker for 60 hours in 1 week, and 20 in the next, all without a penny of overtime pay. This isn't a family-friendly bill—it's a family-enemy bill.

Fourth, the bill provides no employee choice. The employer chooses who works overtime and when an employee can use comptime. The employer can assign all overtime work to employees who will accept comptime instead of overtime pay. Those who need overtime pay to make ends meet will no longer receive it. The bill also lets the employer decide when employees can use the comptime they have earned. If an employee wants to use comptime to take a child to the dentist, or attend a school play, the employer is free to deny the request.

If the Republicans are genuinely interested in helping working Americans deal with family needs, they should support expansion of the Family and Medical Leave Act. That law has been a resounding success since its enactment in 1993. It gives employees up to 12 weeks of unpaid leave a year to care for a newborn or newly-adopted child, or to deal with a serious medical condition of the employee or close relative.

Two proposals to expand the act are now under consideration in Congress. Senator DODD proposes to apply the law to all firms with 25 or more employees, instead of 50 or more employees under current law. This step would enable 15 million more workers to receive this important benefit. Senator MURRAY proposes to offer 24 hours of leave a year for employees to attend parent-teacher conferences and other school events.

Those who support genuine family-friendly policies know that the Family and Medical Leave Act works well for working families. I urge my colleagues to support its expansion and to reject the Republican comptime Trojan horse.

I know there is significant interest in the idea of legislation that would allow an employee to make a genuinely voluntary choice to be compensated for overtime work in time off rather than in pay. But, this is not that bill. Even those of you who support the concept of voluntary comptime should oppose S. 4. S. 4 contains four major provisions, each of which is designed not to help employees, but to allow employers to reduce the amount of money they must pay their workers.

This bill isn't meant to help employees juggle their work and family obligations. Instead, it is designed to help employers cut workers' wages. Forcing employees to accept time off instead of overtime pay is a cut.

While the legislation purports to let employees make the choice between overtime pay and comptime, it does not contain the protections which are necessary to ensure that employees are free to choose and are free from reprisal.

Under S. 4, it is the employer, not the employee, who decides what forms of comptime and flextime will be available at the workplace. There is no freedom of choice for the worker.

There is nothing in this bill which prevents an employer from discriminating against a worker who refuses to take comptime instead of overtime pay. Under S. 4, an employer could lawfully deny all overtime work to those employees who want to be paid and give overtime exclusively to workers who will accept comptime in lieu of pay. There is no freedom of choice for the worker.

The employee may want a particular day off so that she can accompany her child to a special school event or to a medical examination at the pediatrician. However, nothing in this legislation requires the employer to give the employee the day she requests. This bill gives the employer virtually unreviewable discretion to determine when a worker can use her accrued comptime. Here, too, there is no freedom of choice for the worker.

S. 4 contains much more than a badly flawed comptime provision. It contains a section entitled ''Biweekly work program'' which literally eliminates the 40-hour workweek. The bill substitutes a provision which would allow an employer to work his employees up to 80 hours in a single week without paying a cent of overtime. The employees would not even receive 1½ hours of comptime for each extra hour they worked.

The next new provision is entitled ''Flexible credit hours.'' Under this provision, an employee who works hours that are in excess of the basic work requirement would no longer be entitled to overtime. Instead, the employee would get an equivalent amount of hours off at a later unspecified time. Under existing law, the employee would be paid time and a half for such excess hours. Under comptime, the employee would at least receive 1½ hours of time off for every excess hour worked. However, flexible credit hours purport to offer the employee a new, innovative alternative—work the excess hours but receive only 1 hour off for each excess hour worked. I cannot imagine how any employee could turn down an offer like that. Does anyone in this room honestly believe an employee who was not being coerced would choose to participate in such a plan?

The last feature of this bill appears on page 43. We haven't discussed it and I would urge each of you to take a closer look at it. It applies to salaried employees. Under current law, they do not receive overtime when they work extra hours and their pay cannot be deducted for an absence of less than a full day. S. 4 proposes to change that rule. Salaried employees would still receive no overtime but they could be subject to deductions in their pay if they were absent. In other words, the fact that they could have pay deducted if they missed 5 hours of work in a week can no longer be used to prove that they are hourly

employees entitled to overtime if they work 5 hours extra another week. Is that fair? Is that enhancing worker's freedom of choice.

When you analyze what S. 4 would really do for American workers, it should be entitled ''The Pay Reduction Act of 1997.''

The essence of a genuine comptime bill is the creation of new options for employees, not employers. As you know, President Clinton has endorsed comptime legislation. However, even as a supporter of the principle of comptime, he has stated that he would be compelled to veto S. 4. A letter sent to this committee by the Acting Secretary of Labor at the direction of the White House sets forth the failings of this legislation clearly:

Any comptime legislation must effectively and satisfactorily address three fundamental principles: real choice for employees; real protection against employer abuse; and preservation of basic worker rights, including the 40-hour work week. President Clinton will veto any bill that does not meet these fundamental principles.

While the President has called for and strongly supports enactment of responsible comptime legislation, he will not sign any bill—including S. 4—that obliterates the principle of time-and-a-half for overtime or that destroys the 40-hour workweek. Workers—not employers—must be able to decide how best to meet the current needs of their family.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, my colleague from Minnesota indicated he was ready to proceed. Let me see if he is ready. For the moment, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I thank my colleague, Senator DEWINE, for his courtesy.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Anne Wilson, who is interning with us, be granted the privilege of the floor during this debate.

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

Mr. WELLSTONE. Mr. President, I will actually be relatively brief for now. We are going to have time for plenty of discussion and debate. In its present form—and I appreciate the words of my colleague from Missouri—this piece of legislation might better be called the Paycheck Reduction Act. I will just go over some bullet points and marshal evidence behind each.

Pay cut eliminates the guarantee of pay for overtime work for 65 million American workers. Mr. President, we passed the Fair Labor Standards Act over half a century ago. It was an important piece of legislation. It represented real progress for working families. The idea was that if you worked over a 40-hour week, you would get paid time and a half. That is an important principle. This piece of legislation essentially turns the clock back over a half a century. In a way it is a nonstarter for that reason alone.

Interestingly enough, we had an amendment when we were marking up the bill in committee which essentially said, at least don't give the employer all the power so that an employer is in a position to say to someone, Look, we will not give you time and a half compensation for overtime work. We will give you flextime. So the employer is in a situation to say to a worker, OK, you worked an hour over; we'll give you a flextime hour—that is hour to hour—but we won't offer flexible compensation at time and a half. That was voted down.

Benefits cut. Health and retirement benefits based on hours worked would be slashed.

Abolishes the 40-hour week. Employee could work up to 80 hours in a week without receiving overtime pay. That is just unbelievable. Everybody should understand this. This is a sacred principle. The reason we passed the Fair Labor Standards Act is that many employees, some the very employees Senator ASHCROFT was discussing, do not have a lot of clout vis-a-vis their employers.

The idea was to have some basic protection, so that if you were working hard to support a family and you worked overtime, you would get paid overtime. That assurance is abolished. Under this legislation, an employee could be working 50 or 60 hours a week or more and not get paid any overtime for that. To move away from the 40-hour week turns the clock back about a half a century.

Finally, No employee choice. Employer chooses who and when. Employer determines who works overtime and when an employee can use comp time. This is, in many ways, one of the most troubling features of this legislation. Please remember, and we had testimony in our subcommittee on this, there are companies that really work well with employees. They have good partnerships, and there are situations where an employee works 4 days a week, 10 hours a day and takes off Friday. That can be done now. You do not need to overturn the Fair Labor Standards Act. You do not need to overturn the 40-hour week. That can be done now.

Or what people can do is work 9 hours a day as opposed to 8 hours and then work half a day on a Friday or on a Monday. That can be done now within the existing framework of labor law.

Or people can go in at 7 and come home at 3 or come in at 10 and go home at 6. There are all sorts of flexible arrangements. Right now, employers can give their employees this flexibility if they so desire. The problem is, a lot of employers do not do that. But it has nothing to do with the basic principle of the 40-hour week, and the principle that if an employee works overtime, he or she should get time and a half pay. This legislation undercuts that.

Mr. President, that hardly represents a step forward for working people in this country. That is why, in its present form, this is the Paycheck Reduction Act. And that is why we are adamantly opposed to it. That is why most people in the country will be opposed to it when they learn all the provisions in the legislation.

This is my last point for today. Mr. President, what is interesting about this is it is all done in the name of choice. But you know, we had some interesting amendments in committee that speak to this question.

I offered an amendment which said we have a Family Medical Leave Act right now which says that there are up to 12 weeks of unpaid leave in the case of sickness of a child or an adult, so why don't we say this: If an employee has banked 10 hours of earned comp time, and she calls her employer and says, ''Look, I need that time off because my child is sick,'' she gets it automatically. The employer does not get to shut her down and say no. If you want to give the employee choice, do not give all the power to the employers. But, Mr. President, that amendment was voted down.

We had another amendment which took some parts of the labor force—for example, garment workers—and said, we have a lot of people right now who, whatever the law of the land says, are not even getting paid minimum wage or earned overtime. We have a lot of examples of forced and unpaid overtime, and we have a whole backload of unfair labor practices. So couldn't we at least exempt some sectors of the work force where we know people are vulnerable and somewhat powerless and, as a matter of fact, have been exploited by some employers? Thank goodness most employers are not that way. But that amendment went down as well.

Mr. President, one other example. We had discussion where we said, wait a minute, we have this backload, we have all sorts of potential for abuse. Can't we at least have a commitment of resources so we have some enforcement?

You are going to need more people within the Department of Labor to enforce this to make sure that people are not forced to work overtime without overtime pay because no matter what you say in theory—about this being voluntary—the vast majority of people who work can tell you right now they do not always have a lot of choices. A whole lot of people put up with really awful working conditions. They put up with unsafe working conditions. They put up with situations that none of us would want to be in. But they do it to put food on the table. So couldn't we at least provide people with some protection? That is not here either.

Mr. President, with all due respect, this bill is hardly giving people more

flexibility. That is the way it sounds at first blush. But what really is at issue here is you essentially overturn portions of the Fair Labor Standards Act, you overturn the 40-hour week, you put people in the situation where the employer—and in most situations the employer has the power—is going to say to people, ''Hey, we're pleased to give you flextime,'' or, ''We're pleased to give you an hour off, but it's hour for hour, even if you worked overtime. Even if you've banked hours, we're not going to give you time and a half compensation when you want and need it.''

Let me tell you, the reason people work is because they need that pay to put food on the table. The reason you have so many families where both people work, both husband and wife, is because they need the income.

I do not think people are interested in seeing their paycheck cut. I do not think people are interested in being put in a situation where they no longer receive time-and-a-half overtime compensation. I do not think people are going to be pleased with a piece of legislation that abolishes the 40-hour week. And I do not think people are going to be pleased with a piece of legislation which sounds great in theory about employee choice, but does not have any of the provisions in it which would really guarantee that that would be a reality.

So, Mr. President, I have a budget meeting, and I apologize, because I like to debate with my colleague from Missouri. I promise him I will be on the floor whenever we get back to this, to hear what he says and go back and forth—and with my good friend from Ohio. These two are my good friends. We do not always agree, but they are two Senators I really do like and respect. I feel badly about speaking and leaving, but only because we have this budget meeting right now. In any case, Mr. President, what I said was so compelling, what I said is irrefutable and irreducible, and I do not think they could possibly respond to it anyway.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank my colleague from Minnesota for the kind comments. I am sorry he is leaving, but he has an important mission on the Budget Committee. I have debated this issue on a number of different occasions in committee. But I must say that he is particularly eloquent today, because I do not even recognize this bill after he finished describing it. It is an entirely different bill than the bill I thought we passed out of committee. And I am sure many of the points that he raised today are going to be points of contention as this debate continues over the next few weeks.

Mr. President, let me first congratulate Senator ASHCROFT and Senator KAY BAILEY HUTCHISON for the great work that they have done to bring this bill to the floor today. In the House, my colleague from Ohio, Congresswoman DEBORAH PRYCE, has done tremendous work on this bill.

This is a bill that I am particularly proud to have been involved in to help bring to the floor today, because I think it will help bring the American workplace into the 21st century and, more importantly, bring the underlying labor law into the 21st century and make both more conducive, more understanding, to the changing nature of American society and of the American workplace, particularly of the American family and how people really live today.

In the hearings that we held in the Senate Labor and Human Resources Committee on this bill several months ago, we heard facts that substantiate the monumental changes that have taken place in American society in this century, particularly in the last 20 to 25 years, changes that make it absolutely essential that we pass this legislation.

Mr. President, today more than 60 percent of married women work outside their home; 75 percent of married women with school-aged children work outside the home; 75 percent of married couples with children have both spouses working.

We compare these statistics, Mr. President, to the situation in 1950: 11 percent in 1950—11 percent—of married mothers with children under the age of 6 worked outside the home. Today, almost 50 percent do—47 percent.

In less than half a century—in my lifetime—we have gone from around 10 percent of these mothers working outside the home to nearly half of them. This is truly a historic social change. I believe the sponsors of this bill in both the House and the Senate believe that it would be a good idea for the dynamics of the American workplace to finally catch up with the dynamics of our society.

It would be a good idea, Mr. President, for our laws to reflect the reality of how people live today. Put simply, Mr. President, there are more single parents and dual income families in our work force today than ever before, and their numbers are growing. In today's society, employees are faced with a difficult task of balancing their obligations to family, to spouse, to children, to work, school, other important things.

Mr. President, it is significant—it is significant—that for many years Federal, State, and local governments have enjoyed the statutory ability to offer their employees a flexible work schedule, thus allowing them an opportunity to spend more time with their families or more time to continue their education.

Mr. President, as our colleagues consider this bill, I ask them to consider how many times they have had a Federal employee, when they have been back to their State, come up to them and say, ''I don't like this. I don't like the comptime. I don't like the flexibility that the law gives me today.'' They have had this, Federal workers have, for several decades. State employees have.

I was Lieutenant Governor of Ohio for 4 years. I do not recall one State employee ever coming up to me and saying, ''I don't like the flexibility that we have.'' In fact, just the contrary. Everyone who has ever talked to me about it has said, ''I enjoy it. I like it. It helps my family.''

Mr. President, there are actually antiquated Federal laws which are still on the books that are preventing some of the necessary changes in the non-Government workplace. This is what this bill does. It sweeps away some of these old laws that prohibit workers from doing what they want to do.

Let us say, for example, a mother wants to take her daughter to a doctor's appointment. She wants to make up the working hours she missed by stacking them into other work days. Today, Federal law, written by Congress in 1938, says the employer cannot do that. The employer has to say to her, ''No. I am prohibited by law from doing this. I want to do it. You want to do it. We are prohibited by law from doing it.''

Mr. President, that simply does not make sense as we approach the next century. Workers in this country need more flexibility.

Mr. President, earlier this month the Senate Labor and Human Resources Committee passed this bill, a bill that would reduce some of the stress on America's working families by making the American workplace more family friendly.

As chairman of the Employment and Training Subcommittee, I handled this bill and we held several hearings. The hearings strengthened my conviction that this bill is long overdue.

Senator JEFFORDS, the chairman of the committee, was on the floor a few minutes ago and talked about Christine Korzendorfer, a woman, a mother of several children, who works at TRW. This is what she said, and I quote. She is talking about overtime pay. ''Pay is important to me.'' That is important. ''However, the time with my family is more important. If I had the choice,''—if I had the choice—''there are times when I would prefer to take comp time in lieu of overtime. What makes this idea appealing is that I would be able to choose what option best suits my situation.''

Mr. President, that pretty well sums it up. Individual choice is really what this is all about. It is the Christine Korzendorfers of this country, the hard-working Americans, who know best what kind of work schedule fits their needs. Giving these workers the freedom of choice is the purpose of this legislation. The bill before us today, S. 4, the Family Friendly Workplace Act, will amend the Fair Labor Standards Act to finally provide employers and employees in the private sector with

the same benefits public-sector employees have enjoyed for many, many years.

The bill contains three options for making the workplace more flexible—compensatory time off in lieu of monetary overtime pay, biweekly work schedules, and flexible credit hours.

Participation, Mr. President, is voluntary. Let me stress this again and again. You are going to hear this word from me throughout this debate. It is voluntary. No one has to do it. If the employee does not want to do it, the status quo prevails. The employer has to want to do it, the employee has to want to do it before this law really even kicks in.

Mr. President, I think that most people would be shocked if they knew that current law prohibits, absolutely prohibits, employees and employers from making the types of arrangements and agreements that people in the public sector can do today.

If that law was not in effect today, if that law did not prohibit that type of arrangement, do you think, Mr. President, Members of the Senate, that anyone would come to the Senate floor and offer a bill to do that? Would anyone come to the Senate floor and offer a bill that said the Federal Government is going to step in and tell employees and tell workers in this country that, if you want to make an arrangement with the employer that allows you more flexibility in your life, that allows you to better decide when you are going to work, how you are going to work—does anybody think that bill would pass?

Does anybody think that the Federal Government, if it did not have that law in effect today, that we would want to put that law into effect? The answer obviously is no. I think it tells us something when we look at that answer and look at the question in that way. Such a bill obviously would never pass.

Mr. President, the Fair Labor Standards Act and its underlying regulations simply do not allow private-sector employers to meet the demands of their employees for more flexibility in various forms of compensation. As a result, working families are faced with tremendously difficult decisions.

For example, will a mother sacrifice hard-earned vacation time off to take her child to the doctor or to the hospital? Should she forgo the compensation to make sure her sick child is properly cared for? Should she try to run home for an hour here or 20 minutes there? Can a single parent afford to leave work early to attend a teacher conference, to help chaperone a class trip? Will a single parent ever find the time to pursue greatly needed continued education? These are the options that this bill will give.

I see, Mr. President, my colleague from Texas is on the floor. She has worked long and hard to bring this bill to the floor. I congratulate her for her great work. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, thank you.

I want to thank Senators JEFFORDS and DEWINE and Senator ASHCROFT for their commitment to this bill. They have followed it through all the way from the beginning—Senator ASHCROFT, as the key sponsor, and Senators DEWINE and JEFFORDS, as the chairman of the subcommittee and full committee that shepherded this bill through because they believed so much in what this bill can do for the more than 60 million workers in this country, including 28 million women, who are paid by the hour.

I was just listening to what Senator DEWINE was saying, and I have to say, step back a minute and think about the fact that the Federal Government is saying to the hourly employees of this country, ''You cannot go in and ask your employer to take off at 3 o'clock on Friday and work until 7 o'clock on Monday.'' You cannot do that because the Federal law says your employer cannot offer you that option. So if your child is playing in a soccer game or a football game on Friday afternoon at 3 o'clock, which many schools across our country do have in their schedules, you cannot go in and get that opportunity to see your child, because the Federal Government says you cannot do it.

Now, if you were a Federal employee you could do it because Federal employees have that option. If you are a salaried employee, you could do it. It is hourly employees who are not able to say, ''I want to work two extra hours on Monday so I can take off at 3 o'clock on Friday.''

Mr. President, all this bill does is give the same option to hourly employees that every Federal employee and every salaried employee has in our country. It is just amazing to me we did not do this years ago. It was only Senator ASHCROFT who came in and said, ''Why have we not done this?'' Many of us were not even fully aware of the impact our out of date labor laws were having on Americans' modern lifestyles.

What are our modern lifestyles? Mr. President, over two-thirds of the women who have school-age children in this country are working outside the home. When the Fair Labor Standards Act was passed, we had a lot of moms that could and that chose to stay home. Today, there are 58.2 million women in the workforce, and roughly half—28 million—are paid by the hour. The other half are salaried employees or self-employed. The biggest stress factor they have in their lives is the inability to find the time in the average day to do the things they need and want to do for themselves and their families. Working mothers and their children want to be able to share more of life's activities—to be able to go to the PTA meeting, the soccer game, the football game, and still be able to make a full-time salary and make ends meet at the end of the month.

The Family Friendly Workplace Act will enable those working mothers to do just that. Senator ASHCROFT and I have made sure that these people who are working hourly are not going to lose their salaries because they do have budgets. They have to meet the mortgage payment. They have to meet the car payment or the rent payment. They simply cannot afford to take time off without pay, as the President and some Members of Congress have called for.

That is the beauty of this bill. It allows the employee to be paid, while adding flexibility to their work week.

Another aspect that Americans like so much about this bill is it would allow an hourly employee to say, ''I would like to work 9 hour days and take every other Friday off work, with pay.'' Federal employees have this option. Salaried employees have this flexibility.

Mr. President, I think it is important to keep in mind that these scheduling options are all voluntary. There is nothing that requires an employer or an employee to choose any of these options. If any employee is asked to work overtime, that employee keeps the right to say ''Great, I want time-and-a-half pay,'' end of story. But if the employee says, ''I want to take time-and-a-half in paid time off and not outright pay now,'' or ''I would like to go ahead and work the extra hours and bank that time so that when my child's soccer game is scheduled'' that employee will have that option, in cooperation with the employer.

And because this added flexibility and free time for employees has been proven to boost morale and improve productivity, giving hourly employees these added freedoms becomes a win-win situation for employee and employer alike. In short, this bill makes imminent sense. My only surprise is that we did not update this antiquated labor law earlier.

I commend Senator ASHCROFT, I commend Senator DEWINE, and I commend Senator JEFFORDS for helping us get this bill to the floor so that we will be able to finally say to the 28 million women that are hourly wage working women and the 30 million hourly wage working men in America, ''You now have the same freedom to schedule time to spend with your loved ones that the rest of the workforce enjoys.'' For the Federal Government to stand in the way of those two individuals and say, ''No, you cannot do this because Big Brother Federal Government in Washington said 30 years ago when there were not very many working moms in the workplace, in a whole different era, that you could not do it.'' Mr. President, we must enter in to the 1990's and update our labor laws to address the needs of the struggling hourly wage families in this country.'' We are going to let the marketplace work and we are going to take one source of

stress off the hourly employee in this country who wants to spend time at home with their children, time catching up on errands, or just time relaxing with loved ones and friends.

That is what the Family Friendly Workplace Act does. That is why I am happy to be a cosponsor with Senator ASHCROFT, and give the 28 million women and 60 million working Americans in this country the same scheduling freedom that other employees in this country have had for years. Those Americans who work so hard day in and day out at their jobs, then have that extra burden of having to work when they come home. Most do not come home from work and sit in a chair and rest. They come home from work and they fix dinner for the kids, they fix lunch for school tomorrow, and then they do homework with the kids or whatever it is that has to be done. Their day is not over at 5 o'clock. From time to time, they need to be able to take entire days or even weeks off from work. The Family Friendly Workplace Act will allow them to save up the hours to do that. Mr. President, we cannot give America's hardworking families any more than 24 hours in the day, but we can do the next best thing by enacting this important legislation.

I thank Senator DEWINE for yielding the floor. I hope we will be able to talk about this for a long time to come because if the Democrats are indeed going to filibuster and keep the Senate from responding to the needs of America's workers who overwhelming support this bill, then I am ready to talk for a long time. This bill means a lot to me and it will mean a lot to the families of our country. If we have to stand on our feet and talk for 2 weeks, count me in.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me congratulate my colleague from Texas for not only an excellent statement but for the tremendous work she has done, not just on this bill, but on many pieces of legislation that really reflect how American families live today.

Government, many times, has a hard time keeping up with changes in society. She has worked, for example, on the homemaker IRA bill, another bill that, again, tracks the changes in society and gives families flexibility to allow them to make adjustments in their life, to live their lives the way they want to live them. I congratulate her for her great work and look forward to working on this bill and continuing this debate in the future.

Mr. President, I think one of the points that my colleague from Texas made very well is that this bill—the current law discriminates against hourly workers. We have a situation today where two people can be working together, one is a salaried employee, the other is an hourly employee, and the hourly employee, really because of the way the law is written, because of a quirk of history, legislative history, the hourly employee does not have the same flexibility today that a salaried employee does. The salaried employee can make an arrangement with the employer to shift time, to be gone a Friday afternoon, to work extra some other time, that flexibility is not available to the hourly employee. That is discrimination. That is wrong. That is what this bill is aimed at rectifying.

Mr. President, it is also discrimination to say if you work for the Federal Government or if you work for local government, you have to follow one set of rules and you have many options as far as the time you work. But if you work in the private sector, the Federal Government says, ''Oh, no, you do not have that flexibility.'' That is discrimination. Again, that is what this bill is designed to rectify, change, and stop that discrimination.

S. 4, the Family Friendly Workplace Act, Mr. President, will finally provide the flexibility that today's work force so desperately needs. The act will allow employers and employees to mutually agree, voluntarily, on whether an employee will receive overtime compensation in the form of the traditional time and a half—money; or, that same time and a half as compensatory time off. That choice this bill gives to that employee and that employer.

Employers and employees will be able to mutually agree to biweekly work schedules instead of the traditional workweek. Employers and employees will be able to mutually agree on the use of flexible credit hours. These choices will alleviate the pressures working women, single parents, constantly face today, Mr. President, in their attempt to balance the responsibilities at work with their obligations to their children, their obligations to their family.

The cornerstone to each of these options is this foundation of choice. It is voluntary. It is giving the employee one more tool. Mr. President, I and my colleagues are not alone in recognizing that our work force, our workplaces have changed.

We are not alone in understanding that the Fair Labor Standards Act passed many, many years ago no longer in this respect totally meets workers' needs. We are not alone in understanding that it is time for change.

A 1994 study by the Department of Labor stated that the primary concern of two-thirds of working women with children was the difficulty in balancing work and family. No surprise. A poll taken by Money magazine, just published in this May's issue, states, ''Sixty-four percent of the public and 68 percent of women said that if they had a choice between taking cash or time off for working overtime they would definitely choose the time.'' Let me repeat that. Two-thirds said if they had a choice they would choose the time. It is a question of choice.

The point is, Mr. President, that current law does not give the average American worker—the person who is working in the private sector, the person who is working paid by the hour—does not give them per law that choice, and, in fact, prohibits employers and employees from making that choice; that determination. In that same poll, Mr. President, 82 percent said they would support the Family Friendly Workplace Act.

An article in the Cincinnati Enquirer read, ''A little flexibility would be a godsend to good workers who also want to be good parents.'' The article went on to say, ''It could benefit employers, too, who find it easier to recruit and retain productive workers.''

An article in the Akron Beacon Journal quoted Ann Morris as saying very simply and for obvious reasons, ''In the long run, my time is more important than the extra dollars.''

Mr. President, furthermore, the President of our country, President Clinton, has stated on more than one occasion that he understands the need for more flexibility in the workplace and that he favors opportunities for workers, such as compensatory time in lieu of traditional overtime pay, flexible credit hours, and biweekly work schedules. This is what he said at the Democratic National Convention. I quote President Clinton. ''We should pass a flextime law that allows employees to take overtime pay and money, or time off, depending on what is better for their family.''

In describing his own initiative, this is what President Clinton said:

> This legislative proposal is vital to American workers—offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities. The legislation will offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families.

Mr. President, these options have been on trial in the public sector. It is not as if we do not have a wealth of experience in this area. We do have years and years of experience, and thousands and thousands of employees who have benefited from this.

It is always instructive, I think, before Congress to act to look to see what experience we have. I think this has shown, Mr. President, that this is clearly what we need to do because the experience has been in fact good.

This is what President Clinton has to say about this. Let me quote:

> Broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

That is the view our President expressed on July 11, 1994. The President recognized that people sometimes have to struggle very hard to balance the demands of work and families.

A couple of years after he made that earlier statement, the President went even further calling on all Federal agencies to develop a plan of action for better implementation of these flexible work schedules. Again I quote:

I am directing all executive departments and agencies to review their personnel practices and develop a plan of action to utilize the flexible policies already in place . . . flexible hours that will enable employees to schedule their work and meet the needs of their families.

That is from a Presidential memorandum dated June 21, 1996.

Finally, in his State of the Union Address, this is what the President said. ''We should pass flextime so workers can choose to be paid overtime and income, or trade it in for time off to be with their families.''

This is a quote the Democratic Leadership Council:

Public policy should support two-parent families by giving them as much flexibility as possible to balance family and income needs. The tools and protection workers need in the information age are different from those required in the industrial era. The Fair Labor Standards Act needs to be modernized. Even with squeezed family budgets, for some workers time off may be as valuable as extra money.

Mr. President, this type of bipartisan support I think provides us with a remarkable opportunity. A Democratic President and Republican and Democratic leaders in Congress are united on an important national issue facing the American workplace. We may never have a better opportunity to pass this legislation.

For the sake of those Americans who are faced daily with the difficult challenge of deciding between their livelihood, their family, their employers, and the American work force as a whole, I urge swift passage of this bill.

I would like, Mr. President, to take just a moment—I am sorry my colleague from Minnesota is not here. He indicated that he was looking forward to continuing this debate. I know he will in the weeks ahead. He had to leave to attend a budget hearing. But I would like to briefly address several comments that he made when he talked about this bill. I rather jokingly, as he was leaving the floor, said to him that the bill he had described was not the bill that I thought we passed out of the committee. Let me explain to my colleagues.

He cited four problems that he saw with this bill. The first was he said it was a pay cut. He said that overtime should be sacred. Mr. President, he is absolutely right. Overtime should be sacred. Overtime is sacred in this bill.

What we are simply saying is that if an employee, because of his or her family situation, or for whatever reason, decides that they would rather take time and a half in time at some other date instead of money, they have the option to do that providing both the employee and employer want to do that. That is all it says. That is flexibility. That is allowing workers who work by the hour to get paid by the hour, to have the same rights Federal workers have, that State workers have, and the same rights that salaried employees have today.

So it preserves the concept of overtime, and time and a half. In fact, with that time and a half it gives it more flexibility. It gives certainly more potential value for the employee because it allows the employee to decide how to take that.

My colleague from Minnesota, Senator WELLSTONE, also said it cuts benefits. It is simply not true. We will have the opportunity to talk about this at length. There has been no evidence brought forward that shows this at all. The facts simply aren't there.

He also said that it abolishes the 40-hour work week. That is not true. It just isn't true. I ask what is wrong with an employee having the option to design his or her biweekly time with the consent of the employer, if they both want to do it? What is wrong with them designing the work week that says the employee will have every second Friday off? Maybe he or she wants to spend time with their family. Maybe they want to volunteer. Maybe they want to go fishing. Maybe they want to go hunting. It is not Government's business.

The current law prohibits employees and employers who do not work for the Federal Government and who work by the hour from being able to make that kind of an arrangement. Is that an attack on the 40-hour workweek? I don't think so. And I don't think the American worker thinks so either.

My colleague talked about enforcement. We listened to the testimony. We listened to the complaints that were made and the criticisms of the bill. And some of them, quite frankly, were justified. No bill is perfect, as it is introduced. We took those criticisms, and altered the bill to try to deal with the constructive criticism from the other side of the aisle.

This is a better bill as it comes to the floor, quite frankly, than it was when we started.

My colleague suggested that they certainly get credit for that. But the enforcement is there. The enforcement is there. It relies on the current enforcement of the Fair Labor Standards Act—enforcement that has been in place. The mechanism is there. And it provides very, very specific and tough penalties if, in fact, an employer in any way tries to coerce an employee, if they in any way try to abuse the privileges that are given employees and employers in this bill.

So I look forward, Mr. President, to having the opportunity to discuss this bill in the future.

I yield to my colleague from New York.

DISPOSITION OF LOOTED ARTWORK

Mr. D'AMATO. Mr. President, when the Banking Committee began the inquiry into Swiss banks, we had no idea where the trail would lead. We know that the Nazis had looted personal belongings of millions from all over Europe—gold, personal matters, bank accounts. But we really did not know how much help—I say ''help''—that the Nazis had in disposing of this loot. We are beginning to get some idea. Now we have a better idea.

We know that Swiss banks facilitated the looting of gold from all over Europe. We know that the accounts of great numbers of Holocaust victims were never returned by Swiss banks to their heirs. But we also know that our Nation had similar problems. Other nations had similar problems and participated. France was one of them.

I am shocked to see a December 1995 report which I am holding here from the French Ministry of Justice.

Mr. President, this report details an audit of some of France's most prestigious museums and explains how these museums for over 50 years managed to hide their ownership of almost 2,000 works of art—1,955 works of art, to be precise, art that was looted from the victims of the Holocaust and deposited with these museums during the war, some of them sold on the so-called black market by the Nazis, who stripped Europe, who stripped individuals as they came through with their killing machine and sold the art or deposited it with these museums that knew they were not the true owners who were selling it to them.

Curator after curator cared more about the so-called, to use their words, sanctity of their collections, the museum's collections than for justice of the family from which art work was stolen. This is unconscionable for the museum to be saying, and I quote the museum in Versailles, the curator said, ''Each and every one of these works has its proper place in our collections.'' Do not disturb them. It does not matter that they were stolen. It does not matter that it was their property.

The report also quotes a curator from the Musée d'Orsay as having said that a painting held in his collection by Gustave Courbet, the great painting of the Cliffs at Étretat After a Storm—and here is a photograph of that painting; it is one of the great masterpieces of the world—is one of the masterpieces that we would have to buy at a great price if we did not already have it.

Well, they may have it, but who does it rightfully belong to? Are we saying that the great art museums of the world, and particularly in France, have a right to keep this stolen art work?

Mr. President, this painting sits today in the Musée d'Orsay and the simple matter is that it does not belong to that museum. This painting, along with thousands of others and with other art objects in the French museums, should be immediately turned over to an independent authority to quickly establish its rightful ownership. The French Government has established a commission to study the problem but the true owners should not have to put up with the delays that go along with commissions like this. It has been 50 years, as the report states. The French museums have made little

or no attempt to find either the heirs or the owners of these art works. These works have appeared in exhibits numerous times, have been in possession of the most prominent art museums in the world. The process of returning these works of art must be put in the hands of a party that can search for true owners and do so without a worry whether or not they fit neatly into museum collections. After more than 50 years, it is time for justice. And just as we seek that proper accounting from the Swiss bankers, it is time that French museums do the same.

Mr. President, almost 3 weeks ago, I wrote to the French Ambassador, a letter dated April 8, which I will submit for the RECORD and ask unanimous consent that it be printed.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,

Washington, DC, April 8, 1997.

His Excellency FRANCOIS BUJON DE L'ESTANG,
Ambassador, The French Embassy,
Washington, DC.

DEAR AMBASSADOR BUJON DE L'ESTANG: As you are probably aware the Senate Banking Committee, of which I chair, is currently conducting an investigation into the disposition of heirless assets belonging to victims of the Holocaust. One of the subjects of our investigation is the disposition of artwork looted by the Nazis during the Second World War. It is my understanding that there are currently 1,995 pieces of such artwork in storage in Paris. Could you please provide me with a descriptive list of this artwork. Additionally, could you inform me of the steps your country has taken to identify the rightful owners of these works of art and the numerous dormant French bank accounts belonging to victims of the Holocaust. Thank you for your cooperation in this very important matter.

Sincerely,

ALFONSE D'AMATO,
Chairman.

Mr. D'AMATO. My office has been in touch with the French Embassy and has been assured of their cooperation repeatedly. I told them I was going to come to the floor today. We called them. We were assured by the Ambassador's secretary, oh, yes, we are going to get you this information.

This is not a great secret. This Justice Ministry report again goes back to 1995. The quotes that I have given you come from this report in terms of the attitude of the museums.

So whether it is ''Cliffs at Étretat'' or whatever artwork it is that has been stolen and taken illegally, it is time now for a proper accounting. That is what we seek. We will continue to pursue this matter. I hope that the French Ambassador and the French Government would begin to work with us in accommodating justice.

I thank my friends. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

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

GROWING INTELLIGENCE BUDGETS

Mr. KERRY. Mr. President, recently our colleague, Senator MOYNIHAN, secured, or maybe not so recently, his FBI file, and it is interesting that in 1961, in a memorandum suggesting a meeting between himself and a then very youthful DANIEL PATRICK MOYNIHAN, J. Edgar Hoover wrote, ''I am not going to see this skunk.''

Now, the Senator from New York has been called many things, as we all have in the course of our careers, but after considerable amount of reflection I concluded that the only way in which this moniker could stick would clearly be in a way that J. Edgar Hoover did not intend, and that is that the distinguished Senator from New York has long and often been a skunk at the garden party of the intellectually comfortable, challenging our thinking about the status quo.

Most recently, he has brought this very considerable skunk-like presence to the matter of America's intelligence bureaucracy in the post-cold-war era. He has asked why it is that our vast intelligence apparatus, built to sustain America in the long twilight struggle of the cold war continues to grow at an exponential rate? Now that that struggle is over, why is it that our vast intelligence apparatus continues to grow even as Government resources for new and essential priorities fall far short of what is necessary? Why is it that our vast intelligence apparatus continues to roll on even as every other Government bureaucracy is subject to increasing scrutiny and, indeed, to reinvention?

Our colleague's answer is an important one for all of us to reflect on. The answer is secrecy and bureaucracy. It is secrecy that conceals structure, budgets, functions, and critical evaluation from the public, the executive branch and most Members of Congress, including those on appropriate oversight committees. It is bureaucracy, the nature of the self-perpetuating institution like any of our intelligence agencies, that leads to an ongoing redefinition of purpose and ongoing creation of redundant systems and ongoing expansion of scope.

The first component, secrecy, means that the normal active tools of democracy, that is, press scrutiny, public debate, and appropriate oversight from executive and the congressional branches, are absent. And the second component, bureaucracy, means that reform, downsizing, reorganization, and elimination of redundancies cannot come from within because, as the Senator from New York demonstrates, our intelligence apparatus is merely following the norms of all agencies.

This suggests that the intelligence bureaucracy will not, indeed cannot, change until we act on the cultural barriers to reform.

I ask unanimous consent that excerpts of the remarks of our colleague, the senior Senator from New York, at Georgetown University's Marvin H. Bernstein Lecture be printed in the RECORD. I commend this important commentary on the problems of bureaucracy and secrecy to all of my colleagues.

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

SECRECY AS GOVERNMENT REGULATION

(By Senator Daniel Patrick Moynihan)

Marver Bernstein was a scholar of great range and authority, but his primary work concerned government regulation, notably his celebrated editorship of Volume 400 of The Annals: The Government as Regulator. In that tradition, I would like to consider secrecy as a form of government regulation.

If at times my account appears more anecdotal than analytic, I plead that data is the plural of anecdote.

And so we begin of a morning early in January, 1993, when I paid a farewell call at the White House on George Bush, a fine friend and a fine President. As I was leaving the Oval Office, his redoubtable Chief of Staff James A. Baker, III ran into me, and asked if I might wait for him in his office until he had finished some business with the President. I went down the hall, was served coffee, and awaited his pleasure.

In time he returned to his office, went out, and came back with a small stack of what seemed like magazines. Baker wanted to show me what had become of the morning intelligence summary.That is to say, the National Intelligence Daily, or ''NID'', which the Central Intelligence Agency had begun back in 1951. It used to be ten or twelve pages long, plain cover, Top Secret. Some three hundred copies were printed. The real stuff, Baker now showed me half a dozen national intelligence dailies from half a dozen national intelligence agencies. Some had photographs on the cover, just like the Washington Post. Some were in color, just like the Washington Times. The Chief of Staff explained it was necessary for him to arrive at dawn to read them all, try to keep in mind what he had already read in the press or seen on television, and prepare a summary for POTUS. As Paul C. Light would have it, government had thickened and heightened; someone now had to summarize the summations.

I left musing about this. I had a passing acquaintance with public administration theory, having been patiently instructed by James Q. Wilson and Stephen Hess. I knew Anthony Downs. Had even spoken to Luther C. Gulick as he approached his 100th birthday in a hamlet on the banks of the St. Lawrence River. I was beginning to be familiar with the new ''institutional sociologists'' such as Paul DiMaggio, Walter Powell, Howard Aldrich. I had read with great profit the works of Suzanne Weaver and Robert A. Katzmann in the M.I.T. series on Regulatory Bureaucracy. And a common theme was emerging. To cite DiMaggio and Powell, ''Organizations are still becoming more homogeneous and bureaucracy remains the common organizational form.''

Light calls this ''isomorphism,'' In a 1978 lecture drawing on Wilson, and through him on to the 19th century German sociologist Simmel, I had propounded ''The Iron Law of Emulation.'' Organizations in conflict become like one another. (Simmel had noted that the Persians finally figured out it was best to have Greeks fight Greeks.) The United States Constitution assumed conflict

among the three branches of government; I traced conflict techniques among them ranging from office buildings to personal staffs to foreign travel. Now, however, one's attention was directed to conflict techniques employed by agencies within one branch, the Executive.

The intelligence community called out for attention. Perhaps it was the room I had just left, this southwest corner room in the White House. I was there on the early afternoon of November 22, 1963, awaiting news from Dallas. The door burst open; in rushed Hubert H. Humphrey. ''What have they done to us?'' he gasped. By ''they'' we all knew; the Texans, the reactionaries. Later in the day one learned a suspect had been arrested; associated with Fair Play for Cuba. At midnight I met the cabinet plane that had been halfway to Japan. I sought out the Treasury official in charge of the Secret Service. We must get custody of Oswald, I pleaded. Else he will never get out of that jail alive.

After Oswald was shot, I went round in the company of John Macy, head of the Civil Service Commission, pleading that an investigation had to look into the jaws of hell, else we would be living with a conspiracy theory the rest of our lives. I carried with me a recently reprinted book of the post-Civil War era which ''proved'' that the Jesuits assassinated Lincoln:

''Booth was nothing but the tool of the Jesuits. It was Rome who directed his arm, after corrupting his heart and damning his soul.''

And, of course, today something like half of all Americans think the CIA was involved in the assassination of President Kennedy. There is even a Hollywood movie to prove it.

Nor can the historians disprove it. The records are sealed. We have an Assassination Records Review Board that lets some things out; not much. Recently, an eminent author wrote to tell me of a meeting with some CIA officials a few years ago in an effort to get some information on how the agency handled the aftermath of the assassination:

''Surely, I said, the agency has an interest in countering such a widely shared conspiracy theory with the truth. I got . . . blank stares.''

In his classic study, The Torment of Secrecy, which appeared in 1956, Edward A. Shils defined secrecy as ''the compulsory withholding of information, reinforced by the prospect of sanctions for disclosure.'' But secrets are disclosed all the time, and sanctions for disclosure are rare to the point of being nonexistent. (In the eighty years since the Espionage Act of 1917, only one person has been sent to prison simply for revealing a secret, as against passing material to a foreign power.) In 1995, I was asked to write an introduction to a paperback edition of Shils' work, and came up with the thought that secrecy is a form of government regulation. If this were so, we could look for the patterns those institutional sociologists keep coming up with.

Begin with Max Weber and his chapter, ''Bureaucracy'' in Wirschaft und Gescllschaft (Economy and Society), published after his death in 1920, but most likely written in part prior to World War I. He writes:

''Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and inventions secret. Bureaucratic administration always tends to be an administration of 'secret sessions' in so far as it can, it hides its knowledge and action from criticism.

''The pure interest of the bureaucracy in power, however, is efficacious far beyond those areas where purely functional interests make for secrecy. The concept of the 'official secret' is the specific invention of bureaucracy, and nothing is so fanatically defended by the bureaucracy as this attitude, which cannot be substantially justified beyond these specifically qualified areas. In facing a parliament, the bureaucracy, out of a sure power instinct, fights every attempt of the parliament to gain knowledge by means of its own experts or from interest groups. The so-called right of parliamentary investigation is one of the means by which parliament seeks such knowledge. Bureaucracy naturally welcomes a poorly informed and hence a powerless parliament—at least in so far as ignorance somehow agrees with the bureaucracy's interests.''

The Federal Bureau of Investigation is nearest the ''ideal type'' of such a bureaucracy, and has the longest experience of the secrecy system that developed in the United States from the moment of our entry into the First World War and the enactment of the Espionage Act of 1917. The system began as a mode of defense against foreign subversion, frequently exploiting the divided loyalties of recent immigrants, and not infrequently stigmatizing an entire class of perfectly loyal citizens. This pattern persisted through the inter-war period, the Second World War, and onto the Cold War. From eminences such as Theodore Roosevelt who in 1917 sounded the warning against ''the Hun within,'' on to the obscenities of the McCarthy era, down to the present when, if I do not mistake, Islamic Americans are going to find themselves under surveillance, as it were.

I offer this proposition. The attempts at subversion were real, but never of truly serious consequence. The one exception was the atomic espionage at Los Alamos. But even that was temporary. Soviet scientists would have developed an atom bomb on their own; as they did a hydrogen bomb. Espionage is intriguing, but data analysis is more rewarding. One thinks of the poster in the headquarters of the Internal Revenue Service. ''It Took an Accountant to nail Al Capone.'' The problem is that in this, as in much else, the American public, and the Congress at time, were led to believe that it took the more secretive FBI.

It happens this is not true, but heaven help anyone who suggested otherwise at mid-century. Or such was my experience. As an aide to Governor Averell Harriman of New York in the 1950s. I became interested in the subject of organized crime after a State Trooper came upon an extraordinary assembly of mob leaders from around the nation that convened in the hamlet of Apalachin in the Southern Tier of New York. I became peripherally involved as a Senate staffer with Robert F. Kennedy, who was pursuing the subject. In July, 1961, I published an article in the Reporter magazine entitled, ''The Private Government of Crime,'' in which I argued that from its roots in prohibition, which was a large scale manufacturing and marketing activity, that there was something that could reasonably be termed organized crime, that it was serious, and that we had not found a way of dealing with it. Why, I asked, did American government have so little success in dealing with this phenomenon? My general thesis was that there was insufficient organizational reward. Almost in passing, I noted that the FBI, which had ''not hesitated to take on the toughest problems of national security . . . has successfully stayed away from organized crime.'' It got you nothing but institutional trouble.

By now I had joined the Kennedy administration as an aide to then-Secretary of Labor Arthur J. Goldberg. In a matter of weeks from the publication of the article, the Department of Labor building on Constitution Avenue was literally raided by G-Men. They hit the Secretary's floor in unison, went door to door, told everyone save the hapless author but including the Secretary himself, that a dangerous person had infiltrated their ranks with the clear implication that he should go. I can't demonstrate this but offer the judgment that at this time in Washington at any other department the person in question would have gone. Hoover had files on everyone, or so it was said. He and Allen Dulles at the CIA were JFK's first announced appointments, rather reappointments.

The Department of Labor was different only insofar as Arthur J. Goldberg was different. On August 2, C.D. ''Deke'' DeLoach had informed the Secretary that ''it would appear to be impossible to deal with Moynihan on a liaison basis in view of his obvious biased opinion regarding the FBI.'' The Secretary called me in, said: ''Pat, you have a problem. Go and explain your point of view to the Director.'' The next day, DeLoach agreed to see me, but made plain he could barely stand the sight. There is a three-page, single-space memorandum of the meeting in my FBI file, sent to the Director through John Mohr. It concluded:

''Moynihan is an egghead that talks in circles and constantly contradicts himself. He shifts about constantly in his chair and will not look you in the eye. He would be the first so-called ''liberal'' that would scream if the FBI overstepped its jurisdiction. He is obviously a phony intellectual that one minute will back down and the next minute strike while our back is turned. I think we made numerous points in our interview with him, however, this man is so much up on ''cloud nine'' it is doubtful that his ego will allow logical interpretation of remarks made by other people.''

The Director appended a handwritten notation, ''I am not going to see this skunk.''

I survived: in part, I think, because the agency had no fall-back position. One raid had always done the trick; no Secretary ever asked that a 34-year-old get in to see the Director.

Organizational maintenance is nowhere more manifest, and at times ruinous, than in matters of national security. Hoover was present at this creation during the war hysteria of 1917 and 1918 and the anti-radical rumpus that followed, including Attorney General A. Mitchell Palmer's celebrated raids. The FBI was on to Communist activities fairly early on, and not about to cede territory. Richard Gid Powers has related the struggle with the Office of Strategic Services during World War II—Hoover wanted to go overseas. There were social tensions, as Powers records. ''Oh So Social,'' for the Office of Strategic Services; ''Foreign Born Irish,'' for the FBI.

However, there is another perspective, perhaps best evoked by the tale of British Foreign Secretary Ernest Bevin, sometime head of the Transport and General Workers Union, on his return from the 1945 Potsdam conference. What, he was asked, were the Soviets like? ''Why,'' he replied, ''they're just like the bloody Communists!'' By contrast, it is quite possible that Harry S. Truman had never met a Communist until he sat down with Stalin at the same conference. Similarly, Hoover may never have met a Communist in his own circles. It was a matter of regionalism, in what was then a much more regional nation. The clandestine activities of the Communist Party of the United States of America were common knowledge within political and intellectual circumstances of Manhattan in the 1930s. They were a given. Such urbanity, if that is not an offensive phrase, was unknown to the ward politics of Kansas City, and equally to the Protestant churches in young Hoover's Seward Square on Capitol Hill.

In this sense, it was as easy for Harry S. Truman to believe that there were no Communists in government as for J. Edgar Hoover to believe they were everywhere. Neither had any experience with a political community in which some persons were Communists, some had been, some had nuanced differences, some implacable hostility. The world, you might say, of Whittaker Chambers. Or, for that matter, the late Albert Shanker, President of the American Federation of Teachers. His February 1997 obituary records his struggle with Communists in the teachers' unions of New York City in the 1950's. Thus: ''The anti-Communist Teachers Guild was a weak group of 2,400 members.''

In the tumult and torment that followed World War II, it would appear that at first Hoover tried to ''warn'' Truman of suspected Communists in or about the American government. We have in the Truman Library a four-page letter of May 29, 1946, from the Director to George E. Allen, then head of the Reconstruction Finance Corporation, and a friend of the President, concerning ''high Government officials operating an alleged espionage network in Washington, D.C., on behalf of the Soviet Government.'' Almost everyone of consequence was implicated. First of all, ''Under Secretary of State Dean Acheson,'' ''Former Assistant Secretary of War John J. McCloy,'' ''Bureau of the Budget—Paul H. Appleby.'' It happens I had a slight acquaintance with McCloy, rather more with Acheson, and was close to Appleby. Anyone with the least sense of the Marxist mindset would instantly understand that such men lived in a wholly different world.

There now commenced a tragedy of large consequence and continued portent. On December 20, 1946, Meredith Gardner of the Army Signal Agency across the Potomac ''broke'' the first of the coded VENONA dispatches sent mainly by the KGB from New York to Moscow. It was dated December 2, 1944. There were names of the principal nuclear physicists working at Los Alamos. Treason most vile had indeed taken place, was still going on, was indeed occurring, even as Acheson and Newman and Marks and others worked at establishing some kind of international post-war regime to control the bomb. They knew well enough that the bomb would not remain a secret long. Science does not keep secrets. But they did not know that the Soviets had got hold of our plans, and in consequence, would get their own bomb two to three years sooner than otherwise, and hence would want no part of an international regime.

They did not know because J. Edgar Hoover did not tell them.

Army Signals decrypted the cables, leaving it to the FBI to identify the individuals designated by code words. Julius Rosenberg was LIBERAL. Another atomic spy, the 19-year-old Harvard graduate Theodore A. Hall, was MLAD (Russian for ''youngster'').

The National Security Agency has now made public the VENONA decryptions.[8] We never broke more than perhaps 10 percent of the traffic, such is the impenetrability of one-time pads. But all of a sudden, in 1995, the American public learned what we had known.

The awful truth, however, is that when the President of the United States needed to know this, which is to say Harry S Truman, he was not told.

As best we know, and we never will know until the FBI opens its own files, President Truman was never told of VENONA. Nor it would appear, was Attorney General Tom Clark.

The consequences for American foreign policy were almost wholly negative. The realism about the Soviet Union exemplified by George Kennan, and embodied in the policies of such as Acheson and McCloy, gave way to an agitated anxiety, rhetorically on the part of Republicans, but as a matter of practice and policy on the part of Democrats. A realist view would have seen the Soviet Union as an absurdly overextended colonial colossus which would collapse one day, essentially along ethnic lines. (What, after all, had happened to the other European empires in the second half of the 20th century!) Instead, Democrats, launched an invasion of Cuba, bringing the world close to a nuclear exchange, and leaving an absurd problem with us to this day. Off we went to Vietnam, quite oblivious to the Russian-Chinese hostilities that broke out at the same time. And so on. In 1974, Donald L. Robinson described this as ''The Routinization of Crisis Government.'' After all, regulatory regimes seek routine!

Part of this disorder may be ascribed to the development of a vast culture of secrecy within the American government which hugely interfered with the free flow of information. The Central Intelligence Agency came into being, rather to the annoyance of the FBI which was slow to cooperate with it. (For that matter, it was not until 1952 that the Pentagon felt comfortable enough with the CIA to share the VENONA decryptions.) Scientists such as Frederick Seitz protested secrecy, but with small success. The problem was that the secrecy was secret. No one knew what was in the NID. And so matters of large import were never really debated.

The most important area was that of the Soviet economy. From the mid-1960s on, the intelligence community perceived the Soviets growing at a considerably greater rate than the United States. Inevitably, a ''crossover'' point would come when the GDP of the USSR would exceed that of the United States. In fairness, in the early years there were outside economists who seemed to agree, notably Samuelson. But this fell off. In the summer of 1990, Michael J. Boskin, then-chairman of the Council of Economic Advisers, testified before the Senate Foreign Relations Committee on this matter. He estimated that Soviet GNP came to ''only about one-third of the GNP of the U.S.'' He volunteered that ''as recently as a few years ago, the CIA estimates were at 51 percent.'' In a question, I noted that the highest published figure was 59%, but that the secret estimates were even higher. It is hard not to conclude that the Agency had simply acquired an institutional interest in the view that the Soviets were gaining on us. We will debate for some time—say a century—whether the arms build-up, begun by President Carter in the Cold War mode, but continued for some time by President Reagan, somehow ''bankrupted'' the Soviet Union. But the Cold War did end, and the West did prevail. There cannot be too much fault to be found with this outcome. But surely there are lessons.

The first lesson is that a culture of secrecy kept the nation from learning the extent of Communist subversion in the 1930s and 1940s. (Subversion was present from the first. John Reed was a paid Soviet agent. But it didn't much matter until World War II came in sight.) Unlike the anti-German hysteria of the First World War, and the anti-Japanese hysteria of the Second, concern with Communist subversion from the 1930s into the Cold War was entirely appropriate. Even so, the Soviet success was limited, and was waning by the time we began to be aware of it. (The Soviet threat was another matter; an adversary with nuclear weapons, comething wholly new to the human condition.) ''The American visage began to cloud over,'' Shils wrote:

''Secrets were to become our chief reliance just when it was becoming more and more evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling.''

The larger society, Shils continued, was ''facing an unprecedented threat to its continuance.'' In these circumstances, ''The phantasies of apocalyptic visionaries now claimed the respectability of being a reasonable interpretation of the real situation.'' A culture of secrecy took hold within American government which abetted a form of threat analysis which led to all manner of misadventure.

The permanent crisis perceived in Washington was surely overdone.

I offer what follows somewhat as conjecture, but with a measure of conviction. The Soviet Union never intended to invade Western Europe, or generally speaking, engage in a third World War with the West. The leaders in Moscow were, for a while there at least, Marxist-Leninists. That doctrine decreed that class revolution would come regardless. It had been hoped for in 1919–20, again in 1945–48. It hadn't occurred, but it surely would. In the meantime, build socialists at home. Early in the Cold War the United States developed surveillance techniques, beginning with the U–2 ''spy plane'' and leading on to satellite imagery of today's National Reconnaissance Office.

I conjecture that this technology, and associated underwater devices, gave us first of all the security of knowing we would get a heads up on any serious Soviet preparations for an attack. Not, perhaps, a spasmodic nuclear strike by a crazed commander but anything approaching mobilization of the sort that said to have triggered World War I. (Once one side starts, the other must start, else a five-day advantage prove decisive, etc., etc.)

Similarly, in time, the Soviets had their own satellites: could track NATO forces, the various U.S. Fleets, our bombers and so forth. We never planned to invade the Soviet Union. We were obsessive about the Western Hemisphere: nothing new since Monroe's time. And seemingly incapable of understanding that when an idea dies in Madrid, it takes two generations for word to reach Managua. But never warlike as regards the Soviet Union itself.

A second lesson is less sanguine. The Cold War has bequeathed us a vast secrecy system, which shows no sign of receding. It has become our characteristic mode of governance in the Executive Branch. Intelligence agencies have proliferated; budgets continue to grow, even as the military subsides. Every day we learn of some new anomaly. As, for example, the Commerce Department employee who took his Top Secret clearance with him to the Democratic National Committee. (Look for the day when it is a mark of institutional prestige to have an honest-to-goodness spy discovered within one's ranks!) In 1995, there were 21,871 ''original'' Top Secret designations and 374,244 ''derivative'' designations. Madness.

In the meantime, as old missions fade, the various intelligence agencies seek new ones.

This has been painful to observe. I cannot say I could wish for the return of J. Edgar Hoover, as he thought I was a skunk. But someone needs to learn from Hoover's caution about taking on problematic missions. For example, keep the CIA out of drug trafficking. Stick to terrorism and weapons technology, including, of course, biological weapons. Same for most of the other agencies that now fill up our embassies, turning our ambassadors into room clerks.

And so to sum up. The twentieth century saw the rise of the administrative state.

Government regulation has become the norm. However, we have developed not one, but two regulatory regimes. The first is public regulation for which we developed all manner of disclosure, discovery, and due process. This regime is under constant scrutiny. Thus, the 104th Congress enacted the Congressional Review Act which establishes a sweeping procedure whereby Congress, with Presidential approval, can nullify regulations.

There is, however, a second regulatory regime concealed within a vast bureaucratic complex. There is some Congressional oversight: some Presidential control. Do not overestimate either. Not that the public is excluded altogether, save as bureaucracies or bureaucrats think it to their advantage to make some things pubic. As, for example, it being budget time, we find on the front pages the report that:

''The Central Intelligence Agency has severed its ties to about 100 foreign agents because they committed murder, torture and other crimes. . . .''

This is surely a welcome development. Although it could be asked why in the first instance public monies were disbursed to murderers, torturers and sundry criminals.

This second regime is in need of radical change. We have sensed this for some time. But I now submit that change will only come if we recognize it as a bureaucratic regime with recognizable and predictable patterns of self-perpetuation which will never respond to mere episodic indignation.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield such time as he may need to the sponsor of the bill, the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. ASHCROFT. Mr. President, I thank you for this opportunity to spend a few more minutes helping those watching understand exactly what significant opportunities we are talking about with the Family Friendly Workplace Act. It is our effort to try to give to people who are on hourly working arrangements the ability to develop flexible working schedules—to do it in the same way as has been possible for Federal workers so situated for the last—well, during the 1970's, 1980's and into this decade of the 1990's.

The attempt to offer the ability to work flexible schedules is a result of people feeling the stress of the job that tugs them away from their families. In order to understand the true nature of workers' stress and the benefit they would gain from flexible work schedules, I would like to read some letters that have been sent to our office. Here is a letter that says:

DEAR SENATOR ASHCROFT. I'm a 29-year-old working mother. I have a 2-year-old daughter and am pregnant and due in November. I recently heard about your Family Friendly Workplace Act. Under current law where I work does not allow me to have a flexible work schedule. They are not allowed by the law to let us work less than 40 hours one week and then more than 40 hours the next. In my current condition, I need to be able to take off for doctors' appointments. Due to the fact that I have a complication in my pregnancy, I have more appointments than average. If I was able to take off more one week and work more the next, it would be very helpful to me and other mothers in Missouri.

That is perfectly stated. Here is another letter:

My 2-year-old daughter is healthy but there are some days she needs extra attention and some days that she is sick. Some days she is just 2.

Meaning the terrible 2's, I suppose.

If I was able to take time I need for some mornings and to make it up at lunch or the next week, it would make my life much easier.

Here is another letter:

It's been a struggle for me to be able to arrange for doctor appointments, be home when my child is ill and my three children are always sick at different times. Or when my babysitter has been unable to take my children because of illness. Not all of us have spouses or family members who can fill in for us or when we need to be there for our children. My husband works out of town on many occasions and is unable always to be around when needed.

Working parents are not asking for special favors, just a way to be able to meet the demands of both our jobs and families. The Family Friendly Workplace Act would help solve the problem of inflexibility in the workplace. Being able to arrange biweekly work schedules would be very helpful in meeting the needs of our families. I would be able to take the time off for doctors' appointments or to leave a couple hours early one day if the babysitter calls to tell me my child has a fever. Being able to make that time up the next week would certainly take off a lot of the pressure and the stress of taking these last few hours of leave time or potentially being on leave without pay.

Here is an individual working because they need the money. When a little crisis arises, because flextime is not available, they have to leave the office without pay. She goes on to say:

The option of taking compensatory time in lieu of monetary compensation would also be very valuable to working parents who just need the time off.

Here is another.

Presently I enjoy flexible schedules. The extra day off [I have] during the week allows me to spend one-on-one quality time with my 5-year old daughter. She will start kindergarten this fall, which makes these girls-only days especially meaningful for both of us. Additionally, I can schedule many doctors' appointments as well as other appointments for me and my children on this day off. This allows me to save my accrued sick or vacation leave for a time when I really need the sick leave or can take a well planned family vacation.

As a supervisor, I currently have the flexibility in my schedule from week to week. However, my staff are not given the same opportunity, although many of them would be able to utilize and benefit from it.

Kind of interesting to me. Here is the supervisor that has the flex capacity, says that the staff ought to have the same thing. This is really the crux of what we are talking about in this bill.

My staff are not given this same opportunity although many of them would be able to utilize and benefit from it.

She says:

I am reluctant to exercise this advantage, however, of mine because it seems unfair to me that I have something that my employees do not. I understand that this bill would require that this opportunity be afforded to all employees, not just those in management or supervisory positions.

Here is another letter from a constituent:

Time with my children is very important and, unfortunately, working outside the home is important, too. My children will only be young once, and missing parts of their development is a very important part that I can never replace. I would like to better balance my family life and my work life. And I think the Family Friendly Workplace Act is an excellent opportunity for working parents.

Here is a letter from a schoolteacher:

I ask that you support the bill as I think it would be a great benefit to all citizens in this country. As an educator, I feel that this would allow parents time to be in school with their children. Time and time again, parents relate to me that they cannot come to school for conferences or other meetings because they have to work. This bill would allow some flexibility in the workplace.

Another letter. I think this letter is very interesting. This writer used to be a Federal employee and is now working in the private sector. The individual writes:

I have worked in the Federal Government with a flexible schedule based on 80 hours and enjoyed it.''

That means you work an average of 80 hours over 2 weeks.

Now that I have left the Federal work force, I have questioned why this same opportunity is not available to me in the private sector. As an American, this disappoints me greatly. The Government does not have enough confidence in me to allow me to make a decision to not take overtime pay if I exceed 40 hours a week. By pretending to protect me, they have hurt me. My company cannot pay me overtime, so I cannot take time off next week. I would like to see the same benefits that Federal workers have, be offered to the private sector.

Another example is the vacation time,

the writer goes on to say:

What I receive in industry isn't near that what the Federal Government provides. Three-day weekends were great while they lasted—even 4-day weekends allowed the family to get away for a short trip, which is about all we can ever afford anyhow, and I still have discretionary time for kids, doctor visits, and other needs.

Here is a letter from a schoolteacher:

As an elementary teacher I feel parents need to have time off to help in their child's classroom and attend conferences. The children have the real benefit of this bill, if it passes, because they will know that their parents really do care about them and their progress in school.

We will have an opportunity to debate and discuss this matter fully. I thank the majority leader, TRENT LOTT, for allowing us to have this time this afternoon to bring this bill forward. It is pretty clear that the supplemental appropriations will take precedence over this bill when we reconvene next week and that budget matters will have priority and be the subject of our

deliberations. But, because this measure was the next measure to come up after those come before us, the majority leader let us have a start on this important issue this afternoon.

I look forward to the time when these other measures—which are very important and require our attention—will have been settled and we can get back to this all-important issue of allowing workers to have the flexibility to spend time with their families. It is as important as ever to allow workers in the private sector who are paid hourly wages to have the same benefits that Federal Government workers have had since 1978.

So I thank the majority leader for giving us the opportunity to begin this bill now. It will be necessary for us to bring the bill down so we can proceed to other matters. I close by thanking my good friends who have helped in this measure. Perhaps the most responsible for the significant progress we have made is Senator DEWINE of Ohio, in whose subcommittee this bill was heard and whose leadership has resulted in it being one of the first pieces of major legislation brought to the floor during this session of the Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Ohio.

Mr. DeWINE. Mr. President, let me thank my colleague from Missouri for the excellent statement and explanation about his bill and also congratulate him for bringing this bill to the floor. As he stated, we knew as we began the debate today that we would only just get started and that, because of concerns about the budget and other scheduling matters on the floor, we would have to ask to have this bill pulled down temporarily. We will be back on this bill. It is a very important bill to American workers. It is a question of fairness. It is a question of equity. It is a question of really trying to bring our laws up to date to reflect the reality of how people live their lives today, the reality of the American workplace.

It is a bill about eliminating discrimination. The current law, frankly, as we talked about it, does in fact discriminate against hourly workers who are in the private sector who do not have the benefit of working for the Federal Government.

So, at this point I do ask unanimous consent to withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection the motion is withdrawn.

MORNING BUSINESS

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

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

NOTICE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate rule 34 must be filed no later than close of business on Thursday, May 15, 1997. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 13. Any questions regarding the availability of reports should be directed to the Public Records Office. Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics.

THE CULTURAL DECLINE IN AMERICA

Mr. BROWNBACK. Mr. President, I would like to make a few remarks in morning business. Today, as most people recognize, is a national day for prayer. We have also been talking about a very important thing regarding families and a bill that has been put forward to try to help families be able to do their job better.

What I would like to speak about a little bit today is building off of that statement and also off the National Day of Prayer to talk about, overall, the culture of America and what has happened to our Nation, what has happened in our culture. I think it probably would come as no surprise, unfortunately, to most people that our culture is in difficulty and has been having a great deal of problems lately.

I have been looking at and studying this issue for some period of time. Plus, as I travel across my State, as I travel across Kansas, I hear more and more people mentioning how much difficulty they think the culture is in, how much they feel like they are fighting culture just to raise their kids and raise their families. I would like to take the Senate's time for just a few minutes to describe where are we today in this culture. Why do we need things like flexibility for families to be able to be families again? Why do we need to do those things?

Let us look at some of these charts. I apologize ahead of time for how discouraging they are, because they are. As you look at these things—look at this. This is child abuse and neglect reports in America. We are talking, in 1976, about 500,000 of them, which was a lot at that point in time. But consider where we are today: 3 million in 1995 reported, of child abuse and neglect cases reported on an annual basis, 3 million. That is a high percentage of our children being recorded in this. This is a terrible situation and, unfortunately, an indictment of the culture.

Let us look at out-of-wedlock births. This is something that has received a lot of attention overall in our society. Consider where we were in 1960—about 5 percent. And you can go back earlier in time and it stays at about this 3 to 5 percent level. Consider where we are today—30 percent. About one in every three children born in America today is born to a single mom. That is a tough situation. In our inner cities—in the District of Columbia we have here, that figure gets up to nearly 60 to 70 percent.

My wife and I have three children. It is tough enough for two of us to raise them, let alone without flexible time to be able to get off from work, and let alone without being born into a situation where you start out with one parent just at the very outset.

The next chart, violent crimes taking place in our society. Unfortunately, I think everybody knows the situation here, but look at the staggering numbers—staggering numbers. In 1960, we are talking about violent crime offenses—rape per 100,000, we had about between 100 to 200 per 100,000 citizens in the country in 1960. Look at where we are today. We are up at nearly 800 per 100,000 people. Look at that period of time, 1960 to 1993, 33 years, and we go up nearly sevenfold in violent crimes, sevenfold.

My own staff here in Washington, DC, and I have only been here now 4 months, three of them have been burglarized, my own staff here in Washington, DC. This is across the country what is taking place. This is just a horrendous number, if you look at that.

Take a look at this. This one is sad, about the hopelessness of some of our kids in this society. Just think about the concept even of a teenager, somebody who is just looking at getting into life and into what should be the flowering, the spring of his or her life, committing suicide; having, actually, the mental thought that I should end this life. To me that is just—it is almost unthinkable, anyway; abhorrent. What has happened in our culture? These are again per 100,000. We used to have about 3 in 1960. We are up to nearly 12; quadrupled in a 35-year time period, of teens being hopeless. How much more do they reflect the rest of teenagers who have thought about this and decide, well, I am not willing to quite take that step? It has quadrupled in 35 years, in the state of our society.

What about marriages ending in divorce? Do not hear me to say I am perfect or my family is perfect. We have had divorces in our family, too, just like every family in America. But look at the numbers, because they are staggering; they really are. In 1920, about 10 or 11 percent of marriages ended in divorce. Where are we today? Nearly 50 percent; nearly 50 percent. And it affects all families everywhere. It affects my family, too. Look at that.

What does it lead to overall? This is a chart of a Fordham University study on the culture. They have tracked the culture in America since 1970, and they use a whole set of different factors, some of which I would not consider; in others, I would add additional factors. But they overall said the culture, in their objective assessment, has declined from, in 1970, a 73 percent objective number to a 38 percent objective number—in half, the cultural decline in America, in a period—look at the time period we are talking about here—25 years. Is this incredible?

I think on our National Day of Prayer we ought to be praying about the culture. And we ought to be thinking about what we can do ourselves and what we can do corporately in this society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

A SIGNIFICANT ACCOMPLISHMENT

Mr. STEVENS. Mr. President, there are times when I listen to the remarks of another Senator that I realize the statement being made is most significant. That was my feeling recently as I sat next to the junior Senator from Massachusetts. Senator JOHN KERRY spoke to the national meeting of AIPAC—The America-Israel Political Action Committee—here in Washington, DC. This was a bipartisan meeting of AIPAC members from throughout our Nation.

In a strong worded presentation, Senator KERRY made an appeal for the United States to be a true friend of Israel. I, particularly, agreed with my friend as he forcefully said:

As a democracy, Israel has both the burden and the glory of a vigorous public square. We as Americans must be the truest and best kind of ally—both forthright enough to say what we think—and steadfast enough to stay the course during the hard passages as well as the easy ones.

Herzl's famous words—''If you will it, it is no dream''—signify the promise and the greatest power of Israel—and the hope, after half a century, that a fair and secure peace is finally within reach. For our part, we must leave here more committed than ever to support Israel in the exacting, essential, and sometimes tense search for that dream. I think its fair to say that the ashes of Holocaust victims were scattered on the wind.

But that wind also carries on it their prayers and purpose—above mountains and sea, across hundreds or thousands of miles, so that the pain of history is redeemed in the land of Israel. It is a sacred place—for them, for their people who live there, and for all the world. So let us now resolve again that the day will never come for Israel when the redemption is put at risk—when any of us would ever have to repeat Schindler's cry and say: We could have done more.

Mr. President, the days seem to be disappearing when a Senator compliments another Senator who sits on the other side of this aisle by making the Senate aware of a significant accomplishment of a colleague. For myself, I would like to restore that tradition.

Senator KERRY's statement was one of the best I have heard. Mr. President, I ask unanimous consent that Senator KERRY's speech to AIPAC be printed in the RECORD. It is one, I believe, all Members of Congress and many citizens of this great Nation of ours should read, contemplate, and discuss.

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

SENATOR JOHN F. KERRY—ADDRESS BEFORE AIPAC—WASHINGTON, DC—APRIL 7, 1997

I really want to share with you that I am honored to be here tonight—and I'm privileged to stand up here tonight and represent the Senate in bi-partisan fashion—because I share your cause, and I also want to pay you respect for the way that you fight the battle. The way that you do so literally does honor to our democracy. The letters you write, the phone calls you make, involvement in our campaigns, your willingness to come to Washington, your commitment to, and search for the truth, is the way it is supposed to be, and you set an example for this country.

I was delighted to participate just a few days ago with Steven in Boston in a Washington club event. And I think it renewed in me my sense, in the intimacy and in the exchange, the dialogue, that meetings like that really give a continuing vitality to a fundamental truth that Israel and the United States do share great ideas as well as a great alliance; and security of Israel is indispensable to the security of the United States of America.

But you know, in truth, our two nations really share something much more than that, and I think you know it. As Prime Minister Netanyahu stated so eloquently tonight—and what a privilege it was to be able to listen to the truth that he spoke this evening—Israel and the United States are neither of us just a place in the land, a piece of geography; both of us are founded on a shining vision of human dignity and purpose.

The Jewish people have taught the world much about dignity and purpose because they have preserved their vision through two thousand years of exile and persecution. And they had to outlast history's fiercest fires of hate.

Teresa and I watched *Schindler's List* as 25 million other Americans did a few weeks ago. We were obviously left asking, as anyone in their right mind and conscience would, why—why—why? But I remembered my trip to Israel, as we all do. My first visit to Yad Vashem in Jerusalem. And I will never forget one sight there that stood out above all others—not the documents or the photographs as stark as they are—but a small child's single lonely shoe, which brought home to me the incomprehensibility of the Holocaust expressed on the most human of scales.

Again, as I watched this movie about a handful who entered the Nazi hell and returned, a small remnant who proved that millions did not have to perish, I thought of the words of Elie Wiesel about others who could have acted to prevent, to stop, to oppose this crime of the century: ''Not all were guilty,'' he said, ''but all were responsible.''

Schindler himself was a rogue and a philistine, whose transformation was heroic—but it was all too rare. Too many of the God-fearing forgot God. And at the end of the movie, after the Nazis have surrendered and Schindler is preparing to escape, he cries that he had not done all he could have done—or early enough. He could have done more—sold a watch, a lapel pin, a car to secure the lives of others. And so many could have done more in Germany and elsewhere—and yes, done more in America, and in the highest places of power in Washington.

And as we know—and I say we, all of us, with connections of any kind with Israel—anti-semitism did not disappear with the ashes of Auschwitz. Over fifty years after the end of World War II, the ancient evil still stalks our time—striking at Jews around the world and at the Jewish people and the Jewish soul of the state of Israel. What Robert Wistrich called the longest hatred continues to reach far and wide. An explosion ruins a peaceful afternoon in a street cafe in Tel Aviv. There are bombings in a Jewish Community Center in Argentina; the rising popularity of the National Front in France; the prevalence of Skinhead violence and murders in Germany; the arson of Warsaw's last synagogue; the anti-Jewish scape-goating and conspiracy of Louis Farrakhan and the militia groups; the Nazi-like images of Jews in the press in Egypt and Syria, and the blatant anti-Jewish hatred of Hamas proclaiming: ''We worship God by killing Jews.''

These are different sins, but they are rooted in the same anti-Semitic temptation. Some cannot face the truth, or the twisted hates in their own soul, even today in this country, or the rationalizations for the sake of political advantage or profit. As the youth of Europe ask about the Holocaust and challenge their parents about what they did or didn't do, the legacy of collaboration and oppression still emerges from under the rocks of a hidden history. We have just witnessed the end of the myth of Swiss neutrality—and we are beginning to look anew at what happened to the stolen property of Jews in Vichy France and Peronist Argentina.

So the question must be asked: Would active resistance to the Holocaust or the preceding anti-Semitism have made a difference? I am not naive about the brutality with which the Nazis often responded to dissent. But in recent years, from the Philippines to Haiti to South Africa, to the former Soviet union, resistance and dissent—and pressure from the outside—changed the course of events. And it is no excuse for citizens or the Church or other leaders of the world to say that it would not have worked. For the most part, they did not even try—and that is the shame of a century.

So the millions who watched ''Schindler's List'' must contemplate, then amid the tears and heavy hearts, the deeper lesson that we carry out of this blood-stained century. Speaking out against injustice, acting to end bigotry, raising our collective consciousness and looking honestly into the unsparing heart of conscience, and standing up for what is right and hopeful. This is the collective burden—the collective burden and I say privilege of all of us who live today. It is a collective responsibility that we must meet—in our own country—and for so many of us, in the other country of our hearts—the land of Israel.

So we need AIPAC's unwavering voice on this long and winding road to peace in the Middle East. And the journey is harder now than it was a year ago, harder than it was a month ago, harder than it was a few weeks or days ago because we must remind the world that peace is more just than a piece of paper; it is the replacement of death with life, of danger and violence with the laughter of children whose playgrounds no longer need to be guarded with guns, Arab or Israeli. Oh yes—the peace process has delivered a certain amount to Israel—diplomatic, economic, and political benefits—but again in a simple truth—it has not delivered full or real security. It is not peace when seven Israel girls are murdered at the Jordanian border. It is not peace when three more innocent people are killed on the eve of Purim in

Tel Aviv, with fifty more injured—among them many children—cut and bleeding from broken glass and nails embedded into the bomb. It is not peace when people cannot get safely on a bus and arrive home to the embrace and joy of family.

No—that is not peace—but I state emphatically—it is a reason why the peace process must go on—not naively, not in a rush, not on a fragile foundation—but it must go on in a genuine search for real peace—and for the real security which defines peace.

So frankly, we all have to work harder, we have to work harder to make real the peaceful dreams of millions of Israelis and millions of others in the world, who look to part of the world for peace. And all of us cannot continue to be held hostage to Hamas and Hezbollah. We must all of us reject the absurd, dishonest and cruel approach—the propaganda, if you will—from some Palestinians—the attempt by some Arafat advisers—to equate terrorist attacks with Israel's decision to construct new housing in Jerusalem, however controversial that decision may be. It is one thing for the Palestinians and others to hear Prime Minister Netanyahu say it, but I want to say it also: Terrorism is an incontrovertible evil, and an unacceptable response. The idea that every bitter dispute between Israelis and the Palestinians can justify Palestinian violence, or justify Arafat's winking at it, or should warrant the release of yet most Hamas leaders, or could excuse the PLO's failure to rewrite its covenant—all this reflects a moral blindness, a failure of courage that only encourages the cowards, the haters and the killers. As Israel is assailed with almost unrelenting fury and Prime Minister Netanyahu is all but demonized by the world press, the parting cry of Schindler—I could have done more—that cry ought to resonate in this room. Are we speaking up enough against a one-sided enforcement of the Oslo Accords? Are the supporters of Israel who did not support Netanyahu now less willing to rebut inaccuracies and attacks than they were when Rabin and Peres were in office? Did too many people just breath a sign of relief when Israel in a single day carried out the withdrawal from Hebron rather than shouting their support in words, letters and op-eds? Will we demand again and again that Iran, Iraq, and Syria be held accountable for Hezbollah and Hamas? Will we insist, over and over, that our Arab friends must move forward with full diplomatic relations with Israel? Will we make clear that the reinstitution of the Arab boycott of Israel is not only morally repugnant but unacceptable to all Americans?

Let me say to you with humility and respect that this all must happen first of all in AIPAC—or it will not happen at all. Now I know that not everyone in this room completely shared the vision of Rabin or Peres about the peace process. Just as I know that not everyone in this room today shares the vision of Prime Minister Netanyahu. Nor is that diversity of opinion here different from what is going on in Israeli living rooms or in the Knesset. There is a distrust of the process, of Arafat, and there is division over how to proceed—or in some quarters whether to proceed at all. But one thing is clear, you know and we know it, an overwhelming majority of people—there and here—seek, work and pray for peace—not a passing illusion—but the reality of a solid, meaningful, secure and reliable peace. As Americans, we owe it to our Israeli partners to stand with them so that they can negotiate from greater strength—to be an ally beside them, not an ally that undermines them. Israel will and should choose its own leaders, its own policy, its own bargaining position; and the United States cannot and should not dictate the outcome.

Let me state it as plainly as I can: The U.N. Security Council has no right to impose insecurity on Israel. President Clinton was right to veto the Security Council resolution on Har Homa—and the United States can and should veto any other similar, one-sided measures that bring discredit on nations such as France and Russia—whose own anti-Semitic records now rebuke their anti-Israel votes.

And I also say to you that for the parties to move ahead—and I believe they will—for the peace to proceed—and I believe it will—AIPAC must be both vigilant and tireless. Legitimate criticism of Israel should be heard, yes. But malicious charges without foundation have no place in our policy debates—as when a shameless Syria sought to blame Israel for intra-Syrian terrorism in Damascus. Last month, on national television, repeated media questions about Israel's alleged failure to carry out its obligations in Hebron were forcefully rebutted by the State Department's Dennis Ross. But they easily could have been accepted by a less knowledgeable guest. It is critical—and this is your role, and ours, as we listen to you—critical that the American public be kept accurately informed about the obligations of Palestinians—and whether they are being fulfilled. What Prime Minister Netanyahu calls lapses in reciprocity are not side issues, but central ones. Such lapses wouldn't be accepted in our arms reduction talks with Yeltsin, they wouldn't be accepted in our trade negotiations with China. How can they be ignored in the life or death arena of the Middle East? Signed agreements have to mean something. They build confidence. They are the road to future negotiations. And broken commitments—or neglected ones—foretell other betrayals to come. Both parties must be held to the same high standard.

In each of my visits to Israel, I have had the privilege of seeing first-hand the special dangers of the Middle East, and of beginning to comprehend the special nature of the Middle East. On one occasion I became an honorary Israeli Air Force pilot when I was allowed to fly an air force jet from the Ovda Airbase. I want you to know it did not come easily. I was frustrated, at one of those terrible, boring luncheons when you're on those journeys, and this great colonel—he was an ace in the war, several times an ace—was sitting next to me, and I'm a pilot and I love to fly every chance I get. And I kept saying, you're sure Tel Aviv won't let me go flying? And finally I persuaded him to make a last phone call, and he came back to me in the middle of a meal, and said to me, ''Senator, I hope you haven't eaten too much. We're going flying.''

So I raced down to the tarmac, and they had a helmet and a suit for me, and put me in the front seat. He said ''I don't have time to do the run-up with you or anything, but the minute we're off the ground, it's your airplane.'' And I said, boy this guy is trusting. I didn't even tell him if I'd ever flown a jet before. So we took off into the sky, he gave me the airplane the moment we took off, and the next thing I know, he says point-blank into my helmet, ''Senator, you are about to go into Egypt airspace.'' So I immediately ground the stick in and turned, and within a matter of minutes, this United States Senator came close to violating the airspace of Egypt, Jordan, and Syria. let me tell you something, I learned a magical lesson: The promise of peace must be secure before the promised land is secure on a thin margin of land.

Back on the ground on that first trip, I, like so many of my colleagues, toured the beautiful country from Kibbutz Mizgav Am to Masada to the Golan. I stood in the very shelter in a kibbutz in the north where children were attacked and I looked at launching sites and impact zones for Katousha rockets. And like many visitors, I was enthralled by Tel Aviv, moved by Jerusalem and inspired by standing above Capernum, looking out over the Sea of Galilee, where I was bold enough to read aloud the Sermon on the Mount to those who were traveling with me. And I met people of stunning commitment, who honestly and vigorously debated the issues as I watched and listened intently. I went as a friend by conviction; I returned a friend at the deepest personal level with new connections, new understanding.

Who would have thought so much would have changed since that first journey of 1986. But still the Middle East remains a place of deep and disturbing contradictions. Israel's oldest Arab peace partner—Egypt—has a press obsessed with Nazi-like images of Jews and Israel. At the same time, a Jordanian soldier murders seven Israeli school girls and Jordan's King Hussein pays a personal, poignant, eloquent and historic shiva call on their families.

Through all these contradictions let no one doubt the importance of the road we are on, for the truth is that Hussein's beautiful gesture to a nation all too used to mourning alone is a symbol of real progress. Without Oslo, it would not have happened. It's not that sympathy calls make the peace process worthwhile; it's that bridges between leaders and their people are being built.

Needless to say, there is a very long journey yet ahead of us, and we must march through criticism abroad, and at home, and internally, and in Israel.

As a soldier in Vietnam, who came home to oppose the war, I must say to you that I don't see that kind of criticism as being unpatriotic. For nations like Israel and America that are founded on principles and not just as places, dissent can be the loyalist act of all, and lively debate the living proof of freedom.

As a democracy, Israel has both the burden and the glory of a vigorous public square. We as Americans must be the truest and best kind of ally—both forthright enough to say what we think—and steadfast enough to stay the course during the hard passages as well as the easy ones.

Herzl's famous words—''If you will it, it is no dream''—signify the promise and the greatest power of Israel—and the hope, after half a century, that a fair and secure peace is finally within reach. For our part, we must leave here more committed than ever to support Israel in the exacting, essential, and sometimes tense search for that dream. I think it's fair to say that the ashes of Holocaust victims were scattered on the wind. But that wind also carries on it their prayers and purpose—above mountains and sea, across hundreds or thousands of miles, so that the pain of history is redeemed in the land of Israel. It is a sacred place—for them, for their people who live there, and for all the world. So let us now resolve again that the day will never come for Israel when the redemption is put at risk—when any of us would ever have to repeat Schindler's cry and say: We could have done more.

I might say to you on a personal note that that imperative has been clear since long before the Holocaust. I learned it and I learned how long it has endured in an emotional moment on top of Masada, when I stood on that great plateau where the oath of new soldiers used to be sworn against the desert backdrop and the test of history. I spent several hours with my guide and friend Yadin Roman. On top, we argued, we debated, at his insistence whether or not in fact Josephus Flavius was correct in his account of the siege—whether these really were the last Jews fighting for

survival—whether they had escaped since no remains were ever found. And we journeyed back and forth through the possibilities and finally, after our journey through history—which we resolved with a vote in favor of history as recorded—Yadin motioned to me and said come over here and stand with those that we were travelling with, and we stood at the edge of the chasm looking out across the desert, across to the mountains at the other side. And we stood as a group, and altogether, at his command, we shouted across the chasm—across the desert—across the silence—Am Yisrael Chai. And back a slow, echoing voice speaking to us through history came the word Am, Yisrael Chai. Israel lives. The State lives. The people of Israel live. And that is the cause of America, it is the cause of people of conscience all across this planet, and that is why I am proud to be here with you tonight.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

ADOPTION PROMOTION ACT

Mr. DEWINE. Mr. President, I think our friends in the House of Representatives deserve a great deal of praise for what they did yesterday. They passed a bill that would save the lives of many gravely threatened young people in this country. I am referring, of course, to the Adoption Promotion Act of 1997, the Camp-Kennelly legislation, which passed the House by an overwhelming vote of 416 to 5.

For the children in foster care in this country, the average time they spend in foster care is almost 2 years. That is just the average time. These 2 years are often the most important time in that child's development. We need to do everything we can to get these children in safe, stable, permanent, loving adoptive homes.

Why are these children being kept in foster care for so long? I said the average time was 2 years. Sometimes it is 3, 4, 5 years. Sometimes the most important years of their lives are spent in foster care, and sometimes they move from foster home to foster home to foster home. Why do they get shoved from one home to another? Why do they spend so many years in foster care? One reason is that, in some of these cases, the child protective services feel hemmed in by a misinterpretation of a Federal law, a well-intentioned Federal law that this Congress passed in 1980, a law that has done a great deal of good, but a law that contains one provision that I believe has caused a great deal of harm and has caused a great deal of confusion.

Under this 1980 law, the Federal Child Welfare Act, for a State to be eligible for Federal matching funds for foster care expenditures, that State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide, that in each case, reasonable efforts will be made, first, prior to the placement of a child in foster care to prevent or eliminate the need for removal of a child from his home and, second, to make it possible for the child to return to his home.

In other words, Mr. President, no matter what the particular circumstances of a household may be, the State must make reasonable efforts to keep that household, that family together, and then to put it back together if it falls apart.

There is very strong evidence, evidence that I have seen firsthand as I have traveled the State of Ohio and talked to people who are professionals in this field, talked to judges, talked to child services workers, very strong evidence that reasonable efforts have, in some cases, become extraordinary efforts, efforts to keep families together at all costs, efforts to keep families together that are families really in name only. This has resulted in children being put back in abusive homes, put back in situations where no child should have to exist or live.

Every day in this country, three children die of abuse or neglect. Children who are being abused by their parents should simply not be reunified with those parents. That is common sense. The legislation passed yesterday by the House of Representatives makes it clear, by an overwhelming vote, that this is what the House thinks.

Now is the time for the Senate to take action. We have a very good piece of legislation, the Chafee-Rockefeller bill, of which I am honored to be a cosponsor, that has been introduced in this body. It is a piece of legislation that contains many good provisions. One of the provisions it contains is identical language to what the House passed yesterday to simply say what we all know in our heart was intended by the 1980 act, and that is, yes, we should make reasonable efforts to put families back together, we should try to help them, but—but—when those decisions are made at the local, county level or city level, the people who make those decisions must always put safety and the welfare of that child first. The safety of the child must always be paramount. That is good common sense; it is good legislation.

We are halfway there. Now is the time for the U.S. Senate to complete the action and send that bill on to the President. The President has already said that he supports this language, that he supports this concept, that there is, in fact, a problem. The Senate should act very quickly and move on this legislation and really plug this loophole, which has caused a great deal of pain and many problems for our young people in this country today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Missouri.

NATIONAL DAY OF PRAYER

Mr. ASHCROFT. Mr. President, May 1 is a special day in the United States of America. It has been designated and observed as a national day of prayer. Citizens across the country—having recognized that those of us in positions of responsibility need the kind of wisdom to allow us to make good decisions—have today been observing this National Day of Prayer in our behalf. I rise to thank them.

Abraham Lincoln, in the midst of the crisis that perhaps did more to threaten this country and at the same time, more to unify it than any other crisis in history, continued to have a strong commitment and dedication to the concept of prayer when he called upon the Nation to reserve a time for repentance, for introspection, and for prayer.

This Nation has survived great challenges—yet still faces great challenges. I believe that its success in the face of challenge in large measure is due to the fact that people have prayed.

A couple thousand years ago, when the Apostle Paul was writing a letter to his friend Timothy, he advised Timothy to say, ''Pray for each other and pray especially for those who are in authority that we may lead quiet and peaceable lives in all Godliness and honesty.''

I think that was good advice 2,000 years ago, and it is good advice today.

I rise today, as we close this day in the U.S. Senate, to say to those Americans who have been a part of this observance, referred to as the ''National Day of Prayer,'' thank you for your prayers and, as a matter of fact, I think all America owes a debt of gratitude to those who have carried the well-being and welfare of this country to God in prayer on a regular basis. It is with that in mind that I believe the National Day of Prayer is a strong symbol that we have prayer all year—on a continuing basis so that we might do things that advance the very cause for which I think God sent his Son to the world—that we might live life and live it more abundantly. That is the true position of Government, that we would create conditions under which people could live and live in greater abundance and greater freedom.

So I take this moment to reflect upon those who have cared enough to pray for us and to extend to them my appreciation for what they have done in our behalf.

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

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

EXPRESSION OF GRATITUDE FOR PATTY MCNALLY, EXECUTIVE ASSISTANT PROTOCOL OFFICER

Mr. LOTT. Mr. President, I rise today to express the deep gratitude of the Senate to Ms. Patty McNally, Executive Assistant and Protocol Officer in the sergeant at arms' office, who is retiring after more than 20 years of dedicated public service in the Senate.

As the chief protocol staffer in the sergeant at arms office, Patty's responsibilities have included coordinating joint sessions of Congress, swearing-in ceremonies, serving many long hours as the Sergeant at Arms representative on the Joint Congressional Inaugural Committee, and the more somber occasions of state funerals. Patty also was responsible for making the protocol and security arrangements for the numerous visits to the Senate heads of states and other dignitaries from around the world.

In 1987, Patty played an important part in the making of Senate history, as she arranged and coordinated the transportation of the Senate delegation to Philadelphia to participate in a very special joint session of Congress that commemorated the bicentennial of the Constitution.

Mr. President, Patty has made substantial contributions to this institution and in the celebration of democracy. Today, we celebrate her contribution and wish her the very best in her new life with her family and friends, and we will envy the view from her home of the Nubble Light House.

THE STORYTELLER IN STONE

Mr. DASCHLE. Mr. President, this Saturday, May 3, marks the 50th anniversary of sculptor Korczak Ziolkowski's arrival in the Black Hills to accept the invitation of the Lakota to create a memorial to honor the great warrior and chieftain, Crazy Horse. Carving this great monument in the mountain became his life's work, and indeed, the life's work of generations of his family.

He was joined at Thunderhead Mountain by Ruth Ross on June 21, 1947, who is now a dear friend of mine. The two married 3 years later, and together they made a life raising their 10 children and slowly shaping the mountain into the form of Crazy Horse, sitting atop his steed with his arm outstretched toward the homelands of the Lakota. Its scale is difficult to comprehend. His face alone is so large that all four faces carved on Mount Rushmore could fit on its expanse. When it is finished, the sculpture will be taller than both the Washington Monument and the Great Pyramids. These figures are made all the more remarkable by the fact that all of the work at the memorial is privately financed, with no support from Government funds. Although Korczak died in 1982, Ruth and the children have proudly carried on with this vision.

No less remarkable is the extraordinary effort made by the Ziolkowski family to educate thousands about the lives of Crazy Horse and the Lakota people, and to improve the lives of Native Americans around the country. Through the Crazy Horse Memorial Foundation, the family oversees a cultural and educational center offering college courses, a research library, the Indian Museum of North America and educational outreach programs. In addition, the Crazy Horse Memorial Native American Scholarship Program has already awarded a total of $175,000 in educational grants. Ultimately, the family hopes to fulfill Korczak's dream of opening a university and medical center on these grounds.

Korczak liked to call himself a ''storyteller in stone,'' and believed that the monument was a noble offering to a man who led his people in battle at Little Bighorn and died before surrendering himself to a white man's prison. I commend Ruth and all the Ziolkowski family in their 50th year of fulfilling this vision.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 30, 1997, the Federal debt stood at $5,353,971,314,439.39. (Five trillion, three hundred fifty-three billion, nine hundred seventy-one million, three hundred fourteen thousand, four hundred thirty-nine dollars and thirty-nine cents)

Five years ago, April 30, 1992, the Federal debt stood at $3,891,974,000,000. (Three trillion, eight hundred ninety-one billion, nine hundred seventy-four million)

Ten years ago, April 30, 1987, the Federal debt stood at $2,268,145,000,000. (Two trillion, two hundred sixty-eight billion, one hundred forty-five million)

Fifteen years ago, April 30, 1972, the Federal debt stood at $1,065,660,000,000 (One trillion, sixty-five billion, six hundred sixty million) which reflects a debt increase of more than $4 trillion—$4,288,311,314,439.39 (Four trillion, two hundred eighty-eight billion, three hundred eleven million, three hundred fourteen thousand, four hundred thirty-nine dollars and thirty-nine cents) during the past 15 years.

RETIREMENT OF PAUL KAMINSKI, UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Mr. LEVIN. Mr. President, next week Dr. Paul Kaminski will step down after an extraordinary 3-year tenure as Under Secretary of Defense for Acquisition. In this short period of time, Dr. Kaminski and his acquisition team at the Pentagon have made dramatic steps to turn our procurement culture around, making it more flexible, more creative, and smarter.

Under Dr. Kaminski's leadership, the Department of Defense has successfully implemented three major pieces of acquisition reform legislation: Federal Acquisition Streamlining Act, the Federal Acquisition Reform Act, and the Information Technology Management Reform Act. Those of us who worked hard to enact this legislation appreciate the energy that Dr. Kaminski and others have dedicated to putting it into practice.

But the turnaround in the procurement culture has required far more than the implementation of new laws. Dr. Kaminski and his team have placed the Department of Defense at the forefront of acquisition reform by doing the hard work to revise and simplify thousands of military specifications, to implement streamlined management practices through integrated process teams and the single process initiative, and to make acquisition reform work where the rubber meets the road in tens of thousands of individual contracts awarded every year.

Under Dr. Kaminski's leadership, the Department of Defense has substantially reduced acquisition lead times, reduced the layers of redtape that have often burdened the acquisition system, accelerated the process of incorporating emerging commercial technologies into weapons systems, and simplified the small purchases through the use of the IMPAC credit card. Most impressive of all, Dr. Kaminski has achieved all of this while skillfully managing a steep reduction in the size of the acquisition work force—the career professionals who have borne the brunt of implementing the new acquisition system.

The Congress and the Nation owe Dr. Kaminski a debt of gratitude for his selfless service to the interests of the taxpayer and the national defense. I know my colleagues join me in wishing Paul all the best in the future.

MESSAGES FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 867. An act to promote the adoption of children in foster care.

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–1775. A communication from the Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a report relative to the Defense Commissary Agency; to the Committee on Armed Services.

EC–1776. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the operations and maintenance budgets for fiscal year 1998; to the Committee on Armed Services.

EC–1777. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the F–22 aircraft program; to the Committee on Armed Services.

EC–1778. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to cross-servicing and acquisition actions; to the Committee on Armed Services.

EC–1779. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report on the preservation

of minority savings institutions for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1780. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to federally insured credit unions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1781. A communication from the Under Secretary of State and the Under Secretary of Commerce, transmitting jointly, pursuant to law, the report on improving export mechanisms and on military assistance for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1782. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, three rules including a rule entitled ''Protection and Enhancement of Environmental Quality'' (FR2206, 4031, 4070) received on April 25, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1783. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled ''Overflight Payments to North Korea'' received on April 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1784. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled ''Blocked Persons'' received on April 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1785. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report relative to the employment rights of veterans; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 79. A resolution to commemorate the 1997 National Peace Officers Memorial Day.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 476. A bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Vice Adm. Roger T. Rufe, U.S. Coast Guard, to be Commander, Atlantic area, U.S. Coast Guard, with the grade of vice admiral while so serving.

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

Triruvarur R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of 4 years. (Reappointment)

Andrew J. Pincus, of New York, to be general counsel of the Department of Commerce.

Kenneth M. Mead, of Virginia, to be inspector general, Department of Transportation.

Rear Adm. James C. Card, U.S. Coast Guard, to be Commander, Pacific area, U.S. Coast Guard, with the grade of vice admiral while so serving.

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably four nominations lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORD on January 7, February 5 and 11, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 7, February 5 and 11, 1997, at the end of the Senate proceedings.)

The following cadets of the U.S. Coast Guard Academy for promotion to the grade of ensign:

Kelley Elizabeth Abood
Frances Ann Tirad Bacayo
Zachary Justin Bagdon
Hilary Ann Baine
Matthew Patrick Barker
Ian Adam Bastek
Michael William Batchelder
Joshua David Bauman
Jennifer Lydia Becher
Sean Cornell Bennett
Tracy Desterheld Berg
Heather Lin Bloomquist
Kenneth Jeffrey Boda
Scott Gerald Borgerson
David Leonard Bradley IV
Jacqueline Marie Brunette
Craig Donald Burch
Mechelle Elizabeth Burdick
Jeffrey Christopher Bustria
Belinda I. Cachuela
Michael Joseph Capelli
Willie Lee Carmichael
Scott Stephen Casad
William Bartley Cassels
Robert Carlton Compher
Chad William Cooper
Derek Lane Cromwell
Cornelius Edward Cummings
James Dart
Michael S. Degon
Steven Andrew Deveau
John Thomas Dewey
John Richard Dittmar
Tiffany Pamela Drumm
Jerome Edward Dubay
Damon Christian Edwards
Jeffrey Eldridge
Ranshaan Engrum
Theodore Joseph Erdman
Joann Feigofsky
Sarah Kathleen Felger
Christine Fern
Kevin Bertram Ferrie
Elaine Liza Marie Fitzgerald
Taina Haydee Fonseca
Nicolas Todd Forst
John Peter Fox
Michael Edwin Frawley
Glen James Galman
John Withner Garr
Morgan B. Geiger
David Lee Gibson
Michael J. Goldschmidt
David Vincent Gomez
Michael David Good
Hans Christian Govertsen
Matthew Aaron Green
Timothy Aaron Greten
Charles Michael Guerrero
Tim A. Gunter
Robert Edward Hart
Erin Marlene Healey
Wayne Michael Helge
Jonathan Nils Hellberg
Scott Charles Herman
Shannon Marie Heye
Wesley Karl Hout
Joel Alexander Huggins
Christopher James Husler
David Frederick Hunter
Thea Iacomino
Samuel Johnson II
Daniel Christopher Jones
James Jarrod Jones
Eric James Kampert
Kerry Georgia Karwan
Sean R. Katz
Michael Andrew Keane
Peter Joseph Keel
Jared Ethan King
Bradley James Klimek
Michael Stephen Krause
Damian Joseph Kuczma
Charles Frederick Kuebler
Talisha Lawrence
Christian Anthony Lee
Brian Joseph Lefebvre
David Wesley Leone
John B. Lindahl
Lexia Monique Littlejohn
Orlando Carlos Lovell
Kevin Paul Lynn
Ian Mitchell MacGregor
Kevin Christopher Mahoney
Brian Wade Maier
Edzel Dela Cruz Mangahas
Eric D. Martenson
Jennifer Joy Martin
Eric David Masson
John Francis McCarthy
Christopher Allen McMunn
Camilla Beth Messing
Andrew David Meverden
Timothy George Meyers
Fay Juyoun Miller
Peter James Mitchell
Peter Michael Morehouse
Corey Richard Morrison
Anne Marie Morrissey
Justin Thomas Moyer
Kenneth Tyson Nagie, Jr
Kenneth Eric Nelson
Allison Genevieve Nemec
Pierina Marie Noceti
Francis J. O'Connell
David Joseph Obermeier
Sean James O'Brien
Jason William Olguin
Tiffany Renae Olson
Rebecca Ellen Ore
Timothy Alexander Pasek
Tana Marie Payne
Scott William Peabody
Luke Andes Perciak
Arturo Saldana Perez
Richard Graham Perkins
Justin David Peters
Harper Lee Phillips
Scott Satoshi Phy
Frank Allen Pierce
Christopher Michael Pisares
Krysia Victoria Pohl
Steven Edward Ramassini
Joshua Taylor Ramey
Jaime Stalin Ramos
Travis Jeremy Rasmussen
Gregory Charles Rau
Rodrigo Gunther Rojas
Dustin Main Romey
Matthew A. Rudick
David James Schell
Clint Brian Schlegel
Diana Lane Sharp
David Matthew Sherry
Anna Won-Min Slaven
Amy Leigh Sloan
Shad Sammual Soldano
Gabriel W. Solomon
James William Spitler
John Michael Stone
Raymond L. Swetland
Romualdus Matthias Ten-Berge, Jr.
Bruce A. Thibault
Craig Stuart Toomey
Christopher Andrew Tribolet
Clinton Albert Trocchio
Michael Anthony Turdo
Bryan James Ullmer
Chris Mark Upham
James Allen Valentine
Eva Jayoung VanCamp
Nathan John Veirs
Greg Edward Versaw
Carlito Rodriguez Vicencio
Kevin David Wallace
Stephen Matthew Ward
Tyson Scott Weinert
Tamara Nichole Wilcox
Nathaniel Remington Williams
Nicholas Laurence Wong
Andrew James Wright

The following regular officers of the U.S. Coast Guard for promotion to the grade of rear admiral (lower half):

Thomas J. Barrett
James D. Hull
John F. McGowan
George N. Naccara
Terry M. Cross

The following individual for appointment as a permanent regular commissioned officer in the U.S. Coast Guard in the grade of lieutenant:

Brenda K. Wolter

The following regular officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Robert C. North	John T. Tozzi
Timothy W. Josiah	Thomas H. Collins
Fred L. Ames	Ernest R. Riutta
Richard M. Larrabee III	

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL:

S. 675. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Finance.

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

S. 676. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

By Ms. MOSELEY-BRAUN:

S. 677. A bill to amend the Immigration and Nationality Act of 1994, to provide the descendants of the children of female United States citizens born abroad before May 24, 1934, with the same rights to United States citizenship at birth as the descendants of children born of male citizens abroad; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 678. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 679. A bill for the relief of Ching-hsun and Ching-jou Sun; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 680. A bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on loans for higher education, to provide for education savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 681. A bill to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the ''David W. Dyer Federal Courthouse''; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. FORD):

S. 682. A bill to amend title 32, United States Code, to make available not less than $200,000,000 each fiscal year for funding of activities under National Guard drug interdiction and counterdrug activities plans; to the Committee on Armed Services.

By Mr. STEVENS:

S. 683. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. GRAMS, Mr. JOHNSON, and Mr. WELLSTONE):

S. 684. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to local educational agencies in cases of certain disasters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 685. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. HUTCHINSON, and Mr. TORRICELLI):

S. 686. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on Armed Services.

By Mr. JEFFORDS:

S. 687. A bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (by request):

S. 688. 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. BROWNBACK (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. STEVENS, Mr. HOLLINGS, Mr. HELMS, Mr. MOYNIHAN, Mr. COCHRAN, Mr. DODD, Mr. WARNER, Mr. HARKIN, Mr. NICKLES, Mr. BIDEN, Mr. DOMENICI, Mr. GLENN, Mr. HATCH, Mr. KERRY, Mr. SPECTER, Mr. BREAUX, Mr. GRAMM, Mr. LIEBERMAN, Mr. SHELBY, Mrs. FEINSTEIN, Mr. JEFFORDS, Ms. MOSELEY-BRAUN, Mr. COATS, Mr. REID, Mr. MACK, Mr. CRAIG, Mr. CAMPBELL, Mr. FAIRCLOTH, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. INHOFE, Mr. DEWINE, Mr. SANTORUM, Mr. ASHCROFT, Mr. ABRAHAM, Mr. FRIST, Mr. HUTCHINSON, Mr. SMITH of Oregon, Ms. COLLINS, Mr. ENZI, Mr. ROBERTS, and Mr. SESSIONS):

S. 689. A bill to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. ROBB):

S. 690. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare program; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. LEVIN, Mr. D'AMATO, Mr. HARKIN, Mr. CLELAND, Mr. GREGG, Mr. AKAKA, Mr. LEAHY, Mr. FORD, Mrs. FEINSTEIN, Mr. ROBB, Mr. WARNER, and Mr. STEVENS):

S.J. Res. 29. A joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 675. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Finance.

THE EQUINE TAX FAIRNESS ACT OF 1997

Mr. MCCONNELL. Mr. President, I rise today to introduce a bill to amend the Internal Revenue Code to modify application of passive loss limitations to horse activities.

This week the eyes of the sporting world are focused on the 123d running of the Kentucky Derby at Churchill Downs in Louisville, KY. While it is considered one of the greatest sporting events in the world, the Kentucky Derby is part of a much larger and broader horse industry—one that has a $112 billion economic impact in the United States and supports 1.4 million jobs.

Whether it is owning, breeding, racing, or showing horses—or simply enjoying an afternoon ride along the trail—1 of 35 Americans is touched by the horse industry. There are 6.9 million horses in the U.S. involving more than 7.1 million Americans as horse owners, service providers, employees and volunteers. In Kentucky alone, the horse industry has an impact of $3.4 billion, involving 150,000 horses and 52,900 employees.

What supports the industry—including the job base, the breeding farms, and the revenue stream in the form of $1.9 billion in taxes to all levels of government—is the investment in the horses themselves. The horse industry relies on outside investment to operate, just as other businesses do. Without others willing to buy and breed horses, the 1.4 million jobs supported by this industry are at stake.

Since the Tax Reform Act of 1986, the horse industry has experienced a near-devastating decline with job losses occurring at racetracks, horse farms, and industry suppliers. In addition, hundreds of breeding farms have gone out of business. Most horse owners and breeders believe that the limits on passive losses are a major reason for the decline as well as for the chilled interest of investors in horses. Since the mid-1980's, the number of horses bred and registered has decreased—leading to losses in jobs and revenues for the States.

The 1986 act indicates that in order to satisfy the material participation requirement, a person's involvement must be regular, continuous, and substantial. However, the horse industry is unique, and the passive loss rules are difficult for some to satisfy. Because of the expertise and physical ability that is required, many owners cannot ride, train, breed and show their horses.

The bill I introduce today will alter these requirements to make them fair, workable, and enforceable. I ask unanimous consent that it be printed in the RECORD.

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

S. 675

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 ''Equine Tax Fairness Act of 1997''.

SEC. 2. APPLICATION OF PASSIVE LOSS LIMITATIONS TO EQUINE ACTIVITIES.

(a) DETERMINATION OF MATERIAL PARTICIPATION.—Subsection (h) of section 469 of the Internal Revenue Code of 1986 (defining material participation) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF EQUINE ACTIVITIES.—

''(A) IN GENERAL.—A taxpayer shall be treated as materially participating in an equine activity for a taxable year if—

''(i) the taxpayer's participation in such activity for such year constitutes substantially all of the participation in the activity of all individuals for such year, other than individuals—

''(I) who are not owners of interest in the activity,

''(II) who are retained and compensated directly by the taxpayer, and

''(III) whose activities are subject to the oversight, supervision, and control of the taxpayer, or

''(ii) based on all of the facts and circumstances, the taxpayer participates in the activity on a regular, continuous, and substantial basis during such year, except that for purposes of this clause—

''(I) the taxpayer shall not be required to participate in the activity for any minimum period of time during such year, and

''(II) the performance of services by individuals who are not owners of interests in the activity shall not be considered if such services are routinely provided by individuals specializing in such services and such services are subject to the oversight, supervision, and control of the taxpayer.

''(B) PARTNERS AND S CORPORATION SHAREHOLDERS.—Subject to paragraph (2), the determination of whether a partner or S corporation shareholder shall be treated as materially participating in any equine activity of the partnership or S corporation shall be based upon the combined participation of all of the partners or shareholders in the activity.

''(C) EQUINE ACTIVITY.—For purposes of this paragraph, the term 'equine activity' means breeding, racing, or showing horses.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 501 of the Tax Reform Act of 1986.

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

S. 676. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

THE CHARITABLE EQUITY MILEAGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, in the past week, we have heard a great deal of discussion regarding voluntarism in America. In Philadelphia, President Clinton has been joined by former President Bush and former Chairman of the Joint Chiefs of Staff, Colin Powell, in what has been styled a voluntarism summit.

On the floor of the Senate, we have been attempting to move legislation, which I believe should not be controversial, that would protect volunteers from fear of legal actions resulting from their efforts. I would hope that the impasse over this bill could be broken and we could move forward on this important bill.

In the spirit of encouraging more volunteer efforts in America, I am today introducing the Charitable Equity Mileage Act of 1997. This bill will increase the standard mileage rate deduction for charitable use of an automobile from 12 cents a mile to 18 cents a mile. I think this bill should be unanimously supported by my colleagues on both sides of the aisle.

Mr. President, many of our citizens who volunteer for charitable activities incur expenses for which they are not reimbursed. For example, when an individual uses his or her automobile to deliver a meal to a homebound elderly individual, or to transport children to Scouting activities, the volunteer usually pays the transportation cost out of pocket with no expectation of reimbursement.

I believe the costs associated with charitable transportation services ought to be deductible at a rate which fairly reflects the individual's actual costs. This is especially important for volunteers living in rural States who have to travel long distances to provide community services.

Congress in 1984 set the standard mileage expense deduction rate of 12 cents per mile for individuals who use their automobiles in connection with charitable activities. At the time, the standard mileage rate for business use of an automobile was 20.5 cents per mile. In the intervening 13 years, the business mileage rate has increased to 30.5 cents per mile but the charitable mileage rate has remained unchanged at 12 cents per mile because Treasury does not have the authority to adjust the rate.

By raising the charitable mileage rate to 18 cents a mile, my legislation restores the ratio that existed in 1984 between the charitable mileage rate and the business mileage rate. In addition, the legislation authorizes the Secretary of the Treasury to increase the charitable mileage rate in the same manner as is currently allowed for business mileage expenses.

All of us agree that with the changing role of the Federal Government, we need to do more to encourage voluntarism in our country. Volunteers who provide transport services should be allowed to deduct such costs at a rate which fairly reflects their true out-of-pocket costs. That is precisely what this bill does and I urge my colleagues to join with me in sponsoring this important legislation.

Mr. President, I have a letter of support for my bill from the American Legion and I ask unanimous consent that this letter be printed in the RECORD.

I further ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 676

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 ''Charitable Travel Equity Act of 1997''.

SEC. 2. INCREASE IN STANDARD MILEAGE RATE EXPENSE DEDUCTION FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

(a) IN GENERAL.—Section 170(i) of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

''(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—

''(1) GENERAL RULE.—Except as provided in paragraph (2), for purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be 18 cents per mile.

''(2) TAXABLE YEARS BEGINNING AFTER 1998.—Not later than December 15 of 1998, and each subsequent calendar year, the Secretary may prescribe an increase in the standard mileage rate allowed under this subsection with respect to taxable years beginning in the succeeding calendar year if the Secretary determines that such increase is necessary to reflect increased costs in the use of passenger automobiles.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1996.

THE AMERICAN LEGION,
Washington, DC, April 24, 1997.

Hon. FRANK MURKOWSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MURKOWSKI: The American Legion fully supports the ''Charitable Travel Equity Act of 1997,'' to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

Not only does The American Legion applaud the increase in the mileage rate deduction, but more importantly this measure fixes the problem that has not allowed for incremental increases without an act of Congress action. The standard mileage rate deduction for business use of passenger automobiles has increased significantly while no adjustments were made in the charitable use rate. Granting the Secretary the authority to make prescribed adjustments will provide fairness and promote additional volunteerism.

Thank you for your continuous leadership on behalf of America's veterans and their dependents.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

By Ms. MOSELEY-BRAUN:

S. 677. A bill to amend the Immigration and Nationality Act of 1994, to provide the descendants of the children of female U.S. citizens born abroad before May 24, 1934, with the same rights to U.S. citizenship at birth as the descendants of children born of male citizens abroad; to the Committee on the Judiciary.

THE EQUITY IN TRANSMISSION OF CITIZENSHIP ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I am introducing a bill today that will amend legislation written by my former colleague, the distinguished Senator from Illinois, Paul Simon, and enacted into law. Three years ago, Senator Simon was the leader in enacting the Immigration and Nationality and Technical Corrections Act of 1994. My bill seeks to add a further correction to the Immigration and Nationality Act, so that the spirit and intent of Senator Simon's work is enacted into law.

Prior to 1934, a child born overseas to a U.S. father and a foreign mother was recognized by the United States as a U.S. citizen. However, a child born overseas to a U.S. mother and a foreign father was considered to be a foreign national, not a U.S. citizen. Effectively, therefore, before 1994, U.S. fathers could pass on their citizenship to children born overseas, but U.S. mothers could not. Senator Simon sought to remedy this gender inequality by automatically granting U.S. citizenship to those individuals born overseas to U.S. mothers before 1934. Under his legislation, the Immigration and Nationality and Technical Corrections Act of 1994, the children of American mothers and foreign fathers became U.S. citizens.

His legislation also contained language to address the third generation—the children of these children. It is likely that the grandchildren of the U.S. mothers and foreign fathers would have been U.S. citizens had their children been U.S. citizens. Therefore, the 1994 law also granted U.S. citizenship to these grandchildren.

This provision granting citizenship to the grandchildren, however, contradicted another section of the Immigration and Nationality Act [INA]. INA states that in order to transmit U.S. citizenship from a parent to a child born overseas, the parent must have lived in the United States for 10 years. A U.S. citizen who has a child overseas needs to have lived in the United States over a 10-year period to pass on U.S. citizenship to his or her children. This transmission requirement is gender neutral, and applies to all U.S. citizens who have children overseas.

Senator Simon's law did not specifically waive this transmission requirement for the third generation, although the language of the bill clearly stated that it intended to grant citizenship to the grandchildren of the American mothers. The lawyers at INS have concluded that the transmission requirement must be met in order to pass citizenship onto the grandchildren of the American mothers and foreign fathers. In other words, INS is requiring the third generation to show that the second generation lived in the United States for 10 years in order to pass citizenship to the third generation.

This is impossible given that the second generation was never allowed to live in the United States because they were not citizens until 1994. Thus the provision of the 1994 law granting citizenship to these grandchildren was never implemented.

The purpose of my bill is to waive the transmission requirement for the grandchildren of the American mothers and foreign fathers. The third generation will not have to show that the second generation lived in the United States for 10 years. They will be granted citizenship even though their parents did not live in the United States for 10 years. This bill will help a small number of people who should have been U.S. citizens by birth. It will ensure that the spirit of Senator Simon's legislation is enacted into law. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 677

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 ''Equity in Transmission of Citizenship Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) since the children born abroad to United States citizen mothers before May 24, 1934, only became entitled to claim United States citizenship, acquired at birth, as of October 25, 1994, with the enactment of Public Law 103–416, they were not legally admissible into the United States as citizens prior to that date; and

(2) therefore, they could not meet the residency requirements to transmit United States citizenship onto their children as the children of male United States citizens could.

SEC. 3. EQUAL TREATMENT OF CHILDREN BORN ABROAD OF FEMALE UNITED STATES CITIZENS IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 101 of Public Law 103–416 is amended by amending subsection (d) to read as follows:

''(d) WAIVER OF TRANSMISSION REQUIREMENTS.—The parental physical presence requirement contained in section 301(g) of the Immigration and Nationality Act shall not apply to any person born before the date of enactment of this Act who claims United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 25, 1994.

By Mr. LEAHY:

S. 678. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP ACT OF 1997

Mr. LEAHY. In that regard, today being Law Day I think we should honor the Federal judiciary. We have a political climate where many of my colleagues bash the Federal judiciary on a daily basis and propose legislation that threatens a time-honored independence of the Federal judiciary. I think our Nation's judges deserve our respect, admiration, and support—not our disdain, scorn, and antipathy. Anywhere you go in the world you will find that one of the things that stands out, one of the things admired most about the United States, is the independence of our Federal judiciary.

For the past 200 years, they protected the freedoms and fundamental rights we all take for granted. You could ask, where would our cherished rights like first amendment-protected free speech and the right of religious freedom be without the Federal courts? It is ironic that the right of free speech that the Federal judiciary bashers take for granted in the war against judges has been protected time and time again by those very same judges.

It is our independent judiciary that handed down landmark decisions like Brown versus Board of Education. Without our independent judiciary, how long would African-American children have to suffer deplorable conditions in substandard schools? I remember after Brown versus Board of Education, we had the bumper stickers and billboards, ''Impeach Earl Warren,'' and ''Impeach the Supreme Court.'' Well, only because they were politically independent could they hand down a decision so unpopular at the time, but so recognized today universally as the right decision. I shudder to think where we would be today with Federal judges who are tied to the political whims of the moment. We should talk about where the country would be without independent Federal judges.

The nonpartisan Judicial Conference of the United States has proposed changes in the makeup of our courts. It has been 7 years since Congress last seriously reexamined the caseload of the Federal judiciary.

Mr. President, our judges do an admirable job under tough conditions. They endure constant criticism and heavy caseloads. Contrary to what some of my Republican colleagues have stated, there is a need for more Federal judges.

The Judicial Conference of the United States, the nonpartisan policymaking arm of the judicial branch, believes that the continuing heavy caseload of our courts of appeals and district courts merit additional judges. Overworked judges and heavy caseloads slow down the judicial process, and as we all know, justice delayed is justice denied. Mr. President, we must act now.

Mr. President, on Law Day, a day to commemorate our Nation's legal system and the freedoms it is designed to protect, I introduce the Federal Judgeship Act of 1997. This legislation, identical to the recommendations of the nonpartisan Judicial Conference of the United States, would create 12 additional permanent judgeships and five temporary judgeships for the U.S. Court of Appeals; and 24 additional permanent judgeships and 12 temporary judgeships for the U.S. district courts.

In 1984, Congress passed a bill to address the need for additional judgeships. Six years later, in 1990, Congress again fulfilled its constitutional responsibility and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes.

It is now 7 years since Congress last seriously reexamined the caseload of the Federal judiciary and the need for more Federal judges. Let us act now.

Let us fulfill our constitutional responsibilities. Let us ensure that justice is not delayed or denied for anyone.

By Mr. ROCKEFELLER:

S. 679. A bill for the relief of Chinghsun and Ching-jou Sun; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. ROCKEFELLER. Mr. President, today, I am introducing a private relief bill that is based on careful reflection and a sincere desire to help a family of importance to me and my State of West Virginia.

This is an effort to assist an individual named Jack Sun who is a prominent international businessman and multinational manager with permanent residence status in the United States. Mr. Sun sought and obtained permanent residence in the United States to enable him to pursue economic business and ties between his native Taiwan and the United States.

Of great significance to West Virginia, in his capacity as Chairman of Taiwan Aerospace Corp., Jack Sun has been instrumental in forging a Taiwan/United States joint venture named Sino Swearingen, Inc., that will build state-of-the-art business jets in my home State of West Virginia. Taiwan Aerospace Corp., and its Taiwanese coinvestors have to date committed an amount in excess of $150 million to finance this joint venture. Sino Swearingen, Inc., is expected to employ around 800 people at this West Virginia site when it becomes fully operational.

As someone who knows Jack Sun personally and has worked closely with him to pursue this new investment and jobs opportunity for West Virginia, I know him to be an honorable individual. He is an internationally respected business leader, well known to the American business community. Jack Sun has worked extremely hard to develop and maintain strong personal and business ties in the United States. In addition to his business activities, Jack Sun is active in the cultural and academic life of both Taiwan and the United States. He also sits on the University of Southern California School of Business Administration's CEO board of advisors.

Jack Sun, in his capacity as president of Pacific Electric Wire & Cable Co., Ltd, has, over the past 10 years, directed significant investments into the United States and has created thousands of jobs for Americans. Mr. Sun is the president of Pacific USA Holdings Corp. headquartered in Dallas, TX. Pacific USA Holdings Corp. is a diversified holding company whose business activities encompass commercial banking, home building, mortgage and investment banking, property development, insurance and technology services, to name but a few. Pacific USA Holdings Corp. and its subsidiaries now employ more than 2,000 U.S. workers.

Jack Sun also serves as director of the Iridium project which is an international alliance sponsored by Motorola, Inc., whose purpose is to create a global network of telecommunications systems through the use of low-orbiting satellites.

The purpose of this private bill is to attempt to assist Jack Sun in expediting the completion of the permanent residence process that is well underway through conventional procedures for his two youngest children, Ching-Jou Sun, age 8, and Ching-Hsun Sun, age 6. Jack Sun's three eldest children received their permanent residence status on April 28, 1992.

Regarding this bill, in July, 1995, a petition for alien relative was filed on behalf of ching-jou and Ching-Hsun Sun. The Immigration and Naturalization Service approved the petitions on January 30, 1996. Upon approval of the petitions, the children were assigned a priority date of July 26, 1995.

However, Jack Sun and his attorney have been informed by the Department of State's Bureau of Consular Affairs, that in the preference category for which Ching-Jou and Ching-Hsun Sun have been approved, the number of people approved for issuance of visas far exceeds the number of visas currently available for actual issuance. Consequently, the children have been assigned a priority date that is a place on the waiting list. The National Visa Center states that based upon the current conditions and backlog, the priority date held by Ching-Jou and Ching-Hsun Sun will not be reached for more than 4 years.

Ching-Jou and Ching-Hsun Sun are now in the process of waiting for their green cards which would enable them to live and go to school in the United States with their sisters and brother. To add to the problem, during this waiting period, the children cannot even travel with their father and family in the United States. The children cannot obtain even a visitor's visa because they have already indicated their immigration intent.

Although the petitions were approved on behalf of Ching-Hsun Sun and Ching-Jou Sun, the prolonged continuation of the waiting period has created personal hardships for Jack Sun, and his family. Jack Sun's three oldest children permanently reside in Pasadena, CA. The two oldest daughters presently attend the University of Southern California. Jack Sun simply would like his family to be together as much as possible. This means he wishes to be able to travel with his children to the United States, and to unify his family. Under the present circumstances, the family is split, three children holding permanent residence status and living in the United States, while the two youngest children have to remain in Taiwan during this prolonged waiting period and the potential 6 year delay before achieving visas for permanent residence status.

This forced separation creates a particular hardship because of the ages of the children. The children are not permitted to travel with their father and are separated from their father and siblings for years to come. Jack Sun frequently and extensively travels to the United States to oversee his business operations.

There is simply no further administrative procedure to use to resolve this situation for the Sun family and these two children. They are confronted with an extraordinarily long delay waiting for visas already approved to actually become available. No administrative remedy exists to cure this situation. No further relief is available from the Immigration and Naturalization Service or any other agency. The relevant administrative agencies, including the Immigration and Naturalization Service and the National Visa Center at the State Department, have informed Jack Sun and his attorney that there is no administrative vehicle to expedite conclusion of the permanent residence process.

Therefore, I have decided to seek a legislative remedy for Jack Sun's family. After carrying out all the steps needed to obtain approval for resident status, they face a 6-year waiting period that now condemns a father and children to prolonged periods of separation.

Because of my respect for Jack Sun and deep appreciation for the role he has played in locating a major new source of jobs and opportunity for West Virginians, I am asking Congress to take the legislative action required to relieve a family of undue hardship and separation solely resulting from the grim reality that two children would otherwise have to wait 6 years to get visas they already have been approved for. I believe this is just the example of an extraordinary personal situation that merits congressional assistance and action.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 679

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Chinghsun Sun and Ching-jou Sun shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Ching-hsun Sun and Ching-jou Sun as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. GRAHAM (for himself and Mr. MACK):

S. 681. A bill to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the ''David W. Dyer Federal Courthouse''; to the Committee on Environment and Public Works.

DAVID W. DYER FEDERAL COURTHOUSE LEGISLATION

Mr. GRAHAM. Mr. President, today I have the distinct pleasure to introduce legislation that would redesignate the Old Federal Courthouse in Miami, FL, the ''David W. Dyer Federal Courthouse.''

Residing behind the bench for over 30 years, Judge Dyer distinguished himself as one of the finest jurists in the State of Florida, and his commitment to public service dates back to his service in the U.S. Army during World War II.

In 1961, President John F. Kennedy appointed him to the District Court for the Southern District of Florida. At the time the Southern District included Tampa, Jacksonville, and Miami. The following year the district was pared down and he became the initial chief judge of the reconfigured Southern District. Judge Dyer would continue to serve in this capacity for the next 4 years.

President Lyndon Johnson then appointed him to the U.S. Court of Appeals for the Fifth Circuit in 1966. This marked the first time that anyone from Miami had been honored with the opportunity to serve on the court of appeals. In 1977, Judge Dyer rose to the position of senior judge for the fifth circuit and carried this status over into the Eleventh Circuit Court of Appeals.

During the turbulent 1960's, Judge Dyer participated in a number of civil rights cases. This period was an era when the Federal courts were called to implement the constitutional ideal of equal justice under the law for all Americans. It was a proud time in our legal history and Judge Dyer is part of that legacy. In one such case, he was responsible for the desegregation of the restaurants on the Florida Turnpike.

Judge Dyer served his community in a variety of other capacities. He is a former member of the board of governors and executive committee of the Florida Bar, as well as the board of governors of the Maritime Law Association. He also served as president of the Dade County Bar, the largest in Florida.

Judge Dyer has been an inspirational model for two generations of lawyers. He has shown through his example what integrity of character, sound judgment, and courage of conviction can achieve in implementing our highest ideals.

Mr. President, Judge Dyer spent much of his life working out of the Old Federal Courthouse in Miami. Passage of this legislation to redesignate the building in Judge Dyer's name would be a small, but fitting token of appreciation that America and its judicial system owe Judge Dyer for his years of distinguished service. I urge my colleagues to support me in enacting this measure.

By Mr. HARKIN (for himself and Mr. FORD):

S. 682. A bill to amend title 32, United States Code, to make available not less than $200,000,000 each fiscal year for funding of activities under National Guard drug interdiction and counterdrug activities plans; to the Committee on Armed Services.

NATIONAL GUARD COUNTERDRUG STATE PLAN PROGRAM LEGISLATION

Mr. HARKIN. Mr. President, the National Guard has a history of superb performance in supporting the needs of law enforcement agencies and community antidrug coalitions. Every day the National Guard has nearly 4,000 soldiers and airmen on full-time counter drug duty. Three-hundred and seventy-three in support of the Drug Enforcement Agency [DEA], 625 in support of U.S. Customs, and 3,000 more in support of local, State, and Federal law enforcement agencies in every State in the Nation.

Unfortunately, for the last 5 years, this successful program has been on a budget rollercoaster. For example, funding for the fiscal year 1998 National Guard Counterdrug State plans program will result in a 42-percent cut in the amount actually available to State plans from the fiscal year 1997 level. It is tough to maintain program consistency when the funding level fluctuates each year. Legislation I am introducing today, along with Senator FORD, the co-chairman of the National Guard Caucus, will stabilize funding for the National Guard Counterdrug State plans program at no less than $200 million each fiscal year.

Iowa law enforcement, as well as law enforcement across the United States, relies heavily on the help of the National Guard in their drug fighting efforts. The National Guard provides personnel and equipment to local law enforcement agencies. Guard men and women assist with analytical and technical support so that criminal investigators can be out on the street. The Iowa High Intensity Drug Trafficking Area [HIDTA] task force plans to utilize National Guard support as part of their efforts to fight methamphetamine trafficking in Iowa. Guard men and women also work in partnership with the Community Anti-drug Coalition of America and expect to reach 10 million young people in the country to help educate and motivate them to reject the use of illegal drugs.

As we face unprecedented drug problems in Iowa and across the Nation, it is necessary to maintain consistent funding for the drug fighting efforts of the National Guard. Not only does the National Guard Counterdrug Program free up criminal investigators to fight crime on the streets, it provides an avenue for cooperation that makes enforcement more efficient as well. This program traditionally enjoys bipartisan support and affects law enforcement all across the United States. I encourage my colleagues to support this important legislation.

By Mr. STEVENS:

S. 683. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

THE LIBRARY OF CONGRESS BICENTENNIAL COMMEMORATIVE ACT OF 1997

Mr. STEVENS. Mr. President, today I am introducing legislation that would authorize the minting of silver $1 coins and gold $5 coins in commemoration of the bicentennial of the Library of Congress. The year 2000 will mark this important event for the Congress and the Nation. Over the past two centuries, the U.S. Congress has built its library into America's library and the greatest repository of recorded knowledge and creativity in the history of the World.

Proceeds from the coin will help the library support bicentennial programs, educational outreach, and other activities including programs with schools and libraries across the Nation.

The Library of Congress' bicentennial merits a U.S. commemorative coin. The library is an institution that has an enduring effect on the Nation's culture and history. As vice chairman of the Joint Committee on the Library, I am pleased to offer this legislation and I welcome and encourage my colleagues to join as cosponsors.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. GRAMS, Mr. JOHNSON, and Mr. WELLSTONE):

S. 684. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to local educational agencies in cases of certain disasters, and for other purposes; to the Committee on Environment and Public Works.

DISASTER RELIEF LEGISLATION

Mr. CONRAD. Mr. President, last week on several occasions I spoke about the devastating impact of the floods along the Red River Valley on the residents of the communities in North Dakota, South Dakota, and Minnesota.

I note that the current occupant of the chair sent me a very gracious note about the fact that he has relatives in North Dakota. I want to acknowledge his offer to help, which we appreciate very much.

The impact of the floods on small communities and the city of Grand Forks, ND has been extraordinary. In Grand Forks alone, more than 60,000 residents have been evacuated to temporary shelters. Much of downtown Grand Forks has been destroyed by fires, and an estimated 28 to 35 schools and higher education facilities have been severely damaged or destroyed by the floods.

This disaster has left more than 11,000 elementary and secondary students and 10,500 university students

without school facilities for classroom instruction. Many of these elementary and secondary students are attending classes in more than 30 school districts across the State. The North Dakota Office of Management and Budget has estimated that damage to local education facilities, as well as the unanticipated costs to provide education services for displaced students around the State, may exceed $250 million.

Mr. President, local school districts and the North Dakota University system will need considerable assistance from the Department of Education and the Federal Emergency Management Agency [FEMA] to fully recover from this terrible disaster. I have been advised that FEMA, under the Robert Stafford Disaster Relief and Emergency Assistance Act, has the authority to provide assistance to local governmental agencies including school districts and the North Dakota University system, for repair of educational facilities.

FEMA, however, does not have authority under the Stafford Act to assist or reimburse a local school district for providing unanticipated educational services to displaced students.

Such emergency educational assistance was available in the past to local school districts from the Department of Education under Impact Aid, section 7—assistance for current school expenditures in cases of certain disasters. This law, unfortunately, was repealed in 1994 during consideration of the Improving America's School Act.

Prior to 1994, for example, school districts affected by natural disasters including Hurricane Andrew—1992—in Dade County, FL, and communities in 7 states impacted by the Midwest floods—1993—were eligible for disaster assistance to meet emergency education operating expenses. In North Dakota, more than 30 school districts throughout the State are assisting 11,000 displaced students from the Grand Forks area. Another 30,000 students in Minnesota are displaced and attending classes in school districts across the State. These school districts are in urgent need of similar emergency assistance.

Mr. President, today I am introducing legislation to restore the authority to provide this emergency education operations assistance for elementary and secondary schools. I am very pleased that Senators DASCHLE, JOHNSON, DORGAN, WELLSTONE, and GRAMS are joining me as cosponsors of this bill.

Under this legislation, FEMA would be authorized in section 403—essential assistance—to provide disaster assistance including transportation, emergency food services, and the costs for providing educational services to students who formerly attended other schools, including private schools, that were damaged or destroyed by disaster. This emergency assistance would also be available to schools funded by the Bureau of Indian Affairs provided the schools are in the area that has been declared a major disaster by the President.

As FEMA currently has the authority to restore educational facilities, I believe the agency is best equipped to respond quickly to the emergency operating needs of school districts affected by disasters. As I noted earlier, school districts in 7 states affected by Midwest floods and Dade County schools impacted by Hurricane Andrew benefited from this emergency assistance in 1992–94. There is no question that school districts in North Dakota, South Dakota, and Minnesota urgently need similar assistance. I intend to offer this legislation as part of the supplemental disaster assistance measure when it reaches the Senate floor. I hope my colleagues will support this urgent need.

By Mr. CAMPBELL:

S. 685. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year; to the Committee on Finance.

LEGISLATION TO EXTEND THE WORK OPPORTUNITY TAX CREDIT

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would provide for a 1-year extension of the work opportunity tax credit, authorizing the credit beyond this fiscal year through the end of fiscal year 1998.

My colleagues know well the history behind the work opportunity tax credit. It is the successor to the targeted jobs tax credit which expired 2 years ago and which received some criticism that it was an ineffective incentive mechanism. However, Congress felt that there could be some type of worthwhile incentive which could encourage employers to hire individuals from economically disadvantaged groups, and as a result, the credit was revised, renamed the work opportunity tax credit, and incorporated into the Small Business Job Protection Act (P.L. 104–188), which the Congress passed and the President signed into law last year.

The revised tax credit, with tougher standards, such as in the area of certification and retention requirements, was authorized for 1 fiscal year and is set to expire on September 30, 1997. The legislation I am introducing today would simply provide for an extension of the work opportunity tax credit for 1 additional fiscal year, through September 30, 1998.

There are several reasons for the extension. First, employers now have a tax incentive to hire individuals from targeted economically disadvantaged groups, providing these individuals with jobs and valuable work experience. In the wake of the historic welfare reform legislation which was signed into law last year, I believe this incentive to put people to work is a vital one, and it should be given the opportunity to work.

Second, Congress authorized this credit for 1 year to allow the Department of Labor, the Department of the Treasury, and the Congress to study the costs and benefits of the credit. To date, there are no statistics available. And while we await a more complete set of statistics on how the revised tax credit is performing, I believe the Congress should begin consideration of an extension of this credit to allow more employers to take part in the program and to provide an assurance to employers and potential employees alike that there is an incentive which is available to stimulate job opportunities. The sooner we are able to provide an extension for the credit, the more secure both the employers and the employees who take part in this credit will be.

In addition, authorizing the credit for an additional fiscal year will provide this Congress with a set of statistics available from multiple fiscal years, not just 1, allowing us to better assess the costs and benefits of the WOTC.

I am hopeful that the revised tax credit will prove more successful than its predecessor. I have long been a supporter and advocate for the promotion of job opportunities and job training for at-risk youth and ex-offenders, in particular. Any incentive to put more Americans to work should be given the chance to succeed; 1 year is simply not enough.

With that, I ask this bill be referred to the appropriate committee. During the 105th Congress, a number of tax proposals will be under consideration, and it is my hope that, by introducing this measure, the work opportunity tax credit does not get lost in the shuffle and expire prematurely.

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

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

S. 685

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

SECTION 1. ONE-YEAR EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

Section 51(c)(4)(B) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''September 30, 1997'' and inserting ''September 30, 1998''.

By Mr. SARBANES (for himself, Mr. HUTCHINSON, and Mr. TORRICELLI):

S. 686. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on Armed Services.

NATIONAL MILITARY MUSEUM FOUNDATION LEGISLATION

Mr. SARBANES. Mr. President, today I am introducing on behalf of myself, Mr. HUTCHINSON, and Mr. TORRICELLI, legislation to create a National Military Museum Foundation. The purpose of this legislation is to encourage and facilitate private sector support in the effort to preserve, interpret, and display the important role the military has played in the history

of our Nation. This legislation is, in my judgment, crucial at this particular moment in history, when we are on the verge of jeopardizing two centuries worth of military artifacts and negating the possibility of such collections in the future.

It has been the long-standing tradition of the U.S. Department of War and its successor, the Department of Defense, to preserve our historic military artifacts. Since the days of the revolution to the conflict in Bosnia, Americans have been proud of the role that our military has had in safeguarding our democracy, and we have tried to ensure that future generations will know that role. Over the years we have accumulated a priceless collection of military artifacts from every period of American history and every technological era. The collection includes flags, uniforms, weapons, paintings, and historic records as well as full-size tanks, ships, and aircraft which document history and provide provenance for our Nation and armed services.

In recent years, however, the dedicated individuals who identify, interpret, catalog, and showcase those artifacts have found themselves shortchanged and shorthanded. With financial resources diminishing, not only are we cheating ourselves out of the military treasures currently warehoused out of public sight, but we are in danger of lacking the funds to update our collections with new items.

''A morsel of genuine history,'' wrote Thomas Jefferson to John Adams in 1817, ''is a thing so rare as to be always valuable.'' Mr. President, today, significant pieces of our military history are being lost, shoved into basements, or subject to decay. With each year also comes less funding, and our artifacts are multiplying at a pace that exceeds the capabilities of those who are trying to preserve them. Since 1990 alone, the services have closed 21 military museums and at least 8 more are expected to close in the next few years.

We cannot let this proceed any further. Military museums are vital to documenting our history, educating our citizenry, and advancing our technology. More than 81 museums in 31 States and the District of Columbia daily instill Americans from veterans to new recruits to elementary school students with a sense of the sacred responsibility that military servicemen bear to defend the values that have made this country great.

Military museums teach our servicemen the history of their units, enhancing their understanding both of the team of which they are a part and the significance of the service they have pledged to perform. And when a museum makes history come alive to young children, those children learn for themselves what this country stands for and the sacrifices that have been made to preserve the freedoms we often take for granted.

Many of our servicemen have learned their military history through these artifacts rather than textbooks, and many of our technological advances have come as a direct result of these artifacts. The ship models and ordinances at U.S. Naval Academy Museum in Annapolis, MD, for example, have been used by the Academy's Departments of Gunnery and Seamanship. It has also been reported that a study of an existing missile system, preserved in an Army museum, saved the Strategic Defense Initiative $25 million in research and analysis costs. These museums serve as laboratories where engineers can learn from the lessons of the past without going through the same trial and error process as their predecessors.

Yet without adequate funding, these benefits will be lost forever. According to a 1994 study conducted by the Advisory Council on Historic Preservation entitled, ''Defense Department Compliance with the National Historic Preservation Act,'' the Department of Defense's management of these resources has been mediocre, with the cause attributed to inadequate staffing and funding.

More than 80 percent of the museums studied said their survival relies heavily on outside funding. When asked about their greatest needs, the response was nearly always staff and money. And those museums that reported sufficient staffing from volunteers nevertheless said that the dearth of funds for restoration and construction paralyzed them from fully utilizing the available labor.

According to the study, money is so tight that brochures and pamphlets are often unaffordable, leaving visitors with no explanations about the objects they have come to see. A young child might be duly impressed by the sight of a stern-faced general, but the historical lesson is greatly diminished if the child is not told the significance of the event portrayed or why the general looked so grim that day.

Perhaps most distressing, the study reported ''substantial collections of rare or unique historical military vehicles and equipment that are unmaintained and largely unprotected due to lack of funds and available expertise.'' In addition, the museums were found to be struggling so much with the care of items already in house, that they were unable to accept new ones. With a new class of military artifacts from the Vietnam and gulf wars soon to be retired, one wonders whether those artifacts will be preserved. If we do not take action to save what we have and acquire what we don't, future generations will see these pockets of negligence as blank pages in the living history books that these museums truly are.

Only a Foundation can address these problems. The alternate solution—to press the services to devote more money to these institutions—is implausible in this budgetary climate. The Secretary of Defense must place his highest priority on the readiness of our forces. Closely allied to that priority is the effort to improve the quality of life for our citizens on active duty. And, as aging equipment faces obsolescence, the Secretary has indicated that the future will bring an increased emphasis on replacing weapons systems. By all realistic assumptions, the amount of funds appropriated for museums is likely to continue downward.

My bill recognizes the growing need for a reliable source of funding aside from Federal appropriations. A National Military Museum Foundation would provide an accessible venue for individuals, corporations, or other private sources to support the preservation of our priceless military artifacts and records. A National Military Museum Foundation could also play an important role in surveying those artifacts that we know to exist. Currently, there is no museum oversight or coordination of museum activities on the DOD level. A wide-ranging Foundation survey would therefore not only eliminate duplication, but would most likely discover gaps in our collections that must filled before it is too late.

Under the proposed legislation, the Secretary of Defense would appoint the Foundation's Board of Directors and provide basic administrative support. To launch the Foundation, the legislation authorizes an initial appropriation of $1 million. It is anticipated that the Foundation would be self sufficient after the first year. This is a small price to pay to save some of our most precious treasures.

This legislation is modeled on legislation that established similar foundations, such as the National Park Foundation and the National Fish and Wildlife Foundation, both of which have succeeded in raising private-sector support for conservation programs. My bill is not intended to supplant existing Federal funding or other foundation efforts that may be underway, but rather to supplement those efforts.

The premise for establishing a national foundation is, in part, to elevate the level of fundraising beyond the local level, supplementing those efforts by seeking donations from potentially large donors. I also want to emphasize the inclusiveness of the Foundation, which will represent all the branches of our armed services.

Mr. President, statistics reveal that foundations established without the mandate of a Federal statute and the backing of an established agency seldom succeed. With ever-diminishing Federal funds, we cannot expect the Department to put our military museums ahead of national security. Truly, an outside source committed to sustaining our museums is imperative. I urge my colleagues to support this important legislation.

By Mr. JEFFORDS:

S. 687. A bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources,

universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC SYSTEM PUBLIC BENEFITS PROTECTION ACT OF 1997

Mr. JEFFORDS. Mr. President, America is currently considering an extremely important and contentious issue: Should we restructure the system by which we obtain our electric energy? And if so, how should we go about doing this? Hardly a day goes by in which one cannot find a news article on this subject. Across our Nation, 44 States have taken on the issue of restructuring, either in legislative debate or through the implementation of pilot programs. And even here in Congress, there are a number of proposals, in both the House and Senate, which address the various factors affecting the electric industry.

Advocates on all sides are debating whether the Federal Government should direct States to move to a restructured system, both in terms of how they should do it and when.

There are a number of ideas being offered as to whether utilities should be allowed to recover costs that were incurred under a regulated system, and if so, in what manner and to what degree. Who should bear the burden? The rate payer? The tax payer? The share holder?

Arguments have been made for and against Federal protection of public power, both in terms of market power and fiscal subsidies. Must companies divest according to function? Does a municipality's tax exempt bond authority give it an advantage over the tax deferrals of the utility, or the less-than-cost loans to the cooperative?

Mr. President, we continue to hear a great deal about how the effort to restructure the electric power industry may affect the Nation's economy. What is not being discussed, and what I believe is equally important, is how these changes will affect our society as a whole. How will it impact on the Nation's poor? How will it affect our children's health? How will restructuring affect our environment?

Well, it doesn't have to be an either/or choice. In fact, it can't be. As we move towards a restructured industry, we must consider the issues not only in terms of what they mean to our economy, but also in terms of what they mean to our society. We must secure and enhance the public benefits that until now have been provided by the electric industry's unique structure and regulatory traditions. This can only be achieved by including certain safeguards in any new regulatory structure from the outset, before dramatic changes unravel the gains this industry has made.

I rise today to introduce the Electric System Public Benefits Protection Act of 1997. This bill acknowledges the responsibility we have to our Nation, to its people and to the environment as we reassess the future of the electric power industry. It directly addresses the numerous public benefits we enjoy from our electric power structure, a system that has a unique impact on how we live. And it does this while creating a setting within the electric industry which promotes competition.

Under the system in effect today, electric utilities have been granted franchises in order to serve the public good. In return for a guaranteed return on their investments, the utilities have, to varying degrees of success, implemented many public purpose programs from which we benefit. These initiatives have addressed the need for alternative fuels, assistance to needy and remotely located consumers, energy efficiency projects, and environmental safeguards. While the industry has made significant progress in the past few decades, recent years have seen a steady decline in investments relating to these initiatives. As the electric industry moves closer to competition and deregulation, utilities are becoming less inclined to support public purpose programs without a guaranteed return.

My legislation creates a national electric system public benefits fund to enable and encourage State programs for renewable energy technologies, energy efficiency, low-income assistance, and universal access. It is supported by a broad-based, competitively neutral, systems benefits charge levied as a wires charge on all interconnected generation for sale on the electricity market. Revenues from the fund will be used to match funds raised by the States for the same public purposes and support the continuation and expansion of the benefits we enjoy today.

A study of history divulges two important facts about energy efficiency. The first is that the potential for cost-effective savings from accelerated investments in energy efficiency is very large. Yet trends over the last few years raise serious questions about utilities' commitments to energy efficiency programs. Based on the uncertainty surrounding the change within the industry, many utilities have admitted that they have already cut programs and are planning on reducing or eliminating more. While this uncertainty makes long-term predictions in this area difficult, the Energy Information Administration has projected a 13-percent reduction in direct utility expenditures on energy efficiency programs during the period 1995 until 1999. My bill affords States the opportunity to make necessary investments in efficiency technologies.

The second important fact we have learned is that there exist significant structural and informational market barriers to the deployment of investments in energy efficiency in the absence of targeted programs. My bill will help negotiate these barriers within the industry.

One of the benefits of energy efficiency is that reduced consumption avoids many of the environmental impacts associated with electric generation. The alternative is potentially devastating. In a recent national survey, respondents were advised that changes in how the utility industry operates could lead to further cutbacks in traditional efficiency programs. Seven out of ten Americans, polled across the Nation, stated that they support mandatory investments in energy efficiency, even if it means higher electric rates. They realize that what we invest today may save us billions of dollars during our lifetimes and those of our children.

The loss of public purpose programs will affect one group in particular. For middle class families, the energy crisis of the 1970's is only a memory; for low-income customers, the energy crisis never ended. A recent study in my State of Vermont showed that residential customers in general spend 3.8 percent of their income on energy, while low-income households spend 15 to 20 percent, and in some cases even more. Unaffordable utility costs are a leading cause of loss of housing for low-income families. Yet another study found that visits by individuals from low-income households to emergency rooms increased after periods of severe weather, when those families had to make the choice to heat or eat.

It is also clear that low-income families face greater barriers than other groups of customers to implementing the energy conservation measures I spoke of earlier, measures that would reduce their energy costs. Low-income families are more likely to live in rental property, in which they have neither the right to make major modifications themselves nor the ability to persuade their landlords to make energy conservation investments in their housing. While there are low-income homeowners, their incomes are generally insufficient to fund improvements in energy efficiency. My bill will provide a mechanism to help circumvent many of these barriers.

In considering the impact of restructuring on the Nation's poor, we must also keep in mind that low-income customers are unlikely to be an extremely attractive and highly sought after segment of the electricity market. They are more likely than other customers to have difficulty paying their bills. They are more likely to require payment arrangements and other labor intensive involvement from the utility company. And they are less likely to use large quantities of electricity which might qualify them for volume discounts. We must accept the fact that access to electric power is a necessity in our society. My legislation will help guarantee that everyone has equal access to the benefits of the electric industry. It will target, through the encouragement and development of cooperatives and other market mechanisms, the millions of Americans who are from low-income families, remote rural areas and other groups who lack

market power. In short, Mr. President, it ensures that essential services remain affordable and the benefits of competition are available to all utility customers.

We have learned the hard way that the Nation's economic well-being can be put at risk by rapid spikes in world energy prices. Future dislocations could result from fossil fuel supply interruptions or problems associated with nuclear powerplants. History teaches us that a policy of prudent energy diversification is a form of national economic security that is well worth purchasing.

Additionally, renewable energy sources are good for our environment. Every megawatt of electricity generated by a wind turbine displaces another from a fossil fuel source and lessens the environmental impact of the industry.

Yet, the future of renewable energy is in doubt. I would like to direct your attention to this chart. Scientists tell us that, despite the obvious advantages I have cited, the amount of electricity from renewable sources is projected to remain stable at about 2 percent well into the future. My legislation establishes a renewable portfolio standard for all electric generation companies. It begins with 2.5 percent in the year 2000 and slowly grows to 20 percent in the year 2020. These are not arbitrary numbers. They are based on information provided by the electric industry and account for realistic constraints on how fast these sources can develop.

This bill enables States to play an active role in the development and fielding of alternative fuels technology. It recognizes the importance of fuel diversity, and it guarantees that renewable energy sources will play a significant role in this diversification and in providing consumer choice in the restructured industry.

Mr. President, I am particularly concerned about what may be the single greatest market failure of the electric power industry: the protection of our environment. The electric industry accounts for about 3 percent of the Nation's gross domestic product, yet it accounts for up to two-thirds of some of the country's deadliest pollutants. We have worked hard to reduce this problem, and there is no doubt that some success has been achieved. But it is not enough.

Electric powerplants emit 65 percent of the Nation's annual total of sulfur dioxide, an invisible gas that adversely affects our health and environment. Asthmatics are particularly vulnerable to this pollutant. The leading cause of chronic illness in children, cases of this disease are climbing at a sharp rate and are exacerbated by our deteriorating environment.

Sulfur dioxide also is the principal cause of acid rain. This chart illustrates the fact that while the annual emissions of sulfur dioxide are expected to come down slightly in future years, this decline is not sufficient. My bill would cause a dramatic change by the year 2005, decreasing the amount of this deadly gas from electric powerplants by roughly 60 percent.

This next chart reveals the problem this Nation will face in the future as increasing amounts of carbon dioxide are released into the air from the electric industry. Powerplants currently generate close to 40 percent of the nationwide emissions of this pollutant, a gas chiefly responsible for global warming and the creation of a greenhouse effect. The resulting climate change has the potential to inflict devastating damage on our environment for many years, well into the future. Unlike other pollutants, carbon dioxide remains in the atmosphere for decades. If we are to protect our children's future, we must act now. As you can see, my bill, designed to bring the industry back to the 1990 standard, requires a significant 13 percent reduction by the year 2005 and will double that by the year 2015.

This legislation would bring about a major reduction in nitrogen oxide emissions. The electric power industry is the single largest source of this pollutant. Nitrogen oxide emissions are particularly offensive to me as a Vermonter because of the extreme ozone problem they present. There are days now when, standing atop Mount Mansfield, I can not make out the water tower on Mount Elmore, not even 20 miles away. This is disgraceful, and it is a problem faced in many areas across this Nation.

Nitrogen oxides are now blamed for significant health problems as well. Scientists recently discovered that this pollutant may be responsible for increasing levels of cancer cases and breathing disorders. As depicted on this chart, my legislation will mandate a 70 percent reduction in nitrogen oxide emissions from power plants by the year 2005.

Cognizance of these environmental problems cuts across party lines. A recent poll in the State of Texas shows that 7 out of 10 residents who define themselves as very conservative favor significantly stronger environmental standards. In fact, in the nationwide survey I spoke of earlier, 80 percent of the respondents agreed that we need to act on the problem.

Mr. President, we need to fix the problems attributable to electric power production. But as we move to a restructured industry, we need to fix it in a fair, competitively neutral manner. This bill does just that. Setting a single, nationwide emissions standard for all generators which use combustion devices to produce electricity, it says stop to some of the Nation's dirtiest powerplants. It means we as Americans will no longer tolerate the idea of giving a free ride to those that can't meet the standard. It levels the playing field so that all generators can compete in the market on an equal footing and with the same environmental responsibilities as their competitors.

Finally, we need to give people the information they need to make intelligent choices regarding their electricity. My bill directs the Secretary of Energy to establish a system whereby electric service providers must disclose to the consumer adequate information on generation source, emissions and price. Only when the consumer has the ability to compare can we say we have a truly competitive market.

In closing, I want to emphasize that any restructuring of the Nation's electric power industry must address the economic and the social aspects of the issue. It is not an either/or choice. We must do both.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 687

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 ''Electric System Public Benefits Protection Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the generation of electricity is unique in its combined influence on the Nation's security, environmental quality, and economic efficiency;

(2) the generation and sale of electricity has a direct and profound impact on interstate commerce;

(3) the Federal Government and the States have a joint responsibility for the maintenance of public purpose programs affected by the national electric system;

(4) notwithstanding the public's interest in and enthusiasm for programs that enhance the environment, encourage the efficient use of resources, and provide for affordable and universal service, the investments in those public purposes by existing means continues to decline;

(5) the Nation's dependence on foreign sources of fossil fuels is contrary to our national security; alternative, sustainable energy sources must be pursued as the Nation moves into the 21st century;

(6) emissions from electric power generating facilities are today the largest industrial source responsible for persistent public health and environmental problems; and

(7) consumers have a right to certain information in order to make objective choices on their electric service providers.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.— The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term ''Board'' means the National Electric System Public Benefits Board established under section 4.

(3) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(4) FUND.—The term ''Fund'' means the National Electric System Public Benefits Fund established by section 5.

(5) RENEWABLE ENERGY.—The term ''renewable energy'' means electricity generated from wind, organic waste (excluding incinerated municipal solid waste), or biomass or a geothermal, solar thermal, or photovoltaic source.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 4. NATIONAL ELECTRIC SYSTEM PUBLIC BENEFITS BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish a National Electric System Public Benefits Board to carry out the functions and responsibilities described in this section.

(b) MEMBERSHIP.—The Board shall be composed of—

(1) 1 representative of the Commission appointed by the Commission;

(2) 2 representatives of the Secretary appointed by the Secretary;

(3) 2 persons nominated by the national organization representing State regulatory commissioners and appointed by the Secretary;

(4) 1 person nominated by the national organization representing State utility consumer advocates and appointed by the Secretary;

(5) 1 person nominated by the national organization representing State energy offices and appointed by the Secretary;

(6) 1 person nominated by the national organization representing energy assistance directors and appointed by the Secretary; and

(7) 1 representative of the Environmental Protection Agency appointed by the Administrator.

(c) CHAIRPERSON.—The Secretary shall select a member of the Board to serve as Chairperson of the Board.

(d) MANAGER.—

(1) APPOINTMENT.—The Board shall by contract appoint an electric systems public benefits manager for a term of not more than 3 years, which term may be renewed by the Board.

(2) COMPENSATION.—The compensation and other terms and conditions of employment of the manager shall be determined by a contract between the Board and the individual or the other entity appointed as manager.

(3) FUNCTIONS.—The manager shall—

(A) monitor the amounts in the Fund;

(B) receive, review, and make recommendations to the Board regarding applications from States under section 5(b); and

(C) perform such other functions as the Board may require to assist the Board in carrying out its duties under this Act.

SEC. 5. NATIONAL ELECTRIC SYSTEM PUBLIC BENEFITS FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Board shall establish an account or accounts at 1 or more financial institutions, which account or accounts shall be known as the ''National Electric System Public Benefits Fund'', consisting of amounts deposited in the fund under subsection (c).

(2) STATUS OF FUND.—The wires charges collected under subsection (c) and deposited in the Fund—

(A) shall constitute electric system revenues and shall not constitute funds of the United States;

(B) shall be held in trust by the manager of the Fund solely for the purposes stated in subsection (b); and

(C) shall not be available to meet any obligations of the United States.

(b) USE OF FUND.—

(1) FUNDING OF PUBLIC PURPOSE PROGRAMS.—Amounts in the Fund shall be used by the Board to provide matching funds to States for the support of State public purpose programs relating to—

(A) renewable energy sources;

(B) universal electric service;

(C) affordable electric service;

(D) energy conservation and efficiency; or

(E) research and development in areas described in subparagraphs (A) through (D).

(2) DISTRIBUTION.—

(A) IN GENERAL.—Except for amounts needed to pay costs of the Board in carrying out its duties under this section, the Board shall instruct the manager of the Fund to distribute all amounts in the Fund to States to fund public purpose programs under paragraph (1).

(B) FUND SHARE.—

(i) IN GENERAL.—Subject to clause (iii), the Fund share of a public purpose program funded under paragraph (1) shall be 50 percent.

(ii) PROPORTIONATE REDUCTION.—To the extent that the amount of matching funds requested by States exceeds the maximum projected revenues of the Fund, the matching funds distributed to the States shall be reduced by an amount that is proportionate to each State's annual consumption of electricity compared to the Nation's aggregate annual consumption of electricity.

(iii) ADDITIONAL STATE FUNDING.—A State may apply funds to public purpose programs in addition to the amount of funds applied for the purpose of matching the Fund share.

(3) PROGRAM CRITERIA.—The Board shall recommend eligibility criteria for public benefits programs funded under this section for approval by the Secretary.

(4) APPLICATION.—Not later than August 1 of each year beginning in 1999, a State seeking matching funds for the following year shall file with the Board, in such form as the Board may require, an application—

(A) certifying that the funds will be used for an eligible public purpose program; and

(B) stating the amount of State funds earmarked for the program.

(c) WIRES CHARGE.—

(1) DETERMINATION OF NEEDED FUNDING.—Not later than August 1 of each year, the Board shall determine and inform the Commission of the aggregate amount of wires charges that it will be necessary to have paid into the Fund to pay matching funds to States and pay the operating costs of the Board in the following year.

(2) IMPOSITION OF WIRES CHARGE.—

(A) IN GENERAL.—Not later than December 15 of each year, the Commission shall impose a nonbypassable, competitively neutral wires charge to be paid directly into the Fund by the operator of the wire on electricity carried through the wire, this electricity to be measured as it exits the busbar at a generation facility, and which impacts on interstate commerce.

(B) AMOUNT.—The wires charge shall be set at a rate equal to the lesser of—

(i) 2 mills per kilowatt-hour; or

(ii) a rate that is estimated to result in the collection of an amount of wires charges that is as nearly as possible equal to the amount of needed funding determined under paragraph (1).

(3) DEPOSIT IN THE FUND.—The wires charge shall be paid by the operator of the wire directly into the Fund at the end of each month during the calendar year for distribution by the electric systems public benefits manager under section 4.

(4) PENALTIES.—The Commission may assess against a wire operator that fails to pay a wires charge as required by this subsection a civil penalty in an amount equal to not more than the amount of the unpaid wires charge.

(d) AUDITING.—

(1) IN GENERAL.—The Fund shall be audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards.

(2) ACCESS TO RECORDS.—Representatives of the Secretary and the Commission shall have access to all books, accounts, reports, files, and other records pertaining to the Fund as necessary to facilitate and verify the audit.

(3) REPORTS.—

(A) IN GENERAL.—A report on each audit shall be submitted to the Secretary, the Commission, and the Secretary of the Treasury, who shall submit the report to the President and Congress not later than 180 days after the close of the fiscal year.

(B) REQUIREMENTS.—An audit report shall—

(i) set forth the scope of the audit; and

(ii) include—

(I) a statement of assets and liabilities, capital; and surplus or deficit;

(II) a statement of surplus or deficit analysis;

(III) a statement of income and expenses;

(IV) any other information that may be considered necessary to keep the President and Congress informed of the operations and financial condition of the Fund; and

(V) any recommendations with respect to the Fund that the Secretary or the Commission may have.

SEC. 6. RENEWABLE ENERGY PORTFOLIO STANDARDS.

(a) DEFINITION OF GENERATION FACILITY.—In this section, the term ''covered generation facility'' means a nonhydroelectric facility that generates electric energy for sale.

(b) REQUIRED RENEWABLE ENERGY.—Of the total amount of electricity sold by covered generation facilities during a calendar year, the amount generated by renewable energy sources shall be not less than—

(1) 2.5 percent in 2000;
(2) 3.0 percent in 2001;
(3) 3.5 percent in 2002;
(4) 4.0 percent in 2003;
(5) 4.5 percent in 2004;
(6) 5.0 percent in 2005;
(7) 6.0 percent in 2006;
(8) 7.0 percent in 2007;
(9) 8.0 percent in 2008;
(10) 9.0 percent in 2009;
(11) 10.0 percent in 2010;
(12) 11.0 percent in 2011;
(13) 12.0 percent in 2012;
(14) 13.0 percent in 2013;
(15) 14.0 percent in 2014;
(16) 15.0 percent in 2015;
(17) 16.0 percent in 2016;
(18) 17.0 percent in 2017;
(19) 18.0 percent in 2018;
(20) 19.0 percent in 2019; and
(21) 20.0 percent in 2020 and each year thereafter.

(c) RENEWABLE ENERGY CREDITS.—

(1) IDENTIFICATION OF ENERGY SOURCES.—The Commission shall establish standards and procedures under which a covered generation facility shall certify to a purchaser of electricity—

(A) the amount of the electricity that is generated by a renewable energy source; and

(B) the amount of the electricity that is generated by a source other than a renewable energy source.

(2) ISSUANCE OF RENEWABLE ENERGY CREDITS.—Not later than April 1 of each year, beginning in the year 2001, the Commission shall issue to a covered generation facility 1 renewable energy credit for each megawatt-hour of electricity sold by the covered generation facility in the preceding calendar year that was generated by a renewable source.

(3) SUBMISSION OF RENEWABLE ENERGY CREDITS.—Not later than July 1 of each year, a covered generation facility shall submit credits to the Commission in an amount equal to the total number of megawatt-hours of electricity sold by the covered generation facility in the preceding year multiplied by the applicable renewable energy source requirement under subsection (a).

(4) USE OF RENEWABLE ENERGY CREDITS.—

(A) TIME FOR USE.—A renewable energy credit shall be used for the calendar year for the renewable energy credit is issued.

(B) PERMITTED USES.—Until July 1 of the year in which a renewable energy credit was issued, a covered generation facility may—

(i) use the renewable energy credit to make a submission to the Commission under paragraph (3); or

(ii) on notice to the Commission, sell or otherwise transfer a renewable energy credit to another covered generation facility.

(d) RECORDKEEPING.—The Commission shall maintain records of all renewable energy credits issued and all credits sold or exchanged.

(e) PENALTIES.—The Commission may bring an action in United States district court to impose a civil penalty on any person that fails to comply with subsection (a). A person that fails to comply with a requirement to submit renewable energy credits under subsection (b)(3) shall be subject to a civil penalty of not more than 3 times the estimated national average market value (as determined by the Commission) for the calendar year concerned of that quantity of renewable energy credits.

(f) PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978.—

(1) REPEAL OF COGENERATION AND SMALL POWER PRODUCTION PROVISION.—Effective January 1, 2000, the Public Utility Regulatory Policies Act of 1978 is amended by striking section 210 (16 U.S.C. 824a–3).

(2) EXISTING CONTRACTS.—The amendment made by paragraph (1) shall not affect the continued validity and enforceability of contracts entered into under section 210 of the Public Utility Regulatory Policies Act of 1978 before the date of enactment of this Act.

(3) CONTINUED JURISDICTION.—Notwithstanding the amendment made by paragraph (1), the Commission shall retain jurisdiction to—

(A) ensure the continued status of qualifying small power production facilities under section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3); and

(B) continue exemptions granted under subsection (e) of that section before the date of enactment of this Act.

(g) POWERS.—The Commission may promulgate such regulations, conduct such investigations, and take such other actions as are necessary or appropriate to implement and obtain compliance with this section and regulations promulgated under this section.

SEC. 7. EMISSIONS STANDARDS AND ALLOCATIONS.

(a) DEFINITIONS.—In this section:

(1) COVERED GENERATION FACILITY.—The term ''covered generation facility'' means an electric generation facility (other than a nuclear facility) with a nameplate capacity of 15 megawatts or greater that uses a combustion device to generate electricity for sale.

(2) COGENERATION.—The term ''cogeneration'' means a process of simultaneously generating electricity and thermal energy in which a portion of the energy value of fuel consumed is recovered as heat that is used to meet heating or cooling loads outside the generation facility.

(3) POLLUTANT.—The term ''pollutant'' means—

(A) nitrogen oxide;

(B) sulfur dioxide;

(C) carbon dioxide;

(D) mercury; or

(E) any other substance that the Administrator may identify by regulation as a substance the emission of which into the air from a combustion device used in the generation of electricity endangers public health or welfare.

(b) NATIONWIDE EMISSIONS STANDARDS.—

(1) SCHEDULE.—Not later than July 1, 1999, the Administrator shall promulgate a final regulation that establishes a schedule of limits on the amount of each pollutant that all covered generation facilities in the aggregate nationwide shall be permitted to emit in each calendar year beginning in calendar year 2000.

(2) LIMIT.—The nationwide emissions standard for calendar year 2005 and each year thereafter established under paragraph (1) shall be not greater than—

(A) for nitrogen oxide, 1,660,000 tons;

(B) for sulfur dioxide, 3,580,000 tons; and

(C) for carbon dioxide, 1,914,000,000 tons.

(3) ADJUSTMENT.—The Administrator may adjust the schedule established under paragraph (1), within the limits established by paragraph (2), if the Administrator determines that an adjustment would be in the best interests of the public health and welfare.

(c) GENERATION PERFORMANCE STANDARD.—

(1) ANNUAL DETERMINATION.—

(A) IN GENERAL.—Not later than October 1 of each year, the Administrator, in consultation with the Commission, shall determine the generation performance standard for nitrogen oxide, sulfur dioxide, and carbon dioxide emissions per megawatt-hour of electric production by covered generation facilities for the next calendar year.

(B) METHOD.—The Administrator shall determine by regulation the method to be used in determining an estimate under subparagraph (A).

(2) FORMULA.—The generation performance standard shall be determined by dividing the annual nationwide emissions standard as established under subsection (b) by the Administrator's estimate of the nationwide megawatt-hour production for the next calendar year by all covered generation facilities.

(d) INDIVIDUAL EMISSIONS ALLOCATION.—The amount of each pollutant that a covered generation facility shall be permitted to emit during a calendar year shall be equal to—

(1) the facility's annual generation of megawatt-hours of electricity multiplied by the generation performance standard as established in subsection (c); plus

(2) the facility's annual generation of thermal energy used to meet heating and cooling loads resulting from the cogeneration process, which shall be expressed by the Administrator in units of measurement that provide a reasonable comparison between energy generated in the form of electricity and energy generated in the form of thermal energy and then multiplied by the generation performance standard as established under subsection (c).

(e) OZONE SEASON.—In determining the individual emissions allocation for a covered generation facility under subsection (d), the amount of nitrogen oxide emitted by covered generation facility and the number of megawatt-hours of electricity generated by the covered generation facility during the period May 1 through September 30 of each year shall each be multiplied by 3.

(f) MONITORING.—

(1) ESTABLISHMENT OF SYSTEM.—The Administrator shall establish a system for the accurate monitoring of the amount of each pollutant that a covered generation facility emits during a year.

(2) REQUIREMENTS.—The monitoring system under paragraph (1) shall require—

(A) installation on each combustion device of a continuous monitoring system for each pollutant; or

(B) use of an alternative mechanism that the Administrator determines will provide data with precision, reliability, accessibility, and timeliness that are equal to or greater than those that would be achieved by a continuous emissions monitoring system.

(g) EMISSIONS CREDITS.—

(1) COMPARISON OF ACTUAL COMBUSTION DEVICE OUTPUTS WITH INDIVIDUAL EMISSION ALLOCATIONS.—At the end of each year, the Administrator shall compare the amount of a pollutant emitted by a generation facility during the year with the individual emissions allocation as established under subsection (d) applicable to the covered generation facility for the year.

(2) ISSUANCE OF EMISSIONS CREDITS.—Not later than April 1 of each year, the Administrator shall issue to a covered generation facility 1 emissions credit for each ton by which the amount of a pollutant emitted by the covered generation facility during the preceding year was less than the individual emissions allocation as established under subsection (d) applicable to the covered generation facility.

(3) SUBMISSION OF EMISSIONS CREDITS.—

(A) IN GENERAL.—Not later than July 1 of each year, a covered generation facility that emitted a greater amount of a pollutant than the individual emissions allocation applicable to the covered generation facility during the preceding year shall submit to the Administrator 1 emissions credit for each ton by which the amount of the pollutant emitted was greater than the individual emissions allocation as established under subsection (d).

(B) PENALTY.—A covered generation facility that is required to submit an emissions credit under subparagraph (A) that fails to submit the emissions credit shall pay to the Administrator a civil penalty in an amount equal to—

(i) $15,000 for each ton of nitrogen oxide emissions in excess of the individual emissions allocation applicable to the facility under subsection (d) for which a nitrogen oxide emissions credit has not been submitted under subparagraph (A);

(ii) $2,500 for each ton of sulfur dioxide emissions in excess of the individual emissions allocation applicable to the facility under subsection (d) for which a sulfur dioxide emissions credit has not been submitted under subparagraph (A); or

(iii) $100 for each ton of carbon dioxide emissions in excess of the individual emissions allocation applicable to the facility under subsection (d) for which a carbon dioxide emissions credit has not been submitted under subparagraph (A).

(C) PENALTY ADJUSTMENT.—The Administrator shall annually adjust the penalty specified in subparagraph (B) for inflation based on the Consumer Price Index.

(4) USE OF EMISSIONS CREDITS.—A covered generation facility may—

(A) retain an emissions credit from year to year for future submission to the Administrator under paragraph (3); or

(B) on notice to the Administrator, sell or otherwise transfer an emissions credit to another person.

(h) POWERS.—The Administrator may promulgate such regulations, conduct such investigations, and take such other actions as are necessary to appropriate to implement and obtain compliance with this section and regulations promulgated under this section.

SEC. 8. DISCLOSURE REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) EMISSIONS DATA.—The term ''emissions data'' means the type and amount of each pollutant (as defined in section 7(a)) emitted by a generation facility in generating electricity.

(2) GENERATION DATA.—The term ''generation data'' means the type of fuel (such as coal, oil, nuclear energy, or solar power) used by a generation facility to generate electricity.

(b) DISCLOSURE SYSTEM.—The Secretary shall establish a system of disclosure that—

(1) enables retail consumers to knowledgeably compare retail electric service offerings, including comparisons based on generation source portfolios, emissions data, and price terms; and

(2) considers such factors as—

(A) cost of implementation;
(B) confidentiality of information; and
(C) flexibility.

(c) REGULATION.—Not later than March 1, 1999, the Secretary, in consultation with the Board, and with the assistance of a Federal interagency task force that includes representatives of the Commission, the Federal Trade Commission, the Food and Drug Administration, and the Environmental Protection Agency, shall promulgate a regulation prescribing—

(1) the form, content, and frequency of disclosure of emissions data and generation data of electricity by generation facilities to electricity wholesalers or retail companies and by wholesalers to retail companies;

(2) the form, content, and frequency of disclosure of emissions data, generation data, and the price of electricity by retail companies to ultimate consumers; and

(3) the form, content, and frequency of disclosure of emissions data, generation data, and the price of electricity by generation facilities selling directly to ultimate consumers.

(d) ACCESS TO RECORDS.—The Secretary shall have full access to the records of all generation facilities, electricity wholesalers, and retail companies to obtain any information necessary to administer and enforce this section.

(e) FAILURE TO DISCLOSE.—The failure of a retail company to accurately disclose information as required by this section shall be treated as a deceptive act in commerce under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(f) REGULATIONS.—The Secretary may promulgate such regulations, conduct such investigations, and take such other actions as are necessary or appropriate to implement and obtain compliance with this section and regulations promulgated under this section.

By Mr. BIDEN (by request):

S. 688. 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 1997

● Mr. BIDEN. Mr. President, I am pleased today to reintroduce President Clinton's proposal, the Presidential Honors Scholarship Act of 1997. I first introduced this bill on behalf of the administration last September—and I have included a very similar proposal in my own comprehensive higher education legislation, known as the Get Ahead Act. I am honored to have the opportunity to reintroduce this measure for the President, who continues his endless efforts at improving American education and making sure that college is affordable to all Americans.

Most people are probably not familiar with Presidential Honors Scholarships, but I think many people have heard of the idea of merit scholarships. It is pretty simple. Under the bill, all students in public and private schools who graduate in the top 5 percent of their class would be designated as Presidential honors scholars and would receive a $1,000 scholarship to college. The scholarship could be used during their freshman year at the college of their choice, and the scholarship would not be used in determining eligibility for other financial aid.

I strongly support merit scholarships for two reasons. First, we need to start rewarding excellence in educational achievement. Under the leadership of President Clinton, 4 years ago Congress passed legislation that encourages States to set high academic standards for their students. This proposal builds on that idea by rewarding those students who meet those high standards. Students who work hard and succeed ought to be recognized and rewarded.

Second, by providing scholarship moneys, this bill will help thousands of students in paying for the costs of a college education, which, I might add, is becoming more and more difficult for middle-class families. I realize that $1,000 does not go a long way in paying for a public college education, not to mention the costs of a private college. But, it will be of some help, and for those who choose to go to a community college, it will pay for about two-thirds of the cost.

Mr. President, I suspect that we will be debating higher education more than once this year. There is much to be done. We need to provide a tax deduction for the costs of college. We should allow penalty-free withdrawals from Individual Retirement Accounts to pay for college. We should make permanent the employer-provided education tax exclusion. We need to expand the Pell Grant Program. And, we need to reauthorize the Higher Education Act.

In that process, however, let us not forget merit scholarships. It is not the answer, but it is part of the answer. It is a piece of the puzzle. And while some would say that it is a small piece, it plays an important role in being the one piece that rewards those students who reach for excellence.

I look forward to working with my colleagues and with President Clinton in seeing that this proposal becomes law.●

By Mr. BREAUX (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. ROBB):

S. 690. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program; to the Committee on Finance.

THE COLORECTAL CANCER SCREENING ACT OF 1997

Mr. BREAUX. Mr. President, I rise today to introduce the Colorectal Cancer Screening Act of 1997 with my colleagues Senators COCHRAN, CONRAD, DORGAN, MOSELEY-BRAUN, REID, and ROCKEFELLER.

Let me share some tragic facts about colorectal cancer. According to the American Cancer Society, colorectal cancer is the second most deadly cancer based on the number of annual deaths. While breast cancer primarily afflicts women and prostate cancer is a disease of men, colorectal cancer strikes both men and women of all races, resulting in the high number of patients and the corresponding high number of deaths.

This year alone, 140,000 Americans will be diagnosed with colon cancer and 54,000 Americans will die from the disease. In my own State of Louisiana, 2,200 new cases of colon cancer will be diagnosed this year and it will take the lives of 920 people. Yet, as is the case with most cancers, colon cancer is preventable and curable if detected early.

The tragedy of colorectal cancer is that physicians have proven means to detect colorectal cancer early but these tests must be made available to people on a widespread basis. Death from this terrible disease can be reduced significantly by early detection. We know polyps, the initial presentation of early cancers, if detected early can be treated without major surgery while expensive, major surgery in a hospital is the only successful treatment for more advanced cancers.

While many private health plans are starting to provide coverage for colorectal cancer screening, Medicare—which covers older Americans who are most at risk—does not. The Colorectal Cancer Screening Act of 1997 would make colorectal cancer screening available to Medicare beneficiaries to improve the chance for early detection and diagnosis.

The type and frequency of screening I suggest in my bill are compatible with the recommendations of several large physician groups as well as the American Cancer Society. It covers all the procedures that are currently used today but the type of screening process will depend on the patient's risk factors for colon cancer. Patients at higher risk, for example someone whose parent had colon cancer, receive more aggressive screening than someone with a normal risk for colon cancer.

Mr. President, this legislation is not procedure specific. Although several screening tests for colorectal cancer are currently available, the best method for early detection has not been determined. Some tests are very simple and can be performed by any doctor. Others, such as barium enema and colonoscopy, are technically more difficult and require special equipment and facilities. Some tests only evaluate part of the colon.

My bill basically recognizes that we need to start screening people right away. The Congress should not prevent seniors from getting screened because there is disagreement over which procedures are best. That is a decision best made by doctors, not the Congress. This bill would mandate that seniors on Medicare have access to all the screening methods currently used by doctors. In 2 years, the Secretary of Health and Human Services will report back to Congress on which tests are

the best and most cost-effective means of detecting colon cancer. If it is determined that a procedure is being used that is not effective, Medicare will no longer cover it. HHS will also study the needs of African-Americans who are at high risk for colon cancer and have a higher mortality rate. It makes much more sense for the experts in colon cancer, not the Congress, to determine the best, most cost-effective screening techniques all the while making this important service available immediately to Medicare beneficiaries.

This kind of preventive tool is critical in our battle against colon cancer. It will improve the quality of life for Medicare beneficiaries and save Medicare money in the long run by reducing the high costs of treating advanced colorectal cancer.

I encourage my colleagues to join me in supporting passage of this legislation this Congress. I ask unanimous consent that a copy of the bill appear in the RECORD.

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

S. 690

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 ''Colorectal Cancer Screening Act of 1997''.

SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREENING SERVICES.

(a) COVERAGE.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) by striking ''and'' at the end of subparagraphs (N) and (O); and

(ii) by inserting after subparagraph (O) the following:

''(P) colorectal cancer screening tests (as defined in subsection (oo)); and''; and

(B) by adding at the end the following:

''Colorectal Cancer Screening Tests

''(oo)(1) The term 'colorectal cancer screening test' means, unless determined otherwise pursuant to section 2(a)(2) of the Colorectal Cancer Screening Act of 1997, any of the following procedures furnished to an individual for the purpose of early detection of colorectal cancer:

''(A) Screening fecal-occult blood test.

''(B) Screening flexible sigmoidoscopy.

''(C) Screening barium enema.

''(D) In the case of an individual at high risk for colorectal cancer, screening colonoscopy or screening barium enema.

''(E) For years beginning after 2002, such other procedures as the Secretary finds appropriate for the purpose of early detection of colorectal cancer, taking into account changes in technology and standards of medical practice, availability, effectiveness, costs, the particular screening needs of racial and ethnic minorities in the United States and such other factors as the Secretary considers appropriate.

''(2) In paragraph (1)(D), an 'individual at high risk for colorectal cancer' is an individual who, because of family history, prior experience of cancer or precursor neoplastic polyps, a history of chronic digestive disease condition (including inflammatory bowel disease, Crohn's Disease, or ulcerative colitis), the presence of any appropriate recognized gene markers for colorectal cancer, or other predisposing factors, faces a high risk for colorectal cancer.''.

(2) REVIEW OF COVERAGE OF COLORECTAL CANCER SCREENING TESTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act (and periodically thereafter), the Secretary of Health and Human Services (in this paragraph referred to as the ''Secretary'') shall review—

(i) the standards of medical practice with regard to colorectal cancer screening tests (as defined in section 1861(oo) of the Social Security Act (42 U.S.C. 1395x(oo))) (as added by paragraph (1) of this section);

(ii) the availability, effectiveness, costs, and cost-effectiveness of colorectal cancer screening tests covered under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) at the time of such review;

(iii) the particular screening needs of racial and ethnic minorities in the United States; and

(iv) such other factors as the Secretary considers appropriate with regard to the coverage of colorectal cancer screening tests under the medicare program.

(B) DETERMINATION.—If the Secretary determines it appropriate based on the review conducted pursuant to subparagraph (A), the Secretary shall issue and publish a determination that one or more colorectal cancer screening tests described in section 1861(oo) of the Social Security Act (42 U.S.C. 1395x(oo)) (as added by paragraph (1) of this section) shall no longer be covered under that section.

(b) FREQUENCY AND PAYMENT LIMITS.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by inserting after subsection (c) the following:

''(d) FREQUENCY AND PAYMENT LIMITS FOR COLORECTAL CANCER SCREENING TESTS.—

''(1) SCREENING FECAL-OCCULT BLOOD TESTS.—

''(A) PAYMENT LIMIT.—In establishing fee schedules under section 1833(h) with respect to colorectal cancer screening tests consisting of screening fecal-occult blood tests, except as provided by the Secretary under paragraph (5)(A), the payment amount established for tests performed—

''(i) in 1998 shall not exceed $5; and

''(ii) in a subsequent year, shall not exceed the limit on the payment amount established under this subsection for such tests for the preceding year, adjusted by the applicable adjustment under section 1833(h) for tests performed in such year.

''(B) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (5)(B), no payment may be made under this part for colorectal cancer screening test consisting of a screening fecal-occult blood test—

''(i) if the individual is under 50 years of age; or

''(ii) if the test is performed within the 11 months after a previous screening fecal-occult blood test.

''(2) SCREENING FOR INDIVIDUALS NOT AT HIGH RISK.—Subject to revision by the Secretary under paragraph (5)(B), no payment may be made under this part for a colorectal cancer screening test consisting of a screening flexible sigmoidoscopy or screening barium enema—

''(i) if the individual is under 50 years of age; or

''(ii) if the procedure is performed within the 47 months after a previous screening flexible sigmoidoscopy or screening barium enema.

''(3) SCREENING FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER.—Subject to revision by the Secretary under paragraph (5)(B), no payment may be made under this part for a colorectal cancer screening test consisting of a screening colonoscopy or screening barium enema for individuals at high risk for colorectal cancer if the procedure is performed within the 23 months after a previous screening colonoscopy or screening barium enema.

''(4) PAYMENT AMOUNTS FOR CERTAIN COLORECTAL CANCER SCREENING TESTS.—The Secretary shall establish payment amounts under section 1848 with respect each colorectal cancer screening tests described in subparagraphs (B), (C), and (D) of section 1861(oo)(1) that are consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to section 1848(a)(2)(A).

''(5) REDUCTIONS IN PAYMENT LIMIT AND REVISION OF FREQUENCY.—

''(A) REDUCTIONS IN PAYMENT LIMIT FOR SCREENING FECAL-OCCULT BLOOD TESTS.—The Secretary shall review from time to time the appropriateness of the amount of the payment limit established for screening fecal-occult blood tests under paragraph (1)(A). The Secretary may, with respect to tests performed in a year after 2000, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that such tests of an appropriate quality are readily and conveniently available during the year.

''(B) REVISION OF FREQUENCY.—

''(i) REVIEW.—The Secretary shall review periodically the appropriate frequency for performing colorectal cancer screening tests based on age and such other factors as the Secretary believes to be pertinent.

''(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which such tests may be paid for under this subsection, but no such revision shall apply to tests performed before January 1, 2001.

''(6) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

''(A) IN GENERAL.—In the case of a colorectal cancer screening test consisting of a screening flexible sigmoidoscopy or screening barium enema, or a screening colonoscopy or screening barium enema provided to an individual at high risk for colorectal cancer for which payment may be made under this part, if a nonparticipating physician provides the procedure to an individual enrolled under this part, the physician may not charge the individual more than the limiting charge (as defined in section 1848(g)(2)).

''(B) ENFORCEMENT.—If a physician or supplier knowingly and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraphs (1)(D) and (2)(D) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) are each amended by inserting ''or section 1834(d)(1)'' after ''subsection (h)(1)''.

(2) Section 1833(h)(1)(A) of the Social Security Act (42 U.S.C. 1395l(h)(1)(A)) is amended by striking ''The Secretary'' and inserting ''Subject to paragraphs (1) and (5)(A) of section 1834(d), the Secretary''.

(3) Clauses (i) and (ii) of section 1848(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(2)(A)) are each amended by inserting after ''a service'' the following: ''(other than a colorectal cancer screening test consisting of a screening colonoscopy or screening barium enema provided to an individual at high risk for colorectal cancer or a screening flexible sigmoidoscopy or screening barium enema)''.

(4) Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''and'' at the end;

(ii) in subparagraph (F), by striking the semicolon at the end and inserting '', and''; and

(iii) by adding at the end the following:

''(G) in the case of colorectal cancer screening tests, which are performed more frequently than is covered under section 1834(d);''; and

(B) in paragraph (7), by striking ''paragraph (1)(B) or under paragraph (1)(F)'' and inserting ''subparagraph (B), (F), or (G) of paragraph (1)''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to items and services furnished on or after January 1, 1998.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 65, a bill to amend the Internal Revenue Code of 1986 to ensure that members of tax-exempt organizations are notified of the portion of their dues used for political and lobbying activities, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 356

At the request of Mr. GRAHAM, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 377

At the request of Mr. BURNS, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 377, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 385

At the request of Mr. CONRAD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 385, a bill to provide reimbursement under the medicare program for telehealth services, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 394

At the request of Mr. HATCH, the names of the Senator from Virginia [Mr. ROBB], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 609

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

SENATE JOINT RESOLUTION 25

At the request of Mr. COCHRAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 25, a joint resolution disapproving the rule of the Occupational Safety and Health Administration relating to occupational exposure to methylene chloride.

SENATE RESOLUTION 19

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 19, a resolution expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

SENATE RESOLUTION 79

At the request of Mr. KEMPTHORNE, the names of the Senator from Nevada [Mr. REID] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Resolution 79, a resolution to commemorate the 1997 National Peace Officers Memorial Day.

AMENDMENTS SUBMITTED

THE VOLUNTEER PROTECTION ACT OF 1997

COVERDELL (AND OTHERS) AMENDMENT NO. 53

Mr. COVERDELL (for himself, Mr. LEAHY, Mr. ASHCROFT, Mr. MCCONNELL, Mr. ABRAHAM, and Mr. SANTORUM) proposed an amendment to the bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Volunteer Protection Act of 1997''.

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such

laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a volunteer shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term ''harm'' includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term ''volunteer'' means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the benefit of Members and the public that the time that the Committee on Energy and Natural Resources has scheduled for a hearing to receive testimony on S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997 has been changed.

The hearing will now take place on Monday, May 5, 1997, at 10:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record

should contact James Beirne, senior counsel to the committee or Betty Nevitt, staff assistant, or write the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 8, 1997, at 9:30 a.m. to consider revisions to Title 44/GPO.

For further information concerning this hearing, please contact Eric Peterson.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 417, a bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002, S. 416, a bill to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency, S. 186, a bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes, and the energy security of the United States of America.

The hearing will take place on Tuesday, May 13, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel or Betty Nevitt, staff assistant.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 1997, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 1, for purposes of conducting a hearing before the Subcommittee on National Parks, Historic Preservation, & Recreation which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 357, a bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 1, at 10 a.m. for a hearing on DOD at risk.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Thursday, May 1, 1997 at 2 p.m. for a hearing on ''National Missile Defense and the ABM Treaty''.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, May 1, 1997, at 10 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Public Health and Safety Subcommittee hearing on ''Biomedical Research priorities: Who Should Decide?'' during the session of the Senate on Thursday, May 1, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 1, 1997, to conduct an oversight hearing on the Office of the Comptroller of the Currency.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 11:30 a.m. to hold a hearing on ''Immigration and Naturalization Service Oversight: The Criminal Record Verification Process for Citizenship Applicants.''

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON READINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, May 1, 1997, in open session, to receive testimony on Department of Defense depot maintenance privatization initiatives in review of S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999.

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

ADDITIONAL STATEMENTS

TRIBUTE TO MIDDLEBURY COLLEGE

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Middlebury College and its student production of ''The Last Supper Restoration.'' This group of fine arts students will be one of eight participating in this year's American College Theater Festival at the John F. Kennedy Center for Performing Arts from April 14 to April 22, 1997. The production was chosen from among 900 presented on campuses throughout the United States in 1996.

The student playwright, Michael Kanin, was presented with the National Student Playwriting Award and has been recognized for his tremendous efforts by the Association for Theatre in Higher Education. The students' work is in the finest tradition of Vermont and truly represent the creative spirit of our Green Mountain State.

This accomplishment is testimony to the outstanding education and diverse opportunities provided by a true center of excellence, Middlebury College. Once again, I would like to extend my best wishes and congratulations to the Middlebury College thespians.●

TRIBUTE TO ELIZABETH O'DONNELL

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a very special

American, Ms. Elizabeth O'Donnell of Kenmore, NY. I am proud to announce that Ms. O'Donnell is one of three winners of the 1996 HEROES Awards from the Sporting Goods Manufacturers Association. This honor is given each year to three individuals who make outstanding and unique humanitarian contributions to local sports programs throughout the United States.

In 1976, Elizabeth O'Donnell abandoned her lifelong dream of professional ice skating to find a more fulfilling challenge. It was at that time that Ms. O'Donnell left the Ice Capades to teach blind and handicapped people of all ages to ice skate. Motivated by her love of the sport and desire to share the freedom of movement, as well as the physical and psychological benefits which accompany skating, Ms. O'Donnell founded the Skating Association for the Blind and Handicapped [SABAH].

In her 20 years as coach, administrator, and president of SABAH, Ms. O'Donnell has taught more than 8,500 physically challenged people to leave behind their wheelchairs and crutches and learn to skate with specially designed walkers and harness systems. A number of Ms. O'Donnell's students have even learned to overcome their disabilities as a result of her coaching techniques.

Ms. O'Donnell's work might best be summarized in the words of Buffalo mayor, Anthony Massielo, the person who nominated her for the 1996 Sporting Goods Manufacturers Association HEROES Award: ''For those people who might have known 'sports' as an abstract, Elizabeth has succeeded in translating the joy of achievement and accomplishment, which is so often overlooked in competitive sports, into a triumph of spirit.''

Mr. President, I want to give my warmest congratulations to Ms. O'Donnell and to the people whose lives she helps make better. Her 1996 Sporting Goods Manufacturers Association HEROES Award is richly deserved.●

''REBUILDING EVERY BURNED BLACK CHURCH''

● Mr. BUMPERS. Mr. President, the February edition of Delta Airline's Sky magazine contained an article about one of this Nation's finest corporate citizens, the International Paper Co.

IP has donated lumber and building materials to the National Council of Churches in its efforts to rebuild black churches burned by arsonists in recent years. One such church torched in 1994 was Friendship Missionary Baptist in Proctor, Crittenden County, AR.

Last year International Paper stepped in to help this congregation. Today a new Friendship Missionary Baptist Church is under construction.

Mr. President, I want to commend this fine corporate citizen for the role it is playing to reverse the misery and hardship that has been caused by these church burnings.

I commend the article to my colleagues and ask that it be printed in the RECORD.

The article follows:

[From Sky, February 1997]

REBUILDING EVERY BURNED BLACK CHURCH

LED BY CEO JOHN T. DILLON, INTERNATIONAL PAPER HAS GONE INTO ''THE BLESSING BUSINESS''

(By Timothy Harper)

On Thanksgiving Day 1994, an arsonist apparently torched the Friendship Missionary Baptist Church in Proctor, Arkansas. It was one of the first in a series of deliberately set fires that spread through predominantly black churches across the South. Many Americans, of every color, were appalled. Not just about race and religion, these were attacks on the ideals of equality and freedom in America. Our concept of what constitutes a civilized society was being violated.

In subsequent months, dozens more black churches were burned, and by the late spring and early summer of 1996, the incidents had become a compelling national story. The FBI began investigating. The National Council of Churches established the Burned Churches Fund. Churches, companies and individuals across the nation made contributions to help congregations rebuild.

Many of the burned churches' congregations were poor, however, and didn't know if they could rebuild, even with donations. Until June 27, 1996, that is. One that date, John T. Dillon, chairman and chief executive officer of International Paper, the world's largest wood products company, quietly told the National Council of Churches that his company would donate lumber and building materials from his company's broad range of construction products.

In his private letter to the Rev. Dr. Joan Brown Campbell, general secretary of the National Council of Churches, Dillon promised to provide as much as was needed to rebuild every church. He put no ceiling on the amount of material to be donated, or the cost. Dillon merely asked the Council, which is overseeing the reconstruction of the churches, to coordinate the effort to make sure that every church got what it needed to rebuild.

Purchase, New York-based International Paper, which had revenues in 1995 of nearly $20 billion and employs about 88,000 people around the world, provides the burned churches with lists of the company's wood and building materials, including beams, flooring, walls, sheeting, siding, shingles, doors and countertops. Churches, with the help of officials from the National Council of Churches, check off what they need and send the list back to International Paper. For churches that were burned to the ground, International Paper is providing up to 100 percent of the materials the company has to offer—and absorbing the costs.

Today, with a shipment of wood and materials from International Paper, a new Friendship Missionary Baptist Church is under construction near Proctor. ''It's a wonderful thing,'' says Charles Eason, a deacon who is helping oversee the rebuilding. ''We're just a small rural church, and this donation has made the difference for us. We don't know when we would have been able to rebuild without it.''

In a memo to International employees explaining the donation, Dillon noted that many of the company's mills and local branches are is small towns across the South. ''Beyond the instant tragedy associated with this wanton destruction, these events strike at the essence of what makes small-town communities so special,'' Dillon wrote. ''For International Paper, small towns and small-town values have long been an important part of our history. The spirit of unity, dedication to purpose and pride in performing well that are so fundamental to these communities have also been indispensable to our company's success. This link, together with the premium we place on corporate citizenship, requires that International Paper respond in this time of need.''

The Rev. Albert Pennybacker, who is overseeing the church reconstruction program for the National Council of Churches, says 124 churches were damaged by burnings. Some were rebuilt before the offer from International Paper, but he and International Paper officials estimate that ''several dozen'' churches ultimately will receive free wood and building materials.

''This is a really remarkable gesture by International Paper, a remarkable commitment,'' Pennybacker says. ''We were overwhelmed by [their] generosity.'' Beyond making the wood and materials available, he says, International Paper has made an extraordinary, perhaps unprecedented, promise to make deliveries right to the churches.

That is no small or easily fulfilled promise. Since many of the burned churches are in isolated areas, down country lanes or out in the middle of farm fields, on land no one else wanted, those special deliveries are often far off the company's established delivery routes, taking drivers and trucks out of their usual rotations. Moreover, International Paper promised to make deliveries within a few days of receiving orders from the churches, thereby adding many thousands of dollars in staff time and rescheduling headaches to the total cost of the company's donation.

Pennybacker says the National Council of Churches originally guessed that the donated materials would be worth $1 million, but he now believes the cost to International Paper could be $2 million or more—at wholesale prices, not counting the considerable costs of delivery. That means an actual savings of several million dollars for churches that otherwise would have to go out and buy their materials at retail prices.

International Paper, meanwhile, does not seem to care what the contribution will end up costing. ''This is an open-ended commitment and, frankly, we're not sure just how much it's going to cost,'' says Carl Gagliardi, the International Paper executive coordinating the program out of the company's Memphis, Tennessee, office. ''This is one of the best things this company has ever done. It's been terrific for morale.''

Indeed, when International Paper's rank-and-file employees received Dillon's note outlining the company's commitment to the burned churches, many of them clamored to be part of it. A few weeks later, Pennybacker got a call at his office at the National Council of Churches headquarters in New York. An International Paper representative wanted to come in and drop off some donations from employees. Pennybacker expected ''a few thousand dollars, maybe.'' The executive showed up with a big box and dumped on Pennybacker's desk checks worth $37,787 from employees. He turned over another check for the same amount from International Paper, for a total donation of $75,574, and explained that Dillon had decreed that the company would match workers' individual donations dollar for dollar.

''During the past several weeks, I received several notes from employees who were eager to contribute to the fund and were eloquent in expressing their appreciation for the company's support for the rebuilding of the churches and communities that were victimized,'' Dillon said in a follow-up companywide note. ''I am extremely proud, but unsurprised, by the compassion, community concern and civic responsibility represented

by your contributions to the Burned Churches Fund. It is just another indication of why I feel so strongly about the men and women who make International Paper's team so extraordinary.''

One aspect of this story is perhaps even more extraordinary: International Paper did not publicize its donation—no corporate news conference, no announcement, not even a press release. Dillon apparently did not want the donation to be seen as a bid for publicity.

The article you are reading would never have been written if the author had not happened to hear about the donation from a Presbyterian minister who has a friend working at the National Council of Churches. When Sky contacted International Paper headquarters, the publicity staff—professionals who are paid well to make sure Dillon and the company look good—agreed to provide copies of Dillon's notes to his company's work force but rebuffed a request to interview the CEO for this article as ''not necessary.''

Dozens of black congregations across the South, meanwhile, are eager to sing the praises of International Paper. ''Oh, good!'' Shirley Hines exclaimed when told that Sky was running a story about the International Paper donation. Hines, in charge of the rebuilding committee at Greater Mount Zion Tabernacle Church in Portsmouth, Virginia, says the congregation did not know if the church could be rebuilt after it burned in May 1995; the estimated cost of $340,000 was just too much.

International Paper's donation last autumn of wood, doors, wall paneling and other building supplies, however, took care of three-quarters of the cost of materials and let the congregation celebrate Christmas in its new, rededicated church. ''International Paper told us to tell them what we needed. We faxed in a list, and in less than a week it was here. It was unbelievable,'' Hines says. ''If not for International Paper, this church would have had to wait two or three years to reopen, if it ever did.''

Hines recalled the dreary day when she, her pastor and several other church members waited in the rain for the first lumber delivery. When the big truck pulled up, she says, they laughed and shouted and cried and danced in the rain, snapping pictures of the forklift unloading the first pallets of wood that would become their new church.

''It made us realize that God is real,'' she says, ''and He is still in the blessing business.''●

CONGRESSIONAL RECORD STATEMENT HONORING 40TH ANNIVERSARY OF THE WARREN KIWANIS CLUB

● Mr. LEVIN. Mr. President, I rise today to salute the Kiwanis Club of Warren, MI, for its 40 years of service to the Warren community.

In 1957, a group of concerned businesspeople, professionals, and citizens formed the Kiwanis Club of Warren to help meet the needs in their community which were not being addressed by government or charities. Since its beginning, the Warren Kiwanis has provided numerous services to people in need, including persons with disabilities, senior citizens, and people requiring medical care. The Warren Kiwanis donated a bus to the Salvation Army, funded a fitness trail at a local park for disabled people, and have helped to pay for thousands of operations, utility bills, and ramps for people with disabilities.

The recent Presidents' Summit on Volunteerism drew the Nation's attention to the importance of giving back to our communities. The people of Warren, like those in so many communities throughout the country, are truly fortunate to dedicated Kiwanis Club members as their neighbors.

I hope my colleagues will join me in expressing congratulations and gratitude to the Kiwanis Club of Warren for their 40 years of good works.●

TRIBUTE TO MARGARET MACARTHUR

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Margaret MacArthur. Margaret has been selected to appear at the John F. Kennedy Center for Performing Arts on May 1, 1997. She will be appearing as the sole representative of Vermont in an annual celebration which will host artists from across the Nation.

Margaret represents the very best of Vermont. Her talent and hard work have been recognized time and time again. In 1985, she was selected by the New England Art Biennial as a New England living art treasure.

Margaret's repertoire consists almost exclusively of Vermont and other New England folk songs. She embodies the spirit of our Green Mountain State and has successfully shared its heritage, through music, with people throughout the country. Once again, I would like to extend my best wishes and congratulations to Margaret MacArthur.

Mr. President, I ask the following article from the Brattleboro Reformer be printed in the RECORD.

The article follows:

[From the Brattleboro Reformer, Dec. 6, 1996]

LOCAL FOLK ARTIST TO PERFORM AT KENNEDY CENTER

(By Jared Bazzy)

MARLBORO.—Folk singer Margaret MacArthur has been selected to appear at the John F. Kennedy Center for Performing Arts in Washington, D.C., this spring, as part of the Vermont State Day celebration.

U.S. Sen. James M. Jeffords, R–Vt., picked MacArthur to be the lone performer representing the Green Mountain State.

Jeffords, who chairs the Senate Subcommittee on Education, Arts, and Humanities, said Thursday, ''Margaret represents what's best about Vermont's history and culture,'' adding, ''This is a wonderful opportunity for visitors from across the nation to hear a true Vermont artist share our heritage.''

MacArthur said she was invited a few weeks ago, just after she returned from performing at the Folk Song Society in Washington, D.C.

''But I've never sung at the Kennedy Center for gosh sakes. It's pretty exciting,'' she said in a telephone interview from her home in Marlboro.

The Kennedy Center annually celebrates all 50 states with a performance by a local artist from each one. MacArthur will perform May 1, 1997.

Accompanying herself at different times on guitar, dulcimer and harp-zither, MacArthur's repertoire consists almost exclusively of Vermont and New England folk songs. She was raised in the Ozarks of Missouri and moved to Vermont in 1948. She spends winters in Arizona. Therefore, she also sings many songs from Missouri, nearby Kentucky and Arizona.

She said that she will certainly take along her harp-zither, which was given to her by the family of Rawsonville farmer Merle Landsman after it was found in his barn.

She said she will perform songs from a collection of 7,000 Vermont songs compiled by Helen Hartness Flanders. Flanders was the wife of the late Sen. Ralph Flanders, and MacArthur enjoys the connection between their lives in Washington D.C. and her performance at the Kennedy Center.

''This will give me a good opportunity to honor her and her collection,'' she said.

The New England Art Biennial, panel from the University of Massachusetts, Amherst, chose MacArthur in 1985 as a ''New England living art treasure.'' Her recording career spans to the early 1960s, when she recorded ''Folksongs of Vermont'' on Folkways records. She has since recorded eight more albums, including several with members of her family, who also live in Marlboro.

Recent local performance ventures included the Brattleboro Museum and Art Center, as part of a series on farming in Vermont.

She is currently completing her 10th recording, which is being produced at Sound Design in Brattleboro and is entitled ''Them Stars.''

MacArthur believes it was her work as artist-in-residence in schools throughout the state that brought her to Jeffords' attention. As a visiting artist, she had children set local folk tales to music which culminated two years ago with the production of ''Vermont Heritage Songs.''●

CHILDREN'S HEALTH CARE INSURANCE PROVIDES SECURITY [CHIPS] ACT

● Mr. ROBB. Mr. President, I'm pleased to be an original cosponsor of the Children's Health Insurance Provides Security [CHIPS] Act because I support expanding access to health care for children who lack coverage today, and because I believe this bill is both flexible and targeted to children in families least likely to have employer-based coverage and least able to purchase health insurance on their own.

It is my hope that States will find the enhanced Federal Medicaid match included in this bill to be a valuable tool to assist many vulnerable families, particularly families moving from welfare to work. Far too many welfare recipients will, at least initially, move from dependency into hourly jobs with little pay and few, if any, benefits. Children should not lose their health care because their parents work.●

HONORING THE CENTRAL/DELPHI FIRST TEAM

● Mr. LEVIN. Mr. President, I rise today to recognize the achievements of a remarkable group from my home State of Michigan. A team of students from Pontiac Central High School and engineers from Delphi Interior and Lighting Systems won two national

awards at the prestigious FIRST [For Inspiration and Recognition of Science and Technology] competition held April 10–12 in Orlando, FL.

The Central/Delphi team received the tournament trophy as a finalist in the robotics competition, and the team also won the competition's highest honor, the Chairman's Award, given to the most comprehensive school-corporate partnership program among the 155 competitors. As Chairman's Award winners, the team will be honored by President Clinton at a Rose Garden reception.

The Central/Delphi FIRST team helps to open young minds to science, mathematics, and technology. Pontiac Central students also have an opportunity to work at Delphi during the summer, which helps them continue learning outside of school and gain valuable on-the-job training. The innovative CADET program, an extension of Central/Delphi FIRST, uses unique activities to promote the fun of math, science and technology to students at seven elementary and junior high schools. As the presenter of the Chairman's Award said, ''The judges believe that this team has turned many children on to science and math. Through their strong partnership, FIRST became the avenue for an entire school of talented students to reach personal success.''

The success of the Central/Delphi team and the FIRST program in general is a powerful example of what educators and corporations can do to improve opportunities for our young men and women. I commend Delphi Interior and Lighting for their commitment to education. I am proud of the talented students who achieved so much at this prestigious competition. I hope my colleagues will join me in congratulating the young men and women of Pontiac Central High School and the employees of Delphi Interior and Lighting for their achievements at the sixth annual FIRST competition.

CHEMICAL WEAPONS CONVENTION

• Mr. KYL. Mr. President, everyone agrees that ridding the world of chemical weapons is a noble and worthy goal to pursue. These are weapons that no nation should have in its stockpile—and that includes the United States. By law, the U.S. stockpile will be destroyed whether or not the Chemical Weapons Convention [CWC] is ever ratified by the Senate. Opponents of the Convention support that action.

Notwithstanding agreement on the goals of the CWC, we do not believe that this treaty can ever achieve the goals. It will not accomplish its objective of being global, verifiable, and effective ban on these weapons. Moreover, because of deficiencies in the treaty—which, by its terms, adopting parties must ratify wholesale without amendment—we believe the United States is better off without the CWC than with it. As a result, we could not support ratification absent certain certifications by the President prior to deposit of our instrument of ratification.

Faced with the fact that the treaty is largely unverifiable, some ratification supporters argue that no treaty is 100 percent verifiable, and that, while not perfect, the CWC is better than nothing, especially since chemical weapons are so morally objectionable. Proponents further assert that the CWC is needed because it establishes an international norm that stigmatizes these weapons; that the CWC will bring us some intelligence we do not now have regarding the possession and manufacture of these weapons; and that it will provide trade benefits to U.S. chemical companies. Finally, they argue that we need to be a party to the treaty to protect our interests as details of implementation are worked out by the various parties.

For the sake of argument, even assuming that these relatively modest benefits claimed for the treaty would in fact materialize, we believe these claimed benefits do not outweigh the costs.

Opponents are convinced that the costs of ratifying the CWC outweigh the advanced benefits in several important respects, including the following: First, it would create a United Nations-style bureaucracy, 25 percent of the cost of which must be paid for by U.S. taxpayers. Second, it would put American businesses under a financially burdensome, security-compromising, and quite possibly unconstitutional inspection regime. Third, it would exacerbate the chemical threat we face by undermining existing multilateral trade restrictions, sanctions, and embargoes the United States has placed on rogue countries like Iran and Cuba. Fourth, it would require information sharing that signatory nations, if so inclined, could use to advance their chemical weapons programs. Fifth, the convention would give the Nation with the largest CW stockpile—Russia—an excuse to abrogate the Bilateral Destruction Agreement [BDA] it entered into with the United States to destroy chemical weapons. And this is not hypothetical speculation—there are growing indications Russia does not intend to comply with the BDA, which is much more restrictive than the CWC. Sixth, the prospect of ratification would create—there are already signs that it is creating—a false sense of security that encourages the United States to let its guard down on defending against the use of chemical weapons against American troops. Seventh, it degrades the value of treaties and moral statements because all nations understand it is unenforceable.

The CWC represents hope over reality. It makes people feel good to say they have done something about a class of weapons we all abhor. But signing this piece of paper is not going to solve the problem—and that's the problem. Hard problems can't be wished away with naive hopes and tough talk in the form of yet another international agreement, no matter how many other nations have signed on.

If the United States is to make a unique moral statement as proponents urge, we shouldn't be stampeded into ratifying this treaty ''because other nations have.'' The United States passed on joining the League of Nations even though, as with the CWC, it had promoted the League in the beginning and many other nations had decided to join it. Too often the international community has pronounced itself greatly pleased at solving the latest crisis with yet another treaty like the Kellogg-Briand Pact of 1928 which outlawed war as an instrument of national policy. And too often, as here, disappointment has followed because of the disconnect between the good intentions and the hard reality. To the argument that we will look bad because it was our idea in the first place, opponents say that real respect is rooted in responsible, honest positions; and that U.S. leadership in taking a different approach will be rewarded in the long term.

It is not possible to ban the manufacture and possession of chemical weapons, and we should not delude ourselves into thinking it is possible. What we can do is back up our demand that no one use chemical weapons, with international cooperation based on the will to punish violators so severely that use is deterred. That too is not easy; but, as the use of nuclear weapons has been deterred, so too can the use of chemical weapons be deterred if we have the will.

THE CWC IS NOT GLOBAL

The original goal of the CWC was that it would ban the manufacture and use of chemical weapons by all the nations of the world. Unfortunately, the countries with chemical weapons that we are most concerned about—Iraq, Libya, Syria, and North Korea—have not yet signed the CWC, let alone ratified it. Pakistan, Iran, and Russia also have chemical weapons programs; while they have signed the agreement, they may not ratify. So, the nations that pose the most serious threat may never fall under the CWC's strictures.

Nor is the CWC global in terms of the chemical substances it covers. While it prohibits the possession of many dangerous chemicals, two that it does not prohibit were employed with deadly effect in World War I: phosgene and hydrogen cyanide. But they are too widely used for commercial purposes to be banned, which speaks volumes about this treaty's impracticality.

Nor does the CWC control as many dangerous chemicals as does an export control regime currently employed by 29 industrialized countries. The Australia Group regime already controls trade in 54 chemicals that could be used to develop chemical weapons. Of the 54 chemicals subject to the Group's export controls, 20 are not covered by

the CWC. That list of 20 includes potassium fluoride, hydrogen fluoride, potassium cyanide, and sodium cyanide, all used in making chemical weapons.

Finally, there are news reports that Russia has produced a new class of binary nerve agents many times more lethal than any other known chemical agents. These agents are reportedly made from chemicals used for industrial and agricultural purposes and are not covered by the CWC. In February 1997, the Washington Times disclosed that under this program, ''the Russians could already produce pilot plant quantities of 55 to 110 tons annually of two new nerve agents—A–232 and A–234. These agents can also reportedly be made from different chemical formulations allowing the agents to be produced in different types of facilities, depending on the raw material and equipment available. For example, one version of an agent can be produced using a common industrial solvent—acetonitrile—and an organic phosphate compound that can be disguised as a pesticide precursor. In another version, soldiers need only add alcohol to a premixed solution to form the final CW agent.

THE CWC IS NOT VERIFIABLE

The second original goal of the convention was that it was to be verifiable. CWC negotiators in Geneva were told by then-Vice President George Bush on April 18, 1984:

For a chemical weapons ban to work, each party must have confidence that the other parties are abiding by it. . . . No sensible government enters into those international contracts known as treaties unless it can ascertain—or verify—that it is getting what it contracted for.

As it turns out, however, the treaty fails to achieve this primary objective as well. A recently declassified portion of an August 1993 National Intelligence Estimate reads:

The capability of the intelligence community to monitor compliance with the Chemical Weapons Convention is severely limited and likely to remain so for the rest of the decade. The key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program using the delays and managed access rules allowed by the Convention.

Former Director of the CIA, James Woolsey, said in testimony two years ago before the Senate Foreign Relations Committee that:

The chemical weapons problem is so difficult from an intelligence perspective, that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

The problem, of course, is that manufacture of the ingredients used in chemical weapons is so common, so universal, and so easy that the obstacles to verification are enormous. Processes involved in the production of pesticides, for example, are strikingly similar to the processes used to develop weapons like mustard gas. According to a January 1992 report by a team of analysts led by Kathleen Bailey of the Lawrence Livermore National Laboratory.

Countries which have organophosphorus pesticide plants could convert or divert production toward weapons material without major effort. . . . Competent chemical engineers with diversified experience could design equipment capable of meeting minimum operating objectives. . . . Only a few thousand dollars would be needed for piping and seals, several hundred thousand dollars [would be needed] for specialized equipment.

Not only that, but different processes can be used to produce the same agent. Nations wishing to conceal the development of chemical agents can employ multiple processes. Therefore, unearthing a covert program under the CWC's provisions will be nearly impossible. It just doesn't take much money, much time, much space, or much security to produce chemical weapons.

That adequate verification is illusory under this treaty is now widely acknowledged by technical experts and the U.S. intelligence community alike. Even supporters of the treaty—like former ACDA Director Ken Adelman—confirm that it is not verifiable. In his editorial endorsing the treaty, Mr. Adelman conceded this point up front stating, ''Granted, the treaty is virtually unverifiable. And, granted, it doesn't seem right for the Senate to ratify an unverifiable treaty.''

We also have the experience of the U.N. team charged with inspecting Saddam Hussein's military establishment as proof of the difficulties of detection when a country is determined to develop these weapons. Even with the most intrusive searches—which hundreds of inspectors have conducted over five years in Iraq—evidence of weapons development has only belatedly been uncovered. It is likely that Iraq will continue to have a CW program and that the U.N. inspectors will continue to miss much of it even with intrusive inspection. The CWC's inspection regime pales in comparison to the regime in Iraq, and the treaty's verification provisions will not enable us to catch cheaters.

Terrorist groups present a special problem because they can buy chemicals locally and manufacture weapons in very small spaces. In 1995, the Aum Shinrikyo cult in Japan produced sarin gas from components bought in Japan, and assembled this noxious agent in a room 8 by 12 feet in size, using legitimately produced chemicals.

In addition to the problems just outlined—of dealing with closed societies like Iraq, of sorting out the military from the commercial manufacture of chemicals, and of detecting CW activities that might take place in the smallest of nooks and crannies—concealment is also facilitated by the treaty itself because it allows ample time for inspected parties to hide what they are doing. Judge William Webster, former Director of the FBI and of the CIA, testified before the Senate Foreign Relations Committee that a facility producing chemical warfare agents could be cleaned up—without any trace of chemicals—in under nine hours. Judge Webster said:

Because of the equipment needed to produce chemical warfare agents can also be used to produce legitimate industrial chemicals, any pharmaceutical or pesticide plant can be converted to produce these agents. A nation with even a modest chemical industry could use its facilities for part time production of chemical warfare agents. Libyan Leader Quadaffi, in a speech delivered in October, claimed that the facility at Rabta is intended to produce pharmaceutical, not chemical warfare agents. He proposed opening the complex for international inspection. But within fewer than 24 hours, some say 8½ hours, it would be relatively easy for the Libyans to make the site appear to be a pharmaceutical facility. All traces of chemical weapons production could be removed in that amount of time.

Therefore, the treaty fails to satisfy its two principal premises: it is neither global nor verifiable. Proponents concede this point to one degree or another, but argue that, on balance, it is still better than nothing. Opponents believe, to the contrary, that the treaty would actually create more problems than it solves.

WHAT HARM IN APPROVING THE CWC?

Proponents say the deficiencies in the treaty are outweighed by the moral statement it makes in establishing an international norm against the possession of chemical weapons; by the trade benefits it will bring to U.S. chemical companies; and by marginal gains in intelligence if we become a party to the treaty.

MORAL STATEMENT

By definition, to have the influence and weight of a moral statement, an action must be genuine. A treaty that cannot prevent those who sign on to it from cheating, and that, even if cheating were discovered, would not apply meaningful punishment to the violator—such a treaty is essentially hollow. History shows that hollow declarations are worse than none at all. A commitment honored more in the breach than the observance is not a moral statement; it fools no one and it deters no one.

Proponents of ratification argue that at least this treaty would be a tool in the hands of diplomats who would attempt to dissuade cash-strapped countries from selling chemicals to rogue nations to advance their CW programs. But, countries can easily ignore the treaty and export even the more dangerous chemicals because it is so difficult to verify compliance, and because there is no real enforcement mechanism. The CWC will be adhered to by nations that have no intention of doing what it prohibits —with or without the treaty—and will be ignored by those who choose to ignore it—whether or not they are parties. There simply is no effective enforcement—no ability to catch cheaters and no punishment, in any event.

Under Article XII of the CWC, parties caught violating treaty provisions are simply threatened with a restriction or suspension of convention privileges.

Those privileges are simply the right to participate in the treaty. At worst, a report will be sent to the U.N. General Assembly and the U.N. Security Council. With no predetermined sanctions in place to deter potential violators, the CWC is doomed to ineffectiveness.

Finally, there already is an international norm against chemical weapons that is both global and verifiable. The 1925 Geneva Protocol outlaws the use—not the mere possession—of chemical weapons. In World War II, the Protocol was enforced by the allied leaders' threat to respond in kind to any chemical attack. But after Iraq used chemical weapons against its Kurdish population and Iranian soldiers in the late 1980's, diplomats met to address this heinous war crime. These diplomats, faced with incontrovertible evidence of an Iraqi abrogation of the Geneva Protocol, were not able to agree on sanctioning Iraq and we could not even agree to list that country by name in a statement condemning the attack. If the world community could not muster the will to punish an obvious violation like that, how are the CWC participants going to summon the will to sanction a mere possessor or manufacturer of these weapons on evidence that may be much less conclusive than the proof of use by Iraq?

Indeed, as in Hans Christian Andersen's fairy tale, the real moral statement may be in exposing the naked truth about this ineffectual document. It could be that, despite all the fine words about the treaty—or the emperor's fine clothes—there is actually nothing here.

Given the United States' preeminent position as the sole remaining superpower after the end of the cold war, we should make a moral statement. We do it by destroying our own stocks—which we are doing; by admitting that the CWC is so flawed that it is not effective in its current form; by working to develop an effective enforcement regime for the Geneva Protocol; and by pushing forward with our bilateral CW destruction efforts with Russia and, perhaps, other nations.

There are many multilateral treaties on the books—such as the Law of the Sea Treaty, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child—that make high moral statements which few pay attention to because the United States has not ratified them. There are currently 48 treaties pending before the Senate. Because of the United States' preeminent position, our unilateral actions often speak louder than anything else. To return to the point I made at the outset: we already have a policy in place. Through Public Law 99–145, the United States is committed to destroying the bulk of its chemical weapons by the year 2004. Through our actions we demonstrate U.S. leadership in ridding the world of chemical weapons.

It matters how we make a moral statement. Papering over a problem with a treaty is not an effective moral statement. If everyone knows going into it that the CWC, despite its moral pretensions, is unverifiable and ineffective, this merely engenders cynicism about international treaties. The outrage that the use of these weapons stirs in us is undermined when we enter a treaty with a nod and a wink.

PUBLIC HARM

The argument that the treaty may not be perfect but at least it does not do any harm is not only an exceedingly weak justification for the treaty, but an inaccurate one. There are significant public and private costs were we to participate in the CWC.

First, it creates a new U.N.-type bureaucracy, a new international organization called the Organization for the Prohibition of Chemical Weapons [OPCW], located in The Hague. The OPCW will oversee implementation of the treaty. Based on studies by the Congressional Office of Technology Assessment [OTA] and the General Accounting Office, total direct costs of the treaty to the U.S. taxpayer could reach $200 million annually. That includes the U.S. obligation to cover one-fourth of the operating budget of the OPCW. This year, the administration is requesting a total of nearly $130 million, of which $52 million is destined for the OPCW in The Hague.

Moreover, Russia has said it will not ratify the CWC unless it is given a significant amount of Western aid to pay for the destruction of its chemical weapons. The figure often mentioned in this context is $3.3 billion. But when Russia realizes the magnitude of the undertaking, this may prove to be a drastic underestimation. After all, destruction of the United States chemical stockpile, which is smaller than that of Russia, will cost us at least $11 billion.

HARM TO PRIVATE INDUSTRY

Ratifying the treaty would harm U.S. industry in basically three ways: First, it imposes a costly new regulatory burden on American industry. Second, it is the first arms-control treaty in history that subjects private companies to inspections by agents of foreign governments, which could well portend a loss of trade secrets. Third, for the first time ever, U.S. citizens will be subject to a treaty that involves the reach of international authorities, raising significant constitutional issues. Unlike any treaty we have ever ratified, the CWC requires prosecution of individual American citizens for treaty violations. Its inspection regime poses a potential threat to the constitutional rights of U.S. citizens.

REGULATORY BURDEN

Every U.S. company that produces, processes, or consumes a scheduled chemical will be subject to new regulatory requirements, including a declaration burden. ACDA estimates that 3,000 to 8,000 companies will be affected, although the OTA estimated in 1992 that 10,000 companies would come under the CWC's strictures.

The treaty entails routine inspections of specified chemical producers. ACDA acknowledges that many industries outside the chemical industry will be required to fill out forms and open their books to international inspectors, including:

Sherwin-Williams Co., Safeway Stores, Inc., Quaker Oats Co., Kraft Foods Ingredients, Maxwell House Coffee Co., Conoco, Inc., Gillette Co., Strohs Brewery, ADM Corn Processing Division, Colgate-Palmolive Co., Xerox Corp., Castrol, Inc., General Motors Corp., Goodyear Tire & Rubber Co., Simpson Timber Co., Lockheed-Martin Corp., Kaiser Aluminum, and Browning Seed, Inc.

For some companies, especially small- and medium-sized establishments, the production data reporting requirements in the CWC are budget busters. Depending on the types and numbers of controlled chemicals made or used by the company, these records can run $50,000 to $150,000 per year to maintain and report.

The administration provided me with a list of 81 companies in Arizona that could be affected by the treaty because they utilize industrial chemicals limited by it. I contacted 25 of those companies to find out if it knew about the CWC and its ramifications for them. Many company officials were not aware of the treaty, or were aware of it only vaguely. Several reported back with calculations of what compliance would cost them. One Phoenix company estimates an annual cost of $70,000 a year to complete the treaty's reporting requirements. Officials at the company also told me that tracking the production and use of industrial chemicals back to 1946, as the treaty also requires, ''would be impossible because such historical data no longer exists.'' According to a Tucson construction company, the costs don't end there. As its officials wrote to me: ''In order to state without reservations that we do or do not have in our possession any of the chemicals or their constituents, we would have to either hire a consultant versed in chemistry or put a chemist on our staff for the assurance and determination of our strict adherence.''

Under the treaty, thousands of U.S. companies will be subject to routine inspections. When inspectors show up at its doorstep, one company said, ''we would be greatly concerned that such a visit might compromise confidential business information.''

POTENTIAL LOSS OF PROPRIETARY INFORMATION

The greatest potential for loss of trade secrets is with the challenge inspections that the treaty allows. These challenges could occur at literally any building on U.S. territory—even a company that does not have a CWC reporting requirement. Sophisticated equipment, such as mass spectrometers, will be used by the international inspectors. They can glean proprietary information, such as the process used to

make a biotechnology product. Also, clandestine sampling and data collection by inspectors would be hard to detect and stop.

In 1992, the OTA identified examples of proprietary information that could be compromised:

The formula of a new drug or specialty chemical;

A synthetic route that requires the fewest steps or the cheapest raw materials;

The form, source, composition, and purity of raw materials and solvents;

Subtle changes in pressure or temperature at key steps in the process;

Expansion and marketing plans;

Raw materials and suppliers;

Manufacturing costs;

Prices and sales figures;

Names of technical personnel working on a particular subject; and

Customer lists.

Also according to OTA, the means by which sensitive business information could be acquired by foreign inspectors include the following:

Manifests and container labels that disclose the nature/purity of the feedstock and the identity of the supplier.

Instrument panels that reveal precise temperature and pressure settings for a production process.

Chemical analysis of residues taken from a valve or seal on the production line.

Visual inspection of piping configurations and instrumentation diagrams that could allow an inspector to deduce flow and process parameters.

Audits of plant records.

Clearly, while it is difficult to assess the potential dollar losses that may be associated with the compromise of proprietary business data, information gleaned from inspections and data declarations literally could be worth millions of dollars to foreign competitors, and U.S. companies have little recourse against frivolous inspections.

Proponents of the treaty note that the Chemical Manufacturers Association (CMA) supports the agreement despite its inspection regime. Opponents note that the CMA represents about 190 of the 3,000 to 8,000 companies likely to be affected by the treaty. Other trade associations representing a larger number of firms, like the Aerospace Industries Association of America [AIA], whose firms collectively are the second largest U.S. exporter of goods and services, the U.S. Business Information Committee, and the Small Business Survival Committee oppose the CWC.

LEGAL ISSUES

The Senate Judiciary Committee hearing held on September 10, 1996, confirmed that there are serious legal difficulties associated with the CWC. The international inspections it requires may result in violations of the constitutional rights of the officers of U.S. firms, specifically their rights under the fifth amendment to the U.S. Constitution. Also, attempts to fix these legal shortcomings by changing the implementing legislation confront the problem of striking a balance between respect for the constitutional rights of American citizens, on the one hand, and the need for international inspectors to be as intrusive as possible, on the other hand. The administration believes the treaty strikes the right balance. I believe the treaty institutionalizes the worst of both worlds: an unverifiable treaty that, nevertheless, also infringes on U.S. citizens' constitutional rights. We get a company in Phoenix spending a lot of money opening up its premises and disclosing corporate information, in exchange for which we have no assurance at all that we can deter someone preparing noxious chemical agents halfway around the world.

As Judge Robert Bork said in a recent letter to Senator HATCH that international inspectors collecting data and analyzing samples ''may constitute an illegal seizure'' under the takings clause of the fifth amendment. The U.S. Government owes a citizen just compensation, under this amendment, for an illegal seizure of intellectual property.

Participating in the CWC could result in hundreds of millions of dollars lost to companies from industrial espionage undertaken during or as a result of the international inspection of their facilities. The OTA pointed out in a 1993 report that the chemical industry ''is one of the top five industries targeted by foreign companies and governments and that the problem of industrial espionage is growing.'' The OTA explained just how much is at stake for any given company: ''Development and testing of a new pesticide,'' according to the OTA, ''takes an average of 10 years and $25 million. Innovation in the pharmaceutical industry is even costlier.'' A new drug, estimates the OTA, requires an average of 12 years of research and an after-tax investment of roughly $194 million—estimated in 1990 dollars.'' And please keep in mind these figures do not include the lost revenues due to lost sales.

Incidents of industrial espionage are not uncommon. The OTA study on the CWC also discussed the results of a survey of U.S. companies in which 8 of 11 firms responding reported attempts to misappropriate proprietary business information. The 8 affected companies reported a total of 21 incidents, 6 of which cost the companies $86.25 million.

The CWC does not have a procedure for victimized companies to recover damages, or to punish any foreign inspectors who participated in the theft of proprietary information. In fact, the treaty explicitly prohibits a victimized company from taking legal action against the new international inspection organization. That leaves the U.S. Government to provide indemnity.

A CWC proponent, Professor Barry Kellman of DePaul University, wrote in 1993 that ''loss or disclosure of confidential information of the Technical Secretariat—the agency created by the treaty—may have constitutional implications because trade secret owners are entitled to compensation'' when there are leaks of proprietary information as a result of government action. So, even treaty proponents say ''just compensation'' for takings under the U.S. Constitution may well come into play. We have not adequately considered what kind of a compensation commitment we are making through this treaty, and what kind of an obligation we are letting U.S. taxpayers in for if we ratify it.

An Impossible Balance: Proponents acknowledge there may be legal problems with the treaty; however, the U.S. Senate cannot tinker with the treaty language. Article XXII says that ''the Articles of this Convention shall not be subject to reservations.'' Still, proponents claim that the legal problems can be fixed by carefully crafting the implementing legislation. Fixing the treaty in this way seems doubtful at best—at least if the intention is to leave the treaty as anything more than a fragile shell that will fall apart on the first occasion that someone objects to an inspection on U.S. soil. The administration has now agreed to require criminal warrants and a determination of probable cause for every nonvoluntary challenge inspection and to seek administrative search warrants for nonvoluntary routine inspections. How does this square with our international obligation to allow inspections to proceed? Constitutional fixes to the implementing legislation will not be compatible with the CWC's dependence on an intrusive inspection regime. This incompatibility means that we will have entered into a promise we know, under our Constitution, we will not be able to keep.

Rest assured that we will probably be copied—and by nations that may have something to hide. If the United States argues that it can provide constitutional protections with implementing legislation, countries like Iran, China, or Russia, or any other participating nation will be able to point to what we've done and similarly modify their interpretation of the CWC to suit their own objectives.

Nations of laws like the United States will both comply with the CWC and protect constitutional rights, while violators will use constitutional rights to get away with storing or building chemical weapons. A global ban on possessing chemical weapons that respects constitutional rights, therefore, can be violated at will. And, an airtight ban on possessing chemical weapons—if one were possible—cannot protect constitutional rights. Pointing this out is not trying to have it both ways; rather, it is acknowledging the futility of pursuing this kind of solution.

INTELLIGENCE GAINS FROM THE CWC ARE ILLUSORY

Terrorism

A major advantage of this treaty, according to proponents, is that it will provide U.S. intelligence agencies with information they can use to protect

American citizens. One of the more extravagant claims of CWC proponents in the administration, in fact, is that participating in the CWC will help us fight terrorism. During his State of the Union Address in February, President Clinton said the CWC would ''help us fight terrorism.''

His implication departs from the otherwise relatively objective and limited claims made for the treaty. It is unsubstantiated by any analysis or evidence. A declassified section of a Defense Intelligence Agency document of February 1996 states: ''Irrespective of whether the CWC enters into force, terrorists will likely look upon CW as a means to gain greater publicity and instill widespread fear. The March 1995 Tokyo subway attack by Aum Shinrikyo would not have been prevented by the CWC.''

A CIA report of May 1996, a portion of which has been declassified, makes the same point: ''In the case of Aum Shinrikyo, the CWC would not have hindered the cult from procuring the needed chemical compounds used in its production of sarin. Further, the Aum would have escaped the CWC requirement for an end-use certification because it purchased the chemicals within Japan.'' The CWC does not help deny terrorists easy access to nerve gas and other chemical weapons, among other reasons, because terrorists can simply obtain their chemicals in their own country for ostensibly legitimate purposes—they do not have to import them.

Intelligence regarding nations' CW programs

Nor will participating in what the columnist George Will called ''the Chemical Weapons Convention's impressively baroque, but otherwise unimpressive, scheme of inspection and enforcement'' add much to our knowledge of other countries' CW programs. Former Deputy CIA Director Richard Kerr said it is true that we will know a lot more about some countries, but only those ''that are least likely to develop and use these weapons.'' We will have gone to a lot of trouble and expense, in other words, to learn that Belgium is not violating the treaty. The costs are simply not worth the benefits we gain.

Our real intelligence payoff, as a general matter, is in intrusive U.S. intelligence collection and sophisticated U.S. analysis, not in a group of international inspectors making spot inspections—looking for the proverbial needle in a haystack—and giving plenty of advance notice to anyone actually suspected of violating this treaty. In fact, the international inspectors themselves, according to former Deputy CIA Director Kerr, will have to rely on U.S. intelligence to be able to do their jobs. This compromises our own sensitive information and our own methods of collecting that information.

Intelligence is difficult to gather in a closed society, and the case of United Nations scrutiny of Iraq, which actually used chemical weapons to kill thousands of Kurdish noncombatants in 1988, teaches a sobering lesson. The team of U.N. inspectors concentrating full-time on Iraq—which would not, of course, be the case with the OPCW inspectors who will have worldwide responsibilities—has uncovered some new developments in Saddam Hussein's chemical weapons program, but even their most thorough and sustained inspections have not found everything. Inspections under the CWC, under far less intensive circumstances, will not hamper a regime determined to have these frightful weapons.

Proponents say over and over again that we are better off inside the treaty than outside, because of the store of data we will get out of the reporting regime and the inspection process. But where will this information come from? Being inside the treaty offers little insight into the actions of potential violators because: First, rogue states outside of the treaty will not be inspected by the OPCW; second, the treaty annex states that the OPCW cannot release to any nation information deemed to be confidential; third, while some OPCW inspectors will no doubt be Americans, the treaty annex on confidentiality states that inspectors are required to sign individual secrecy agreements with the OPCW, therefore they can't give American intelligence agencies any proscribed information. If we play by the rules, just where is this intelligence data going to come from?

Finally, history shows that states are not very likely to call attention to treaty violations that intelligence-gatherers learn about because the diplomatic considerations frequently supersede treaty enforcement. Recall, for example, the phased-array radar station at Krasnoyarsk, in the then-Soviet Union, which violated the Anti-Ballistic Missile Treaty. Our intelligence reports were effectively ignored so as not to force the United States to take action against the Soviet Union for violating the treaty. We thought the higher priority was to maintain good relations with the Soviet Union, which would have become strained if we used our intelligence to expose that nation's violations. Russian violations of the Biological Weapons Convention, moreover, are noted each year in ACDA's Pell report on arms-control compliance, yet nothing is ever done to make Russia comply. Intelligence can be helpful until it reveals treaty violations, then it becomes submerged and subordinated to diplomatic considerations.

CHEMICAL INDUSTRY NOT HARMED BY REJECTING CWC

The third claim made by CWC proponents—based largely on the recommendations of the Chemical Manufacturers Association—is that there is financial harm in not ratifying this agreement. But the CMA's argument that we have to get on board this train or we will miss out, is just not true.

The initial estimate from CMA claims that if the Senate fails to consent to ratification of the CWC, U.S. chemical companies will be subject to trade restrictions, which will place $600 million of annual chemical trade at risk. On the surface, CMA appears to have maintained a consistent estimate of the CWC's impact on U.S. chemical trade since the Senate first considered the treaty last September. Close examination of the facts, however, reveals that CMA's estimate has shrunk considerably over time and appears to overstate any potential negative impact of nonratification.

CMA's initial estimate stated that $600 million of annual U.S. chemical exports would be placed at risk.

When the President of the association met with me in February, he explained that CMA had refined its initial estimate and now believed $600 million in two-way trade would be affected, with only $281 million in annual exports of Schedule 2 chemicals placed at risk.

In a letter to me on March 10, CMA revised its figures yet again, stating that the upper-bound estimate now indicated $227 million in annual U.S. Schedule 2 chemical exports would be jeopardized by nonratification.

The $227 million represents about 0.38 percent of total U.S. chemical exports, indicating that if we accept CMA's figures at face value, over 99.6 percent of U.S. chemical exports will be unaffected by failure to ratify the CWC. Even CMA's revised estimate appears to greatly overstate the impact of nonratification.

More than half of CMA's export estimate is based on exports of one chemical—amiton. Amiton is a pesticide ingredient that is banned in the United States, Europe, Japan, and Canada—America's principal chemical export markets—but is widely exported to African states, a large number of which are not CWC signatories. While we may not be able to ascertain the exact percentage of U.S. amiton trade to non-CWC signatories, such trade likely constitutes the bulk of the overall amiton market and would be unaffected by CWC sanctions.

CMA's upper-bound estimate that $426 million in U.S. chemical imports will be affected is also suspect. Over 50 percent of the import estimate is based on trade in one group of chemicals which CMA admits ''may reflect broader chemical families,'' implying the estimate may include trade in related chemicals not restricted by the CWC. In addition, the U.S. has the most advanced chemical industry in the world. Although short term disruptions might occur if United States firms were unable to import certain chemicals, American industry would almost certainly be capable of producing the same chemicals currently purchased from abroad.

In preparing its estimate, CMA used U.S. Government data on chemical trade and a complex methodology which includes estimates of growth in U.S. trade and worldwide GNP, as well

as other factors. CMA did not ask its own member companies—which collectively produce about 90 percent of all chemicals manufactured in the United States—to provide figures on chemical imports and exports. This would have given us a simple, reliable estimate of the actual impact of CWC nonratification. CMA claims its members consider this data to be confidential and would not provide it, although far more detailed accounting will be required under the CWC.

Although CMA has publicly discussed possible business losses from nonratification, none of its member companies have informed their stockholders of any potential adverse impact.

Since the administration pulled the treaty from Senate consideration in September 1996 none of the CMA's 193 members have filed an 8–K form with the Securities and Exchange Commission [SEC], notifying their stockholders of this potential adverse impact and none have discussed it in their annual 10–K filings.

An 8–K filing is required to ''* * * report the occurrence of any material events or corporate changes which are of importance to investors or security holders and previously have not been reported by the registrant.''

Form 10–K is the annual report most companies file with the SEC and provides a comprehensive overview of the firm's business.

CMA claims none of its companies are legally required to file such forms due to uncertainty over whether the CWC will be ratified and since none of the firms will have more than 10 percent of its sales affected by nonratification. The SEC defines material changes as those that affect at least 10 percent of a company's sales. This admission further undermines their position that nonratification will be extremely detrimental to U.S. chemical companies.

Finally, CMA has not determined the costs to its members for CWC implementation. The increased costs of complying with the treaty's reporting requirements and preparing for inspections are substantial. As I mentioned earlier, one Phoenix company estimates it will cost $70,000 per year to comply with the treaty's reporting requirements. In addition, companies will incur substantial costs to host inspections. The Department of Defense has estimated that the cost of hosting inspections of facilities engaged in highly proprietary activities like the production of advanced composite materials ''could be as high as $200,000 to $500,000.''

When we add up the costs of complying with the CWC's regulatory burden, the costs of hosting inspections, the costs from the potential loss of confidential business information, and the loss of constitutional protections, its clear that the costs far outweigh the benefits of this treaty.

FOREIGN AND DEFENSE POLICIES HARMED BY THE CWC

To review, then, all three advantages claimed for this treaty—stigmatizing chemical weapons all across the globe, increased intelligence, maintaining our competitive advantage in the chemical trade—are either nonexistent or so slight they hardly matter considering the serious negative consequences of ratifying this treaty. I would now like to briefly address the harm to our foreign and defense postures were we to accept this agreement in its current form.

THE CWC CREATES A FALSE SENSE OF SECURITY

I believe that we run the risk of reducing the priority of U.S. chemical defense programs if we sign on to a weighty moral statement and a complicated—but ineffective—effort to outlaw these objectionable weapons. The Department of Defense allocates less than 1 percent of its budget to chemical and biological weapons defense activities, and yet annual funding for this area has decreased in real terms by over 22 percent since the Persian Gulf conflict, from $792 million in fiscal year 1992 to $619 million requested for fiscal year 1998. With chemical weapons defense programs already underfunded, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, recommended in February 1996 that chemical and biological defense programs be slashed by over $1.5 billion through 2003. This recommendation was made only weeks before General Shalikashvili testified before the Senate Foreign Relations Committee that the Department of Defense [DOD] was committed to a robust chemical defense program. This is the kind of false sense of security induced by signing treaties such as the CWC.

It should seem obvious that ratifying this treaty does not mean we will not face a chemical threat. Because of the proliferation of covert chemical capabilities, U.S. combat operations may expose military forces to lethal chemicals in the future. Any deficiencies in U.S. chemical protective, reconnaissance, and decontamination capabilities will exacerbate the likely casualties.

This is not a theoretical problem. A 1996 GAO study found that deficiencies in U.S. chemical and biological defense training and equipment identified during Operation Desert Storm still remain.

In testimony before the House Committee on National Security Committee, the GAO stated, ''The primary cause for deficiencies in chemical and biological weapons preparedness is a lack of emphasis up and down the line of command in DOD.'' The situation results from the ''generally lower priority DOD—especially the Joint Chiefs of Staff and the war-fighting Commanders-in-Chief—assigns chemical and biological defense as evidenced by limited funding, staffing, and mission priority chemical and biological defense activities receive.''

If history is any guide, we may well see those vulnerabilities increase. After the Biological Weapons Convention came into force in 1972, the U.S. biological defense program withered, with funding cut by 50 percent—not because defenses were outlawed by that treaty, but because of constant criticism by arms-control advocates who saw them as contrary to the spirit, although not the letter, of the Biological Weapons Convention.

Given the administration's demonstrated lack of emphasis to chemical defenses, we can expect that when financial cuts are required to meet declining budgets, funds for hedging against violations of an allegedly comprehensive treaty will make an attractive target.

TREATY UNDERMINES EXISTING INTERNATIONAL INSTRUMENTS

Saddam Hussein used chemical weapons not only in 1988 against the Kurds, but earlier in the decade against the Iranian population in the Iran-Iraq war. It was in the wake of confirmation of Iraq's use of chemical agents in 1984 that the Australia Group was formed, to try to stop the military use of these substances. The Australia Group regime will be undercut by the more lenient CWC, as I have already indicated. And that is not the only international instrument that will be undercut by this treaty.

U.S.-RUSSIAN BILATERAL DESTRUCTION AGREEMENT

The U.S. approach to the problem posed by Russia—which does not belong to the Australia Group—has been to hammer out a bilateral agreement with that nation. The Bilateral Destruction Agreement of 1990 requires both the United States and Russia to stop producing chemical weapons and to reduce their active stockpiles to no more than 5,000 metric tonnes. The United States has begun to destroy its chemical weapons. Political turmoil in Russia has made ensuring Russian compliance difficult at best. Moscow has not even begun to reduce its stockpile, which is the largest in the world.

Russia has signed the CWC but not yet ratified. Russian officials can now dangle before United States officials the possibility that the Duma will ratify the CWC some day, and in this way justify Moscow's current inaction. Indeed, there are indications that our push to ratify the CWC has moved the Russians toward outright renunciation of the BDA.

Compliance with the BDA begins, of course, with truthful and complete declarations of chemical weapons data. ACDA's 1995 Pell report noted that Russia has refused to accept the BDA's key provisions and has ''taken a minimalist approach to declaration requirements and verification costs of CW production facilities that is inconsistent with the CWC.'' To comply with the 1989 memorandum of understanding with us which led up to the BDA, Russia declared 40,000 metric tonnes of agent. This declaration has prompted

challenges of the veracity of Russian reporting.

CIA Director James Woolsey said in June 23, 1994 testimony before the Foreign Relations Committee that the United States had ''serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data'' submitted by Russia under the memorandum of understanding. On August 27, 1993, Adm. William Studeman, acting CIA Director, wrote to Senator GLENN that ''We cannot confirm that the Russian declaration of 40,000 mt is accurate. In addition, we cannot confirm that the total stockpile is stored only at the seven sites declared by the Soviets.''

Reports in the Washington Times (11–8–89) and Washington Post (11–9–89) cite Defense Intelligence Agency estimates that the Soviet/Russian stockpile could be as large as 75,000 tons.

Even more troubling are public reports in the Washington Times and Wall Street Journal that Russia has developed highly lethal binary chemical weapons. Dr. Vil Mirzayanov, former chief of counterintelligence at Russia's State Union Scientific Research Institute for Organic Chemistry and Technology, also published his observations in the October 1995 Stimson Center Report No. 17. Dr. Mirzayanov reported that Russia has produced a new class of binary nerve agents many times more lethal than any other known chemical agents: the so-called novichok agents made from chemicals not covered by the CWC which are used for industrial or agricultural purposes. He further reported that Russia continued development of these highly lethal binary weapons despite signing the BDA in 1990.

Dr. Mirzayanov states:

> First, I witnessed the duplicity of Soviet officials during the CWC negotiations. Although the United States stopped producing and testing chemical weapons and signed an agreement with the Soviet Union to that effect in June 1990, the USSR did not stop work.

In a recent letter to me, Dr. Mirzayanov indicated that, to the best of his knowledge, as many as six novichok CW agents may have been developed. Dr. Mirzayanov feels so strongly about the threat from these new agents that he supports the CWC under the mistaken impression that the treaty will eliminate these weapons. Unfortunately, the chemicals used to make novichok agents are not controlled by the CWC, Russia has not ratified the treaty, and it's unlikely we would be able to detect illicit production of the component chemicals of these agents. Our intelligence community described this problem in a May 1995 national intelligence estimate which concluded that the production of new binary agents like the novichok chemicals, ''would be difficult to detect and confirm as a CWC-prohibited activity.''

Clinton administration claims that the chemicals used to produce the novichok agents will simply be added to the CWC's list of controlled substances understate the danger and difficulty of this proposition.

Should the United States learn the composition of such agents, it is unlikely we would seek to add these chemicals to the CWC annex since adding the compounds means making public the chemical structure of the agent, thereby undermining efforts to limit the spread of CW expertise and knowledge to rogue states.

In addition, adding a chemical to the CWC annex is a long, convoluted process which could take up to 2 years and require the concurrence of two-thirds of CWC states parties.

Finally, the component chemicals of the novichok agents may be so widely used for commercial purposes—like phosgene, which was used as a CW agent in World War I—that it may not be practical to add them to the lists of controlled chemicals.

The actions of key Russian personnel highlight Russia's lack of commitment to the CWC itself. Lt. Gen. Anatoly Kuntsevich, former chairman of the Russian President's Committee on Conventional Problems of Chemical and Biological Weapons, was arrested on charges of selling military chemicals to Middle East terrorists. Col. Gen. S.V. Petrov openly alluded to the desirability of maintaining a chemical weapons capability in a Russian military journal entitled ''Military Thought.'' Both individuals are high-ranking military signatories to the ''U.S.-Russian Work Plan for the Destruction of Russia's Chemical Weapons.''

With that as our background, we should be very cautious about expecting Russia, even if its legislature should ratify the CWC, to take a new multilateral commitment on chemical weapons seriously.

PROLIFERATION AMONG PARTICIPANTS IN THE CWC

The CWC's potential to facilitate proliferation is not limited to its pernicious effects on Australia Group controls. It may also undermine existing unilateral United States sanctions against Iran and Cuba. Chemical exports to Iran were embargoed by the Reagan administration on March 30, 1984. That embargo is still in force, as is the embargo against Fidel Castro declared in 1962. The United States imposed secondary sanctions last year on foreign companies that aid the oil industries of Iran or Libya.

These kinds of embargoes and sanctions are prohibited among the family of nations that decide to join this convention. Article XI of the treaty provides that state parties shall:

> Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.

In other words, if the United States and Iran were to ratify the convention—as Cuba has already done—Teheran would have a powerful claim to override American-led restrictions in the chemical field.

Article XI further specifies that states parties shall:

> Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention.

This provision repeats the mistake made in the Nuclear Nonproliferation Treaty—the so-called Atoms for Peace initiative—under which ostensibly peaceful technology has been provided to nations who then diverted it to proscribed military purposes. Neither a United States trade embargo, nor legislation like the Helms-Burton bill, nor the Australia Group export control regime, nor any other arrangement can interfere with Teheran's or Havana's right to demand access to state-of-the-art chemical manufacturing capabilities.

To those who ask, what's the harm of approving this treaty? I think it is now clear that the answer is, plenty. It does not erect a barrier against CW proliferation; in fact, as just noted, it increases the likelihood of proliferation. In this and all of the other ways I have described, the convention would be very detrimental to the interests of United States and its citizens—especially when compared to the anemic benefits of ratification.

IF NOT THE CWC, THEN WHAT?

Opponents of the CWC are committed to meaningful efforts to prevent the use of chemical weapons. We should start with first principles.

ENFORCING THE 1925 GENEVA PROTOCOL

An effective treaty should be global and verifiable. The 1925 Geneva Protocol is both: it covers all nations of concern to the United States and, because it outlaws the lethal use of chemical weapons, it is inherently verifiable. Victims of use have every reason to expose treaty violations, as the Iranians and the Kurds did. By definition, outlawing use is a more realistic goal than the CWC's goal of outlawing possession of these common substances. What is necessary—for both treaties—is effective enforcement. In World War II, the enforcement of the Geneva Protocol was the allied leaders' threat to retaliate in kind to any chemical attack. The Geneva Protocol was effective during that conflict. But it has not been well enforced outside of the context of a threat of retaliation in kind. Such threats fade in effectiveness as civilized nations grow more and more reluctant to contemplate ever using these abhorrent weapons.

To make the Protocol more than a ''no first use'' agreement—in other words, to free it of its dependence on a credible threat of retaliation in kind—would require states that are party to

it impose strong sanction to any and all violations. This did not happen when Iraq used chemical weapons in the mid-1980's and later in the decade. Diplomats met in 1989 to address the gassing of the Kurds and, faced with incontrovertible proof of an abrogation of the Geneva Protocol, did not sanction Iraq. Many experts believe that the most productive measure to counteract chemical weapons is to develop meaningful international sanctions that could be added to the Geneva Protocol to give it teeth. Had a Geneva Protocol enforcement mechanism been in place and acted upon when Iraq first used its CW arsenal, Iraq's further refinement of a chemical war-fighting capability may have been slowed or even halted before Saddam threatened U.S. soldiers with these same weapons during the gulf war.

This approach offers a significant advantage: it would resolve the verification issue. It is relatively easy to detect use as opposed to possession. It is likely that a nation on the receiving end of a chemical attack would welcome international inspectors to confirm that a violation has occurred and to garner worldwide condemnation of the perpetrator. The second advantage is that, as I earlier indicated, several of the nations we are most worried about—that have not ratified the CWC—have already ratified the Geneva Protocol. I am speaking of Cuba, Iraq, North Korea, and the former Soviet Union.

PRESSING RUSSIA TO UPHOLD ITS EXISTING COMMITMENTS

In addition, the United States must make a high priority holding Russia to its commitments under the 1989 memorandum of understanding and the 1990 bilateral agreement to destroy chemical weapons. The current administration has not been forceful in making clear we expect compliance. Progress made between the two countries on this issue need not be wasted, if we really mean to do something about chemical warfare.

IMPLEMENTING THE CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT (S.495)

Finally, there are additional steps we can, and should, take. The Senate passed on March 20 the Chemical and Biological Weapons Threat Reduction Act (S. 495). This legislation provides a comprehensive package of domestic and international measures aimed at reducing chemical, as well as biological, weapons threats to the United States, its citizens, its armed forces and those of our allies. It sets forth practical and realistic steps to achieve this objective.

The act fills important gaps in U.S. law by outlawing the entire range of chemical and biological weapons activities. Quite remarkably, the possession of chemical weapons is not today a criminal offense. S. 495 corrects that untenable situation, and sets out still criminal, civil, and other penalties the spectrum of chemical and biological weapons related activities.

The act will also strengthen and reinforce deterrence against the use of chemical and biological weapons. Strong controls on trade in these weapons, as called for in the legislation, will make it more difficult and raise the costs for rogue nations to acquire offensive chemical and biological weapons capabilities. Improvements in U.S. and allied chemical and biological defenses, also mandated by the act, will serve to devalue the potential political and military utility of these weapons by would-be opponents. And the requirement that tough sanctions be imposed against any nation that uses poison gas should reduce the chance that such weapons would be used in the first place.

S. 495 recognizes that we can't go it alone when it comes to dealing with chemical and biological weapons threats. True, some things we can and should do on a unilateral basis. But sensible international action, focused on concrete and achievable measures, must likewise be an essential component of our strategy. The legislation encourages our allies and potential coalition partners to match our efforts and improve their military capabilities against chemical and biological weapons. The legislation also seeks multilateral agreement on enforcement mechanisms for the 1925 Geneva Protocol.

The Chemical and Biological Weapons Threat Reduction Act thus provides a sensible and effective plan that CWC critics and proponents alike should support. By enacting and implementing the act, the United States will lead by example, and will underscore its commitment to bringing together like-minded friends and allies to make unthinkable the resort to chemical or biological weapons.

CONCLUSION

Arms-control treaties, at the end of the day, are not a substitute for defense preparedness. A treaty as flawed as the Chemical Weapons Convention is worth less to our country than the unilateral actions the United States can and must take to ensure the protection and the survival of its citizens. The entry into force of the CWC—with or without American participation—will not bring us a world in which these terrible weapons are no longer manufactured or stockpiled. Nor can we say they will never be used. When words, diplomacy, and international documents signed with the best of intentions fail to protect populations from the threat of attack with these inhuman weapons, every nation falls back upon its ability to preempt or repel such an attack. It would be irresponsible to let down our guard in this respect, for history has shown us that treaties—even well-crafted ones—cannot replace the political and military will that are necessary to oppose acts of aggression.●

IN MEMORY OF OWEN WILLIAMS

● Mr. COVERDELL. Mr. President, too often, it seems good deeds and public service go unrecognized while it is precisely the proprietors of these acts who hold our communities together. I would like to take a moment to recognize one of these proprietors who I call unsung heroes. On Saturday, March 1 of this year, a dear friend and colleague of mine, Owen Williams, and his son, Alfredo, were tragically killed by a drunk driver in my home State of Georgia.

Owen was a true hero in my eyes—bright, devout, and committed to his wife Carolyn and eight children. A former Vietnam combat veteran, Owen was dedicated to his community, his country, and his God.

When I issued a call to action for Georgians to help reduce the rising tide of teen drug use, Owen was one of the first to answer. He served in a volunteer capacity as chairman of the Bibb County Operation Drug Free Georgia Committee and was making great strides in his community with the program.

This Saturday, at our second annual statewide drug summit, which is dedicated to the memory of Owen and Alfredo, I will present the First American Hero Award to Owen's family for the great contributions he made to those around him. It has been said that the mark of a great man is that his deeds touch the lives of others even after he is gone. I know this will be true of Owen. This is a tragic loss, particularly for me, but the work that Owen has done will continue to serve as an inspiration to us all.●

CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY (CHIPS) ACT

● Mr. CHAFEE. Mr. President, yesterday I introduced S. 674 along with Senator ROCKEFELLER and others. I ask that the text of bill S. 674 be printed in the RECORD.

The text of the bill follows:

S. 674

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 ''Children's Health Insurance Provides Security (CHIPS) Act of 1997''.

SEC. 2. ENCOURAGING STATES THROUGH INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) TO EXPAND MEDICAID COVERAGE OF CHILDREN AND PREGNANT WOMEN.

(a) INCREASED FMAP FOR MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by adding at the end the following new sentence: ''Notwithstanding the first sentence of this subsection, in the case of a State plan that meets the conditions described in subsection (t)(1), with respect to expenditures for medical assistance for individuals within an optional coverage group (as defined in subsection (t)(2)) the Federal medical assistance percentage is equal to the enhanced medical assistance

percentage described in subsection (t)(3).''; and

(2) by adding at the end the following new subsection:

''(t)(1) The conditions described in this paragraph for a State plan are as follows:

''(A) The plan provides (either through exercise of the option under section 1902(l)(1)(D) or authority under section 1902(r)(2)) for coverage under section 1902(l)(1)(D) of individuals under 19 years of age, regardless of date of birth.

''(B) The plan provides under section 1902(e)(12) for continuous eligibility for a period of 12 months (under subparagraph (A) of such section) of all individuals under 19 years of age who are determined to be eligible for benefits under a State plan approved under this title under section 1902(a)(10)(A).

''(2) For purposes of subsection (b), the term 'optional coverage group' means individuals described in each of the following subparagraphs:

''(A) PREGNANT WOMEN WITH FAMILY INCOME BETWEEN 133 PERCENT AND 150 PERCENT OF POVERTY LINE.—Women described in subparagraph (A) of section 1902(l)(1) whose family income exceeds 133 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

''(B) INFANTS WITH FAMILY INCOME BETWEEN 133 PERCENT AND 150 PERCENT OF POVERTY LINE.—Infants described in subparagraph (B) of section 1902(l)(1) whose family income exceeds 133 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

''(C) CHILDREN UNDER 6 YEARS OF AGE WITH FAMILY INCOME BETWEEN 133 PERCENT AND 150 PERCENT OF POVERTY LINE.—Children described in subparagraph (C) of section 1902(l)(1) whose family income exceeds 133 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

''(D) OLDER CHILDREN WITH FAMILY INCOME BETWEEN 100 PERCENT AND 150 PERCENT OF POVERTY LINE.—Children described in subparagraph (D) of section 1902(l)(1), who are not described in any of subclauses (I) through (III) of section 1902(a)(10)(A)(i), and whose family income exceeds 100 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

''(3) The enhanced medical assistance percentage described in this paragraph for a State is equal to the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased (but not above 90 percent) by the number of percentage points equal to 30 percent of the number of percentage points by which (A) such Federal medical assistance percentage for the State, is less than (B) 100 percent.''.

(b) STATE OPTION TO EXPAND ELIGIBILITY TO 150 PERCENT OF POVERTY LINE FOR CHILDREN OVER 1 YEAR OF AGE.—Section 1902(l)(2) of such Act (42 U.S.C. 1396a(l)(2)) is amended—

(1) in subparagraph (B), by striking ''equal to 133 percent'' and inserting ''a percentage (specified by the State and not less than 133 percent and not more than 150 percent)'', and

(2) in subparagraph (C), by striking ''equal to 100 percent'' and inserting ''a percentage (specified by the State and not less than 100 percent and not more than 150 percent)''.

(c) CLARIFICATION OF STATE OPTION TO COVER ALL CHILDREN UNDER 19 YEARS OF AGE.—Section 1902(l)(1)(D) of such Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting ''(or, at the option of a State, after any earlier date)'' after ''children born after September 30, 1983''.

(d) STATE OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS.—Section 1902(e) of such Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

''(12) At the option of the State, the plan may provide that an individual who is under an age specified by the State (not to exceed 19 years of age) and who is determined to be eligible for benefits under a State plan approved under this title under subsection (a)(10)(A) shall remain eligible for those benefits until the earlier of—

''(A) the end of a period (not to exceed 12 months) following the determination; or

''(B) the time that the individual exceeds that age.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 1998.

SEC. 3. EMPLOYER CONTRIBUTIONS TO PREMIUMS.

(a) GENERAL RULE.—Any employer which elects to make employer contributions on behalf of an individual who is an employee of such employer, or who is a dependent of such employee, for health insurance coverage shall not condition, or vary, such contributions with respect to any such individual by reason of such individual's status as an individual eligible for medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) ELIMINATION OF CONTRIBUTIONS.—An employer shall not be treated as failing to meet the requirements of subsection (a) if the employer ceases to make employer contributions for health insurance coverage for all its employees.

(c) ENFORCEMENT.—The enforcement provisions applicable to group health insurance coverage under the amendments made by section 101(e)(2) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1952) shall apply with respect to an employer that violates the provisions of this section in the same manner as such provisions apply to employers under such amendments.

SEC. 4. GRANT PROGRAM TO PROMOTE OUTREACH EFFORTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each fiscal year beginning with fiscal year 1998 to the Secretary of Health and Human Services, $25,000,000 for grants to States, localities, and nonprofit entities to promote outreach efforts to enroll eligible children under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and related programs.

(b) USE OF FUNDS.—Funds under this section may be used to reimburse States, localities, and nonprofit entities for additional training and administrative costs associated with outreach activities. Such activities include the following:

(1) USE OF A COMMON APPLICATION FORM FOR FEDERAL CHILD ASSISTANCE PROGRAMS.—Implementing use of a single application form (established by the Secretary and based on the model application forms developed under subsections (a) and (b) of section 6506 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 701 note; 1396a note)) to determine the eligibility of a child or the child's family (as applicable) for assistance or benefits under the medicaid program and under other Federal child assistance programs (such as the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the food stamp program, as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), and the State program for foster care maintenance payments and adoption assistance payments under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.)).

(2) EXPANDING OUTSTATIONING OF ELIGIBILITY PERSONNEL.—Providing for the stationing of eligibility workers at sites, such as hospitals and health clinics, at which children receive health care or related services.

(c) APPLICATION, ETC.—Funding shall be made available under this section only upon the approval of an application by a State, locality, or nonprofit entity for such funding and only upon such terms and conditions as the Secretary specifies.

(d) ADMINISTRATION.—The Secretary may administer the grant program under this section through the identifiable administrative unit designated under section 509(a) of the Social Security Act (42 U.S.C. 709(a)) to promote coordination of medicaid and maternal and child health activities and other child health related activities.●

FRANKLIN DELANO ROOSEVELT MEMORIAL DEDICATION

● Mr. LEVIN. Mr. President, tomorrow, May 2, we will dedicate a memorial on the Tidal Basin in West Potomac Park to one of America's greatest Presidents, a towering figure in the history of the 20th century, Franklin Delano Roosevelt.

A memorial to FDR was first proposed in the Congress as early as 1946. The FDR Memorial Commission was finally established, by law, in 1955. It has taken 42 years to complete this effort. I am proud to have served on the Memorial Commission. Tomorrow, will be a great day for Americans, a day to look back and remember FDR, his enormous contribution to all of our lives and the contribution of the generation of Americans who struggled through the depression and valiantly defeated fascism; a day to admire the beauty and to be inspired by the art of this great new addition to our capital city's memorials; and a day to contemplate America's future and the contribution that this memorial will make to the understanding that future generations will have of one of the most critical eras of our history.

This memorial is a expression of what America is all about. It is what America can do to overcome challenges of depression and war. Roosevelt imbued hope and he instilled optimism in a people who were down and out in a depression and then attacked when we were down, by Japan at Pearl Harbor.

Franklin Roosevelt was an inspirational leader because of his optimism in the face of the long odds our Nation faced. He was our voice. He reflected our hopes. He continues to inspire us today because he showed what we can do when we pull together as a people. And, this new memorial will help to keep FDR's legacy inspiring Americans for the centuries ahead.

Roosevelt saw the positive role of Government in the economy, pulling us out of the depression and in times of a world war, when we had to pull together. But he was also willing to experiment. He was not somebody who would hang onto a program if it wasn't working. He believed that Government programs could make a positive difference. And they did for millions. But he also believed that if Government programs were not working that we

should either make them work or drop them. This is a model we would do well to keep in mind in the weeks, and the years ahead as Congress grapples with the difficult problems of balancing the needs of people, and the role of Government in addressing those needs with the demands of fiscal responsibility.

The memorial will also honor the memory and contributions of the First Lady who as the eyes and ears of the President traveled hundreds of thousands of miles visiting Americans in every walk of life.

Mr. President, I want to mention a few of my own memories of F.D.R. During the Roosevelt years, I was a young boy, but I can clearly remember the strength of his voice in those fireside chats. And I remember the conversation around the family's dinner table about what a great leader he was.

I remember scouting the streets for discarded empty cigarette packs. This was something kids did. We stripped off the tin foil linings and brought them to school where they were rolled together to create large balls of the metal, which could be recycled for the war effort. This gave us an enormous sense of being a part of the effort and of responding to Roosevelt's call for participation.

And, I remember his dog, Fala. Especially for a young boy Fala was a big part of the Roosevelt persona. That's why, when I noted the fact that his dog, which meant so much to him and to the Nation, which was such a symbol of his warmth and humanity, was left out of the monument, I suggested Fala be represented in the memorial and the commission agreed. So, tomorrow as the statues of Franklin and of Eleanor are unveiled, a little statue of Fala, recognizing his historic role, will also be there as well, helping to connect FDR to future generations of visitors, especially our kids and grandkids.

Mr. President, now I would like to honor the memory of this great American President by reading some of the anecdotes and sentiments of people from Michigan, where he is well remembered by seniors and veterans, and even by many who know him only from film and audio tape, but remembered with reverence and often with at least one tear in the eye.

I have asked my constituents in Michigan to send to me some of their remembrances of FDR. I have received many moving and inspiring stories. I want to share some of those with my colleagues in the Senate today.

MICHIGAN REMEMBERS F.D.R.

Back in the 1920's, my father Alfred Angeli and a number of his friends came over to this country to escape the Fascism and Communism in Italy. They found a new life here in America and they adored Franklin Delano Roosevelt. They had great respect for him for the job he did in creating jobs and putting everybody back to work.

My father and about eight of his friends were very serious in their respect for FDR, and honored him by naming their hunting camp 'Campobello'. It was a very sad day when the great man died. * * * My parents, who are now gone, would be very proud to know they are taking part in this tribute to Mr. Roosevelt.—Mike Angeli, Marquette, Michigan.

About ten years ago, I appeared before the county board to obtain approval for a grant to fund a senior citizens feeding program. The chairman of the board got very upset calling me something like ''a big spending-liberal-government interferer * * * (like FDR)''. I told him I'm not old enough to have served with President Roosevelt, but that he is an idol of mine and that I was extremely honored to have been put in the same category.—Ron Calery, Chippewa-Mackinac-Luce Community, Action Agency Director, Sault Ste. Marie, Michigan.

When FDR ran, the stock market had crashed and times were tough. There were no jobs and no money. Hoover ran on a platform of ''a chicken in every pot'', but people wanted a job. Roosevelt won in a landslide, after he said he would put people back to work. He did just that.

Everyone had bills, and few people had the money to pay them. So a situation was created where people could work off their bills. If you had to go to the hospital while on welfare, you worked the bill off with the city by sweeping streets or picking up trash or cleaning the parks. Each time you worked, you would reduce your bill. Though there were years we didn't have two nickels to rub together, we survived.—Arthur Carron, Bark River, Michigan.

FDR literally transformed the country from a feeling of overwhelming despair to hope and confidence. When Roosevelt was elected I was approaching my 16th birthday. On the west side of Detroit in a neighborhood of autoworkers practically everyone was jobless. The giant Ford Rouge plant was working at 25 percent of capacity. Other auto companies and all of the auto supplier companies were in a similar situation. My father and the fathers of all my boyhood friends were unemployed. Men who were really willing and anxious to work. There was a feeling of desperation and hopelessness. Most important of all they lost their sense of dignity when they could not provide for their families. Roosevelt, through the various governmental programs, gave these men hope and a sense of well being they had not experienced for some time.—Doug Fraser, Professor of Labor Studies, Wayne State U., Former President of U.A.W., Northville, Michigan.

Oliver Wendell Holmes once said, ''A man's mind stretched by a new idea, will never return to its former dimension.'' I was one of those fortunate unemployed young men who joined with over three million other destitute kids and signed up with the Civilian Conservation Corps.

It seems that FDR scratched out his C.C.C. idea on a restaurant napkin. This vision was an unprecedented gamble in bringing a bankrupt nation back on its feet. I was one of those three million who was lifted from the depths of despair, each given a chance to earn self-respect, dignity and self-esteem. How does a nation measure a dimension such as that? Just consider the families that these men represented, grateful for the monthly $25.00 and the succor it supplied.

I can testify to that. Sixty-four years ago when men's spirits were tested by want and deprivation, it seems like only yesterday that I walked into that welfare office. I was not afraid of the hunger, but the indignity it caused. I felt not a pain in my stomach, but an ache in my heart. . .I was sworn into the C.C.C. Now, I was accepted, now I could say, ''Hello to tomorrow''. I became a member of an idea whose time had come. Roosevelt's tree army.—Rev. Bill Fraser, First V.P. National Assoc. of C.C.C. Alumni, Grayling, Michigan.

My mother named me Franklin Delano Garrison in his honor. From the time I was a small child I took a great pride in being named for someone who was a hero to everyone I knew, even though at first I wasn't really sure why. Then I came to understand that my family was eating only because the New Deal was providing some food assistance, and my father was working only because the Works Progress Administration was providing jobs. I came to see for myself the hardships that the Depression had brought to the old, the hungry and the deserted—and to realize that one man had led the nation in providing not only sustenance but also hope where both had been lost.—Franklin Delano Garrison, President, Michigan State AFL-CIO, Lansing, Michigan.

I am very happy that President Roosevelt is finally having a memorial dedicated in his honor. I am 83 years old and lived through the Depression, and know how bad times were. Before the election of President Roosevelt, I worked on welfare for $2.00 a day for an eight hour shift.

With President Roosevelt's election times got better. With the New Deal of the WPA, I got $22.00 a week for a four day six hour shift. I will always be grateful to President Roosevelt for social security, unemployment benefits and being able to unionize for better wages and benefits and to protect jobs. President Roosevelt will always be my idol.—Rudy Gregorich, Painesdale, Michigan.

We members of the Eighth Armored Division had been on the march, without a break, around the clock, for days—sometimes unopposed, in other places, held up by the familiar and bitter last-ditch Nazi resistance.

At last, late one morning, a halt was signaled. We dropped—dirty, hungry, and almost unconscious—and slept, some in the ditches along the road, others stretched out on the rear decks of their tanks, others where they sat in tank turrets, in half tracks, or on truck seats.

Then a startling message started down the line from the lead vehicle, which had a short-wave radio. Men, as they heard it, shook the next man awake and passed it on: President Roosevelt was dead.

In a sense, President Roosevelt was a soldier in that fight—just like us. And like us, this good man was exhausted. He was a casualty of the war. But he had the satisfaction of knowing that he left the field with the battle well in hand.—Jack R. Hendrickson, Ph.D., Birmingham, Michigan.

The year may have been 1932, or 1934, and my mother a widow of some 60 years had been left well-provided for by my father at his death in 1931. But the Great Depression struck the USA and its economy was stagnant, mired down, seemingly unable to extricate itself from the doldrums it found itself caught in . . .

It was a time of calamity, of no one knowing quite what to do. Mother had never experienced this type of emergency in her long life. There was little or no relief in sight. Radio broadcasts were discouraging and gave no hint of the end of the Depression in sight. My sister, married with three little ones, recalls walking three or more miles to obtain government free food and carrying it home, walking as she had come.

The one light on the horizon in the midst of this gloom was the radio program when President Delano Roosevelt, elected a few months previously, would address the people in his famous fireside chats. His voice soothing, deep-textured, commanding confidence as he spoke words of optimism were most welcome by the bewildered public. ''We have nothing to fear, except fear itself,'' he said on one momentous occasion. How the people

clung to his words bearing hope that this President of the United States instilled over the air. As someone noted sixty years later, FDR could not raise himself from a chair, but by moral strength was able to lift a great nation out of the Depression in the Thirties! All America hung onto his words, hung on to the confidence he instilled, in their government, in their country, awaiting with patience for the clouds of Depression to lift!—Dr. Marie Heyda, O.P., Grand Rapids Dominicans, Grand Rapids, Michigan.

My younger sister was in the wars and had the honor of meeting President Roosevelt at his summer home.

I feel that FDR was one of the greatest presidents that ever lived. Even though he was so educated, he still was for the average person. He did so much for the people while in office.—Kathryn V. Holden, Saginaw, Michigan.

* * * 1940. I was pregnant * * * and Newman, my husband, was working for Labor's Nonpartisan League in the office of the Philadelphia Joint Board, Amalgamated Clothing Workers of America, 2000 South Street.

Since I was not working and had no child care needs, I was a volunteer in the office, handing out literature at rallies and some house to house visiting in North Philly, in the Kensington area and a bit in South Philly.

Our work culminated in a huge rally for the President in the stadium, shortly before the election. It was raining and my husband and friends did not think I should go. But I did, and it was the most impressive, exciting and largest rally I ever participated in.

My labor came early, and daughter Sharon was born at St. Luke's Hospital November 3, the election was the next day * * * Since I had made no plans for an absentee ballot and there was no way I could get one of those days, I missed my opportunity to vote for the third term of FDR. The only time in my life I have failed to vote in an election either primary or general.—Mildred Jeffrey, Detroit, Michigan.

When the 73rd Congress opened * * * FDR bombarded Congress with bills to stimulate the economy. During his first month in office, he used his authority * * * to establish the Public Works Administration which helped my father while laid off from the railroad for about a year.—Leonard Klemm, Saginaw, Michigan.

President Roosevelt really left a great impact upon our country. He came into office at the time of the Great Depression and did much to relieve the suffering of the people and to restore confidence in our banking system and the Government in general. He won great respect through his fireside chats, radio connection and as the first President to address the nation on national television.—B.L. Little, Saginaw, Michigan.

I had only one personal encounter with President Roosevelt, but it is one I can recall quite vividly even today. * * * FDR had been campaigning for reelection that day in New England, but the end of the day had brought him to New York. By chance we saw his motorcade, which couldn't have been more than two or three cars.

He rode in an open car, and I can still see him waving his hat and smiling as he passed by. He was an inspiration to me then and he continues to inspire me today.—William G. Milliken, Former Michigan Governor, Traverse City, Michigan.

I became aware that President Roosevelt was planning to recruit thousands of youths between ages 18 and 25 to serve in forestry camps throughout the nation to perform tasks, such as planting trees, building roads, erosion control, fighting forest fires, miles of fire trails and telephone lines strung, and other conservation related work.

I had just turned 18 when I heard about the program, and at the time was a barber's apprentice in Cascade, Michigan * * * The Civilian Conservation Corps sounded like the answer to my situation, and I immediately made myself available. * * *

After leaving the C.C.C. camps, I enlisted in the U.S. Navy * * * While assigned to the Sick Officer's Ward, I was attendant to then Secretary of the Navy, Claude Swanson. During that time President Roosevelt visited Swanson twice * * * This was a great honor for me to have the opportunity to stand close to the President of the United States. * * * Following a military career, I became involved in organizing a civilian conservation corps alumni group here in Grand Rapids, Michigan. * * * with the support of the C.C.C. Alumni veterans, was able to convince Governor Blanchard, and the state legislature, to establish a Michigan Civilian Conservation Corps patterned after Roosevelt's depression era C.C.C. program.—Frank Munger, Grand Rapids, Michigan.

My uncle, Billy Rogers, living in Chicago, was one of the many. No job, no money and dependent on the small income of his mother gave him little hope for the future. Thank God for the C.C.C.! They took him in—fed and clothed him, taught him the value of manual labor and gave him a sense of pride. Friendships made in camp endured for many years.

Diligent work and a cheerful attitude earned him the most coveted job in camp: truck driver! After completing his enrollment, he returned to Chicago. Due to his experience, he was eligible to join the Teamsters Union and continued working as an over-the-road truck driver until he retired. All this due to the vision and persistence of one man—F.D.R.!—William Oberschmidt, Saginaw, Michigan.

* * * on April 12, 1945. I was 13 years old at the time and I remember the nuns grieving at school and how sad everyone felt. It's about all anyone talked about or what you heard on the radio.

I don't think I understood the full impact of what Roosevelt had accomplished until I was stationed in the Pacific during the Korean War. I spent time on many of the Pacific Islands where the war took place and it made me realize what he had done to guide us through the second World War * * *—Jack Salter, Royal Oak, Michigan.

As a public official, I have given a lot of thought to the question of leadership. What is leadership and how does it manifest itself in public life? Although the answer to that question is far from clear or simple, it seems to be embodied in the memory of the person I consider our nation's greatest president, Franklin Delano Roosevelt.

My father was one of the millions who found themselves out of work after the Crash of 1929. He directly benefited from President Roosevelt's policies, taking part in the Civilian Conservation Corps. That program helped my dad get back on his feet, giving him, along with millions of others, hope and purpose at a time when both seemed in short supply.

Years later, facing another crisis—World War II—President Roosevelt came to my hometown, Warren, to visit the tank plant that was then producing Sherman Tanks by the thousands. Moved by the sacrifice, commitment and ingenuity of the people of southeast Michigan working to ensure that Naziism was defeated, he dubbed that plant the ''Arsenal of Democracy.''

Now we in Warren are trying to follow his example, as we work to transform the recently abandoned tank plant into a new kind of arsenal: an arsenal for economic growth. As I go to work each day, I frequently ask myself what President Roosevelt would have done with today's issues. Looking at the future of his Arsenal for Democracy, I believe that FDR would be pleased.—Mark A. Steenbergh, Mayor, City of Warren, Warren, Michigan.

My father subscribed to the Chicago Tribune during the depression since it was the cheapest paper in town at two cents a copy. The Tribune had cartoonist by the name of 'Orr'. His cartoon appeared on the front page of the Tribune and more often than not, his work of art was a slam against President Roosevelt. As it turned out, the subscription was a bad deal for my father, because my mother, being a staunch Democrat and a supporter of FDR, would wait for the mailman and promptly put the paper in the stove.—James F. Sodergren, Marquette County Treasurer, Ishpeming, Michigan.

I was a high school teacher during the Great Depression. According to my memory, the American people had great faith and believed that our President would do what was best for the ''common good.'' We listened carefully and with pride to his fireside chats. * * *

And today, as we drive over miles of paved roads in northern Michigan, we marvel at the lines of majestic evergreens —so beautiful in summer and effective snow-barriers in winter! I relate with pride the work of the C.C.C., that group of younger men who earned their livelihood at that time by beautifying and preserving Michigan's natural environment. Roosevelt's foresight has kept Michigan a wonderful state!—Sister Agnes Thiel, O.P., Grand Rapids Dominicans, Grand Rapids, Michigan.●

HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. BENNETT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of House Concurrent Resolution 61, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 61) honoring the lifetime achievements of Jackie Robinson.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 61) was agreed to.

The preamble was agreed to.

AUTHORIZING A PERMANENT ADDITION TO THE FRANKLIN DELANO ROOSEVELT MEMORIAL IN WASHINGTON, DC

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Joint Resolution 29, submitted earlier today by Senator INOUYE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 29) to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

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

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

Mr. INOUYE. Mr. President, at the request of President Clinton, I rise to introduce legislation which directs the Secretary of the Interior to plan for the design and construction of a permanent addition to the Franklin Delano Roosevelt [FDR] Memorial.

The FDR Memorial Commission was organized in 1955 for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to President Roosevelt. I have had the distinct pleasure of serving on the Commission for 27 years along with our former colleague, Senator Mark O. Hatfield.

The FDR Memorial will be dedicated on Friday, May 2, 1997. This memorial represents a plan and design that has undergone extensive review and study by the Commission of Fine Arts, the National Park Service, the Department of the Interior, and the Congress. After 23 years, and three design competitions, one of which bestowed a $50,000 award, the final design for the memorial was approved in 1978.

Approximately 2 years ago, after all design plans were approved, all funding appropriated by the Congress, and the construction of the memorial was well underway, the disabled community made a demand that the Commission add another statue of FDR in a wheelchair. In the early days, the children of Franklin and Eleanor Roosevelt made it clear they wanted no statue showing President Roosevelt in a wheelchair. I might add that during the approval process no member of the disabled community came forth to request the Commission amend the design plans for the memorial.

However, in an effort to be sensitive to their concerns yet historically accurate, the Commission agreed to display an exact replica of one of President Roosevelt's wheelchairs in the entry building of the memorial. It was determined that existing wheelchairs are too fragile to be loaned to the memorial. Consequently, Senator Hatfield and I instructed the National Park Service to prepare for display an exact replica of one of President Roosevelt's wheelchairs. A cabinetmaker is building the chair and other wooden parts, a wheelmaker is producing 18-inch rims and tires and a metalsmith is assembling the completed chair.

In addition, in the memorial's entry building there will be a display of mounted photographs of President Roosevelt, including one of the two known photographs of him in a wheelchair. The photograph to be displayed will be 12 inches tall and 9 inches wide. Also included in the memorial is a time line of the major events of FDR's life, carved in granite, which states: ''1921 stricken with poliomyelitis—he never again walked unaided.''

The Commission tried its best to ensure that the initial wishes of the Roosevelt family were carried out, along with the design plans approved by the Commission of Fine Arts. The Commission has also tried to be sensitive to the concerns of those citizens having to spend their lives in a wheelchair. It is true that the depiction of President Roosevelt in a wheelchair will inspire the tragically afflicted. It may very well be a more honest way to depict President Roosevelt.

Accordingly, at President Clinton's request, I am pleased to introduce this legislation which directs the Secretary of the Interior to plan for the design and construction of a permanent addition to the FDR Memorial, and I thank my colleagues for their support and in the Senate acting expeditiously.

Mr. HARKIN. Mr. President, I am very pleased to join with my good friend and colleague Senator INOUYE in introducing legislation submitted by the Clinton administration to require the addition of a statue portraying FDR and his disability. This is an important measure that I hope will be quickly approved.

I have always said that it took a disabled President to lead a disabled nation. President Clinton has taken the right step in improving the FDR Memorial by allowing Americans to view a more complete picture of one of our Nation's greatest Presidents.

I look forward to the long-awaited dedication of the FDR Memorial this Friday. I have long thought this very important new memorial should include a statue depicting FDR in a wheelchair. Contrary to popular belief, President Roosevelt did at times purposely display his disability to inspire wounded veterans, persons with polio, and other groups of Americans. A statue portraying his disability will stand as a reminder to current and future generations of Americans that disability is a natural part of the human experience that in no way diminishes the ability of a person to fully participate in all aspects of American life.

As the author of the Americans With Disabilities Act, I was proud to be joined by leaders of the disability community, former Presidents Bush, Carter, and Ford, a number of Roosevelt's descendants, and many other Americans in calling for a permanent depiction of FDR with his disability at the memorial. Our challenge now is to take the necessary steps to make this additional statue part of the FDR Memorial as soon as possible.

Mr. BENNETT. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution appear at the appropriate place in the RECORD.

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

The joint resolution (S.J. Res. 29) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 29

Whereas President Franklin Delano Roosevelt, after contracting poliomyelitis, required the use of a wheelchair for mobility and lived with this condition while leading the United States through some of its most difficult times; and

Whereas President Roosevelt's courage, leadership, and success should serve as an example and inspiration for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO FRANKLIN DELANO ROOSEVELT MEMORIAL.

(a) PLAN.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') shall plan for the design and construction of an addition of a permanent statue, bas-relief, or other similar structure to the Franklin Delano Roosevelt Memorial in Washington, D.C. (referred to in this Act as the ''Memorial''), to provide recognition of the fact that President Roosevelt's leadership in the struggle by the United States for peace, well-being, and human dignity was provided while the President used a wheelchair.

(b) COMMISSION OF FINE ARTS.—The Secretary shall obtain the approval of the Commission of Fine Arts for the design plan created under subsection (a).

(c) REPORT.—As soon as practicable, the Secretary shall report to Congress and the President on findings and recommendations for the addition to the Memorial.

(d) CONSTRUCTION.—Beginning on the date that is 120 days after submission of the report to Congress under subsection (c), using only private contributions, the Secretary shall construct the addition according to the plan created under subsection (a).

SEC. 2. POWERS OF THE SECRETARY.

To carry out this Act, the Secretary may—

(1) hold hearings and organize contests; and

(2) request the assistance and advice of members of the disability community, the Commission of Fine Arts, and the National Capital Planning Commission, and the Commissions shall render the assistance and advice requested.

SEC. 3. COMMEMORATIVE WORKS ACT.

Compliance by the Secretary with this joint resolution shall satisfy all requirements for establishing a commemorative work under the Commemorative Works Act (40 U.S.C. 1001 et seq.)

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this joint resolution such sums as may be necessary.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. BENNETT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 64, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 64) to designate the week of May 4, 1997, as ''National Correctional Officers and Employees Week.''

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

Mr. BENNETT. 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 that any statements 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. 64) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 64

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives:

Now, therefore, be it

Resolved, That the Senate designate the week of May 4, 1997, as ''National Correctional Officers and Employees Week.'' The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 52 through 60, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

NATIONAL SCIENCE FOUNDATION

M.R.C. Greenwood, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

John A. Armstrong, of Massachusetts, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Stanley Vincent Jaskolski, of Ohio, to be a member of the National Science Board, National Sciece Foundation, for a term expiring May 10, 2002.

Jane Lubchenco, of Oregon, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Richard A. Tapia, of Texas, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Mary K. Gaillard, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Bob H. Suzuki, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Eamon M. Kelly, of Louisiana, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Vera C. Rubin, of the District of Columbia, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Robert N. Agee, and ending Harry M. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Air Force nominations beginning John L. Bush, and ending David G. Talaba, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 1997.

Air Force nominations beginning Barry S. Abbott, and ending Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 1997.

Air Force nominations beginning Christopher R. Kleinsmith, and ending Steven L. Klyn, which nominations were received by the Senate and appeared in the Congressional Record of March 21, 1997.

Air Force nominations beginning Marilyn S. Abughusson, and ending Jesus E. Zarate, which nominations were received by the Senate and appeared in the Congressional Record of March 21, 1997.

Air Force nominations beginning John M. Barker, and ending Jessica R. Ybanezmorano, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 1997.

Army nominations beginning *William M. Austin, and ending *Kenneth W. Stice, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 1997.

Army nominations beginning Richard H. Agosta, and ending Michael V. Walsh, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 1997.

Army nominations beginning Richard Cooper, and ending Gregory Schannep, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 1997.

Army nominations beginning *Ida F. Agamy, and ending *Scott E. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 30, 1997.

Army nomination of George B. Garrett, which was received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nominations beginning Vincent J. Albanese, and ending Joseph T. Wojtasik, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nominations beginning James M. Caldwell, and ending Paul M. Warner, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nominations beginning Bryant H. Aldstadt, and ending *Jeffrey P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nomination of Larry W. Racster, which was received by the Senate and appeared in the Congressional Record of February 27, 1997.

Army nomination of Douglas R. Yates, which was received by the Senate and appeared in the Congressional Record of March 11, 1997.

Army nominations beginning Harry L. Bryan, Jr., and ending William L. Witham, Jr., which nominations were received by the Senate and appeared in the Congressional Record of March 21, 1997.

Army nomination of *Phuong T. Pierson, which was received by the Senate and appeared in the Congressional Record of March 21, 1997.

Marine Corps nominations beginning Dirk R. Ahle, and ending Philip N. Yff, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 1997.

Marine Corps nomination of Todd H. Griffis, which was received by the Senate and appeared in the Congressional Record of April 7, 1997.

Marine Corps nominations beginning Roy P. Ackley, Jr, and ending Philip J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 1997.

Marine Corps nominations beginning Robert J. Abblitt, and ending Robert M. Zeisler, which nominations were received by the Senate and appeared in the Congressional Record by April 7, 1997.

Navy nominations beginning Cal D. Astrin, and ending Arthur D. Whittaker, Jr, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 1997.

Navy nominations beginning Jason T. Baltimore, and ending Masko Hasebe, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Navy nominations beginning Edward H. Lundquist, and ending John D. O'Boyle, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 1997.

Navy nomination of Jamel B. Weatherspoon, which was received by the Senate and appeared in the Congressional Record of April 7, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, MAY 5, 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday, May 5. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and that there then be a period for the transaction of routine morning business until the hour of 1 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will not be in session on Friday of this week in order to accommodate a meeting scheduled for the Democratic Members of the Senate. The Senate will reconvene on Monday at 12 noon. After a period of morning business, at 1 p.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are expected to be offered on Monday. Therefore, votes could occur, but will not occur prior to the hour of 5 p.m., on Monday. We will notify Members as early as possible on Monday with respect to rollcall votes occurring on that day.

The Senate could also be asked to turn to any other Legislative or Executive Calendar items that can be cleared for action on Monday.

ADJOURNMENT UNTIL MONDAY, MAY 5, 1997

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:08 p.m., adjourned until Monday, May 5, 1997, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 1997:

NATIONAL SCIENCE FOUNDATION

M. R. C. GREENWOOD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

JOHN A. ARMSTRONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

STANLEY VINCENT JASKOLSKI, OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

RICHARD A. TAPIA, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

MARY K. GAILLARD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

BOB H. SUZUKI, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

EAMON M. KELLY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

VERA C. RUBIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ROBERT N. AGEE, AND ENDING HARRY M. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

AIR FORCE NOMINATIONS BEGINNING JOHN L. BUSH, AND ENDING DAVID G. TALABA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 27, 1997.

AIR FORCE NOMINATIONS BEGINNING BARRY S. ABBOTT, AND ENDING THOMAS F. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 27, 1997.

AIR FORCE NOMINATIONS BEGINNING CHRISTOPHER R. KLEINSMITH, AND ENDING STEVEN L. KLYN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

AIR FORCE NOMINATIONS BEGINNING MARILYN S. ABUGHUSSON, AND ENDING JESUS E. ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

AIR FORCE NOMINATIONS BEGINNING JOHN M. BARKER, JR., AND ENDING JESSICA R. YBANEZ-MORANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *WILLIAM M. AUSTIN, AND ENDING *KENNETH W. STICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

ARMY NOMINATIONS BEGINNING RICHARD H. AGOSTA, AND ENDING MICHAEL V. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

ARMY NOMINATIONS BEGINNING RICHARD COOPER, AND ENDING GREGORY SCHANNEP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 28, 1997.

ARMY NOMINATIONS BEGINNING IDA F. *AGAMY, AND ENDING SCOTT F. *YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 30, 1997.

ARMY NOMINATION OF GEORGE B. GARRETT, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATIONS BEGINNING VINCENT J. ALBANESE, AND ENDING JOSEPH T. WOJTASIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATIONS BEGINNING JAMES M. CALDWELL, AND ENDING PAUL M. WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATIONS BEGINNING BRYANT H. ALDSTADT, AND ENDING JEFFREY P. *ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATION OF LARRY W. RACSTER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 27, 1997.

ARMY NOMINATION OF DOUGLAS R. YATES, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1997.

ARMY NOMINATIONS BEGINNING HARRY L. BRYAN, JR., AND ENDING WILLIAM L. WITHAM, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

ARMY NOMINATION OF *PHUONG T. PIERSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DIRK R. AHLE, AND ENDING PHILIP N. YFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1997.

MARINE CORPS NOMINATION OF TODD H. GRIFFIS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

MARINE CORPS NOMINATIONS BEGINNING ROY P. ACKLEY, JR., AND ENDING PHILIP J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

MARINE CORPS NOMINATIONS BEGINNING ROBERT J. ABBLITT, AND ENDING ROBERT M. ZEISLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

IN THE NAVY

NAVY NOMINATIONS BEGINNING CAL D. ASTRIN, AND ENDING ARTHUR D. WHITTAKER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 5, 1997.

NAVY NOMINATIONS BEGINNING JASON T. BALTIMORE, AND ENDING MASKO HASEBE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

NAVY NOMINATIONS BEGINNING EDWARD H. LUNDQUIST, AND ENDING JOHN D. O'BOYLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1997.

NAVY NOMINATION OF JAMEL B. WEATHERSPOON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

EXTENSIONS OF REMARKS

EXTENDING STRUCTURED SETTLEMENTS TO WORKERS' COMPENSATION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SHAW. Mr. Speaker, I am pleased to rise today, along with Mr. RAMSTAD and Mr. STARK and a broad group of my colleagues from the Ways and Means Committee from both sides of the aisle, to introduce this bill to extend structured settlements under section 130 of the Internal Revenue Code to workers' compensation.

I am a great believer in structured settlements. Structured settlements have been widely used in the tort area for many years to compensate tort victims who have suffered serious, long-term, often profoundly disabling injuries. A structured settlement provides the badly injured tort victim with important financial protections.

Under a structured settlement, the injured person receives damages in the form of a stream of periodic payments tailored to his or her specific future medical and basic living needs from a well-capitalized financial institution that assumes the liability from the defendant and funds the obligation with an annuity or U.S. Treasury obligations. Congress has adopted a series of special Internal Revenue Code rules in sections 130 and 104 to promote the use of structured settlements.

Extending these code section 130 structured settlement rules to the workers' compensation area would provide crucial financial security to workers who have suffered serious, long-term physical injuries. A seriously and permanently disabled worker who is to receive a stream of workers' compensation payments over the next 20 or 30 years has the same very real concerns as the tort victim over relying on the uncertain financial prospects of a self-insured employer which may no longer be in business a decade from now or a compensation carrier that is weak and threatens to become more so in the future. In some States structured settlements also would provide a means of resolving workers' compensation disputes that otherwise would be settled with a lump sum that could be prematurely dissipated by the injured worker.

Thus, extending the structured settlement tax rules to workers' compensation is fully consistent with the original purpose of code section 130 and merely adds a parallel class of physical injuries to that already covered by the statute.

The use of structured settlements in workers' compensation would be subject to the oversight of the States workers' compensation referee who would have to approve each section 130 structured settlement on a case-by-case basis as being in the best interest of the injured worker.

The Treasury Department has testified before the Ways and Means Committee in the last Congress that Treasury does not oppose this proposal, reasoning that ''[t]here appears to be no policy justification, apart from revenue considerations, for allowing less favorable tax treatment for work-related physical injury claims than other physical injury claims.'' The Joint Tax Committee estimated in the last Congress that the proposal would cost a total of only $11 million over 5 years.

We look forward to consideration of this important legislation at the earliest possible opportunity.

RECOGNITION OF LUISA SINIPATA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in commending Ms. Luisa Sinipata, a junior at Mercy High School in Burlingame and the recipient of the Congressional Youth Excellence Award in the 12th Congressional District of California.

Ms. Sinipata's contributions to our community are impressive. She coordinated publicity and entertainment for a recent neighborhood festival. She volunteered as a junior for the University of San Francisco's mock trials and as a child care volunteer at her church. Furthermore, as a member of the Peninsula YMCA Youth and Government Program, she has been an active promoter of San Mateo's teen curfew proposal, as well as an active participant in youth conferences.

In addition to this outstanding record of community service, Luisa has achieved an excellent academic record at Mercy High School. Luisa currently is taking courses in sociology and French at the College of San Mateo, in addition to her regular high school educational program. She has done this while working part time for a local San Mateo business.

Mr. Speaker, I invite my colleagues to join me in commending Ms. Luisa Sinipata for her outstanding service to our community and congratulating her for her academic achievements.

TRIBUTE TO PHILANTHROPIST ALICE PETERS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Alice Peters. Mrs. Peters has demonstrated, time and time again, the ability to raise the spirits of people in the Fresno, CA, community. I want to honor her today for her service to Fresno.

As noted in a recent edition of the Armenian General Benevolent Union [AGBU] magazine, Alice Peters' family moved to Lynn, MA, from Bitlis in 1907. After hearing that more Bitlistsies were residing in the Fresno area, the family moved to Del Rey, a small farming town outside of Fresno. In 1943, she met and married Leon Peters, who was a farmer by day and sold pumps for water at night. Their business grew and became one of the Nation's premier winemaking machinery plants. Eventually, the business grew to be as large as 300 employees before the couple sold it to begin pursuing other interests.

Perhaps even more significant to the region than the wine-making machinery business was the formation of the Leon S. Peters Foundation in 1959. Today, this foundation, with Mrs. Peters as the board chairman, supports many different educational causes in both the Fresno community and the world. Locally, the foundation aids humanitarian endeavors and university scholarships. Foundation guidelines require the money be kept in Fresno to help students locally. Internationally, the foundation sends funding to various organizations throughout Armenia, including supporting scholarships for students studying at the American University of Armenia and funding to assist children at the Nork Children's Center.

Promoting education is not where the work of Alice Peters ends. As one of the leading philanthropists in Fresno, Mrs. Peters was instrumental in starting the Fresno Metropolitan Museum of Art, and also is a principle fundraiser for the Fresno Zoo and the Boy and Girl Scouts of America. Together, Mr. and Mrs. Peters have shaped Fresno from a once small farming town into one of the largest and most thriving cities in California.

Mr. Speaker, as an active member of the Fresno community, Alice Peters has contributed to the growth and cultivation of new ideas and accomplishments of its residents. Together, she and her husband have faced the challenges and enjoyed the successes of the world of business. In turn, they have given back to the community that has become so important in their lives. I ask my colleagues to join me in tribute to a woman who strives each day to make the Fresno community as fulfilling a place for others as it has been for her.

MORE UNFAIR COMPETITION: SUBSIDIZED BRIBERY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, I would like to insert for the RECORD an article in the International Herald Tribune that outlines Germany's and France's opposition to making foreign bribery a crime.

I think most Americans would be shocked to learn that in Germany and France, not only is bribery of foreign officials not illegal, it qualifies as a tax deduction! Meanwhile, American firms trying to do business abroad operate under our Foreign Corrupt Practices Act, which

makes bribery illegal and possibly punishable with a jail sentence.

This is yet another example of the unfair competition our firms face, Mr. Speaker, and we should be resolute in demanding that Germany, France, and other countries change their laws. This is absolutely critical to maintaining our industrial base, including our military industrial base in these times of declining defense budgets.

[From the International Herald Tribune]

FOREIGN BRIBERY SHOULD BE A CRIME

(By Reginald Dale)

WASHINGTON.—An American caught bribing a foreign official for commercial gain will be fined or jailed for violating U.S. law. Europeans who bribe the same official may well qualify for a tax deduction.

U.S. corporations are estimated to be losing contracts worth tens of billions of dollars because of corrupt practices by their competitors. It is hardly surprising that Washington is leading an aggressive campaign to crack down on international bribery and corruption.

What is surprising is that the campaign, dismissed as hopelessly naive and moralistic only a few years ago, is beginning to bear fruit.

At next month's ministerial meeting of the Organization for Economic Cooperation and Development in Paris, Washington hopes other industrial countries will commit themselves to making foreign commercial bribery a criminal offense, as the United States did in 1977.

Many developing and ex-Communist countries back the U.S. stand and are asking the major exporting nations to help them fight corruption.

The main holdouts are two close American allies, Germany and France. These two countries do not dispute that bribery is bad. Many international corporations say corruption is the main obstacle to business in places such as Russia, China and much of Southeast Asia.

Bribery, according to Alan P. Larson, a senior State Department official, denies developing countries access to the most efficient bidders, diverts funds that could have been spent on economic and social development, and corrupts fragile democratic institutions.

Washington is not too worried by the small sums often needed to persuade bureaucrats to do the jobs they are supposed to be doing anyway, such as issuing licenses or visas. The problem is big payments to induce an official to do something illegal—bribing a public employee to secure a contract is against the law all over the world.

Last year, Germany and France subscribed to a nonbinding OECD recommendation to end tax deductions for bribery abroad and agreed ''in principle'' to make it a criminal offense. The difficulty is persuading them to follow through. The two countries have not ended the tax deductibility, and they say they want to negotiate a binding international convention before criminalizing foreign bribery. Washington wants each OECD member simply to enact its own legislation next year.

France and Germany argue that without a watertight legal convention, other countries will cheat. This argument is ''clearly a delaying tactic,'' says Frank Vogl, vice chairman of Transparency International, an independent group that monitors business corruption. Negotiating an international convention could take years.

But many Europeans also argue that U.S. military and political power gives American businesses an unfair advantage. Americans say their country's leading role just as often sets them at a disadvantage—for example, when Washington puts pressure on China to improve its record on human rights and weapons proliferation and European governments seek commercial favors by keeping quiet.

The two issues are not comparable. A telephone call from President Bill Clinton is not the equivalent of a bribe—nor should it be an excuse for offering one.

The hope must be that European voters, increasingly disgusted by scandal and corruption in their own countries, will press governments to act on an international level. The European Union plans to criminalize bribery within the EU. That will have the bizarre effect of making it a criminal offense for a German, say, to bribe French officials but not Russian ones. Europeans, who pride themselves on their logic, must surely see the absurdity of that.

MEDICARE MEDICATION EVALUATION AND DISPENSING SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. STARK. Mr. Speaker, on March 20, I introduced The Medicare Medication Evaluation and Dispensing System Act of 1997 [MMEDS]—a bill calling for implementation of a computerized information management program to review prescriptions for Medicare beneficiaries both before and after they are dispensed.

A recent study appearing in the American Journal of Public Health provides another reason MMEDS should be passed this Congress. Based on their findings, the authors concluded: ''Increased involvement by pharmacists and physicians in systematic drug utilization review is warranted''. Overall, the study found inappropriate drug prescribing and utilization among the elderly living in board and care facilities. Depending on the criterion applied, between 20 percent and 25 percent of residents had at least one inappropriate prescription. Approximately a quarter of elderly residents received at least one inappropriate drug.

Board and care facilities provide an alternative to nursing homes for the elderly; the homes usually do not provide nursing care, but assistance with activities of daily living—including drug management. Most board and care homes do not use pharmacists for drug-utilization review and do not computerize prescription drug data in a readily retrievable manner. Thus MMEDS is especially necessary to help bring an end to inappropriate drug prescribing for the elderly living in these facilities.

I would like to insert excerpts from the March, 1997, study on Inappropriate Drug Prescriptions for Elderly Residents of Board and Care Facilities into the CONGRESSIONAL RECORD:

[From the American Journal of Public Health, Mar. 1997]

INAPPROPRIATE DRUG PRESCRIPTIONS FOR ELDERLY RESIDENTS OF BOARD AND CARE FACILITIES

(By Diana L. Spore, PhD, Vincent Mor, PhD, Paul Larrat, PhD, Catherine Hawes, PhD, and Jeffrey Hiris, MA)

INTRODUCTION

Board and care facilities are community-based alternatives to nursing homes, housing elders with physical limitations, cognitive impairment, mental health problems, and chronic physical health conditions. They provide protective oversight, personal care, and assistance with activities of daily living and instrumental activities of daily living in congregate settings. Most facilities do not provide nursing care, but do store drugs and provide assistance with drug-use management in many instances. Board and care homes have been criticized for a lack of medical supervision in drug administration and monitoring, nonexistent drug-management programs, and unskilled staff; however, inappropriate drug use in these settings has been largely unstudied. Use of inappropriate medications can have serious clinical consequences, ranging from adverse drug reactions that affect elders' functional independence and psychosocial well-being to an increased risk of mortality.

Using the largest multistate sample of board and care homes assembled to date, we examine the prevalence and correlates of inappropriate drug prescriptions among elderly residents. Given that on the long-term care continuum, board and care is midway between living in the community without assistance and residing in nursing homes, we apply the Stuck and Beers criteria to derive estimates of rates for presumptively inappropriate drug prescriptions.

RESULTS

Inappropriate Drug Prescriptions

According to the Stuck and modified Stuck criteria, almost 18% of residents were prescribed at least one presumptively inappropriate drug. The most frequently prescribed inappropriate drugs included propoxyphene, long-acting benzodiazepines, dipyridamole, and amitriptyline. Approximately 6.8% of elders were prescribed one or more presumptively inappropriate psychotropics.

Of those elders prescribed a drug included in the modified Stuck criteria, most (82.4%) were prescribed only one of the problematic drugs; 17.6% were prescribed two or three of the medications; and 38.5% were prescribed inappropriate psychotropics. Multiple prescriptions most frequently involved combinations of propoxyphene or a long-acting benzodiazepine with one other inappropriate drug (e.g., propoxyphene with amitriptyline).

According to the Beers criteria, almost 25% of residents had an inappropriate prescription. Of those with inappropriate prescriptions, 83.8% were prescribed an entirely contraindicated drug (regardless of dose); 19.3% were prescribed drugs that were problematic due to high dosages; and 40.5% were prescribed inappropriate psychotropics.

DISCUSSION

Using a large, multistate sample of board and care homes, this study examined the prevalence and correlates of inappropriate drug prescriptions among elderly residents. Almost one in four residents had at least one presumptively inappropriate prescription. Of those elders prescribed any drugs, 20.2% to 27.4% had inappropriate prescriptions. Rates for inappropriate drug prescriptions are high, but lower than what has been reported for nursing home residents and relatively comparable to rates among community-dwelling elders.

Only a minority of elderly board and care residents were prescribed more than one inappropriate medication. However, such combinations can cause additive central nervous system effects—such as confusion, excessive drowsiness, and dry mouth—which tend to be more serious problems in the elderly.

For the most part, board and care homes do not use pharmacists as consultants for drug-utilization review, do not computerize

drug data in a readily retrievable manner, and do not routinely maintain comprehensive charts documenting residents' clinical or physical status. Thus, we believed that identifying general characteristics associated with inappropriate drug use might prove useful in future efforts to target residents for whom drug-utilization review may be especially warranted. Residents with a larger number of regularly scheduled prescriptions were more likely than others in the sample to receive at least one inappropriate drug. Thus, the number of prescriptions may serve as a simple indicator for targeting residents at higher risk of inappropriate drug use. Indeed, in other arenas, having five or more prescriptions has been used as one indicator of the need for the services of a consultant pharmacist.

The Health Care Financing Administration recently published a final rule on regulation for drug-utilization review programs for Medicaid-covered prescription drugs. These regulations—which were not targeted specifically for residential care facilities—require that state Medicaid agencies have pharmacist counseling programs to ensure that prescriptions are medically necessary, appropriate, and unlikely to produce adverse side effects. We suggest that state board and care regulations be systematically reviewed with an eye toward incorporating and stimulating the development of pharmacy counseling and drug-utilization review programs that are specific to conditions faced in these facilities.

INTRODUCTION OF THE COMMUNITY RIGHT TO PROTECT CHILDREN RESOLUTION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the Community Right to Protect Children Resolution, designed to reaffirm the right of State and local governments to pass laws intended to preserve and protect the safety of children.

In response to a series of gun related incidents at county recreation and teen centers, Fairfax County, VA, officials passed legislation, written to apply only in their county, that would have prohibited guns, knives, and other weapons from community recreation and teen centers. This common sense measure aimed at curbing crime in centers designated as safe havens for children to congregate, set the special interests groups in motion. Unable to discriminate between measures designed to protect children and those aimed at restricting gun rights of law abiding citizens, the myopic self interest powers vigorously protested, ultimately convincing Governor Allen to veto the bill. Governor Allen's veto not only struck down a good law, but also severely limited the ability of communities to fight crime and provide weapon free schools and recreation centers on a local level.

I am here today because I believe that the ability of local governments to pass effective laws that strengthen public safety should neither be constrained nor denied. I am, therefore, introducing this important legislation which expresses the sense of Congress that State and local governments should be encouraged and have the right to respond to the needs of their communities by enacting laws and ordinances designed to preserve and protect the well-being of young people, including those that seek to ban the possession of firearms and other weapons in community facilities. The Community Right to Protect Children Resolution seeks to reverse the trend of putting children and public safety concerns second to special interest groups. The Virginia case illustrates the tragic consequences of what happens when the interests of children rank second to those of specialized interests with powerful political connections.

I think that Members on both sides of the aisle will agree with me that when it comes to addressing the unique public safety concerns of our districts, one size does not fit all. Local governments require flexibility—not legal straightjackets that bar their actions to protect children. This resolution recognizes that different problems require different solutions, that what works in rural areas may not be enough for urban areas where crimes committed with guns are more likely to occur. Local and State governments are fighting the crime problem on many fronts, including innovative policing and social programs, but their hands are tied when it comes to enacting any restrictions on guns. Reasonable gun and weapon restrictions, such as the measure passed by Fairfax County, VA, are an essential ingredient in our effort to reduce crime, particularly among juveniles. To suggest otherwise, ignores the incidence and pervasiveness of the problem, notably that nearly 90 percent of homicide victims 15 to 19 years of age were killed with a firearm. Juveniles are both perpetrators and victims of crime committed with firearms. Arrest rates are consistently and substantially higher for young people than for all other age groups. Between 1987 and 1994, annual rates of firearm homicide for youth aged 15 to 19 years of age increased 155 percent, totaling 8,116 deaths in 1994. This amounts to an average of 22 youth homicide victims per day in the United States, earning the United States the dubious distinction of leading the industrialized world in the number and rate of gun-related child homicides.

Strategies that limit the ability of local governments to respond to community needs, ensure that the war on crime will not be fought, much less won. We should be empowering rather than disabling and limiting the ability of local governments to fight crime. We need to ensure that communities have in their arsenal every tool available to curb the growth and incidence of juvenile crime. Federal and State law, and policy must not stand in the way of State and local governments' efforts to protect its citizens. Let us encourage them to accomplish what the Federal Government has limited ability to do—enact reasonable controls over firearms and other weapons that threaten public safety and the well-being of our children in their schools, recreation centers, or other areas in their communities.

WHAT MY FLAG MEANS TO ME

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. BARR of Georgia. Mr. Speaker, I would like to have the following poem inserted into the CONGRESSIONAL RECORD.

This poem entitled ''What My Flag Means To Me'' was written by William Watkins, a fifth grader at Alto Park Elementary School in Rome, GA.

WHAT MY FLAG MEANS TO ME

Have you ever stopped to think about our flag, about what it means, and how it came to be? Have you ever through about it's history and what the glorious stripes and stars stand for? To me, the flag stands for freedom and liberty. It stands for pride and peace. It stands for wars that we fought, not only for ourselves, but for other countries and for things we just didn't think were right. Thankfully, my peers and I haven't been through anything like that, through all of that hatred and through all of that fear.

To me, the flag also stands for being our own country. We have our own government and are not ruled by anyone. It means that no matter what color your skin is, whether it is black, white, or red, everyone is treated equally. It means that no one can tell us what church to go to, where to live, how to live, where to go to school, or anything like that. We are our own country.

The beautiful red, white, and blue stars and stripes stand for fifty glorious and magnificent states; each with fitting nicknames like 'The Sunshine State' and 'The Peach State' (which are, by the way, Florida and Georgia). The stripes stand for the thirteen original thriving colonies. When I look at the Flag, I think of everyone who takes a part in making this big beautiful country work. I think about the people who risked their lives to come from Spain, France, Germany, England, and other countries to make this great country.

I hope our country is always safe, self-governmental, and beautiful for today, tomorrow, and on into the future. I also hope that everyone will respect our land forever.

TRIBUTE TO CLOVIS UNIFIED SCHOOL DISTRICT

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Clovis Unified School District [CUSD]. In a joint powers agreement, CUSD and Fresno Unified School District [FUSD] will open a Center for Advanced Research and Technology [CART] in Clovis, CA. An extended branch of the educational system in Clovis, CART will allow students in the community to adequately prepare for the technological challenges of the future.

Scheduled to open in the fall of 1999, CART pilot programs have been slated to begin in the fall of 1997. CART was made possible by a combination of grants and a partnership between local businesses and the educational departments of the community.

As a center striving to meet the employment needs of the community by adequately preparing students to take advantage of post-secondary options, the course work presented at the center will be responsive to the changes in American industry. CART will offer courses that require sophisticated laboratory environments and interdisciplinary curriculum that integrates higher order mathematics, sciences, and technology education. This course work will focus on the intellectual processes of problem solving, analyzing, team building resource allocation, and self-assessment

through a cognitive apprenticeship instructional model. The skills taught at CART will be invaluable in both interpersonal and technological growth throughout the students lives.

Striving to educate all segments of the community, high school students and adults will reap the benefits of CART. High school students will spend half of their day at the center receiving laboratory instruction. The State Center Community College District will offer postsecondary classes for students. Additionally, the Central California Business Incubator Program will also be located at the center.

Mr. Speaker, it is a pleasure to welcome this program to my congressional district. I look forward to monitoring the progress that CART makes as it works closely with members of the local community. I ask my colleagues to join me both in supporting the Center for Advanced Research and Technology, and extending best wishes for its future success.

ADOPTION PROMOTION ACT OF 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 867) to promote the adoption of children in foster care:

Mr. STOKES. Mr. Chairman, I rise today in support of the Adoption Promotion and Stability Act of 1997. I commend my colleague, Congressman CAMP, for bringing the important issue of adoption to the floor.

H.R. 867 would require officials to actively pursue adoptions for children who have languished in foster care for 18 months or more. In addition, this legislation would continue to require States to make ''reasonable efforts'' to keep families together unless returning a child to his or her family would involve ''aggravated circumstances.'' These circumstances would include cases of chronic abuse, torture, or abandonment.

At the end of 1994, there were an estimated 462,000 children in family foster care, kinship care, or residential care—up 65 percent from only a decade ago. According to the Child Welfare League of America, half of all children who await adoption are minority children; these children typically wait longer for adoptive homes. In Cuyahoga County, of the over 3,000 children in the foster care system, nearly 65 percent are African-American. By actively pursuing adoptions for children who have remained in foster care for more than 18 months, H.R. 867 shares my belief that all children, regardless of age, sex, ethnicity, and physical and emotional health are entitled to a family.

Mr. Chairman, H.R. 867 would also require the Department of Health and Human Services to convene an advisory panel to report to Congress on the issue of kinship care. Currently, there are more than 3 million grandparents raising their grandchildren. According to census figures, in 1990, three times as many grandparents were raising their grandchildren than in 1980—just 10 years prior. In addition, many other relatives including aunts, uncles, and older siblings are left to care for children who are not able or not willing to raise their children. This is an important step in helping to address the rapidly growing issue of kinship care.

Mr. Chairman, the promotion of adoption is one of the most important things we can do to strengthen American families. Adoption enables children, whose parents cannot or will not raise them, to become part of a permanent family. Furthermore, it serves as a second chance for the thousands of children who have been removed from their families because of abuse or neglect.

H.R. 867 represents a positive approach in finding homes for our Nation's needy children. I support this effort to facilitate the adoption of children, and to decrease the time that many of our children languish in the foster care system. Mr. Chairman, I join with my colleagues in support of this legislation.

NATIONAL LAW DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. GILMAN. Mr. Speaker, on Thursday, May 1, 1997, members of the legal profession throughout the lower Hudson Valley region will join with their colleagues in the national observance of Law Day. Law Day serves as an opportunity for all Americans to celebrate our liberties and to reaffirm our commitment to the ideals of justice and equality under the law.

Law Day will be celebrated in my district by the Orange County Bar Association and the Women's Bar Association of Orange and Sullivan Counties in a ceremony at the Orange County Government Center. This year's theme is ''Celebrate Your Freedom.''

Our Republic was founded on several key principles, many based on the English common law. Yet our Founding Fathers went further than their predecessors in England, and established a written Constitution with a codified Bill of Rights. They also founded a legal system which places the burden of proof on the accuser, not the accused, and in which everyone is entitled to having their day in court.

Moreover, they also established an independent judiciary, a first for the world at that time, which has safeguarded the rights and freedoms of our citizens for over 200 years.

Accordingly, liberty and equality under the law is one of the guiding principles of our Republic. Without any legal system, freedom quickly dissolves into anarchy. Yet, without liberty, the rule of law devolves into mere authoritarianism.

I am pleased to join my colleagues in the legal profession from the 20th Congressional District of New York in celebrating Law Day. This year's celebration reaffirms the fact that the principles upon which our country was founded upon are alive and well.

TRIBUTE TO BERTRAM GROSS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. DELLUMS. Mr. Speaker, I rise to honor the memory, as well as to celebrate the life of Bertram Gross, who I designated a national treasure in 1995 on behalf of my constituents, for his lifetime of work and dedication to achieve full employment for the people of this Nation, for his writings, and for his teaching.

Among Bertram Gross' many achievements, I have special reason to acknowledge his work as the primary author of the first full employment act introduced in 1945, and passed in 1946, and the second full employment act introduced in 1976 and passed in 1978 by the U.S. Congress. My district and I are particularly indebted to him for his work as the primary author of the third bill, A Living Wage, Jobs for All Act, which was first introduced in 1993, in the 103d Congress, and has been reintroduced in the 104th, as well as in this, the 105th Congress.

Bert was born in 1913 and, when he became a young man in the 1930's in spite of hard-working, supportive parents, and his own capabilities could not find work, like one-half of the American labor force at that time. His personal experience, his knowledge of the misery of so many other Americans provided his earliest social education. These lessons in the fear generated by the destructiveness of joblessness was the marrow, the foundation of his life work.

Like Franklin D. Roosevelt, and Thomas Paine, and William Jefferson, Bert believed profoundly in the dignity of each human being. He fought against the momentum that only those who inherited wealth, or possessed large blocks of capital should have access to the wealth of our society and Nation. Fundamental to this belief was that we all must have the right to work at adequate wages to support ourselves and our children. Bert Gross believed that one of our national legacies was our sense of our basic right to a life of dignity and, that this basic right incorporated a right to work, to adequate housing, food, health care, and education. A legacy that Americans had earned and achieved through the Depression of the thirties and full employment in the forties and that we now appear to have forgotten and lost.

Bert Gross designed A Living Wage, Jobs for All Act, not only as a full employment bill; because the act incorporates basic elements of our economic life and provides specific remedies for many of these ills, this bill can be truly considered a party platform. A platform that is diametrically opposed to the destructiveness of the recent Contract With America.

I designated Bert a national treasure because of the passion that he brought to his life work to have the Nation consider full employment as a fundamental principle. He wrote, talked, cajoled, led, persuaded, and taught all who came into contact with him, with humanity, with humor, with great intelligence and most of the time, with great patience and appreciation for the possession of similar qualities in his students and audience.

In the last 3 years, Bert worked on a daily basis with members of my staff and with my constituents promoting A Living Wage, Jobs for All Act; to hone the bill so that it could be read as prose for a wider readership; to develop strategies to gain support for the ideas reflected in the bill, and to work toward our rediscovery of our lost heritage.

Bertram Gross, being wise, knew he was mortal. For the many of us who benefitted from his work, his wisdom, and his passionate commitment, we can best remember him by

continuing the work that he began so magnificently.

TRIBUTE TO S.M. SGT. WILLIS MULCEROY, M. SGT. ELDON RAUCH, AND T. SGT. HENRY ROMEO, JR., 144TH FIGHTER WING DIVISION, FRESNO, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to three outstanding individuals from the 144th Fighter Wing Division in Fresno, CA. These three men exemplify the bravery and consciousness that have earned them the Flight Line Safety Award of Distinction.

On the morning of October 10, 1996, an air carrier was taxiing for takeoff past the ramp of the 144th Fighter Wing. Technical Sergeant Romero heard a loud explosion and noticed what was one of the dual main landing gear tires and what appeared to be a rim fall onto the taxiway. It appeared that the pilots on the aircraft were not aware of the situation and continued toward takeoff. Meanwhile, in maintenance control, S.S.T. Mulceroy also heard the loud explosion of the landing gear tires. He used the flightline radio to direct the expediter toward Sergeant Romero. When Master Sergeant Rauch—the expediter—arrived, Sergeant Romero informed him of the situation and the need to stop the aircraft. Sergeant Rauch immediately used his UHF radio to contact the FAA tower and requested them to stop the airliner—which was quickly making its way towards an active runway. Sergeant Rauch and Sergeant Romero took the expediter truck to the disabled aircraft to assure themselves that the tire had indeed blown. They promptly notified the tower of their findings, and the flight was directed back to the terminal for repair.

Mr. Speaker, had the aircraft not been stopped, it would have taken off with major damage to its right landing gear. The swift action of these three fine men averted a potential major accident and saved the lives of more than 70 people. I commend, S.M. Sgt. Willis Mulceroy, M. Sgt. Eldon Rauch, and T. Sgt. Henry Romero, Jr. for their heroics, and ask my colleagues to join me in congratulating them for their actions. I extend to them my sincerest appreciation for a job well done.

HONORING RABBI MYRON FENSTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and members of the Shelter Rock Jewish Center as they gather at this most renowned synagogue to celebrate the 30th anniversary of Rabbi Myron Fenster as the spiritual leader of the congregation.

Rabbi Fenster was schooled at the Yeshiva of Flatbush, Yeshiva College and Talmudic Academy, and was ordained at the Jewish Theological Seminary of America. He enhanced his training with advanced studies at the University of Arizona and Columbia University's Graduate Department of Philosophy.

Rabbi Fenster's calling has taken him well beyond the borders of the Shelter Rock Jewish Center into positions of responsibility that have ranged from local to international areas. He is past president of the New York Board of Rabbis, and a member of the faculty of the Jewish Theological Seminary of America. He is widely known for his educational and leadership skills, and has served as visiting rabbi of the Moriah Congregation in Haifa, Israel, and as president of Histadruth Ivrith of America.

Rabbi Fenster is a past editor of Conservative Judaism, the quarterly publication of the Rabbinical Assembly of America. He has also chaired the Assembly's Social Justice program. He currently serves as cochairman of the Education Committee of the Long Island Holocaust Commission.

Mr. Speaker, Rabbi Fenster's knowledge and wisdom is in great demand. He has been published in many magazines, periodicals and newspapers including Newsday, the Jerusalem Post, Hadassah Magazine and Midstream. In addition, he has visited Jewish communities throughout the world, in all of the major capitals of Europe and the former Soviet Union. In 1993, he led a rabbinic delegation to the Jewish communities of Morocco.

For the past 30 years, Rabbi Fenster and his wife Ricky have been a most potent force in organizing and uniting the Shelter Rock Jewish Center into a proactive synagogue that has effectively serviced its membership and has, most readily, enhanced, and enriched this great community.

Mr. Speaker, I ask my colleagues in the House of Representatives to rise and join with me in celebrating the 30th anniversary of Rabbi Myron and Ricky Fenster at the Shelter Rock Jewish Center.

INDIANA OPTOMETRIC ASSOCIATION CELEBRATES CENTENNIAL

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. BUYER. Mr. Speaker, in December 1896, a number of opticians from across the State of Indiana met in Indianapolis for the advancement of the profession. A motion was carried to form the Indiana Optical Society. Over the years, the organization has been known by different names, but this was the beginning of the Indiana Optometric Association.

The organization has significantly enhanced the profession by formulating a code of ethics; by seeking a school of optometry—the School of Optometry at Indiana University—and by adopting standards and methods of practice.The organization is a strong advocate of education among its members.

The Indiana Optometric Association also contributes significantly to the welfare of Hoosiers. As early as 1922, it held the first Save Your Vision week. It has participated in industrial vision research programs as well as vision awareness activities in schools and among the general public.

It is my pleasure to congratulate the Indiana Optometric Association for its 100 years of service to the eye health and vision care needs of Hoosiers. I also ask unanimous consent that the resolution passed by the Senate in the Indiana General Assembly be printed in the RECORD.

SENATE CONCURRENT RESOLUTION

A Concurrent Resolution Celebrating the Centennial Anniversary of the Indiana Optometric Association

Whereas, the Indiana Optometric Association (IOA) was founded in 1897 and will be celebrating its Centennial Anniversary during the year 1997, and

Whereas, the IOA is marking 100 years of successful advocacy for the profession of optometry in Indiana, and

Whereas, the IOA has provided 100 years of service in the public interest on behalf of the eye care and eye health of Indiana's citizens, and

Whereas, the IOA was instrumental in the decision of the Indiana General Assembly that established the Indiana University School of Optometry in the early 1950s, and has forged an ongoing professional relationship with the School of Optometry that is a national model, and

Whereas, the IOA commends the Indiana General Assembly for its continuing support of the profession of optometry and the patients it serves, and

Whereas, the IOA has historically distinguished itself as an exemplary professional optometric association in the United States, and

Whereas, the IOA rededicates itself and the profession of optometry to serving the eye health and vision care needs of the citizens of the state of Indiana for the next 100 years,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That, on behalf of the people of the State of Indiana, we extend our sincere appreciation to IOA for its dedicated service to the people of the State of Indiana and the profession of optometry.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to the Indian Optometric Association.

THE MEDICAL DEVICE REGULATORY FLEXIBILITY ACT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. UPTON. Mr. Speaker, during last year's Food and Drug Administration [FDA] reform deliberations, two proposals stuck me as particularly innovative, commonsense approaches to simplifying the regulation of medical devices while fully protecting public health and saving agency resources. Today, with my colleagues Representatives ESHOO, GREENWOOD, TOWNS, and HALL of Texas, I am introducing the Medical Device Regulatory Flexibility Act, legislation incorporating these proposals, to highlight them and ensure that they are central to FDA reform efforts.

First, this legislation would provide the FDA with greater flexibility in classifying devices than current law provides. Under current law, lower risk—class I and class II—new devices may go to market if the FDA finds that they are ''substantially equivalent'' to ready marketed devices. If the new device is unique and

the agency cannot make a determination that it is substantially equivalent to a marketed device, current law requires that the device be automatically classified as a class III—high risk—device, regardless of the actual level of risk posed by the new device. The manufacturer must then either complete costly and time-consuming clinical studies and submit a new device approval application to the agency or must petition the agency for reclassification, which is under current law a complex and time-consuming procedure.

Under my bill, the FDA would be given the statutory flexibility to classify a new device based on the risk posed by the device, at the request of a manufacturer whose device was determined to be ''not substantially equivalent'' to a marketed device. Under the bill, the FDA would retain full authority for determining the classification of a device. The agency would simply receive a new, risk-based classification option. Since class III devices require the most intensive review, this proposal should free up agency resources to focus on truly high-risk devices.

Second, this legislation will provide the FDA with a much simpler way to recognize device performance standards. Under current law, the FDA has the authority to promulgate standards, but the process for doing so is tortuous. As a result, the agency has rarely used this authority. Under our bill, the agency would retain the authority to promulgate its own standards, but could also recognize national and international performance standards by identifying and listing the standard in the Federal Register. Devise manufacturers would then have the option of certifying to the agency that their products met the standard as a way of fulfilling all or part of the applicable statutory requirements which must be met before devices may be marketed. Devise performance standards form the basis for device regulation in the European Community. Providing U.S. manufacturers with this option would move forward our efforts to harmonize our regulatory systems.

I would welcome additional cosponsors of this commonsense regulatory reform measure. If you would like further information or would like to cosponsor this legislation, please call me or Jane Williams, 5–3761, of my staff.

TRIBUTE TO KENNETH L. KHACHIGIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise to pay tribute to Kenneth L. Khachigian. A legend in the political arena and a jewel in the Armenian community, Khachigian has joined the Junior Achievement of Armenia's [JAA] Honorary Board.

As noted in the Saturday, March 22 edition of the Armenian Mirror-Spectator (see attached), JAA is an economics and business education program that offers Applied Economics classes and the student company experience in Armenia's high schools and institutions of higher learning. The purpose of the program is to introduce students to the free enterprise system, explain how it operates, and define its role in business and the global marketplace. Additionally, JAA familiarizes students with the hands-on basics of running a business, and explains to them the importance of economics to their future.

Khachigian, a native of the Central Valley, has had a distinguished career in American politics. A farmer by nature and an attorney by trade, Khachigian has worked for former Presidents Nixon, Reagan, and Bush. In both campaign and executive roles, Khachigian has been instrumental in formulating and implementing the ideals and goals of the Republican Party. In addition to his advisory roles with Presidents Reagan and Bush, Khachigian played an active role in the successful campaigns of California Governors George Deukmejian and Pete Wilson. Most recently, Khachigian served as National Senior Advisor for the Dole for President campaign. In this position, Khachigian coordinated Senate Majority Leader Dole's Presidential bid in the State of California.

Khachigian has also been active outside the political arena. He has served as a member of the board to the Armenian Assembly of America. He also sat as a Presidential appointee on the National Institute of Justice Advisory Board. From 1986–1992, Khachigian served on the Board of Overseers at the Hoover Institution on War, Revolution and Peace. He currently resides on the Board of California Council for Environmental and Economic Balance.

Mr. Speaker, Ken Khachigian is a pioneer in the area of political advising and consulting. Khachigian's numerous accomplishments have been instrumental in advancing the agenda for a more responsible, independent, and productive America. I ask my colleagues to join me in paying tribute to Ken Khachigian, a man of impeccable character. Ken should be admired not only for his multitude of success in America, but also for his tremendous contribution to—and support for—the Armenian community.

KENNETH KHACHIGIAN JOINS JR. ACHIEVEMENT OF ARMENIA'S BOARD

LOS ANGELES, CA—Presidential campaign advisor and political strategist Kenneth L. Khachigian has recently joined Junior Achievement of Armenia's (JAA) Honorary Board, which also includes former California Governor George Deukmejian and Dr. Mihran Agbabian, President Emeritus of the American University of Armenia. The purpose of this distinguished body is to provide JAA with advice, support and guidance.

''I am particularly pleased to become a member of the Honorary Board of Junior Achievement of Armenia. The remarkable and rapid growth of the group has made it among the most successful non-government programs in Armenia,'' commented Khachigian, ''I have great respect for grassroots organizations which promote education and demonstrate a vision for the future, and Junior Achievement of Armenia is just that organization,'' he said.

Khachigian's career has been highlighted by numerous achievements. Most recently, he served as National Senior Advisor for the Dole for President campaign. In this post, his top priority was coordinating Senator Dole's presidential campaign in the State of California. As a political strategist and advisor, he has led to victory three U.S. Presidents, including Ronald Reagan and George Bush, and several California State leaders, including Governors Pete Wilson and George Deukmejian. During his career, Khachigian has also served as chief speech-writer to President Reagan, and was a Nixon White House aide.

In addition to his professional activities, Khachigian has served as a Board member of the Armenian Assembly of America, and has sat as a Presidential appointee on the National Institute of Justice Advisory Board. During 1986–1992 he served on the Board of Overseers of the Hoover Institution of War, Revolution and Peace at Stanford University. Currently he sits on the Board of the California Council for Environmental and Economic Balance.

Junior Achievement of Armenia is an economics and business education program offering Applied Economics classes and the student company experience in Armenia's high schools, and institutes of higher learning. The program teachers young people how the free enterprise system operates, the role of business in the global marketplace, the hands-on basics of running a business, and the importance of economics on their future. Junior Achievement of Armenia is a nonprofit organization.

READING CAN OPEN MANY DOORS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mrs. LOWEY.Mr. Speaker, yesterday I joined several of my colleagues in introducing President Clinton's America Reads Challenge Act. This legislation will help mobilize reading specialists and trained volunteers to ensure that every child can read by the end of the third grade.

Today I want to share with the House an essay written by Adam Frankel, the 18-year-old grandson of two of my constituents. Adam writes eloquently about the joys and benefits of reading. As we pledge our efforts to ensure that all children enter fourth grade reading on their own, I thought it might be helpful to hear how one young American uses this gift to learn about the world.

I insert the text of Adam Frankel's essay at this point in the RECORD.

READING CAN OPEN MANY DOORS

(By Adam Frankel

When I hold a book between my hands, I do not feel the paper and I do not see the words. I feel as though I am holding ''knowledge'' in my hands, and the more complicated the book, the better. That way, it is not just entertaining, but it is something far more enjoyable: challenging and revealing. After reading and understanding a complicated phrase or book, you feel a sense of accomplishment. When I hold in my hands William James and move my eyes slowly across each word, I know I am looking into the mind of James himself. The words he uses to describe things are as much a part of him as his fingerprint.

When writing, your words build up within and explode out onto paper with your own patent on them. A word can be so much more, if it is allowed to be. The difference between a word's various connotations determine the feeling of a character, or description of a scene. The word can even determine the future of a state, depending on whether it is used correctly or not in policy planning.

Walter Lippman once said that he wrote each sentence as if the article were to be judged on that sentence alone. It is this appreciation of the written word that I try to give to everything I read. And what I have chosen to read has largely defined not only my interests at the moment, but even my

character and future interests. Reading a biography of Allen Dulles led me to Franklin Delano Roosevelt and a century of wise men. Reading about the Russian Revolution led me, through a limited understanding of Karl Marx, to other political philosophers.

Philosophy opened up great new doors for me that I had previously not known existed. I suddenly found myself fascinated in how different people saw life and how I could attain that higher form of being. Lippmann helped answer that question for me. He wrote that the best way to live life is to keep removed enough from anything that could affect you negatively, so that you could see it in an objective light. From his biography I learned that he was going through an awful marriage at the time he wrote that and was probably developing a plan to deal with it, but it nevertheless affected me greatly.

It taught me to ''storm the barricades'' if a problem arises rather than ''retreat into a monastery.'' He also taught me to never waste time, but to evaluate any action I take in regard to how it will affect me now, and in the future and whether it is really worth doing.

And so now, I collect as many books as I think are worth collecting, not because I will read them all now, or read all of them later. I collect them because when I look at my bookshelf, I feel I'm looking at my potential, and when you are constantly reminded of your potential, it is hard not to do your best to fulfill it.

Perhaps by reading philosophy, but probably even before that, I have always had a great sense of history, and my future. I sit sometimes on the porch with my father and grandfather in Bermuda or Scarsdale. We sit around, look up at those stars that are so noticeably lacking in New York City and we philosophize:

My grandfather explains the theory of ''priming the pump'' one minute and then gives lessons from those days when he was living through the Depression. He tells me the story of a speech he submitted for Hubert Humphrey, which opposed the Vietnam War and was firmly rejected by the candidate, who was then vice president.

We all sit around: my grandfather, a testament to history; my father, a testament to intellectualism, and I, a testament to potential. I think of how much they have influenced me and how much I want to be as intelligent and as well read as they are. And then I realize that I have a long way to go; and that through reading the books which I collect, I will slowly chip away at the large block of space between theirs and my intellectual stamina.

I can't wait until college, when required reading will be Nietzsche and Hegel. Hopefully, by then, I'll be able to grasp more of them than I can now. I do know that the pride of my household will always be my library. For, looking into the books' eyes, I see, I know, my future.

SALUTE TO AMBASSADOR ROBERT NESEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Ambassador Robert Nesen for his numerous contributions to the State of California and his country.

In 1942, Mr. Nesen was commissioned in the U.S. Navy, receiving his Navy wings in 1943. He was on active duty until 1946 and after spending 22 years in the Naval Reserve, retired as lieutenant commander in 1967. In 1972, he was awarded the Navy Distinguished Public Service Award, the highest civilian award given by the U.S. Navy.

In 1948, he began his own automobile dealership and continues to be active in that industry. He has served as director and past president of the Motor Car Dealers Association of southern California and in 1991 was inducted into the Automotive Hall of Fame.

Ambassador Nesen has been active in both local and national politics. In 1970, President Nixon appointed Mr. Nesen to the National Reserve Board, East-West Center and in 1972 he was appointed Assistant Secretary of the Navy. In 1981, President Reagan appointed Mr. Nesen Ambassador to Australia and Nauru. He remained in that position until his return to the United States in 1985.

Throughout his distinguished career, Ambassador Nesen has earned the respect of many. He was named ''Patriotic Citizen of the Year,'' receiving the Patrick Henry Patriotism Medallion by the Military Order of World Wars. In 1991, he was given the Path to Dignity Award by the American Parkinson Disease Foundation. And, in 1994 he received the World Citizen Award from the World Affairs Council of Ventura County. The award was presented by Vice President Dan Quayle.

Ambassador Nesen is a model for us all. His unwavering patriotism and dedication to duty are truly an inspiration. I am proud to pay tribute to him today.

RECOGNITION OF BONNIE TAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleague to join me today in commending Ms. Bonnie Tam, a senior at Westmoor High School and the recipient of the Congressional Youth Excellence Award in the 12th Congressional District of California.

Bonnie Tam's scholastic achievements are most impressive. She has maintained a high grade point average while undertaking a challenging class schedule. She has supplemented her regular high school courses by taking classes at the College of San Mateo and at Skyline College. Her academic awards include the Pacific Telesis Employees for Women's Affirmative Action Scholarship, the Bank of America Liberal Arts Award, Golden State Exam Honors for Geometry and American History, Golden State Exam Student Recognition for Biology and Algebra, and a National Merit Letter of Commendation. Ms. Tam has been recognized in the Who's Who of American High School Students.

In addition to her outstanding academic record, Bonnie has a remarkable record of community service. She has volunteered at Seton Medical Center in Daly City and at the Westside Women's HIV Prevention Program in San Francisco. In Westmoor High School, she has been involved in Symphonic Band, the Book Club, German Club, Math Tutoring Club, Newcomer Service Club, and the Gifted and Talented Education Club.

Bonnie will attend the University of California, Berkeley, in the fall where she plans to study business administration, management, or economics.

Mr. Speaker, I invite my colleagues to join me in commending Ms. Bonnie Tam for her outstanding service to our community and in congratulating her for her academic achievements.

TRIBUTE TO VICTOR ''TRANSPORT'' MAGHAKIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Victor ''Transport'' Maghakian. A legend of World War II, Maghakian was one of the most decorated and well-respected soldiers of the war.

A native of Chicago, Maghakian moved to San Diego with his family in 1930. Nine years later, he moved to Fresno. He first served in the U.S. Marine Corps in the Philippines and throughout China. His familiarity with foreign bases throughout the Pacific earned him the nickname ''Transport.'' After Pearl Harbor was attacked on December 7, 1941, Maghakian reenlisted in the Marine Corps and was selected to work with the so-called suicide unit of crack soldiers. These tough Marines were known as Carlson's Raiders.

As a gunnery sergeant, Maghakian led his troops through what was believed to be some of the bloodiest fighting in seven South Pacific campaigns. During one mission, Maghakian even made himself a human target so that a sniper, who had wounded one of his buddies, would give up his hiding spot. The enemy was shot, but not before Maghakian was shot himself, wounded by the sniper's gun-fire.

Maghakian's bravery allowed him to continue undaunted through numerous battles. In 1944, during the battle of Eniwetok, he eliminated the last four Japanese soldiers on Mellu Island and went on to rescue a platoon by destroying the enemy flank with grenades. In the battle, he saved the life of a young man who went on to be one of Hollywood's finest actors—Lee Marvin. He also became the first officer to raise the American flag on Tinian Island.

After leaving active duty in 1946, Maghakian retired as a captain, with full honors. He received the Navy Cross, two Silver Stars, a Bronze Star, and two Purple Hearts. He returned to Fresno where he owned and managed the Mid-Valley Beer and Wine Wholesale Distributing Co. and the Victor Mobile Service. Maghakian later joined the State Department as a security officer in Morocco before settling in Las Vegas. He eventually moved back to Fresno where he died in 1977, and was buried at Ararat Cemetery.

Mr. Speaker, Victor ''Transport'' Maghakian fought for this Nation's freedom with uncommon valor. I ask my colleagues to join me in paying tribute to Victor Maghakian, an American hero.

TRIBUTE TO THE DEDICATION CEREMONY OF IBED'S NEWLY REMODELED FACILITY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. BONIOR. Mr. Speaker, today the International Brotherhood of Electrical Workers proudly dedicates their newly remodeled facility in Detroit, MI. Their building in Detroit is a proud symbol of their dedication to the growth and prosperity of the Greater Detroit metropolitan area and its citizens.

For the past 83 years, the IBEW has provided safe electrical installation and maintenance for those who live in southeastern Michigan. The union has a long and prosperous history of faithfully serving our workers, community, and country. During the war years, Local 58 joined the war effort to maintain industries needed to sustain our arsenal for defense. Many members joined the military and sacrificed their careers and lives to fight for their country.

Within the walls of Local 58's building, union leaders and members have joined together to protect democracy and the rights of workers. Their vision of safe working conditions, fair wages, and job protection began inside those walls. Over the years, contracts have been fought and settled by generations of dedicated union members.

The exterior of the building has been altered but on the inside the same dedication to the rights of the workers remains. I would like to congratulate Local 58 for their contributions to their profession, community, and country.

ICELANDIC FOREIGN MINISTER ON NATO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, I have just returned from a meeting of the heads of delegations to the North Atlantic Assembly in Reykjavik, Iceland, where Icelandic Foreign Minister Halldor Asgrimsson delivered a remarkable speech on the future of the North Atlantic Alliance.

I am inserting the text of the speech into the CONGRESSIONAL RECORD and commend it to the attention of Members.

SPEECH BY HE HALLDOR ASGRIMSSON, MINISTER FOR FOREIGN AFFAIRS AND EXTERNAL TRADE—APRIL 5, 1997

Ladies and Gentlemen, it is a great pleasure to welcome representatives of the North Atlantic Assembly to Iceland. We are proud to be one of the founding members of NATO, an institution of unrivalled importance to Icelandic, European and, most importantly, Trans-Atlantic security.

Through membership of NATO Iceland shares its fate with its allies. In fact, we like to think of Iceland's membership in NATO as the very embodiment of the Trans-Atlantic link.

To reinforce our security we have since 1951 had a bilateral defense agreement with the United States, pursuant to the North Atlantic Treaty. The defence of Iceland's sovereignty has thereby been based on a credible US military presence and robust reinforcement plans. It is my strong belief that this agreement has been to the mutual benefit of both countries and served to increase allied security as a whole.

The post-cold war era has called for some adjustments in our bilateral defence cooperation as reflected by the changed security environment in Europe and the North Atlantic. This has been achieved by a special understanding, or ''Agreed Minute'' signed one year ago, which sets the force levels at Keflavik to the bare minimum of what we consider credible defences for this country.

The nature of the threat our Alliance is faced with has changed, but the risks are still there. Russia's Northern fleet is still a force to reckon with, and is of growing importance to Russia's overall military capability and its status as a major power.

I do not wish to issue any gloomy predictions as regards future developments in that great and important country and most sincerely hope to see Russia develop as a prosperous democracy with a strong and lasting partnership with the west. But we have to be aware of the fact that there is still a level of uncertainty about Russia's future course.

The NATO base at Keflavik offers an excellent infrastructure and operational capability to preserve the security functions needed in this part of the world.

The crucial element here is the continuation of one of the basic principles of our Alliance, the indivisibility of security for the member states. This principle becomes all the more important now when we are taking the first steps towards accepting new members.

Ladies and Gentlemen, we have today the opportunity of creating a Europe whole and free, a goal that eluded us for over forty years due to the post war division of Europe, and Cold War rivalry. The profound changes and transformation that started in 1989 continue. Fortunately these have, on the whole, been positive.

Still terrifying events have also occurred of scale and cruelty we thought belonged to Europe's past and the post-cold war era has brought new risks and challenges as well as new opportunities.

I believe there are several collective lessons that can be learned from the events since 1989. One is that peace is not to be taken for granted. Another is that despite overall progress, people in our part of the world are still capable of inflicting pain and suffering on fellow human beings. A third, and fundamental lesson, is that the North Atlantic Alliance and the Trans-Atlantic link remain the base of our collective security now that we take on new security challenges that threaten peace and stability in our region.

1997 will be a landmark year for our alliance. The current issues we commonly face are of profound importance for the emerging new European Security Architecture. These are the internal adaptation of NATO, the enlargement process, the extended outreach to our partners through PfP and the proposed Atlantic Partnership Council, and the strengthening of relations with Russia and Ukraine.

The internal adaptation process is by no means easy. It is important that throughout this transformation we do not lose sight of our primary objective of ensuring credible Allied defense, well into the next millennium. As the Alliance transforms itself, we should take care not to let national aspirations stand in the way of our mutual success.

We have seen the development of the Combined Joint Task Force concept that makes the Alliance better suited to take on new missions like crisis management and conflict prevention. Also, the decision to build and reinforce a European Security and Defense Identity within the Alliance, and not separate from it, is a key factor in the current adaptation. One of the objectives of the current adaptation should be to have European allies properly engaged in the defense structure.

At the same time the Trans-Atlantic link and a strongly visible and credible American presence in Europe and the command structure needs to be maintained. Nothing should be done to undermine that. If we do that, we threaten the very foundation of our Alliance and our common security.

Another key task facing the Alliance is the preparation for new members. At the Summit in July, the decision on which countries to invite to the first post-cold war enlargement of NATO will be made. This will be the fourth time the alliance will enlarge since its foundation.

Since the start of the enlargement process, we have seen decisive action from many of our partners, who have expressed their interest in membership, to fulfill membership criteria. This in itself has had a very positive influence on European security. Many of the countries of Central and Eastern Europe have already concluded, or are about to conclude agreements with their neighbors settling previously unresolved disputes. In this way, NATO enlargement is already proving to be of benefit to European security as a whole.

Enlargement is important to erase the artificial division of Europe and to recognize, through concrete action, that free independent countries have the right to choose their own security arrangements. This right is clearly stated in the OSCE documents and has been confirmed as recently as at the OSCE Lisbon Summit last December. It would be totally unacceptable if certain countries were to be defined as not being eligible for NATO membership. In this context I would like to draw your attention to the case of the Baltic States and ask that their needs and aspirations receive your goodwill and attention.

After the end of the Cold War NATO has engaged in constructive dialogue and cooperation with its former adversaries. In 1991 this took on concrete form with the establishment of the North Atlantic Co-operation Council. In 1994 this co-operation and dialogue was brought to a new level with the initiation of the Partnership for Peace program.

PfP has proved to be one of the most effective security co-operation programs ever, and has brought together all the NATO allies and virtually every European country, regardless of past or present affiliations. The experiences gained through PfP have been vital to the success of the peace operation in Bosnia Herzegovina.

We should enhance PfP and further strengthen co-operation with our partners with the establishment of an Atlantic Partnership Council. This will be especially important in light of the Alliance's enlargement, since unfortunately, the Alliance will not be able to accommodate all countries aspiring for membership in the first round of post-Cold War enlargement.

Again, in this context we must make it crystal clear that the Alliance remains open, and that this first post Cold War enlargement will not be the last. Furthermore, we should ensure that countries that still see membership of NATO as their ultimate goal will be able to co-operate and adapt to the Alliance's mode of operation as far as possible through the enhanced PfP and APC.

As regards those countries that do not seek membership, the APC and enhanced PfP will

also provide an opportunity to work constructively with NATO to improve security and stability in Europe as a whole.

This year Iceland has the pleasure to host a robust Partnership for Peace exercise, ''Cooperative Safeguard 97,'' the first exercise within the framework of PfP to be conducted in here in our country.

The scenario for Cooperative Safeguard 97, focusing on natural disaster relief, is extremely important to Iceland. The Icelandic nation has always been at the mercy of the forces of nature, be it earthquakes, volcanic eruptions, avalanches or cruel seas. The exercise gives the domestic agencies and organizations working in this field an excellent opportunity to test their strength in international co-operation. Furthermore it is my strong belief that all participating partnership states will benefit greatly from the type of civil and military co-operation which is the backbone of the exercise.

The importance of Cooperative Safeguard 97 is not confined to its value as a disaster relief exercise. It also has a great political significance as a practical manifestation of the intimate co-operation and friendly relationship that has developed between NATO and non-NATO countries through PfP. Twenty countries will participate. Russian participation in the exercise is especially significant.

Russia, and Ukraine, occupy a special place in Europe and in the outreach of the Alliance to non-members. An independent, democratic and stable Ukraine is in all our interests. Therefore the Alliance is in the process of developing an effective relationship with Ukraine. I hope this new security relationship will be formalized by the time of the Madrid summit.

Our relations with Russia are at the same time going through a rapid transformation. We realize and recognize Russia's difficultly in appreciating Nato's enlargement, but frankly it is not for Russia to decide, veto, or prevent.

We have collectively been working hard to explain to the Russians that enlargement is not directed against the security interests of any country and the Alliance has always been and will continue to be defensive in nature; the Alliance has never had any territorial aspirations. NATO enlargement will happen not because the Alliance wants to expand, but because the countries of Central and Eastern Europe are exercising their sovereign right to choose their own security arrangements.

However, a constructive participation of Russia in European security is of fundamental importance. That is why we must intensify and formalize our relations with Russia through a special charter or agreement. It is very important that our Secretary General has had the full support of all allies in carrying out these discussions and I hope they will soon come to a fruitful conclusion that will be of benefit to the security of NATO, Russia and Europe as a whole.

The goal is to establish far-reaching consultative mechanisms and opportunities for extended co-operation, and even joint action, between Russia and the Alliance. The Alliances' co-operation with Russia in IFOR and SFOR has proved that facing practical problems, NATO and Russia can work together effectively and efficiently for the benefit of European security.

Ladies and Gentleman, I have briefly discussed Iceland and NATO, and some of the most important tasks facing our Alliance in the immediate future. In less than eight years we have witnessed European security changing from confrontation to co-operation, from hostility to partnership. This is however no time for complacency. We need to continuously move forward and stay alert, otherwise we risk loosing what we have already gained. That is why the North Atlantic Alliance will continue to be important, relevant and necessary to ensure that peace and stability will prevail, for current and future generations.

Finally, our Alliance is based on freedom and respect for democratic principles, Iceland has the oldest parliament in the world, founded almost twelve hundred years ago. We attach great importance to the role of parliament and parliamentarians in preserving and enhancing democracy in our country. Likewise, the importance of democratic principles is reflected in your valuable work in the different parliaments of Alliance member states. As we enlarge our Alliance to include the new democracies to our east, we will contribute to the strengthening of freedom and democratic development which is the key to prosperity and progress. Likewise it is of utmost importance that the new democracies themselves make every effort to strengthen the democratic process within as well as respect for those principles through their actions. Strong and viable democratic development is fundamental to European security and stability, and of course the enlargement of NATO.

A TRIBUTE TO THE ROTARY CLUB OF MUGELLO, ITALY, ON THE OCCASION OF ITS 20TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the members of the Rotary Club of Mugello, Italy, who have provided civic and humanitarian services to their community for the past 20 years.

Established in 1977 in the town of Mugello, nestled in the beautiful hills of Tuscany, the club claims as members some of the most prominent business and professional leaders of the Tuscany region. They include: physicians, dentists, architects, engineers, clothing designers, manufacturers, publishers, government officials, cattle ranchers, and businessmen.

The club has strong ties to the city of Philadelphia through Circuit Judge Joseph Bruno and his wife, Kathy. It has also established a twin-club relationship with a Rotary Club in Philadelphia, as well as with clubs in France and Greece. Among its other activities through Rotary International, the Rotary Club of Mugello has established scholarship funds for Italian students to study at graduate schools here in the United States.

The Rotary Club of Mugello, under the leadership of its president, Paolo Collini and its incoming president, Alvaro Baglioni, will soon celebrate 20 years of ''Service Above Self,'' which is the motto of Rotary International and which is particularly fitting in the case of the Mugello Rotarians. In light of their 20 years of service to the community and their continued efforts at international outreach, I ask that my colleagues join me today in honoring the Rotary Club of Mugello, Italy.

TRIBUTE TO GASPER MAGARIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Gasper Magarian. Mr. Magarian, a Fresno, CA attorney, has the distinction of being the oldest practicing attorney in the State of California.

As noted in a recent article from the Armenian General Benevolent Union magazine [AGBU], Magarian's family—like many other Armenian families in Fresno—arrived in America 100 years ago. His family immigrated to Massachusetts to escape the atrocities suffered under Ottoman Turkish persecution. Magarian was born in Billercia, MA, and moved to Fresno in 1904 with his parents. His brothers and sisters were all born after the family moved to Fresno.

His brothers and sisters range in age from 85–94 years old. Magarian, the oldest brother at age 97, is the only sibling still practicing in his current profession. He has voluntarily cut back on the amount of hours that he practices at the law firm of Heyman, Krikorian and Magarian, located in downtown Fresno. The Magarian name on the firm is that of his grandson Mark, but his 62-year-old son Donald—and Magarian himself—later joined in on the firm's ventures. Grandson Mark Magarian calls his grandfather, Gasper, ''one of our most valuable assets.'' Others in the firm speak to the advantage to having someone around with 70 years of legal experience.

Magarian remarks that life for lawyers has changed since his earlier days. Magarian graduated from a local Fresno high school and attended Stanford University in 1919. At the time, there was no tuition at Stanford and incidental fees totaled about $60. Magarian finished law school and was admitted to the California State Bar in 1926. He began to work for a San Francisco law firm, but eventually moved back to Fresno in 1934.

In the first 50 years of his practice, Magarian handled issues ranging from bankruptcy, divorce, land transfers, and criminal cases. Magarian also handled a varied workload of paid cases, while maintaining a pro bono caseload for the middle class and the poor. Throughout his career he has also maintained a close relationship with the Armenian community.

Mr. Speaker, I am honored to have Mr. Magarian practicing law in the 19th congressional district. His love for the legal profession and his perspective on life is both refreshing and inspirational. I congratulate him on his lifetime of accomplishments and ask my colleagues to join me in wishing him every success on his future endeavors.

EXTENDING STRUCTURED SETTLEMENT RULES TO WORKERS COMPENSATION

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RAMSTAD. Mr. Speaker, I am pleased to join today with Mr. SHAW and Mr. STARK

and other colleagues on the Ways and Means Committee from both sides of the aisle in introducing legislation to extend structured settlement rules under section 130 of the Internal Revenue Code to workers' compensation.

I am a strong supporter of structured settlements. I have seen firsthand in Minnesota how structured settlements can help victims of severe physical injuries put their lives back together in the wake of a disabling injury, help support their families, and instill some hope for the future.

Structured settlements give crucial financial security to victims and their families by providing an assured stream of payments into the future to cover medical expenses and basic living needs. Structured settlements also save taxpayer dollars by ensuring that injury victims will not be required to seek indigent care.

For all these reasons, Congress has sought to promote the use of structured settlements through specific tax rules that have been enacted in the Internal Revenue Code. Extending the Code section 130 structured settlement rules beyond physical injuries caused by torts to include physical injuries under workers' compensation would provide the same financial protection to victims who have suffered serious, long-term physical injuries in the workplace.

I understand the Treasury Department testified before Ways and Means in the last Congress that it does not oppose this proposal and sees no distinction for purposes of the structured settlement tax rules between physical injuries suffered from torts and physical injuries suffered in the workplace. I also understand the Joint Committee on Taxation estimated in the last Congress that the proposal would produce only a very minimal revenue loss.

I join with my colleagues in urging prompt enactment of this legislation.

HONORING BETSY BEAMF AND EMILY DUTTON

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. EVANS. Mr. Speaker, I rise today to honor Betsy Beamf, of Princeton, IL, and Emily Dutton, of Lewiston, IL. This weekend they will receive the Girl Scouts Gold Award from the Kickapoo Council of Girl Scouts, and I congratulate them on this occasion.

The Girl Scouts Gold Award represents the highest honor in Girl Scouting and recognizes significant achievement in leadership, community service, career planning, and personal development. While Girl Scouting has provided these young adults a supportive setting in which to learn from and work with their peers in a group, Emily and Betsy have earned this award through their own individual commitment of over 50 hours of exceptional service.

Through her performance of plays for local youth, Betsy has fostered a greater appreciation for the world of theater and drama among the children in her community. Emily drew upon her artistic talents to design and create a mural in her school that promotes good sportsmanship. At a time when Americans nationwide have placed a renewed emphasis on community service as a way of improving our society, Emily and Betsy exemplify the kind of dedication and commitment we need from people of all ages.

Mr. Speaker, we as a nation are enriched by the efforts of Betsy and Emily, and the thousands of children like them who give of themselves to benefit their communities each day. I hope that they are proud of themselves, and I am sure that their families take great pride in them. I encourage them to continue to take an active role in the community and wish them every success in the future.

CONGRATULATING HOLLIS CURL

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to offer congratulations to one of the finest and most honorable journalists that I have ever had the pleasure to know, M. Hollis Curl of Camden, AL. Mr. Curl has just received the State of Alabama's highest journalism award, the Hector Award.

The Hector Award was given to Mr. Curl for the ''Most Outstanding Performance by an Alabamian in Journalism.'' Mr. Curl is the publisher and editor of the Wilcox Progressive Era, located in Wilcox County, AL. This is not Mr. Curl's first taste of victory. This is the second time he has received this award and he is the only person ever to win it twice.

I am proud to say that I am a friend of Mr. Curl. I am no stranger of his love for journalism, and his quest to improve the community in which he lives. At a time when the President is calling on the Nation to become more active in voluntarism, Mr. Curl has already been a major community volunteer for over 30 years. He serves on the board of his country's hospital; president of the Gas Board for 15 years; led the effort to get his county a 911 emergency line; serves as the Charter Commander of the U.S. Coast Guard Auxiliary, and much, much more.

Above all, due to Mr. Curl's proactive journalism, we were able to work together to restore the ferry-boat service across the Alabama river which was disrupted by the KKK in the 1960's. Because of his due diligence, this too, will soon become reality.

Mr. Speaker. When it comes to talking about Mr. Hollis Curl, words fail me. Obviously, words never fail Hollis, and his second Hector Award says it all. Way to go, Hollis Curl.

THE NATIONAL DAY OF PRAYER

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. HEFLEY. Mr. Speaker, our Nation's first call to prayer came in 1775 when the Continental Congress asked the Colonies to pray for wisdom in forming a nation. Since then, the call to prayer has continued throughout our history. In 1952, a joint resolution by Congress, signed by President Truman, declared an annual, National Day of Prayer. In 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May.

Today is the National Day of Prayer.

We are celebrating in the Cannon caucus room all day—from 10 a.m. to 3 p.m. Military Chiefs of Staff, Cabinet Secretaries, Senators, and Representatives are gathering to ask for prayers from the people. You see, the National Day of Prayer belongs to all Americans of all faiths. It stands as a call to us to humbly come before God, seeking His guidance for our leaders and His grace upon us as a people.

Please join me today by stopping by the Cannon caucus room to celebrate this great event. It is our prayer that during this National Day of Prayer, America will again remember the trust that made this Nation great.

DOLLARS TO THE CLASSROOM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. PITTS. Mr. Speaker, I come before the House today because I believe that one of the greatest challenges that faces our Nation today is the education of our children and grandchildren. Recently, a fifth grade student wrote to me commenting that ''people are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be.'' I agree with this student.

Currently, we are failing the school children of America. We are failing their parents as we allow their hard-earned education tax dollars to be funneled through layers of bureaucracy. The problem with our education system today is not how much money we spend, but how we choose to spend it.

While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom. Another study found that only 85 percent of funds administered by the U.S. Department of Education for elementary and secondary education reach the school district level. Even if 65 percent of Federal education funds presently reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

For these reasons, today I am introducing the Dollars to the Classroom resolution. My Dollars to the Classroom resolution expresses the sense of the U.S. House of Representatives that Department of Education, State education departments, and local education agencies should spend more Federal education tax dollars for our Nation's children—in their classrooms.

For far too long, Americans' hard-earned tax dollars have gone to Federal bureaucrats and have churned through a Washington labyrinth—instead of rightfully being placed in the hands of someone who knows your child's name.

Of the $15.4 billion which goes to elementary and secondary programs in the Federal Department of Education, the classroom may be lucky to see 65 percent of that. That means over $5.4 billion is lost in the abyss of

Department studies, publications, and grant administration.

I believe Americans would rather see their dollars at work—providing more teachers and teacher aides, purchasing updated software and state-of-the-art microscopes, and even seeing that every American classroom is connected to the Internet and brought into our new Information Age.

The classroom is where the action is. The classroom is where knowledge grows and the learning takes place. Not in some stuffy Washington office—where miles upon miles of paperwork and publications are produced—and even teachers must pay if they want to benefit.

The Dollars to the Classroom resolution calls on the Department of Education to see that 90 percent of Department of Education elementary and secondary education funds get into the classrooms of this Nation—directly.

If this actually happened roughly $1,800 would be added to each classroom budget across the United States. Even President Clinton has said, ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.'' As he and Vice President GORE have said, the reinventing of public education begins not in the halls or offices of Washington, but in communities across the country. We must ask the fundamental questions about how dollars which are to go to the public school systems are spent.

Education dollars in the classroom can make a tremendous difference and can enhance a child's learning experience. I would like to share some comments from school children about the Dollars to the Classroom resolution. They have said that, ''I support this bill because . . .

Our books are falling apart, so it is kind of hard to learn with them.

My Social Studies book was new in 1988. Hey, it's 1997, we need to get new books!

I think more of the taxes for education should go to the schools. We really need more money in our classroom because our teacher always has to buy things for our classroom with her own money.

We need to get more teachers so the children can get more education.

We need more money in the schools for things such as books, paper, posters and items (our teacher) needs to teach.

Many chairs are wobbly, the books are torn, in the winter, the classrooms are practically freezing. All of this makes it very difficult to learn. This bill will hopefully improve our learning.

I hope this bill is supported and becomes official. The classrooms in the U.S. need more things and equipment to help the kids.

Yes, let's help the kids. We have a moral responsibility to drastically improve our current education system for our children.

Mr. Speaker, for the sake of our Nation's kids—I call upon all of us to choose to put children first. I urge Members of the House to support the Dollars to the Classroom resolution. I thank the Speaker, and look forward to working with him during the 105th Congress on this important issue.

TRIBUTE TO THE AMERICAN INSTITUTE OF PARLIAMENTARIANS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Chapter of the American Institute of Parliamentarians. The American Institute of Parliamentarians has requested that California Governor Pete Wilson declare the month of April, ''Parliamentary Emphasis Month.''

Parliamentary procedure provides an accurate, impartial and timely means of arriving at the opinion of those present. The mission statement of the American Institute of Parliamentarians is: to foster, promote, and teach the highest standards of parliamentary procedure in keeping with both the principles of parliamentary law and the adopted parliamentary authority, and in accordance with the accepted system of rules for conducting business in an organizational body.

Among others, America was founded upon the principles of individuals rights, majority rule, and the promotion of a deliberative process for governing and decisionmaking procedures. Our third President, Thomas Jefferson, wrote the first manual on parliamentary practice in this country. Published in 1801, that manual has left an indelible mark on our history. The Rules of Order are an integral part of any properly functioning organization. Whether in the private sector, or at every level of government, the Rules of Order is a guide that continues to be utilized on a daily basis.

Mr. Speaker, I commend the American Institute of Parliamentarians for their adherence to and respect for parliamentary law. I congratulate the American Institute of Parliamentarians as they celebrate Parliamentary Emphasis Month, and ask my colleagues to join me in tribute to Fresno Chapter president James Wilburn, committee co-chair's Paula Garner and Barbara Barstow, and the entire Fresno chapter, as they observe this milestone in their organization. I wish them continued success in this worthy endeavor.

CITIZENSHIP USA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. PACKARD. Mr. Speaker, the Immigration and Naturalization Service [INS] has tested me time and again. Today, my patience has run out. My district in southern California has one of the largest concentrations of illegal aliens. INS claims to be working to remedy this problem. They are failing miserably.

This morning, I learned that the Citizenship USA Program, which is run by the INS, has failed to properly screen nearly 180,000 aliens. These aliens were hastily naturalized without adequate background checks. Many more submitted the fingerprints of another person to avoid triggering a hit by the FBI. How many criminals has the INS allowed to become a U.S. citizen? How many criminal aliens are lurking in our neighborhoods and preying on our children?

Mr. Speaker, yesterday I helped introduce legislation drafted by my colleague, ELTON GALLEGLY. This bill would expand a pilot program currently operating in Anaheim and Ventura Counties, CA, which requires 24-hour presence of INS agents at local jails in 100 counties with the highest concentration of illegal aliens.

Currently, our local law enforcement officials do not have the power to deport these criminal illegal aliens. This bill will place the proper authorities in the hands of our communities in order to send these criminal illegal aliens back over the border for good. In addition, because those who committed crimes are more likely to break the law again, this bill will pick up those who slipped through the cracks of the Citizenship USA Program. It is my hope that the INS will now correct the wrongs they have committed against law-abiding U.S. citizens. The INS must take appropriate action to deport those who are found to have submitted falsified documents to gain U.S. citizenship. It is the right thing to do for the safety of our children and the security of our neighborhoods. We must rid our streets of these criminal aliens.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed Volunteer Protection Act.

Senate

Chamber Action

Routine Proceedings, pages S3861–S3932

Measures Introduced: Sixteen bills and one resolution were introduced, as follows: S. 675–690 and S.J. Res. 29. **Page S3901**

Measures Reported: Reports were made as follows:

S. Res. 79, to commemorate the 1997 National Peace Officers Memorial Day.

S. 476, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000. **Page S3900**

Measures Passed:

Volunteer Protection Act: By 99 yeas to 1 nay (Vote No. 55), Senate passed S. 543, to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers, after taking action on the following amendment proposed thereto:

Pages S3861–67, S3870–80

Adopted:

Coverdell-Leahy Amendment No. 53, in the nature of a substitute. **Pages S3874–79**

Honoring Jackie Robinson: Committee on Commerce, Science, and Transportation was discharged from further consideration of H. Con. Res. 61, honoring the lifetime achievements of Jackie Robinson, and the resolution was then agreed to. **Page S3929**

FDR Memorial: Senate passed S.J. Res. 29, to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C.

Pages S3930–31

National Correctional Officers and Employees Week: Committee on the Judiciary was discharged from further consideration of S. Res. 64, to designate the week of May 4, 1997, as ''National Correctional Officers and Employees Week'', and the resolution was then agreed to. **Page S3931**

Family Friendly Workplace Act: Senate began consideration of the motion to proceed to S. 4, to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, and to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, with a committee amendment.

Pages S3880–90, S3894–95

Subsequently, the motion to proceed to consideration of the bill was withdrawn. **Page S3895**

Supplemental Appropriations—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 672, making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, on Monday, May 5, 1997, at 1 p.m. **Page S3880**

Nominations Confirmed: Senate confirmed the following nominations:

M.R.C. Greenwood, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

John A. Armstrong, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Stanley Vincent Jaskolski, of Ohio, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Richard A. Tapia, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Mary K. Gaillard, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Bob H. Suzuki, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Eamon M. Kelly, of Louisiana, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Vera C. Rubin, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S3931–32**

Messages From the House: **Page S3899**

Communications: **Pages S3899–S3900**

Executive Reports of Committees: **Pages S3900–01**

Statements on Introduced Bills: **Pages S3901–14**

Additional Cosponsors: **Page S3914**

Amendments Submitted: **Pages S3914–15**

Notices of Hearings: **Pages S3915–16**

Authority for Committees: **Page S3916**

Additional Statements: **Pages S3916–29**

Record Votes: One record vote was taken today. (Total—55). **Page S3880**

Adjournment: Senate convened at 10:30 a.m., and adjourned at 5:08 p.m., until 12 noon, on Monday, May 5, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3932.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—CFTC/FDA

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings on proposed budget estimates for fiscal year 1998, after receiving testimony in behalf of funds for their respective activities from Brooksley Born, Chairperson, Commodity Futures Trading Commission; and Michael A. Friedman, Lead Deputy Commissioner, Robert J. Byrd, Deputy Commissioner, Management and Systems, William B. Schultz, Deputy Commissioner for Policy, and Dennis P. Williams, Deputy Assistant Secretary for Budget, all of the Food and Drug Administration, Department of Health and Human Services.

APPROPRIATIONS—VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs, receiving testimony from Jesse Brown, Secretary of Veterans Affairs.

Subcommittee will meet again on Tuesday, May 6.

APPROPRIATIONS—DEFENSE

Committee on Armed Services: Subcommittee on Readiness concluded hearings on S. 450, authorizing funds for fiscal years 1998 and 1999 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal years 1998 and 1999, focusing on depot maintenance privatization initiatives, after receiving testimony from John P. White, Deputy Secretary of Defense; and David Warren, Director, and Julia Denman, Assistant Director, both of the Defense Management Issues, and John Brosnan, Assistant General Counsel, all of the General Accounting Office.

COMPTROLLER OF THE CURRENCY

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Regulatory Relief concluded oversight hearings on the regulatory activities of the Office of the Comptroller of the Currency, after receiving testimony from Eugene A. Ludwig, Comptroller of the Currency, Department of the Treasury.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

The nominations of Triruvarur R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Kenneth M. Mead, of Virginia, to be Inspector General, Vice Adm. Roger T. Rufe, U.S. Coast Guard, to be Commander, Atlantic Area, United States Coast Guard, with the grade of vice admiral while so serving, and Rear Adm. James C. Card, U.S. Coast Guard, to be Commander, Pacific Area, United States Coast Guard, all of the Department of Transportation, Jerry M. Melillo, of Massachusetts, and Kerri-Ann Jones, of Maryland, each to be an Associate Director of the Office of Science and Technology Policy, with the grade of vice admiral while so serving, Andrew J. Pincus, of New York, to be General Counsel of the Department of Commerce, and certain promotion lists in the United States Coast Guard;

S. 648, to establish legal standards and procedures for product liability litigation;

S. 363, to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content, with an amendment;

S. 414, to encourage competition in international shipping and growth of United States imports and exports, with an amendment in the nature of a substitute. (As approved by the committee, the bill authorizes $15 million for the Federal Maritime Commission.); and

S. 542, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Far Horizons.*

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation and Recreation concluded hearings on S. 357, to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument in Utah, after receiving testimony from Senators Hatch and Bennett; Representative Hansen; Bruce Babbitt, Secretary of the Interior; Ted Stewart, Utah Department of Natural Resources, John A. Harja, Utah School and Institutional Trust Lands Administration, and Scott Groene, Southern Utah Wilderness Alliance, all of Salt Lake City; Louise Liston, Garfield County Commission, Panguitch, Utah; Joe C. Judd, Kane County Commission, Kanab, Utah; Mark Austin, Boulder Mountain Lodge, Boulder, Utah; Debbie Sease, Sierra Club, Washington, D.C.; and Robert E. Irelan, Conoco, Inc., Midland, Texas.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Stuart E. Eizenstat, of Maryland, to be Under Secretary of State for Economic, Business and Agricultural Affairs, after the nominee, who was introduced by Senators D'Amato, Sarbanes, Coverdell, and Cleland, testified and answered questions in his own behalf.

RELIGIOUS PERSECUTION

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the impact of religious persecution against Christians and other religious minorities in the Middle East, after receiving testimony from Representative Wolf; Steven J. Coffey, Principal Deputy Assistant Secretary of State for Democracy, Human Rights and Labor; Nina Shea, Freedom House, Washington, D.C.; Walid Phares, Florida Atlantic University, Miami; and Bat Ye'or, Geneva, Switzerland.

DOD HIGH RISK AREAS

Committee on Governmental Affairs: Committee held hearings on proposed strategies to eliminate Department of Defense programs and operations identified as high risk because of waste, fraud, abuse, and mismanagement, focusing on financial management, information technology, weapon systems acquisition, contract management, infrastructure, and inventory management, receiving testimony from Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, and Jeffrey C. Steinhoff, Director of Planning and Reporting, Accounting and Information Management Division, both of the General Accounting Office; and R. Noel Longuemare, Principal Deputy Under Secretary for Acquisition and Technology, John F. Phillips, Deputy Under Secretary for Logistics, Emmett Paige, Jr., Assistant Secretary for Command, Control, Communication, and Intelligence, and John J. Hamre, Under Secretary and Comptroller, all of the Department of Defense.

Hearings were recessed subject to call.

NATIONAL MISSILE DEFENSE

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation, and Federal Services concluded hearings to examine the Administration's plan for national missile defense known as the ''3+3'' program and its compliance with the 1972 Anti-Ballistic Missile Treaty, after receiving testimony from John D. Holum, Director, U.S. Arms Control and Disarmament Agency.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following measures:

S. 476, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; and

S. Res. 79, to commemorate the 1997 National Peace Officers Memorial Day.

INS REFORM

Committee on the Judiciary: Subcommittee on Immigration concluded oversight hearings to review certain activities of the Immigration and Naturalization Service, focusing on the criminal record verification process for citizenship applicants, after receiving testimony from Stephen R. Colgate, Assistant Attorney General for Administration, Justice Management Division, Michael R. Bromwich, Inspector General, Doris Meissner, Commissioner, Immigration and

Naturalization Service, and Charles W. Archer, Assistant Director, Criminal Justice Information Services Division, Federal Bureau of Investigation, all of the Department of Justice; Richard M. Stana, Acting Associate Director, Administration of Justice Issues, General Government Division, General Accounting Office; and Gary M. Ahrens, KPMG Peat Marwick, Washington, D.C.

AUTHORIZATION—NIH/BIOMEDICAL RESEARCH

Committee on Labor and Human Resources: Subcommittee on Public Health and Safety held hearings on proposed legislation authorizing funds for the National Institutes of Health, focusing on biomedical research priorities, receiving testimony from Harold E. Varmus, Director, National Institutes of Health, Department of Health and Human Services; Kenneth I. Shine, President, Institute of Medicine, National Academy of Sciences; Michael Rosenblatt, Harvard-MIT Division of Health Sciences and Technology, Boston, Massachusetts; John W. Suttie, Federation of American Societies for Experimental Biology, Bethesda, Maryland; Leon E. Rosenberg, Bristol-Myers Squibb Company, Princeton, New Jersey; Myrl Weinberg, National Health Council, Washington, D.C.; and Mary Woolley, Research! America, Alexandria, Virginia.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 1508–1527; 1 private bill, H.R. 1528; and 7 resolutions, H.J. Res. 76, H. Con. Res. 70–72, and H. Res. 139–141, were introduced. **Pages H2154–56**

Reports Filed: Reports were filed as follows:

H.R. 408, to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean (H. Rept. 105–74 Part II);

H.R. 1463, to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the United States Trade Representative, and the International Trade Commission, amended (H. Rept. 105–85); and

H.R. 3, to combat violent youth crime and increase accountability for juvenile criminal offenses, amended (H. Rept. 105–86). **Page H2154**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore for today. **Page H2095**

Guest Chaplain: The prayer was offered by the guest chaplain, the Rev. Leander Wilkes of Santa Barbara, California. **Page H2095**

Journal Vote: By a yea-and-nay vote of 343 yeas to 42 nays, Roll No. 97, the House agreed to the Speaker's approval of the Journal of Wednesday, April 30. **Pages H2095–96**

Committee Funding: By a yea-and-nay vote of 262 yeas to 157 nays, Roll No. 98, the House agreed to H. Res. 129 as amended pursuant to the rule, providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress. **Pages H2099–H2106**

H. Res. 136, the rule that provided for consideration of the resolution was agreed to earlier by a voice vote. **Pages H2098–99**

Housing Authority and Responsibility Act: The House completed all debate on Wednesday, April 30 and began consideration of amendments to H.R. 2, to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs. Consideration of amendments will resume on Tuesday, May 6. **Pages H2107–24**

A point of order under section 425(a) of the Budget Act, against the Committee amendment in the nature of a substitute (made in order by the rule for the purpose of amendment) was resolved by the decision of the House on the question of consideration pursuant to section 426(b)(3) of the Budget Act. The point of order asserted that Section 105, Community Work and Family Self-Sufficiency Requirements, and Section 106, Local Housing Management Plans, constituted an unfunded intergovernmental mandate. By a recorded vote of 237 ayes to 183 noes, Roll No. 99, the House voted to consider the Committee amendment in the nature of a substitute. **Pages H2107–12**

Agreed to:

Lazio amendment that makes technical changes, allows Public Housing Authorities to use money earned from increases to rental income for additional vouchers; replaces precise authorization amount appropriated for choice-based housing assistance with

''such funds as may be appropriated''; clarifies the availability of housing for nonelderly disabled tenants; revises the home rule flexible grants program to provide greater rent protections to tenants; and authorizes rule-making to protect senior homeowners under reverse mortgage programs; and

Pages H2113–22

Lazio en bloc amendment that requires that applicants and tenants disclose income information to the Public Housing Authority; provides for policy coordination with entities providing assistance to homeless families; and requires that homeownership activities and annual goals for additional homeownership units be reported in the housing management plan annual report. **Pages H2122–24**

Rejected:

The Jackson of Illinois amendment that sought to prohibit any public housing agency from evicting a family solely on the basis of any failure to comply with the community work requirements (rejected by a recorded vote of 160 ayes to 251 noes, Roll No. 100); **Pages H2124–48**

The Weldon of Florida amendment to the Jackson of Illinois amendment that sought to exempt not more than 20 percent of the total number of families assisted by a public housing agency from the community work requirement: single parents, grandparents, or spouses of an otherwise exempted individual who are the primary caregivers of children under six, elderly persons, or persons with disabilities (rejected by a recorded vote of 153 ayes to 252 noes, Roll No. 101); and **Page H2148**

The Jackson of Illinois amendment that sought to exempt from the community work requirement single parents, grandparents, or spouses of an otherwise exempted individual who are the primary caregivers of children under six, elderly persons, or persons with disabilities (rejected by a recorded vote of 181 ayes to 216 noes, Roll No. 102). **Pages H2149–50**

On April 30, the House agreed to H. Res. 133, the rule that is providing for consideration of the bill. **Pages H2035–41**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2:00 p.m. on Monday, May 5. Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, May 10 for morning hour debate.

Page H2150

Calendar Wednesday: Agreed that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 7. **Page H2150**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H2157–58.

Senate Messages: Message received from the Senate today appears on page H2096.

Quorum Calls—Votes: Two yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H2095–96, H2106, H2112–13, H2147–48, H2148, and H2149–50. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 6:07 p.m.

Committee Meetings

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the SSA and on the Corporation for National and Community Service. Testimony was heard from John J. Callahan, Acting Commissioner, Social Security, SSA and Harris Wofford, CEO, Corporation for National Service.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies continued appropriation hearings. Testimony was heard from public witnesses.

COMPUTER GENERATED CHECK FRAUD

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy held a hearing on Computer Generated Check Fraud. Testimony was heard from Kevin T. Foley, Deputy Assistant Director, U.S. Secret Service, Department of the Treasury; Charles L. Owens, Chief, Financial Crimes Section, FBI, Department of Justice; and public witnesses.

FINANCIAL SERVICES REFORM

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing on Financial Services Reform, focusing on ''A Two Way Street'' and Functional Regulation. Testimony was heard from public witnesses.

REVIEW OF EPA'S OZONE AND PARTICULATE MATTER NAAQS REVISIONS

Committee on Commerce: Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations continued joint hearings on Review of EPA's Proposed Ozone and Particulate Matter NAAQS Revisions: Perspectives of State and Local Elected Officials. Testimony was heard from Craig Peterson, Senator, State of Utah; Tom Alley, Representative, State of Michigan; Alan Kukavich, Senator, State of Pennsylvania; Rick Russman, Senator, State of New Hampshire; Richard L. Brodsky,

Chairman, Committee on Environmental Conservation, Assembly, State of New York; and public witnesses.

Hearings continue May 8th.

EDUCATION—WHAT WORKS, WHAT'S WASTED

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations and the Subcommittee on the District of Columbia of the Committee on Government Reform and Oversight held a joint hearing on ''Education at a Crossroads, What Works, What's Wasted in the D.C. School System?'' Testimony was heard from the following officials of the District of Columbia: Marion Barry, Mayor; Julius Becton, Chief Executive Officer, Public Schools; Bruce Maclaury, Chairman, Emergency Board of Trustees, Public Schools; Don Reeves, President, Board of Education; and Kevin Chavous, Chairman, Committee on Education, Libraries and Recreation, City Council; Joyce Ladner, member, Financial Responsibility and Management Assistance Authority; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on the following: Presidential and Executive Office Financial Accountability Act of 1997; and Special Government Employee Act of 1997. Testimony was heard from Representative Mica; Stephen Potts, Director, Office of Government Ethics; and public witnesses.

REAUTHORIZATION—OFFICE OF NATIONAL DRUG CONTROL POLICY

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs and Criminal Justice held a hearing on Reauthorization of the Office of National Drug Control Policy. Testimony was heard from Barry R. McCaffrey, Director, Office of National Drug Control Policy; and Norman J. Rabkin, Director, Administration of Justice Issues, GAO.

FOREIGN POLICY REFORM ACT

Committee on International Relations: Continued markup of H.R. 1486, Foreign Policy Reform Act.

Will continue May 6.

OVERSIGHT

Committee on Resources: Held an oversight hearing on the provision in the 1997 Omnibus Appropriations Act which removed the Narragansett Indian Tribe of Rhode Island from the coverage of the Indian Gaming Regulatory Act. Testimony was heard from Senators Chafee and Reed; Representative Weygand; David J. Hayes, Counselor to the Secretary, Department of the Interior; the following officials of the State of Rhode Island: Lincoln Almond, Governor; and Donald J. Lally, Jr., Representative, House of Representatives; and public witnesses.

CIVILITY—HOUSE OF REPRESENTATIVES

Committee on Rules: Subcommittee on Rules and Organization of the House concluded hearings on Civility in the House of Representatives. Testimony was heard from Kathleen Hall Jamieson, Dean, Annenberg School for Communication, University of Pennsylvania; Donald Wolfensberger, Guest Scholar, Woodrow Wilson International Center for Scholars; Stephen Frantzich, Professor and Chairman, Department of Political Science, U.S. Naval Academy; and Eric Uslaner, Professor, Political Science, University of Maryland-College Park.

WHY EXPORTS MATTER

Committee on Small Business: Subcommittee on Tax, Finance, and Exports held a hearing on ''Why Exports Matter''. Testimony was heard from public witnesses.

REAUTHORIZATION—WAR RISK INSURANCE PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Reauthorization of the War Risk Insurance Program. Testimony was heard from Gerald L. Dillingham, Associate Director, Transportation Issues, Resources, Community and Economic Development Division, GAO; Louise E. Maillett, Acting Assistant Administrator, Policy, Planning and International Aviation, FAA, Department of Transportation; the following officials of the U.S. Air Force, Department of Defense: Maj. Gen. Gary A. Voellger, USAF, Director of Operations, Headquarters, Air Mobility Command; and Brig. Gen. Gilbert J. Regan, USAF, Chief Counsel, Headquarters, U.S. Transportation Command and Staff Judge Advocate, Air Mobility Command; and a public witness.

LOW-INCOME HOUSING TAX CREDIT

Committee on Ways and Means: Subcommittee on Oversight concluded hearings on the Low-Income Housing Tax Credit. Testimony was heard from Representatives Rangel and Metcalf; and public witnesses.

BRIEFING; BUDGET HEARING

Permanent Select Committee on Intelligence: Met in executive session for a briefing on Chinese Counterintelligence Issues. The Committee was briefed by departmental witnesses.

The Committee also met in executive session to hold a Budget hearing on Legislative Issues. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D396)*

H.R. 1003, to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide. Signed April 30, 1997. (P.L. 105–12)

COMMITTEE MEETINGS FOR FRIDAY, MAY 2, 1997

Senate

No meetings are scheduled.

House

Committee on Appropriations, Subcommittee on VA, HUD, and Independent Agencies, on public witnesses, 10 a.m., and 2 p.m., H–143 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the employment-unemployment situation for April and the Consumer Price Index, 9:30 a.m., 1334 Longworth Building.

CONGRESSIONAL PROGRAM AHEAD
Week of May 5 through 10, 1997

Senate Chamber

On *Monday,* Senate will consider S. 672, Supplemental Appropriations.

During the balance of the week, Senate expects to complete consideration of S. 672, Supplemental Appropriations, and consider any cleared executive and legislative business.

(Senate will recess on Tuesday, May 6, 1997 from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: May 6, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration, 9:30 a.m., SD–138.

May 6, Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 1998 for the Joint Committee on Taxation, the Joint Economic Committee, and the Joint Committee on Printing, 10 a.m., S–128, Capitol.

May 6, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the Newly Independent States, 2 p.m., S–128, Capitol.

May 7, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services, 9:15 a.m., SH–216.

May 7, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, 10 a.m., SD–192.

May 7, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues, 10 a.m., SD–124.

Committee on Energy and Natural Resources: May 5, to hold hearings on S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds, 10:30 a.m., SD–366.

May 6, Full Committee, to hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy, 9:30 a.m., SD–366.

May 8, Full Committee, to hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation, 9:30 a.m., SH–216.

Committee on Environment and Public Works: May 7, Subcommittee on Transportation and Infrastructure, to resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs, 9:30 a.m., SD–406.

Committee on Foreign Relations: May 6, Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine who is responsible for arming Iran, 10 a.m., SD–419.

May 7, Subcommittee on European Affairs, to hold hearings on the Administration's proposed budget request for fiscal year 1998 for Central and Eastern Europe and the former Soviet Union, 10 a.m., SD–419.

May 8, Full Committee, business meeting, to consider the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 (''the Flank Document'') (Treaty Doc. 105–5), and other pending calendar business, 10:30 a.m., SD–419.

Committee on Governmental Affairs: May 7, to hold hearings to review the final report of the Commission on Protecting and Reducing Government Secrecy and the recommendations of the report, including recommendations for legislation to codify the classification system and enhance accountability, 10 a.m., SD–342.

May 8, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the Government's impact on television programming, 10 a.m., SD–342.

Committee on the Judiciary: May 6, to hold hearings to examine encryption issues in the information age, 10 a.m., SD–226.

May 6, Subcommittee on Youth Violence, to hold hearings to review the programs and mandates of the Office of Juvenile Justice Delinquency Prevention, 2 p.m., SD–226.

May 7, Full Committee, to hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform, 10 a.m., SD–226.

May 7, Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

May 8, Full Committee, to hold hearings on provisions of S. 43, to throttle criminal use of guns, 2 p.m., SD–226.

Committee on Labor and Human Resources: May 6, Subcommittee on Public Health and Safety, to hold hearings to examine public health issues, focusing on Centers for Disease Control project grants for preventable health services, 9:30 a.m., SD–430.

May 7, Full Committee, business meeting, to mark up the proposed Individuals with Disabilities Education Act Amendments of 1997, and consider pending nominations, 9:30 a.m., SD–430.

Committee on Rules and Administration: May 8, to resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office, 9:30 a.m., SR–301.

Committee on Small Business: May 7, to hold hearings on the Small Business Administration's finance programs, 9:30 a.m., SR–428A.

Select Committee on Intelligence: May 6 and 7, to hold hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence, Tuesday at 10 a.m. in SH–216 and Wednesday at 2 p.m. in SH-219.

House Chamber

Monday, No Legislative Business;

Tuesday, Consideration of 1 Suspension: H.R. 1463, Customs Service, U.S. Trade Representative, and International Trade Commission Authorization; and

Continue consideration of H.R. 2, Housing Opportunity and Responsibility Act of 1997 (open rule);

Wednesday and Thursday, Consideration of H.R. 478, Flood Prevention and Family Protection Act of 1997 (subject to a rule);

Consideration of H.R. 3, Juvenile Crime Control Act of 1997 (subject to a rule); and

Consideration of H.R. 1469, Supplemental Appropriations Act (subject to a rule);

Friday, No votes are expected.

House Committees

Committee on Agriculture, May 8, Subcommittee on Livestock, Dairy, and Poultry, hearing to review the status and future prospects for trade in livestock, dairy, and poultry products between the United States and the European Union, 1 p.m., 1300 Longworth.

Committee on Appropriations, May 6, Subcommittee on Labor, Health and Human Services, and Education, on Occupational Safety and Health Review Commission; National Mediation Board; and Armed Forces Retirement Home, 2 p.m., 2358 Rayburn.

May 7, Subcommittee on Labor, Health and Human Services, and Education, on Secretary of Labor, 10 a.m., and on National Cancer Institute; National Institute on Allergy and Infectious Diseases; and National Human Genome Research Institute, 2 p.m., 2358 Rayburn.

May 7, Subcommittee on VA–HUD, and Independent Agencies, on Consumer Product Safety Commission, 10 a.m., Consumer Information Center, 11 a.m., and on Office of Consumer Affairs, 12 p.m., H–143 Capitol.

May 8, Subcommittee on District of Columbia, on D.C. Privatization of the Financial Management System, 10 a.m., H–144 Capitol.

Committee on Banking and Financial Services, May 7, hearing on Financial Modernization, including H.R. 10, Financial Services Competitiveness Act of 1997, 10 a.m., 2128 Rayburn.

May 8, Subcommittee on Domestic and International Monetary Policy, to mark up the following: H.R. 1370, to reauthorize the Export-Import Bank of the United States; and a measure to reauthorize the International Financial Institutions, 10 a.m., 2128 Rayburn.

Committee on Commerce, May 7, Subcommittee on Oversight and Investigations, hearing on the Department of Energy's Office of Science and Technology (OST), focusing on issues relating to OST-funded technologies and their deployment at DOE sites, 10 a.m., 2123 Rayburn.

May 8, Subcommittee on Health and Environment and Subcommittee on Oversight and Investigations, to continue joint hearings on Review of EPA's Proposed Ozone and Particulate Matter NAAQS Revisions, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, May 7, to mark up the following bills: H.R. 5, IDEA Improvement Act of 1997; and H.R. 1511, Cost of Higher Education Review Act of 1997, 10 a.m., 2175 Rayburn.

May 8, Subcommittee on Employer-Employee Relations, hearing on H.R. 1515, Expansion of Portability and Health Insurance Coverage Act of 1997, 10 a.m., 2175 Rayburn.

May 8, Subcommittee on Oversight and Investigations, hearing on Dollars to the Classroom, 1 p.m., 2261 Rayburn.

Committee on International Relations, May 6, to continue markup of H.R. 1486, Foreign Policy Reform Act, 5 p.m., 2172, Rayburn.

May 7, Subcommittee on Asia and the Pacific, hearing on U.S. Policy Toward Indonesia, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, May 7, oversight hearing regarding ''Grassroots Solutions to Youth Crime,'' 2 p.m., 2141 Rayburn.

Committee on National Security, May 7, Subcommittee on Military Readiness, hearing on Naval Petroleum Reserves, 10 a.m., 2212 Rayburn.

May 7, Subcommittee on Military Research and Development, hearing on the fiscal year 1998 National Defense Authorization request-Ballistic Missile Defense (BMD) Threat, 2 p.m., 2118 Rayburn.

May 8, Subcommittee on Military Installations and Facilities, hearing on the fiscal year 1998 military construction budget, 2 p.m., 2212 Rayburn.

May 8, Subcommittee on Military Personnel, hearing on the status of the Ready Reserve Mobilization Insurance Program, 10 a.m., 2118 Rayburn.

Committee on Resources, May 6, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following measures: H. Res. 87, expressing the sense of the House of Representatives that the United States and the United Nations should condemn coral reef fisheries that are harmful to coral reef ecosystems and promote the development of sustainable coral reef fishing practices worldwide; H.R. 608, Marion National Fish Hatchery Conveyance Act; and H.R. 796, to direct the Secretary of the Interior to make technical corrections to a map relating to Coastal Barrier Resources System, 10 a.m., 1334 Longworth.

May 6, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 985, to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; H.R. 1019, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys; H.R. 1020, to adjust the land boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest; H.R. 1439, a bill to facilitate the sale of certain land in Tahoe National Forest in the States of California to Placer County, California; and H.R. 79, Hoopa Valley Reservation South Boundary Adjustment Act, 10 a.m., 1324 Longworth.

May 6, Subcommittee on Water and Power, oversight hearing on Bureau of Reclamation Project financing, 2 p.m., 1324 Longworth.

May 7, full Committee, to consider pending business, 11 a.m., 1324 Longworth.

May 8, Subcommittee on Forests and Forest Health, to mark up the following: H.R. 985, to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; H.R. 1019, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys; H.R. 1020, to adjust the land boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest; H.R. 1439, a bill to facilitate the sale of certain land in Tahoe National Forest in the States of California to Placer County, California; and H.R. 79, Hoopa Valley Reservation South Boundary Adjustment Act, 10 a.m., 1324 Longworth.

Committee on Science, May 6, Subcommittee on Technology, hearing on ''Technology in the classroom: Panacea or Pandora's Box?'' 2 p.m., 2318 Rayburn.

May 7, Subcommittee on Energy and Environment, hearing on ''The Science Behind EPA's Proposed Particulate Matter/Ozone Standards, Part 2'', 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, May 7, to consider the following: H. Con. Res. 49, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 66, authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service; H. Con. Res. 67, authorizing the 1997 Special Olympics Torch Relay to run through the Capitol Grounds; two Committee amendments to GSA resolutions; Water Resources Survey resolutions; and other pending Committee business, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, May 7, Subcommittee on Benefits, hearing on Government Performance and Results Act strategies for the Veterans Employment and Training Service, 8:30 a.m., 340 Cannon.

May 8, Subcommittee on Health, hearing on the following: H.R. 1362, Veterans Medicare Reimbursement Demonstration Act of 1997; and proposals on both Medical Care Cost Recovery and physician's special pay, 9:30 a.m., 340 Cannon.

Committee on Ways and Means, May 6, Subcommittee on Health, hearing on waste, fraud, and abuse in the health care system, 10 a.m., 1100 Longworth.

May 6, Subcommittee on Social Security, hearing on the Social Security Administrations Website, 3 p.m., B–318 Rayburn.

May 8, full Committee, hearing to examine the Earned Income Tax Credit Compliance Study released by the IRS, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, May 8, executive, hearing on China, 10 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: May 8, to resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO), 10 a.m., SD–538.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through April 30, 1997

	Senate	*House*	*Total*
Days in session	53	40	..
Time in session	338 hrs., 19′	221 hrs., 15′	..
Congressional Record:			
Pages of proceedings	3859	2094	..
Extensions of Remarks	..	808	..
Public bills enacted into law	2	10	..
Private bills enacted into law	..	..	..
Bills in conference	..	..	..
Measures passed, total	68	135	..
Senate bills	6	2	..
House bills	11	52	..
Senate joint resolutions	3	1	..
House joint resolutions	3	4	..
Senate concurrent resolutions	6	5	..
House concurrent resolutions	3	9	..
Simple resolutions	36	62	..
Measures reported, total	*36	*81	..
Senate bills	9	..	..
House bills	..	52	..
Senate joint resolutions	2	..	..
House joint resolutions	..	4	..
Senate concurrent resolutions	..	..	..
House concurrent resolutions	..	1	..
Simple resolutions	25	24	..
Special reports	6	3	..
Conference reports	..	..	..
Measures pending on calendar	27	9	..
Measures introduced, total	805	789	..
Bills	674	1507	..
Joint resolutions	28	75	..
Concurrent resolutions	23	69	..
Simple resolutions	80	138	..
Quorum calls	1	2	..
Yea-and-nay votes	54	59	..
Recorded votes	..	35	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 10 reports has been filed in the Senate, a total of 84 reports has been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 7, 1997 through April 30, 1997

Civilian nominations, totaling 174, disposed of as follows:	
Confirmed	36
Unconfirmed	136
Withdrawn	2
Civilian nominations (FS, PHS, CG, NOAA), totaling 1,772, disposed of as follows:	
Confirmed	619
Unconfirmed	1,153
Air Force nominations, totaling 2,015, disposed of as follows:	
Confirmed	244
Unconfirmed	1,771
Army nominations, totaling 1,857, disposed of as follows:	
Confirmed	908
Unconfirmed	949
Navy nominations, totaling 1,158, disposed of as follows:	
Confirmed	491
Unconfirmed	667
Marine Corps nominations, totaling 1,497, disposed of as follows:	
Confirmed	582
Unconfirmed	915

Summary

Total nominations received this session	8,473
Total confirmed	2,880
Total unconfirmed	5,591
Total withdrawn	2

Next Meeting of the SENATE

12 noon, Monday, May 5

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will begin consideration of S. 672, Supplemental Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, May 5

House Chamber

Program for Monday: No legislative business.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E813
Barr, Bob, Ga., E811
Bonior, David E., Mich., E816
Buyer, Stephen E., Ind., E813
Dellums, Ronald V., Calif., E812
Evans, Lane, Ill., E817
Foglietta, Thomas M., Pa., E817
Gallegly, Elton, Calif., E815
Gilman, Benjamin A., N.Y., E812
Hefley, Joel, Colo., E818
Hilliard, Earl F., Ala., E818
Lantos, Tom, Calif., E809, E815
Lowey, Nita M., N.Y., E814
Packard, Ron, Calif., E819
Pitts, Joseph R., Pa., E818
Radanovich, George P., Calif., E809, E811, E813, E814, E815, E817, E819
Ramstad, Jim, Minn., E817
Shaw, E. Clay, Jr., Fla., E809
Solomon, Gerald B.H., N.Y., E809, E816
Stark, Fortney Pete, Calif., E810
Stokes, Louis, Ohio, E812
Upton, Fred, Mich., E813
Vento, Bruce F., Minn., E811

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