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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 28, 1997.

I hereby designate the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse'';

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse'';

S. 1043. An act to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''; and

S. Con. Res. 43. Concurrent resolution urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. VISCLOSKY] for 5 minutes.

BALANCING THE BUDGET

Mr. VISCLOSKY. Mr. Speaker, the most important thing that we can do for our children and their children is to balance the Federal budget. Unfortunately, I fear that we will snatch defeat from the jaws of victory by enacting expensive new tax cuts before the budget is actually balanced.

Mr. Speaker, it is clear to me that the best tax cut we can give to the American people is to balance the Federal budget. It has been shown that by balancing the budget we can stimulate economic growth and reduce interest rates on everything from home mortgages to car loans. Keeping these considerations in mind, I firmly believe that we must resist the destructive idea of granting tax cuts at this time.

There is little question that we have made tremendous progress in reducing the deficit in the past 5 years. From a record high of $290 billion in 1992, projections cited last week indicate that the deficit may fall below $45 billion by the end of this year.

Unfortunately, this body missed a golden opportunity last week to make sure that we would finally reach a balanced budget by the year 2002. By rejecting a commonsense measure that would have applied enforcement procedures to the budget resolution, both parties put other interests above that of balancing the budget. This raises serious questions about a real willingness to make the tough choices needed to get us to a balanced budget.

Given the failure of the House to enact enforcement legislation, it is now more important than ever to keep our eyes on the goal of balancing the budget and finishing the job. Achieving this goal can only happen one step at a time. The first step should be to reduce spending by reforming entitlement programs.

With America's population aging and people living longer, the number of beneficiaries in programs such as Medicare is growing much faster than the working population. For this reason, Medicare and other entitlement programs are projected to run out of money early in the next century unless we make basic reforms to these programs right now.

Secondly, if no changes are made to Medicare and other spending programs, all the progress we have made in reducing the deficit will be in vain.

It should also be pointed out that the enormous growth of entitlement spending is threatening the discretionary programs that allow us to invest in the future of this country. Estimates from the Congressional Budget Office show that by the year 2002 mandatory spending will consume 70 percent of the Federal budget.

We depend on discretionary programs for building roads, putting more police officers on the street, and making our economy more productive. We must use the opportunity before us to slow the growth of mandatory spending and achieve a more sustainable balance.

While cutting spending is the first step in balancing the budget, I believe we will take a giant leap backward if we compound our current fiscal problems by granting significant new tax cuts that will increase the deficit. Studies show that the cost of the tax bill approved by the House on June 26 is heavily backloaded, hiding the bill's true cost and threatening to unbalance

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the budget shortly after it is designed to be balanced.

It is clear to me that many Members of this body are only interested in using the balanced budget debate as a pretense to grant expensive new tax cuts. We are now so close to finally balancing the budget, it makes absolutely no sense to me to start moving in the opposite direction with tax measures that will drive up the deficit.

If we would simply pass the spending reforms called for by this year's budget resolution, and do no harm by enacting new tax cuts, we would balance the budget before the end of the century and achieve a surplus of at least $20 billion in the year 2002. This, I believe, is the wisest course of action because it allows us to invest for the future needs of this country, and ensure that we do not produce a budget that is a 1-year wonder, balancing in the year 2002, but becoming unbalanced shortly thereafter.

Mr. Speaker, now more than ever it is imperative that Members of both parties, along with the President, come together in a unified effort. We must take this opportunity to pass meaningful entitlement reform, hold off on granting expensive tax cuts until we can afford them, and keep our promise to balance the budget once and for all.

THE SPECTRUM GIVEAWAY IS A MISNOMER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, you might title my 5 minutes this afternoon ''The Spectrum Giveaway is a Misnomer.'' The spectrum issue has generated a lot of misinformation, and as a member of the Subcommittee on Telecommunications, Trade and Consumer Protection, I feel obliged to clear up the confusion. Some pundits and politicians have the notion that providing broadcasters access to the digital spectrum represents a massive giveaway. They are not understanding the point.

But first let us talk about what the spectrum is. It is broadcast airwaves, a series of frequencies for transmitting signals. The spectrum had no impact on human life until Mr. Farnsworth developed broadcast television. I might add, Mr. Speaker, that there is a statue of Mr. Farnsworth in Statuary Hall here in the Capitol.

Almost literally, something was made from nothing. Over the years, the media have invested billions of dollars to put the previously idle analog spectrum to productive use. As a Nation, we have benefited from these broadcasts through weather alerts, political debates and coverage of the first Moon walk.

With the advent of high definition technologies, the broadcasters need access to a new spectrum, the digital spectrum. Again, the broadcasters will invest billions of dollars to deliver free TV over these frequencies. Individual stations will also have to convert at a cost of up to $20 million each.

Now, obviously, this is a huge cost, particularly for most broadcasters in small- and medium-sized markets like many in my home State of Florida, where they have assets under $10 million. However, there are many who want broadcasters to give up the old analog spectrum, spend billions of dollars on new equipment to convert to digital TV, and then continue to deliver free TV and pay for the digital spectrum all together. Well, it cannot be done.

Mr. Speaker, heaping auction costs on top of this transition cost will make it virtually impossible for many local broadcasters to provide free, over-the-air programming in the digitized world. It does not take a genius to figure out that if enough broadcasters are forced out of these auctions by these costs, consumers will have fewer choices in their viewing options.

Mr. Speaker, I do not agree with those advocating the up-front auction of the digital spectrum loaned to broadcasters. These advocates should look at this issue in the proper context. In the 1980's, the government and broadcasters developed an understanding to develop and promote high definition television over digital transmissions. The Federal Communications Commission, with the endorsement of Congress, agreed to provide broadcasters an additional 6 megahertz of spectrum. This added 6 megahertz of spectrum is necessary to assure that the old analog transmissions, current over-the-air TV, is not disrupted in the transition to digital transmission.

This does not mean that I support a government giveaway to the media. We can still, Mr. Speaker, generate government revenue from this exchange, and let me explain.

Once the transition from analog to digital is completed, we can then auction off the analog spectrum for cellular and other transmissions. In addition, the government may charge broadcasters a fee if they provide ancillary service such as paging or faxing in the new digital spectrum.

Last week William Safire, a leading columnist, called this exchange a sweet payoff to broadcasters and compared it with the prospect of, ''giving Yellowstone National Park to the timber companies.'' Mr. Speaker, I wish to offer a different analogy this afternoon: The Homestead Act of 1862.

Mr. Speaker, through this act, the Federal Government parceled out billions of acres of what it considered worthless western land. Now a settler received a 160-acre plot of land and the government got a pledge that the land would be cultivated and put to productive use. What was then considered the ''great American desert'' is now among the most valuable land in the world.

My position is that a rational approach providing a win-win situation for all should be involved. The government wins because its coffers will be filled with analog action proceeds and fees from supplemental digital services. Those who care about free, over-the-air broadcasting win because television will not be interrupted in the transition from analog to digital. Broadcasters win because they will remain competitive in the new information age. But above all, consumers win with continued free access to news and information and more competition among information and entertainment providers.

The up-front auction of the digital spectrum could be a roadblock to the new era of communications. Combined with other technologies, digital TV will yield a single box sitting in our living rooms; one device functioning as our TV, telephone, computer, modem, radio, and VCR. Mr. Speaker, let us not let misguided policies stand in the way of progress.

RECESS

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

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

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AFTER RECESS

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

PRAYER

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

O God, as You have brought us together from many backgrounds and diverse traditions, so we may strive to demonstrate a unity of spirit that reflects the solidarity You have given us at creation. We are grateful that we are blessed by our diversity and we learn from each other. We accept the challenge of celebrating our own heritage even as we celebrate the heritage of others. We thank You, gracious God, for our history as we pray that Your spirit will lead and guide us in the days ahead. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. HASTINGS]

come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida 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.

DEMOCRATS AND TAX CUTS

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

Mr. BARTLETT of Maryland. Mr. Speaker, when the Democrats on the other side make their arguments explaining why they oppose our tax cut package, I listen to them. It is not fun, but I do listen.

The problem is their arguments are extremely weak. The first argument is that most of the benefits go to the rich. My response to that argument is that they speak as if there is a pot of money that is distributed to people, that the Government divides up some amount of benefits and decides where the benefits go.

This is simply wrong. A tax cut simply means that the Government will take less. It will take less from upper income people. It will take less from lower income people. And let us please try to remember, it is their money to begin with; no one is giving them anything.

The second argument is that the tax credit should apply to the working poor who pay no income taxes but who do pay payroll and other taxes. But low-income workers already receive a subsidy for the payroll taxes through the EITC, and payroll taxes are for Medicare and Social Security anyway, for which they will also get a subsidy. So that is why their arguments simply do not add up.

LAKE TAHOE

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

Mr. GIBBONS. Mr. Speaker, Mark Twain once described Lake Tahoe as the fairest picture the whole Earth affords. But with an estimated 30 percent of Lake Tahoe surrounding forests that are dead and dying and the lake losing a foot of clarity each year, many vital environmental changes must be made to ensure that we pass on to our children the same wonderful gift of nature in the same pristine fashion as which we once found it.

A very important first step in this battle was taken when the President hosted the Lake Tahoe environmental summit this weekend. As a result of these meetings, $48 million in Federal funds were committed to the Lake Tahoe Basin for cleanup and conservation efforts. But most important, the majority of these dollars will be made available to the people of Lake Tahoe and not to a Federal bureaucratic agency.

Mr. Speaker, the agreement reached at Lake Tahoe is a shining example that the concerns of environmentalists and private property owners are not mutually exclusive. I applaud all those involved in this weekend's activities.

CHILDREN'S HEALTH CARE

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

Mrs. MORELLA. Mr. Speaker, as budget negotiators work to finalize the details of our historic agreement, we must make bolstering children's health coverage for low-income children a top priority. It is unconscionable that the most developed country in the world has 10 million uninsured children, including 167,000 in my State of Maryland.

I strongly urge my conference committee colleagues to adopt the Senate bill's provisions which contain an additional $24 billion for children's health and the guarantee that the funds cannot be used for other purposes. We must also insist on a meaningful benefits package, including vision and hearing coverage. It is about time we used an increased tobacco tax to fund children's health insurance. Smoking dramatically affects children's health and drains our health care system. Raising cigarette taxes is one of the best ways to keep children from smoking, which translates into fewer deaths later in life from smoking-related illnesses.

Mr. Speaker, 90 percent of uninsured children have working parents, and oftentimes these parents must choose between paying rent or buying private insurance or quitting their jobs to qualify for Medicaid. Let us seize this opportunity.

POLITICIZATION OF THE JUDICIARY

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

Mr. DUNCAN. Mr. Speaker, before coming to Congress I spent 7½ years as a circuit court judge in Tennessee. I tried the felony criminal cases, the murders, the rapes, the armed robberies, burglaries, drug cases, the attempted murder of James Earl Ray, many serious cases.

I have several years of experience with our criminal justice system. Yet never have I seen such a partisan political use of our legal system as is presently going on.

The worst is the action being taken against the gentleman from Indiana [Mr. BURTON], the chairman. His committee subpoenaed records from the Justice Department on July 8. Then his campaign records were subpoenaed just 3 days later. Blatant political retribution just because he was trying to do his job.

The Justice Department should not be used as a tool for partisan political purposes. Attorney General Reno should be embarrassed by this politicization of her department, and she should not allow to it proceed any further.

The White House enemies list from many years ago was just talk and did not come close to the partisan political use of our legal system that is being done against the gentleman from Indiana [Mr. BURTON] today, or, I might add, the political IRS audits of the Heritage Foundation and 11 other conservative think tanks while no similar action is being taken against liberal think tanks.

FOUR YEARS' DIFFERENCE

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

Mr. GUTKNECHT. Mr. Speaker, what a difference 4 years can make. Four years ago, with the other team in charge, they were about to vote on the largest tax increase in American history, while the other problems of welfare and Medicare reform were being ignored. The Congressional Budget Office was projecting $200 billion deficits as far as the eye could see. As we speak, negotiators are putting the finishing touches on a plan that will guarantee the first balanced budget in a generation and the first tax relief for working families in more than 16 years.

We have reformed welfare, and 1.3 million families are on payrolls rather than on the welfare rolls. Medicare is being saved. Mr. Speaker, what a difference 4 years have made.

MEDICARE

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

Mr. STEARNS. Mr. Speaker, I call all my colleagues' attention to the Medicare spending graph I have here. In 1995, this is what the President said. He said the plan of the Republicans was excessive, and he vetoed our bill because of these excessive cuts.

Now in 1997, he says, this budget over here keeps our fundamentals intact, protects Medicare for our parents, preserves and protects the program. Notice that this program is less spending than the one he vetoed in 1995. Let us review, Mr. Speaker. He vetoed a welfare bill three times, calling it extreme; yet he signed the identical welfare bill and tries to take credit. Then he goes on and talks about this Medicare program, this one with less spending, and says it protects our seniors whereas this one, which he vetoed, says it is extreme.

Now he goes on to say, our tax cuts are excessive and will blow a hole in the deficit. Mr. Speaker, I think the President has credibility problems. Let us remember this history in this budget debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken at a later time.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1855) to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries, as amended.

The Clerk read as follows:

H.R. 1855

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

SECTION 1. MORATORIUM.

(a) IN GENERAL.—Notwithstanding any provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), no large fishing vessel may engage in fishing for Atlantic herring or Atlantic mackerel within the United States exclusive economic zone until—

(1) the National Marine Fisheries Service has completed a new population survey into the abundance of the discrete spawning stocks of Atlantic herring and Atlantic mackerel; and

(2) the Secretary of Commerce has approved and implemented fishery management plans developed by the appropriate regional fishery management council for Atlantic herring and Atlantic mackerel, which specifically allow large fishing vessels to participate in those fisheries.

(b) LARGE FISHING VESSEL DEFINED.—In this section, the term ''large fishing vessel''—

(1) except as provided in paragraph (2), means a fishing vessel (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) of the United States that is equal to or greater than 165 feet in length overall and has an engine of more than 3,000 horsepower; and

(2) does not include such a vessel that engages only in processing fish harvested by fishing vessels of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. Let me just begin my very brief remarks by thanking the gentleman from Hawaii for his ardent and helpful effort with regard to moving this bill swiftly through the committee and bringing it here to the floor. The gentleman from Hawaii [Mr. ABERCROMBIE] and I have worked very closely together and I want to express my deep appreciation to him at this point.

Mr. Speaker, I rise in strong support, obviously, of H.R. 1855, a simple and straightforward measure that will place a moratorium on large fishing vessels in the Atlantic mackerel and herring fisheries.

Why is congressional intervention and management of these two species needed? Well, herring and mackerel are the two fisheries on the east coast that have not been fished to death yet. Mackerel, the mackerel world market and the prices have increased substantially because the eastern European countries can no longer depend on Government support and because the demand for mackerel and herring in those societies has grown to an unprecedented level.

This has created an economic reason to fish on these two species and it has created therefore new fishing pressure.

Herring has just recently recovered from being badly overfished. This recovery caused serious pain among the New England fishermen who had to find an alternative source of fish in order for them to survive. They increasingly turned to cod and haddock at Georges Bank, which has since been overfished and that fish stock has now crashed. Now herring is being targeted once again.

Now it looks as though the Atlantic herring and mackerel fisheries are faced with a new disastrous threat. Large fishing vessels are poised to enter these fisheries. High prices and the apparent abundance of these species has attracted the attention of fishermen and businessmen throughout the world who have responded by investing in large fishing vessels to harvest this American resource for sale overseas because there is no market here. The market is overseas.

The capacity of each of these vessels exceeds 50 metric tons per year. That is a large fishing vessel, to say the least. One such vessel plans to begin harvesting this fall. It is therefore imperative that we establish safeguards to prevent another fishing disaster like those suffered by redfish, shark, striped bass, as well as cod and haddock, which I mentioned before.

There are a number of things that we need to point out. Fact No. 1, we do not know with any certainty how many fish, that is, mackerel and herring, there are. The National Marine Fisheries Service, which we know as NMFS, has not done a stock assessment specifically on herring and mackerel stocks. The only information we have on these species is from a complex large pelagic survey that was done and incidentally, just incidentally, mentions herring and mackerel. Therefore, fact No. 1 is that we do not know how many fish there are.

Fact No. 2, the moratorium is temporary in nature but it is also an emergency measure. The moratorium on large fishing vessels will only last as long as it takes the National Marine Fisheries Service to do a separate stock assessment on herring and mackerel to find out how many fish there are, two tremendously important east coast fisheries. Imagine that, knowing how many fish there are before we begin to take them in large numbers.

☐ 1415

So fact No. 2, we need to do stock assessments before additional fishing pressure is brought to bear on these species.

Fact No. 3, the councils that care for these fisheries or regulate these fisheries are moving quickly to preserve them as well, but they need more time. The mid-Atlantic and New England fisheries management councils have passed resolutions and motions to protect these fisheries from overharvest. The councils need the time to react to what could be a sudden unsustainable increase in the harvest. This bill gives them the time to develop fishery management plans which do not exist at this time.

Fact No. 4, the National Marine Fisheries Service has guessed that the mackerel fishery can sustain only about 150,000 metric tons of annual harvest. Three of these large vessels, which are poised to enter this fishery, could easily meet and possibly exceed this harvest within a single year. It is not clear that the resource can withstand this fishing effort and remain healthy and viable. Therefore, we need to take care of the management plan before this fishing pressure starts.

The National Marine Fisheries Service seems content to wait until the stocks crash before taking action to protect these fisheries. That is why we need this moratorium. As someone who has witnessed the pain and suffering experienced by fishermen from New England, I do not believe that we should fish now and pay later. We must end this cycle of destroying our resources without knowing how much fishing pressure they can endure. Help to conserve the Atlantic herring and mackerel stocks by voting ''yes'' on this bill, H.R. 1855.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, before I begin, I would like to thank the gentleman from New Jersey [Mr. SAXTON] for his kind remarks. I would like, in addition, to cite the work of the staff with regard to this and other bills, Mr. Speaker. It is outstanding work always.

Mr. Speaker, the remarks of the gentleman from New Jersey are such that I think they make a compelling case in and of themselves. I would like not to reiterate them but to amplify them somewhat.

The temporary moratorium on the entry of large fishing vessels into these two fisheries will provide the East

Coast councils the opportunity they need to develop management plans to protect the resources without the threat of overcapitalization. I think that the gentleman from New Jersey has made a clear and compelling case in that regard.

Too many fisheries in the United States are already overcapitalized, and seasons that used to last for months are now over in days. In New England, coastal communities have been devastated by the crash of cod and haddock stocks. Mackerel and herring will be the only healthy fisheries if they can survive the next several years, but not if those stocks are suddenly being harvested by an influx of large vessels. Four or five of these boats could eliminate the opportunities for fishermen that have little else to depend upon.

It is time that we learn from the mistakes of the past and encourage the proactive approach by the councils to the problems of overcapitalization. This bill does that by giving the councils the time to do their job. It will be good for the fishing industry and the fish, and I urge Members to support the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me this time, I thank the gentleman from New Jersey [Mr. SAXTON] for his leadership on this issue, and I thank both of them on behalf of fishermen all throughout the State of Maine.

Mr. Speaker, I rise today as an original cosponsor of H.R. 1855. This bill establishes a moratorium on the introduction of large fishing vessels into the Atlantic Coast herring and mackerel fisheries until comprehensive studies are conducted on the health of the spawning stocks.

Several initiatives financed by foreign countries have surfaced which focus on the use of very large offshore factory trawlers on the Atlantic Coast to catch and process large quantities of mackerel and herring. This is of great concern to local fishermen in Maine, Massachusetts, Rhode Island, and New Jersey who are working to develop these fisheries locally.

We are all aware of the devastating effect overfishing has had on our ecosystem. European stocks have been severely overfished, accounting for world interest in U.S. stocks. While our stocks are considered to be strong, stocks of mackerel and herring, many in the industry do not believe they are robust enough to withstand the take of large factory trawlers. There is no Federal fishery management plan for herring and the scientific information on the abundance of both species is questionable.

Mr. Speaker, we simply cannot repeat the mistakes of the past by overfishing and overcapitalizing our marine resources. This is responsible legislation and I urge its passage.

Mr. ABERCROMBIE. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I want to extend my gratitude to the chairman of the subcommittee, who has really provided some leadership in this matter that concerns us all here.

More than 20 years ago my predecessor, Gerry Studds, in this Chamber helped enact landmark legislation to ensure that foreign fleets would no longer be allowed to deplete fish stocks off our coasts. Well, here we go once more. Unless we vote today to approve H.R. 1855, factory trawlers will return and will bring with them an updated high-tech version of overfishing aimed at two of the few healthy stocks we still have left, Atlantic herring and mackerel.

As the House deliberates today, at least one displaced factory trawler is being retrofitted in Norway in preparation to set sail for the waters off the New England coast. This one vessel alone is capable of harvesting 50,000 metric tons of mackerel in 1 year, one-third of the maximum sustainable yield for the whole Atlantic coast, not to mention the likely impact of bycatch on haddock and scores of other marine species.

We just do not know enough about the population dynamics of herring and mackerel to risk placing such enormous new pressures on these species, species on which the industry, marine mammals, coastal communities and the entire coastal ecosystem depend. Without this bill, we stand to repeat the mistakes of the past.

In the late 1960's and 1970's, large Russian and Polish vessels plied our shores and threatened to decimate our fishing industry and our stocks. It took the passage of the Magnuson Act to push them from our waters, leaving what we thought was plenty of fish to go around.

Meanwhile, however, we allowed our own industry to expand. Soon it was vastly overcapitalized, putting renewed pressures on groundfish. We are all too aware of the consequences.

Yet less than a year after reauthorizing the Magnuson Act, we are watching factory trawler vessels again prepare to invade our fisheries. New England fishermen, stressed by declining stocks, higher prices and a shortened season, face bleak times as we await the slow process of rebuilding groundfish stocks.

Already, we have too many boats chasing too few fish and far too many vessels that will never again go to sea at all. Without this bill, local fleets trying to diversify their interests will be rewarded only by drastic levels of new competition that will remain with us forever.

For the sake of both fish and the fishermen, it is my own hope that the Fisheries Council will develop and implement management plans that make further congressional action unnecessary. I strongly support H.R. 1855 because it encourages the council to complete this important work and because it shows that we can learn from our mistakes.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I want to thank the ranking member for yielding me this time, and also the chairman, who was kind enough to carry through on his pledge made to me during the subcommittee hearings in addressing my concerns with the unintended loopholes that were originally in the legislation.

Mr. Speaker, before I comment on the present status of the issue, or even the future, I feel it is important to take a look back at the recent history of the fishing history in the United States, specifically in the New England area.

It was barely 20 years ago that we faced the decimation of fishing stocks because of overfishing. We face the prospect of repeating that mistake. This time, however, the threat could be much larger.

While I respect my colleagues from the west coast who might oppose this legislation, it is, in fact, the very current condition of the North Pacific Pollock Fishery, located off the west coast, that leads me to be concerned about the havoc these trawlers could wreak on the herring and mackerel fisheries found in the Atlantic.

Mr. Speaker, we are trying to ensure the viability of our fishing industry in the Northeast by preventing the factory trawlers from overfishing the waters at the expense of fishermen whose very livelihoods depend on a well-plenished fishery. While the herring and mackerel stock are currently thriving, my concern is shared with the gentleman from Massachusetts [Mr. DELAHUNT] that by allowing these factory trawlers in the area, we will place the smaller fishing boats at risk once again. And these are, in fact, the same sized fishing boats that suffered the blunt of the depleted stocks that occurred in the 1970's.

Once these factory boats are in our waters, it would be extremely difficult to control the size and scope of their catch. Our fishing industry will never survive if we make that mistake.

Protecting the natural resource is intelligent public policy, whether we are talking about the industry's interest or the public interest or the interest of the conservation community. I support this moratorium to allow the National Marine Fisheries Service and the Department of Commerce time to complete the requirements as outlined in the bill.

Mr. Speaker, many of my constituents up in Gloucester, as well as other areas of my district, are extremely concerned about this issue. In fact, I know many of these people who have worked tirelessly on the issue and support this bill are now watching the debate at this very moment. I join them

in pressing for the necessary protection to continue the fishing tradition that has been passed down from family to family, from generation to generation. It is my hope that we will not inherit from a previous generation the problem of depleting these much-needed resources.

Again, I thank the ranking member and the chairman for providing me a chance to have input in this process.

Mr. ABERCROMBIE. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Hawaii [Mr. ABERCROMBIE] has 10 minutes remaining and the gentleman from New Jersey [Mr. SAXTON] has 14 minutes remaining.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

□ 1430

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1855. As a cosponsor of this legislation, I know that it is going to establish a moratorium on entry of large fishing vessels in the Atlantic for herring and mackerel fisheries.

Herring have provided a living for Mainers for well over 100 years. From sardines and exports to lobster bait, the fishery continues to play a prominent role in the economies of coastal communities. Estimates and anecdotes suggest that a large herring fishery exists, but the resource is poorly understood.

The National Marine Fisheries Service has not yet done a stock assessment. While the resource appears to have potential, it is of grave concern to most of the maritime community that there is no fishery management plans in place and that there is no way to ensure that the harvest is conducted at a sustainable rate.

The absence of sound science clearly impacts the ability of the councils to develop or amend the appropriate fishery management plans. It is clear that the councils are moving in that direction. I believe that it is essential to develop the research that will serve as the foundations for sound plans. This bill does just that. It calls for the science to be conducted. It gives the councils the breathing room necessary to develop solid plans.

What makes congressional action necessary is the prospect that fishing efforts for the two species may rapidly overdevelop and include very large freezer trawlers. This troubling scenario is compounded by the very real possibility that this could all occur before comprehensive plans are in place.

I would add that the moratorium would be temporary. It would remain in place until the completion of population survey and the approval of management plans. I urge my colleagues to support H.R. 1855.

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

Mr. SAXTON. Mr. Speaker, yielding myself such time as I may consume, as has been stated here with regard to the species in question, there is a significant population of herring and mackerel, and we believe that it is important that we maintain a balance within the ocean ecosystem and that this species should be protected from overharvesting.

We do not want, in other words, history to repeat itself, as it did with the shark population, when the National Marine Fishery Service, in the 1980's, declared it an underutilized species. The species was fished on with very, very heavy fishing pressure. And by 1993, the National Marine Fisheries Service had to declare the shark fishery an endangered fishery.

As with regard to other historical precedents, red fish in the Gulf of Mexico, in 1980 it was declared an underutilized species, and by 1986, with the taking of more than 10 million tons a year, the species became overutilized, overfished, and endangered.

Another example is with regard to an international problem with regard to the Atlantic blue fin tuna. During the 1970's, blue fin were abundant all over the north Atlantic and the south Atlantic, as well. Today, the blue fin population, because of overfishing, is just 13 percent of what it was back in those years.

So, in order to avoid this occurrence with regard to herring and mackerel, I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is will the House suspend the rules and pass the bill, H.R. 1855, as amended.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 123. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 33. Concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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.

The Clerk read as follows:

S. 430

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

SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the ''New Mexico Statehood and Enabling Act Amendments of 1997''.

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking ''the income therefrom only to be used'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used'';

(2) in section 9, by striking ''the interest of which only shall be expended'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended''; and

(3) in the first paragraph of section 10, by adding at the end the following: ''The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico.''.

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled ''A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State's permanent funds against inflation by limiting distributions to a percentage of each fund's market value and by modifying certain investment restrictions to allow optimal diversification of investments'', approved by the voters of the State of New Mexico on November 5, 1996.

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

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, S. 430 is identical to H.R. 1051, a bill introduced by my colleague, the gentleman from New Mexico [Mr. SKEEN]. S. 430 is a result of very hard work by the gentleman from New Mexico [Mr. SKEEN] and the entire New Mexico delegation and has no opposition from the Administration. Furthermore, this bill is very beneficial to citizens of New Mexico.

I would also like to commend my other colleague, the gentleman from New Mexico [Mr. SCHIFF], who has added his support to the bill. S. 430 would amend the New Mexico Enabling Act of June 20, 1910, in order to protect the permanent trust funds of the State of New Mexico from erosion due to inflation by modifying the basis on which distributions are made from those funds and by loosening the current investment restrictions. The modifications include changing the payout to a fixed percentage of the fund, thereby allowing a portion of the interest and dividend income received to be reinvested. This bill would also loosen investment restrictions and allow broader investments options and opportunities.

Mr. Speaker, this bill has already been overwhelmingly endorsed by the voters of New Mexico, has been passed by the Senate, and I urge my colleagues to support S. 430.

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

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

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

Mr. Speaker, S. 430 is an important housekeeping measure that amends the act of June 20, 1910, which provided statehood to the territory of New Mexico. The bill changes the manner in which State permanent funds are invested and also changes the distribution formula for fund revenues.

Mr. Speaker, the voters of New Mexico approved these changes to the New Mexico State Constitution in 1996 in an effort to maximize the returns of the funds, which are used for education and the care of the poor and needy in the State of New Mexico. Since the revenues in the two New Mexico funds are derived from activities that occur on former Federal lands granted to the State under the Enabling Act of 1910, it is necessary to obtain the consent of Congress before the State's constitutional amendments can be implemented.

The Subcommittee on National Parks and Public Lands held a hearing on H.R. 1051, the House companion bill to S. 430, on June 17, 1997. The legislation is supported by the entire New Mexico congressional delegation. The administration has no objection to the measure, and I am not aware of any controversy associated with this bill. I support S. 430 and recommend that the House approve this proposed legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN], the author of the House bill, who has worked untiringly to bring this bill to the floor, and my gratitude to the gentleman from New Mexico [Mr. SKEEN] for the hard work that he has pursued on this measure.

Mr. SKEEN. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON] for yielding me the time. Also, I want to thank majority and minority groups for the rapidity with which they have responded to an emergency situation insofar as this kind of enabling act is concerned. I want to express the greatest appreciation to the majority and minority leadership for their help in expediting the consideration, and I also want to express my sincere thanks to the leadership of the House of Representatives committee and their staffs.

Members on both sides of the aisle have gone out of their way to help New Mexico, and I want to express our greatest appreciation to all of them for doing this in a timely fashion. I am not going to spend a lot of time on this because I think the responses from the two gentleman that are handling the bill today indicates the nature and why it is here before us.

And once again, I will say it over and over again, this proves that this body can move rapidly to a situation and with much appreciation for the rapidity in which they have done this because it was becoming an emergency kind of situation for New Mexico.

Thanks once again to the entire body and members of the staff and those folks who support this bill.

Mr. Speaker, I am here today to support passage of S. 430, a bill amending the New Mexico Statehood and Enabling Act of 1910. The entire New Mexico delegation supports this legislation as well as Gov. Gary Johnson and the State legislature.

I do want to express our State's greatest appreciation to the majority and minority leadership for their help in expediting the consideration of the legislation. I also want to express my sincere thanks to the leadership of the House Resources Committee and their staffs.

Members on both sides of the aisle have gone out of their way to help New Mexico and I want to express our appreciation.

This legislation is identical to H.R. 1051 which was cosponsored by Representative STEVE SCHIFF and Representative BILL REDMOND. The Parks and Public Lands Subcommittee of the House Resources Committee held a hearing on the legislation June 17. There is no opposition to the legislation and the administration has no objection to the legislation. S. 430 passed the Senate on May 22, 1997.

Basically the issue behind this legislation involves the manner in which the State of New Mexico invests its money and how it then disperses the funds to our public schools, higher education, State hospitals, the School for the Visually Handicapped, the School for the Deaf, and others. The Enabling Act has governed the distribution of State investment funds and related activities since statehood. However as investment patterns changed it became apparent to New Mexico that the system no longer was keeping pace with modern investment strategies. Following an intensive review the issue was placed before the voters last year as an amendment to the New Mexico Constitution. The amendment passed by a 2 to 1 margin. All this legislation does is amend the New Mexico Statehood and Enabling Act so it is in conformity with this new change in the New Mexico Constitution.

In 1957 Congress amended the Enabling Act to allow State permanent fund investments in corporate stocks for the first time. However, that amendment made no provision regarding how distributions were to be made from investment returns from the stock. So in fact it was ruled that only dividends from stocks could be distributed which has the effect that no significant investments were made in stocks. The real impact meant that investments were in fact basically limited to investments that were income based.

Mr. Speaker, New Mexico's budget year begins on July 1. Passage of this legislation now will allow the State to disburse last year's earnings for the benefit of meeting the educational needs of the State's children. It is important that the New Mexico permanent fund be managed in a modern and effective manner. These changes will allow that to happen and further it will allow the State to preserve the two permanent funds the State maintains for future generations. In closing I once again want to thank everyone involved in helping New Mexico gain passage of this important legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I too certainly would like to commend the gentleman from New Mexico [Mr. SKEEN] as the chief sponsor of this piece of this legislation. I am sure that on a bipartisan basis we are able to work very well in getting this piece of legislation through this Chamber. I thank the gentleman for being here and for the comity on the work that both subcommittee members have tried earnestly to get this legislation through.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I am in support of the bill at hand, but I really got up because I would like to speak on H.R. 1855, which I know just passed. I am very pleased over the fact that it did. This is an important bill, H.R. 1855, that protects an important resource to fishermen in my district from overutilization and depletion.

I would like to just summarize by saying that H.R. 1855 serves to prohibit large fishing vessels from engaging in the harvest of Atlantic herring and Atlantic mackerel within our EEZ waters. Mr. Speaker, these large vessels should be temporarily restricted from the Atlantic herring and Atlantic mackerel fishery until accurate information has been collected. To date, no ship of this size has fished this vulnerable fishery.

I must inform this Chamber that I am not concerned as to whether NMFS has declared these stocks to be fully utilized or even underutilized. These vessels have the potential of making any fishery overutilized in a short period of time. Large fishing trawlers are highly efficient and can catch five to six times more than any vessel currently registered with NMFS on the Atlantic coast. Furthermore, the processing capacity of large vessels is so great that they can fill quotas. As a result, these ships will compromise the

Atlantic herring and the Atlantic mackerel fishing seasons.

As members of our committee are aware, stock quotas are spread over a number of ships and are not meant to be filled by a small percentage of ships. My fear is that a large, highly efficient ship could close a fishery and reduce its stock simply because of the number of fish it can catch. I am concerned with NMFS's ability to react if overutilization occurs and this fishery needs to be shut down. If we allow a ship of this size into a forage fishery and we are mistaken as to the size of the stock, we will have a problem. And I would prefer that we err on the side of conservation, not exploitation.

In the past, we have encouraged highly efficient gears to fish underutilized stocks. I do not want to get into examples. But I have to say that in the 1980's we encouraged the fishing gears to redirect efforts toward the shark species. At the time, sharks were considered to be underutilized. Since then, we have witnessed a drop in various shark species as a result of this redirected effort.

Mr. Speaker, we should learn from that mistake and be cautious of redirecting any highly efficient gear. I want to say, Mr. Speaker, that a vote in favor of H.R. 1855 is a vote for protecting one of our Nation's largest public resource. We have the opportunity to save the fish stock not only for those fishermen who depend on this resource along the Atlantic coast, but for future generations of fishermen as well. That is why I strongly urge my colleagues to support and pass H.R. 1855.

I want to thank the gentleman from New Jersey [Mr. SAXTON] for all the work that he has done on this legislation.

I would also like to note that with the depleted state of the North Atlantic groundfish, and restrictions on other fisheries, certain New England fishermen have been forced into the mackerel and herring fishery. It is my belief that this highly efficient gear will most likely compromise their needs and whatever relief these fishermen have experienced through herring and mackerel fisheries.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers at this time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, we have no additional speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the Senate bill, S. 430.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING ACTS OF ILLEGAL AGGRESSION BY CANADIAN FISHERMEN WITH RESPECT TO PACIFIC SALMON FISHERY

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 124), expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 124

Whereas Pacific salmon migrate across international boundaries, allowing United States salmon stocks and Canadian salmon stocks to intermingle as they travel through the waters of the North Pacific Ocean;

Whereas after many years of negotiations, in 1985 the United States and Canada signed the Pacific Salmon Treaty based on a primary principle of conservation and a secondary principle of equity;

Whereas the United States and Canada formed the Pacific Salmon Commission to implement the Pacific Salmon Treaty;

Whereas the Pacific Salmon Commission does not regulate the Pacific salmon fishery, but provides regulatory advice and recommendations to the United States and Canada;

Whereas since the signing of the Pacific Salmon Treaty, the United States and Canada have not agreed on the definition of ''equity'' for purposes of the principle of equity underlying the Treaty, and this disagreement has created a rift between the 2 governments and the regional stakeholders of the Pacific salmon fishery;

Whereas Pacific salmon fishery regulatory regimes have not been in place since 1994 because of a lack of agreement;

Whereas an illegal fee in violation of international agreements was assessed on the United States fishermen traveling to Alaska, and neither the United States Government nor United States fishermen have been reimbursed for that fee;

Whereas since 1994, the United States and Canada have used special negotiators, a mediation process, and the current stakeholders process to attempt to resolve past disputes and negotiate annual and long-term Pacific salmon fishery regimes;

Whereas the good faith efforts of the United States in attempting to resolve differences under the Pacific Salmon Treaty have not been matched, as demonstrated in particular by the rejection of continued attempts by the United States to reach agreement and the withdrawal from negotiations in June 1997 when an agreement seemed imminent;

Whereas Canadian fishermen have been frustrated with their own government's effort to resolve the Pacific Salmon Treaty disputes and have used the harassment of United States citizens as a way to get attention;

Whereas Canadian fishermen, in protest over the lack of an agreement regarding various issues under the Pacific Salmon Treaty, recently undertook acts of illegal aggression against United States citizens by blocking the passage of a United States vessel, and there was a failure to act quickly to end those acts; and

Whereas those acts and that failure should be condemned: Now, therefore, be it

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

(1) the recent acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery and the slow response to those acts should be condemned;

(2) the President should immediately take steps to protect the interests of the United States with respect to the Pacific salmon fishery and should not tolerate threats to those interests;

(3) the President should use all necessary and appropriate means to prevent any further illegal or harassing actions against the United States or its fishermen with respect to the Pacific salmon fishery; and

(4) negotiations with the stakeholders with respect to the Pacific salmon fishery should resume in good faith in the fall following the 1997 fishing season.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

□ 1445

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

Mr. Speaker, House Concurrent Resolution 124 is introduced in response to illegal actions taken by Canadian fishermen on the weekend of July 19, 1997. Two hundred and fifty Canadian fishermen illegally blockaded an Alaskan ferryboat leaving from Prince Rupert, British Columbia. By taking these actions, Canada has escalated the Pacific salmon treaty negotiations beyond the scope of the treaty.

The gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, has referred to the blockade as goon squad tactics. While I do not go quite that far, I find the blockade very unfortunate and very disruptive to negotiations, negotiations which are extremely important to another species, several species actually, of the Northwest salmon population.

House Concurrent Resolution 124 asks the President to use all necessary and appropriate means to compel the Government of Canada to prevent any further illegal actions. In addition, the resolution urges Canada to return to the negotiations this fall after the fishing season has ended. I would also like to urge Canada to return to the negotiations without further incidents.

Mr. Speaker, this is an extremely important matter. It affects the livelihood and the lives of American citizens, many of whom live in the State of Alaska. It is also important because this House, along with the other House and our Government, and I am sure the Canadian Government as well, would like to take appropriate and necessary steps to provide for the rebuilding of salmon stock in the Northwest. This incident that occurred just a few days ago stands in the way of that process. We believe that it should be brought to a hasty end.

Mr. Speaker, House Concurrent Resolution 124 was originally referred to the Committee on Resources and the Committee on International Relations. The version we are taking up today under the suspension of the rules has been

modified to address concerns raised by the Committee on International Relations and is now referred solely to the Committee on Resources. I urge my colleagues to support this timely and much needed resolution.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, the gentleman from New Jersey [Mr. SAXTON] has referred to the gentleman from Alaska [Mr. YOUNG], our great chairman, and in the context of his remarks quoted one or two of them from the gentleman from Alaska.

Mr. Speaker, I am sure it is known that the gentleman from Alaska [Mr. YOUNG] has a well-deserved reputation for being blunt and direct. It remains for the gentleman from New Jersey [Mr. SAXTON] and myself to take up the diplomatic mantle with respect to our committee and those elements expressed to us by the Committee on International Relations.

May I say in any context, Mr. Speaker, that the Canadian Government is indeed fortunate that the gentleman from Alaska [Mr. YOUNG] is in the process of recuperating and recovering from a recent operation, and I am sure all Members join with me in wishing the gentleman from Alaska a speedy recovery and a quick return to us here in the Congress. We need his leadership. We need his dynamism here.

In this particular instance, Mr. Speaker, the long-running debate over the Pacific salmon treaty has been contentious without a doubt. But both the United States and Canada share responsibility for the continuing impasse. As such, the recent blockade of an Alaskan ferryboat, as referred to by the gentleman from New Jersey [Mr. SAXTON], by Canadian fishermen was not only illegal, it was counterproductive to the ongoing negotiations.

This resolution condemns the actions of the Canadians, but, more importantly, it urges them to return to the bargaining table that they abandoned this past June. Proper conservation and management of the Pacific salmon is more important to both the United States and Canada than confrontation. We cannot reach a meaningful agreement unless both sides are willing to come to the table and negotiate in good faith.

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

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

Mr. Speaker, I would just like to close by saying that on the domestic side in the United States and on the Canadian side in Canada, it is extremely important that we reach agreement internally in this country as well as in Canada and between our two countries on a plan that will reverse the decline in the population of the Northwest Pacific salmon. We are working diligently with Members from four northwestern States to try to arrive at an American plan. We are working with the gentleman from Alaska [Mr. YOUNG] because a very important part of the salmon stock comes from Alaska. And we are hopeful that the folks in British Columbia will be able to put in place a conservation plan for that part of the stock.

But it goes without saying that unless we have not only domestic cooperation, and, incidentally, we have tentatively scheduled a hearing in Idaho on this very matter during the break, during the August break for, I believe, the 15th of the month, and so we are diligently doing what we can to try to reverse the population decline of this species.

I personally appeal to the Canadian Government and to others who may be aware of our discussions here today to move as rapidly as we possibly can on an international basis to bring this very important conservation matter to a conclusion. We care about American fishermen, we care about Canadian fishermen, and we care about the salmon stock very much. That is why we are moving so diligently to try to accomplish the goals outlined here today.

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

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

Mr. Speaker, I would say only in conclusion that the gentleman from Alaska [Mr. YOUNG] is a man of resolute purpose, and so I advise both Governments that they should take this opportunity to come to a quick conclusion. Otherwise, I think when the gentleman from Alaska gets back, he will be happy to volunteer to solve the whole problem all by himself.

The remarks of the gentleman from New Jersey [Mr. SAXTON] are well-taken, Mr. Speaker, and I trust that both Governments will take this opportunity, particularly over the break that we have coming, and bring the issue to a conclusion.

Mr. DICKS. Mr. Speaker, I rise in strong support of the resolution being presented by the gentleman from Alaska.

This resolution is necessary because of an unfortunate and unacceptable situation that took place 2 weeks ago, when certain Canadian fishermen took the law into their own hands through an act of aggression aimed at the United States commercial fishing industry, allegedly in retaliation and frustration over the lack of progress in the renegotiation of the United States-Canada Pacific Salmon Treaty.

Specifically, 2 weeks ago in Prince Rupert, British Columbia, more than 150 Canadian fishing vessels surrounded the Alaskan ferry *Malaspina*, forming a blockade and would not let the ferry leave port for 3 days, stranding 300 innocent passengers, and disrupting a key transportation link on the Alaska Marine Highway. The fishermen conducting the illegal blockade of the ferry claimed that they were conducting the disruptive act of aggression to bring attention to their government because of their frustrations and claims that Alaska is overharvesting sockeye salmon headed for spawning waters in the Fraser River.

As outrageous as this act was by the Canadian fishermen, equally unacceptable was the slow response by the Canadian Government to enforce its own laws. Canada allowed this situation to go on for 3 days. Even after a Canadian Federal judge ordered the blockade ended, Royal Canadian Mounted Police took no immediate action to enforce the order and end the blockade.

Canada is our neighbor and valued ally. We respect her sovereignty, and we support a free trade relationship that benefits the long-term stability and growth of both our nations' economies. This is why I have been a strong supporter of the North American Free Trade Agreement [NAFTA]. My State borders Canada, and my State benefits from open access to Canadian markets. My State also has a significant fishing industry as a component of its economy, and this industry has been hard hit by a variety of unfortunate factors such as endangered species listings and El Nino conditions that have closed and reduced access to key fisheries. Many fishermen have gone out of business and the survivors are struggling.

Our fishermen recognize that the migratory patterns of salmon means that Canada, Alaska, and the Pacific Northwest States have a shared responsibility for the conservation and management of salmon populations moving through adjacent waters. Progress and completion of a new United States-Canada Treaty is the best insurance possible to provide stability for the commercial fishing industry on both sides of the border.

Our fishermen are frustrated as well. They want progress and they want results. But they have respected the rule of law, and have communicated their concerns through the administration and their elected officials. Canadian fishermen are going to have to do the same, and the Canadian Government is going to have to discourage future illegality by moving swiftly to enforce its own laws.

We encourage the President to join us in condemning the actions taken by Canadian fishermen 2 weeks ago, and urge the Canadian Government to condemn such acts as well.

I believe that Canada should be justifiably criticized for the deterioration of the present situation regarding progress on treaty negotiations. It was Canada that walked out on negotiations this past June, when the United States side was making significant moves toward a resolution. The only way that this situation is going to be resolved is if everyone stays at the table.

Our side is working to make progress and I urge the Canadians to work to do the same. Regarding the southern issues involved in the Pacific Salmon Treaty, the last United States proposal on coho, built on detailed scientific analysis, would have provided for sound conservation and rebuilding of the depleted coho stocks by reducing the harvest rate by approximately 50 percent. It would also have provided a west coast Vancouver Island coho troll fishery approximately three times as large as the United States fishery, and would have enabled Canada to intercept approximately 30 percent more United States-origin coho than U.S. fishers take in Washington and Oregon.

In contrast, State Department negotiators indicate that the proposal that Canada put on the table failed to meet even the minimum requirements necessary to conserve coho.

Regarding sockeye, the last proposal put on the table by the United States would have assured Canada received more than 80 percent of the Fraser River sockeye harvest. To accomplish this, the United States negotiators proposed a major restructuring of the sockeye fleet to reduce the nontreaty commercial fishery by 40 percent. This would have led to significant sacrifice on the United States side, but Canada would not recognize this and accept the proposal, and instead pushed for an even greater reduction.

The point is that our side has been trying and is continuing to push for an overall renegotiation of the treaty that benefits both nations. I believe that Mary Beth West, the lead U.S. negotiator on the treaty, is working in good faith to reach an expeditious resolution to the major sticking points in the negotiations. Recently, she appointed former EPA Director and Washington resident William Ruckelshaus, to serve as a mediator to help get the negotiations back on track.

We all want to see progress and a long-term resolution to problems associated with the extension of the United States-Canada Pacific Salmon Treaty. However, illegal acts and attempts at blackmail are not the way to make the situation better and to move us forward. The negotiations are complex, the underlying issues have enormous economic implications for the commercial and recreational fishing industry on both sides of the border. But we must deal with these matters and resolve tensions through good faith negotiations.

The Canadian fishermen were wrong to blockade the Alaskan ferry *Malaspina*, and the Canadian Government was wrong not to act to enforce laws against that illegal action.

I support this resolution condemning these events and urge Canada to return to good faith negotiations on the Pacific Salmon Treaty.

Mr. YOUNG of Alaska. Mr. Speaker, I have introduced House Concurrent Resolution 124 to respond to what I call goon squad tactics taken by Canadian fishermen on the weekend of July 19, 1997.

Canadian fishermen, frustrated with their Government's effort to resolve Pacific Salmon Treaty disputes, further escalated the salmon strife by illegally blockading the M/V *Malaspina*, an Alaskan ferry, in Prince Rupert, British Columbia. What I find most reprehensible, is the failure of the Canadian Government to enforce a court order to end the blockade. Innocent passengers were held hostage while the Government of Canada turned a blind eye.

This isn't the first time the Government of Canada has condoned illegal actions. In 1994, 258 United States fishermen were unfairly charged an illegal transit fee by the Canadian Government to transit from Washington to Alaska through the Inside Passage. U.S. fishermen have only two choices when traveling from Washington to Alaska. The safe route is through the Inside Passage, while the alternate is traveling in the treacherous waters of the Pacific Ocean. This illegal fee forced U.S. vessels to either risk their safety or be illegally fined.

In 3 years, the Canadian Government or its citizens have purposefully ignored and violated international law and harassed United States citizens. How many times are we supposed to put up with Canada's disregard for international law? House Concurrent Resolution 124 asks the President to use all necessary and appropriate means to compel the Government of Canada to prevent any further illegal actions.

Mr. Speaker, Canada's past actions are serious and I would hope that Congress and the administration can work together to develop and implement measures to help protect the interests of the United States with respect to the Pacific salmon fishery. The United States should not tolerate threats to those interests from the action or inaction of a foreign government or its citizens.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 124, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the legislation just considered, H.R. 1855, S. 430 and House Concurrent Resolution 124.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR SAFE KIDS BUCKLE UP CAR SEAT SAFETY CHECK

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 98) authorizing the use of the Capitol Grounds for the SAFE KIDS Buckle Up Car Seat Safety Check.

The Clerk read as follows:

H. CON. RES. 98

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

SECTION 1. USE OF CAPITOL GROUNDS.

The National SAFE KIDS Campaign (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the SAFE KIDS Buckle Up Car Seat Safety Check, on the Capitol grounds on August 27 and 28, 1997, or on such other dates as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, and may take such other actions, as may be required for the event authorized to be conducted under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Texas [Mr. LAMPSON] each will control 20 minutes.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 98, authorizing the use of the Capitol Grounds for the Safe Kids Car Seat Check on August 28, 1997. This event is sponsored by the National Safe Kids Campaign. This campaign will educate families about the importance of the proper installation and use of car seats for children. Parents will have the opportunity to have an expert inspect car seats for proper installation.

There is a nationwide effort to conduct these inspections. This campaign is a grassroots effort intended to deliver important safety messages through more than 200 Safe Kids Coalitions and other private service organizations nationwide. This event is open to the public and free of charge and will be arranged not to interfere with the needs of Congress under the conditions prescribed by the Architect of the Capitol and the Capitol Police Board.

I urge my colleagues to support this important resolution.

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

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

Mr. Speaker, I join the gentleman from California [Mr. KIM] and other members of the Committee on Transportation and Infrastructure in bipartisan support for House Concurrent Resolution 98, which would authorize use of the Capitol Grounds for the Safe Kids Buckle Up program. The event is scheduled for August 28 and is part of a national effort to assist parents in protecting young children from the leading cause of unintentional death of children, which is motor vehicle injury.

Each year, approximately 1,400 children die as motor vehicle passengers and more than 280,000 are seriously injured. I am deeply saddened to report that in my State of Texas, Mr. Speaker, 86 children age 8 and under died in motor vehicle crashes in 1995. Because

many of those children were completely unrestrained, many of those deaths could have been prevented.

This event will focus on proper installation of car seats and provide other important preventive tips to reduce injury and increase child safety. Educating our families is critical to protecting our children from becoming national statistics. It is a very worthwhile event. It deserves our support. Mr. Speaker, it could prove to save lives.

I also want to thank the gentleman from California [Mr. KIM] and the gentleman from Pennsylvania [Mr. SHUSTER] as well as the gentleman from Minnesota [Mr. OBERSTAR] for their expeditious handling of this matter.

In closing, I would like to thank both the gentleman from Maryland [Mr. HOYER] and the gentlewoman from Maryland [Mrs. MORELLA] for their introducing the resolution and for focusing national attention on the importance of child safety seat use. Unfortunately the gentleman from Maryland [Mr. HOYER] could not come here this afternoon because of his involvement with the Committee on Appropriations.

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

Mr. KIM. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I appreciate the opportunity to bring House Concurrent Resolution 98 to the House floor. This resolution will allow the National Safe Kids Campaign to use a small portion of the Capitol Hill Grounds to conduct a car seat safety check.

I particularly want to thank the gentleman from California [Mr. KIM], the subcommittee chairman. I want to thank also the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation and Infrastructure, and the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, for their leadership and support in moving this bill through the House in a timely manner.

The Safe Kids Buckle Up initiative is a joint project between the National Safe Kids Campaign and General Motors Corp. to educate all families across America about the importance of buckling up on every ride. Child passenger safety is on the minds of citizens nationwide.

This program will provide parents and care givers with essential information about properly securing children in an automobile. It is not an insignificant issue, Mr. Speaker. Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under. Yet 40 percent of children are still riding unrestrained.

More disturbing is the fact that of children who are buckled up, 8 out of 10 are restrained incorrectly. Each year, more than 1,400 children die as motor vehicle passengers and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented. Car seats are proven life savers, reducing the risk of death by 69 percent for infants and 47 percent for toddlers.

Since 1990, the National Highway Traffic Safety Administration has reported that 43 children have died as a result of air bag deployment. This is a statistic that has prompted nationwide concern about air bags. But let me tell my colleagues the rest of the story. Thirty-nine of these children would have lived if they had been properly restrained in a child safety seat in the rear of their car. Eleven of those children were infants placed in the front seat of a car in a rear-facing child seat, and 27 of those children were totally unrestrained, while two others were only wearing their lap belts.

It will take a nationwide effort to combat this problem. Safe Kids Buckle Up is a grassroots effort that will disseminate key safety messages through more than 200 Safe Kids Coalitions, health and education outlets like hospitals and community health centers, and GM dealerships in all 50 States. In addition, educational workshops and car seat checkup events will be available at participating GM dealerships.

The car seat checkup will be the highlight of the program which will take place at the foot of the Capitol on Thursday, August 28, to kick off the Labor Day weekend, one of the busiest travel weekends of the year. Federal employees, congressional Members and staff, and parents from the metropolitan area are all invited to participate. I am honored to say that I am supporting this event and the overall program along with the gentleman from Maryland [Mr. HOYER], the other chief sponsor of this legislation.

□ 1500

We urge everyone to support this concurrent resolution allowing this event to take place. Protecting our children is a national issue that deserves national attention.

Mr. JONES. Mr. Speaker, I rise in support of House Concurrent Resolution 98, authorizing the use of the Capitol for the safe kids buckle-up car seat safety check.

I have always believed, that it is of the utmost importance, that we protect those who are unable to protect themselves—our Nation's children.

Sadly, in 1995, in North Carolina alone, 39 children, ages 8 and under died, as occupants in motor vehicle accidents. Of these, only nine, were restrained in child safety seats, and six were restrained by seat belts. Twenty-two of these children were completely unrestrained.

In other words, many of these deaths could have been prevented, by proper child safety precautions.

The safe kids buckle-up car seat safety check will help parents learn the importance of child safety seats, and it will help them ensure that the seats are used properly, so that we can prevent such tragic deaths in the future.

This program will save children's lives.

As a member of the bipartisan Missing and Exploited Children's Caucus, working for the safety of America's children, I strongly support House Concurrent Resolution 98.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning in support of House Concurrent Resolution 98, legislation authorizing the use of Capitol grounds for the safe kids buckle-up car seat safety check.

The car seat safety check is an excellent program worthy of our support. At the event, parents will be able to bring their cars and have an expert verify that their car seat is properly installed. This service is performed free of charge so that it will be accessible to all families regardless of their income level.

The car seat safety check will be sponsored by the National Safe Kids Campaign and by General Motors Corp. and is scheduled to be held on August 28. With a ''yes'' vote today we can ensure that it is held here on Capitol grounds thereby reinforcing the critical importance of properly restraining and protecting our Nation's children.

It is a tragic fact that motor vehicle crashes are the leading cause of unintentional injury related death among children ages 14 and under in the United States, accounting for more than 40 percent of all unintentional injury related deaths. In 1995, 2,900 children ages 14 and under died, and more than 330,000 were injured, in motor-vehicle-related crashes. Children ages 4 and under account for nearly 40 percent of all childhood motor vehicle occupant deaths and nearly 30 percent of injuries. In my home State of Texas, 86 children, ages 8 and under, died as occupants in motor-vehicle-related crashes in 1995. Of these only 10 were restrained in child safety seats.

The majority of these deaths and injuries are preventable. For while motor vehicle safety features are designed for the comfort and protection of an adult-sized body, these same devices may place children at greater risk. Child safety seats and seat belts, however, when correctly used and installed, can prevent injury and save children's lives.

Child safety seats when correctly installed and used, reduce the risk of death by 69 percent for infants under age 1 and by 47 percent for toddlers ages 1 to 4. In fact, it is estimated that if all child passengers ages 4 and under were restrained, 200 of those children could be saved from death and an additional 20,000 from injury a year. Sadly, however, almost 40 percent of children ride unrestrained by either child car seats or seat belts, and even when installed, 8 out of 10 car seats are installed improperly.

I urge my colleagues to vote with me this afternoon in support of House Concurrent Resolution 98 and the safe kids buckle-up car seat safety check. This is a vote for our children's lives. Thank you.

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

Mr. LAMPSON. Mr. Speaker, I have no further speakers either, so I yield back the balance of my time.

The SPEAKER pro tempore [Mr. GOODLATTE]. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 98.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 98.

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

There was no objection.

CONCERNING THE CRISIS IN CAMBODIA

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) concerning the crisis in Cambodia, as amended.

The Clerk read as follows:

H. RES. 195

Whereas during the 1970s and 1980s Cambodia was wracked by political conflict, civil war, foreign invasion, protracted violence, and a genocide perpetrated by the Khmer Rouge from 1975 to 1979;

Whereas the Paris Agreement on a Comprehensive Political Settlement of the Cambodia Conflict led to the end of 2 decades of civil war and genocide in Cambodia, demonstrated the commitment of the Cambodian people to democracy and stability, and established a national constitution guaranteeing fundamental human rights;

Whereas the 1991 Paris Peace Accords set the stage for a process of political accommodation, national reconciliation, and the founding of a state based on democratic principles;

Whereas the international donor community contributed more than $3,000,000,000 in an effort to secure peace, democracy, and stability in Cambodia following the Paris Peace Accords and currently provides over 40 percent of the budget of the Cambodian Government;

Whereas the Cambodian people clearly demonstrated their support of democracy when over 93 percent of eligible Cambodian voters participated in United Nations sponsored elections in 1993;

Whereas since the 1993 elections, Cambodia has made significant progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

Whereas notwithstanding the notable societal and economic progress since the elections of 1993, concern has increasingly been raised regarding the fragile state of democracy in Cambodia, in particular the quality of the judicial system, which has been described in a United Nations report as thoroughly corrupt; unsolved attacks in 1995 on officials of the Buddhist Liberal Democratic Party; and the unsolved murders of journalists and political activists;

Whereas tensions within the Cambodian Government have erupted into violence in recent months;

Whereas on March 30, 1997, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on a peaceful political demonstration in Phnom Penh;

Whereas preliminary reports by eyewitnesses and reports in Phnom Penh to the FBI of witness intimidation indicate that forces loyal to Hun Sen were involved in the March 30, 1997, grenade attack;

Whereas in June 1997 fighting erupted in Phnom Penh between military and paramilitary forces loyal to First Prime Minister Prince Norodom Ranariddh and Second Prime Minister Hun Sen;

Whereas on July 5, 1997, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent military coup d'etat;

Whereas at least several dozen opposition politicians have died in the custody of Hun Sen's forces, some after being tortured, and hundreds of others have been detained due to their political affiliation;

Whereas democracy and stability in Cambodia are threatended by the continued use of violence to resolve political differences;

Whereas internal Cambodian Government reports and investigations by United States drug enforcement agencies have reported that Hun Sen and his forces have received millions of dollars in financial and material support from major international drug dealers; that Hun Sen has publicly threatened violence against any Cambodian official who attempts to arrest alleged drug barons Teng Bumma and Mong Rethy; and in a July 23, 1997, press conference in Cambodia Teng Bunma admitted to providing $1,000,000 to Hun Sen to fund the ongoing coup and is providing his personal fleet of helicopters flown by Russian pilots to ferry Hun Sen's troops to suppress democratic forces in western Cambodia;

Whereas representatives of the United Nations and the Government of Thailand estimate at least 30,000 Cambodian refugees (including wounded civilians and malnourished children) displaced by the ongoing fighting are massed, without assistance, in northwest Cambodia near the border of Thailand;

Whereas the administration has suspended assistance to Cambodia for 1 month in response to the deteriorating situation in Cambodia; and

Whereas the Association of Southeast Asian Nations (ASEAN) has decided to delay indefinitely Cambodian membership: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the forcible assault upon the democratically elected Government of Cambodia is illegal and unacceptable;

(2) the recent events in Cambodia constitute a military coup against the duly elected democratic Government of Cambodia;

(3) the authorities in Cambodia should take immediate steps to halt all extralegal violence and to restore fully civil, political, and personal liberties to the Cambodian people, including freedom of the press, speech, and assembly, as well as the right to a democratically elected government;

(4) the United States should release the report by the Federal Bureau of Investigation concerning the March 30, 1997, grenade attack in Phnom Penh;

(5) the United States should declassify and release all reports by the United States Drug Enforcement Agency related to Cambodia that were compiled between 1994 and the present;

(6) the United States should press the authorities in Cambodia to investigate fully and impartially all abuses and extralegal actions that have occurred in Cambodia since July 4, 1997, and to bring to justice all those responsible for such abuses and extralegal actions;

(7) the administration should immediately invoke section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), as it is required to do;

(8) the United States should urgently request an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(9) the United States should encourage the Secretary General of the United Nations to expand the monitoring operations of the United Nations Special Representative on Human Rights in Cambodia;

(10) the United States and the Association of Southeast Asian Nations (ASEAN) should coordinate efforts to restore democracy, stability, and the rule of law in Cambodia;

(11) direct United States assistance to the Government of Cambodia should continue to be suspended until violence ends, a democratically elected government is reconstituted, necessary steps have been taken to ensure that the election scheduled for 1998 takes place in a free and fair manner, the military is depoliticized, and the judiciary is made independent;

(12) at least a substantial share of previously appropriated United States assistance to the Government of Cambodia should be redirected to provide humanitarian assistance to refugees and displaced persons in western Cambodia through nongovernmental agencies or through Cambodian civilian, political, or military forces that are opposing the coup; and

(13) the United States should call for an emergency meeting of the Donors' Consultative Group for Cambodia to encourage the suspension of assistance as part of a multilateral effort to encourage respect for democratic processes, constitutionalism, and the rule of law.

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

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

[Mr. KIM asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution, House Resolution 195.

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

There was no objection.

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

Mr. Speaker, earlier this month the world watched in disbelief as violence erupted once again in Cambodia. On July 5, Second Prime Minister Hun Sen and his forces loyal to him ousted the democratically elected First Prime Minister in a classic coup d'etat.

The chairman of our committee, the gentleman from New York [Mr. GILMAN], together with the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], along with several of their colleagues, introduced House Resolution 195 to express our deep concern about the tragic events that have unfolded in Cambodia. On behalf of the gentleman from New York [Mr. GILMAN], the chairman of the committee, and I express my appreciation to the gentleman from Indiana [Mr. HAMILTON] as well as to the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from California [Mr. BERMAN],

the chairman and ranking Democrat respectively on the Subcommittee on Asia and the Pacific, in seeing that this resolution was able to move to the floor.

The resolution expresses the sense of the House that the forcible change of the democratically elected government in Phnom Penh is illegal and unacceptable. The resolution also urges the administration to take specific decisive actions to return peace, stability and democracy to the Cambodian people.

We also call upon the Cambodian authorities from all political factions to halt the violence and extralegal actions, bring to justice those people responsible for the reported abuses and restore all personal and civic freedoms to the Cambodian people.

As the leader of the free world, the United States must take resolute action whenever and wherever tyranny threatens to destroy democracy. Cambodia has taken a regrettable, but hopefully temporary turn off the path to democracy, peace and prosperity. It must not stand idly by while liberty is threatened in Southeast Asia.

I urge my colleagues to support this timely and most important resolution.

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

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

Mr. Speaker, I want to commend the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, and the gentleman from Indiana [Mr. HAMILTON], the Democratic ranking member, for introducing this timely measure concerning the deplorable crisis in Cambodia. I also would like to state that I am also an original cosponsor of this resolution.

Mr. Speaker, I wanted to join my colleagues of the Subcommittee on Asia and the Pacific, the chairman, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from Iowa [Mr. LEACH], and the gentleman from Illinois [Mr. PORTER] as original cosponsors of this House Resolution 195. Like many of our colleagues in Congress and those watching around the world, I was shocked, appalled and saddened by the return to violence in Cambodia, a small nation still wracked by the scars of the Khmer Rouge genocidal killings of a million Cambodians and a civil war that raged for 2 decades.

As everyone knows, Mr. Speaker, the co-Prime Minister Mr. Hun Sen has ousted Prince Ranariddh from Cambodia's government, destroying the fragile democracy brokered by the 1991 Paris Peace Accords. The Paris peace plan, backed by the United States, China, the Soviet Union, Japan, Vietnam, the Asean countries, France, the United Kingdom, India, Australia and other members of the United Nations was designed to bring to an end the decades of conflict in Cambodia. Since the Paris agreement and the U.N. supervised elections in 1993, Cambodia has enjoyed relative peace and prosperity, with an economy expanding at a 7-percent rate.

During the last 6 years, the international community has invested more than $3 billion to bring about this peace and stability in Cambodia. The United States alone has contributed over $300 million, increasing foreign assistance to Cambodia to $38.4 million in 1997, with an administration request for $38.6 million for fiscal year 1998.

With the outbreak of violence again in Cambodia where scores of Cambodians have been killed, hundreds wounded and executions and torture widely used by Hun Sen's forces, it begs the question, Mr. Speaker, whether anything has changed in that country and whether the international community has achieved anything by the massive investment of time and resources in Cambodia.

Given the serious setbacks to Cambodia's democracy, I support the administration's freeze of United States assistance to Cambodia and applaud the cutoff and reduction in aid from Germany and Australia.

As to Japan, Cambodia's top donor of aid, I hope they eventually will heed our call for the international community to suspend assistance until the return of law and democratic government in Cambodia. With foreign aid paying for half of Cambodia's budget, cutting off assistance sends the strongest and most effective statement of objection to Hun Sen's military rule in Phnom Penh.

Likewise, the decision of the Asean nations to stop Cambodia's entry into Asean this month is an appropriate condemnation of Hun Sen's resort to violence.

I applaud Secretary of State Albright's appointment of Stephen Solarz as her special envoy to Cambodia and am confident that our former colleague, a greatly respected Asia-Pacific policy expert, shall work with Secretary of State Albright and the Asean ministers delegation to mediate a political solution to Cambodia's crisis.

Mr. Speaker, while I am hopeful that these efforts of the international community will help in bringing peace and stability back to Cambodia, ultimately the matter will have to be decided by the Cambodian people themselves. I would hope that we learned that from our tragic experience in Vietnam, which resulted from shortsighted United States foreign policy. In the end it is the will of the people in the country that will determine whether democracy is to prevail.

Mr. Speaker, I would ask my colleagues to adopt this worthy legislation before us, which calls for our Nation and the international community to support efforts leading to the resolution of peace, the rule of law and the democratic government in Cambodia.

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

Mr. KIM. I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in strong support of this resolution and thank the gentleman from New York [Mr. GILMAN] and the original cosponsors for introducing this important legislation.

Several months ago a number of Cambodian emigres, now my constituents, approached me with their concerns about Second Prime Minister Hun Sen and the fragility of democracy in Cambodia. When I asked the State Department about this, I was informed that in their view the allegations that had been brought to my attention against Mr. Sen were, quote, merely part of the partisan bickering between the parties. History, I am sad to say, has now proven my constituents correct, certainly more knowledgeable than those in the State Department who downplayed the concern.

This resolution makes it clear that the United States will not tolerate the violence that has hit Cambodia or the anti-democratic actions of Hun Sen. Mr. Sen's killing spree, directed against those who would oppose him or who would seek to bring to light his relations with the narcotic trade, has resulted in the murder of hundreds of Cambodians.

Last fall I had the privilege of meeting in San José, at home, a number of prominent Cambodian ministers, including the Minister of the Interior Hou Sok. The Minister of the Interior has now been murdered by Hun Sen forces because of the reporting that he did linking Sen to drug lords who are, it is reported, bankrolling the new regime and trying to turn Cambodia, to quote the Washington Post, into a narco state.

Mr. Speaker, the rampages in the killing fields of Cambodia have gone on for far too long. We must stand firm to prevent history from repeating itself yet again. I support the suspension of the assistance to Mr. Sen's regime, I support the call for the U.N. Security Action to take some action. I strongly support the calls for justice and democracy in Cambodia.

For the sake of the Minister of the Interior who has now been murdered and the others who have already died and for the victims of torture, I urge my colleagues to support this resolution. I hope this marks merely the first of many actions this Congress will take on this vital issue. We do know that the Cambodian people love peace and democracy. We must support their efforts, and we must not tolerate or entertain the notion that Hun Sen, who is the perpetrator of a coup, could play a part in democratic Cambodia any more than his predecessor Pol Pot could do so.

Mr. LEACH. Mr. Speaker. I rise in strong support of this important and timely resolution. I would just offer a few thoughts on the very disturbing recent events in Cambodia.

First, there should be no doubt the United States and the international community have important interests at stake in Cambodia. The United States helped lead the negotiations among the Permanent Five members of the U.N. Security Council leading up to the Cambodian peace agreement. We did so in order to create a legitimate and internationally recognized government, to reduce foreign interference, advance regional peace and stability, and avert the return to power of the genocidal Khmer Rouge. It remains in the U.S. interest to see that those objectives are met.

Second Prime Minister Hun Sen's coup d'etat in Cambodia—and there can be no doubt this was a coup, a sudden and decisive exercise of force in politics—and subsequent resort to murder, torture, and political intimidation has betrayed the hopes for peace and prosperity by the Cambodian people. It has undermined the interests of the United States and the broader international community in a politically and economically stable Cambodia in which fundamental human rights are respected. It has set back Cambodia's efforts to join ASEAN and hindered its re-integration into the world community. Vietnam's role, if any, in this affair may be troubling for regional stability. The coup also raises the specter of civil war. Tragically, it may also very well help resuscitate the Khmer Rouge at a moment of maximum peril for the movement, when it appeared that its collapse was imminent, and that Pol Pot and other senior leaders—evidently now under house arrest—might be turned over to an international tribunal for crimes against humanity.

Hence it is paramount that the United States, ASEAN, Japan, and other parties to the Paris accords promptly engage in a full court press to make Hun Sen—and other leaders within the CPP—understand that no Cambodian Government will not receive significant international support if it uses political intimidation and violence against its opponents. Until very recently, I have been less than impressed by the vigor and determination that the administration has brought to bear on this issue.

Hun Sen and his colleagues in the CPP, as well as Prince Ranariddh and his supporters, need to understand that their mutual miscalculations and zero-sum struggle for political supremacy has driven a stake in the heart of a Cambodia's economic recovery and reconstruction.

Prior to the recent deterioration in the political and security environment, Cambodia's prospects were brighter than at any time in the last 25 years. But unless the political process created by the Paris accords is sustained, marcroeconomic instability, inflation, heightened levels of already widespread corruption, and a substantial decrease in aid from bilateral donors as well as the international financial institutions are likely to result. Without foreign external assistance, foreign investment, or significant revenues from tourism, Cambodia's already difficult external debt situation will be exacerbated. In short, the Cambodian economy will be seriously set back. These consequences need to be very carefully considered by the Hun Sen and his colleagues in Phnom Penh.

The deteriorating situation in Cambodia has occasioned much criticism of the U.N. peacekeeping effort in Cambodia. Some of this criticism is well-founded, but much of it is not. Perhaps the biggest flaw in the U.N. effort was the failure to assert control over the security apparatus of Hun Sen in the run up to the election. As to the failure to disarm the parties, I would remind Members that disarmament and demobilization did not occur because the Khmer Rouge did not live up to their obligations. There was no support from any of the countries providing peacekeeping troops for a U.N. mandate that encompassed forcible disarmament. There was and is no NATO-like coalition that could accomplish this task. And while this Member has long favored a modest U.N. standing force to fulfill some of these objectives, such a force did not then and does not now exist.

But there is also much to be proud of in what was then an unprecedented peacekeeping effort. Over 350,000 refugees were repatriated. Over five million Cambodians were registered to vote. Despite Khmer Rouge attempts to derail the election, a secret ballot was held in which the overwhelming majority of Cambodians exercised their right to vote. In the wake of the election an active opposition press sprung up, over 100 foreign and indigenous NGO's operated freely throughout the country, and the once-feared Khmer Rouge gradually diminished as a military force and began to turn in on itself. Despite tremendous poverty, and serious human rights and democracy concerns, there can be no doubt the people of Cambodia were moving forward toward better days and a better life.

The egregious failure of Cambodia's leaders to pursue the national interest instead of self-interest, most particularly on the part of Hun Sen, severely jeopardizes the hopes and dreams of the Cambodian people. The international community needs to act now to prevent a fait accompli, to use its very substantial diplomatic and economic leverage to stave off the total collapse of prospects for a peaceful and prosperous Cambodia. After 25 years of civil war, genocide, and national destruction, the people of Cambodia deserve better.

Mr. PORTER. Mr. Speaker, I rise today to express my strong support for the resolution offered by the gentleman from New York, [Mr. GILMAN] and to urge all Members to give this matter their attention. As an original cosponsor of House Resolution 195, I am pleased that the House has moved quickly to consider this resolution and to take a firm and principled position regarding the violent, anti-democratic coup which recently took place in Cambodia.

In April of this year, I sent a letter to Secretary of State Madeleine Albright expressing grave concerns about events that were going on in Cambodia at that time. A copy of this letter follows these remarks. Second Prime Minister Hun Sen, who gained his position in the Cambodian Government not through elections but by threatening violence, appeared to be orchestrating a parliamentary coup by attempting to split the governing coalition which had won the U.N.-sponsored 1993 elections. This letter followed an earlier one which seven of my colleagues and I sent to the co-prime ministers after the tragic March 30th grenade attack on Sam Rainsy and the Khmer National Party during a peaceful demonstration calling for judicial reform. It was my hope that Secretary Albright would visit Cambodia during her trip to the region and, in her trademark manner, ''tell it like it is'' when she met with Hun Sen and First Prime Minister Ranariddh, urging them to renounce political violence and work together to prepare for democratic elections in 1998.

Unfortunately, Secretary Albright's trip to Cambodia never happened and, just days after she had been scheduled to visit, Cambodia again plunged into armed conflict. This country, which has suffered so much, went from euphoria over reports that Pol Pot had been captured and might soon be brought to trial, to the despair of another strongman taking power through illegitimate means. Cambodia's fragile democracy was being dismantled by armed thugs and political assassination. While this is an old story for the people of Cambodia, we had hoped it would be one that remained in their past.

The United States and the international community have been implicit in allowing this latest tragedy. In 1993, the royalist-led democratic coalition decisively won the first elections held in Cambodia, soundly defeating Hun Sen's formerly communist Cambodian People's Party. These elections were marked by high voter turnout, despite the deadly political violence which preceded them. The people of Cambodia spoke out strongly in favor of democratic self-government, but the international community denied their aspirations by allowing the loser of these elections—Hun Sen and the CPP—to threaten and bully its way into maintaining a large share of power in the new government. I believe this decision was the root cause of this latest assault on Cambodian democracy because it sent the message to Hun Sen that we are not willing to back up democracy in the face of force, and it was just a matter of time before he could discard with impunity the democratic structures we were building.

Now, our Government is preparing to make the same mistake again. Since 1993, we have allowed Hun Sen to build a legacy of intimidation and corruption, and to strengthen his hold on power, by ignoring belligerent and anti-democratic tendencies on his part. Our administration has refused to call Hun Sen's power grab by its proper name—a coup. They have suspended assistance to Cambodia for 30 days to sort things out, but have not yet tied resumption of assistance to the restoration of the legitimate government, as the law would if this had been declared a coup.

I welcomed Secretary Albright's strong words to ASEAN over the weekend and I hope that this signals a firm resolve to stand with and for the people and the democratic forces in Cambodia. That is certainly the intention of the Congress by passing this resolution today. This resolution lays out a fair and flexible approach to this difficult situation by calling for actions which send the right message not only to Hun Sen, but also to those others who would choose violence and thuggery over democracy and the rule of law. I want to especially commend my friend, the chairman of the International Relations Committee, for including in this resolution a statement concerning the redirection of assistance away from the Cambodian Government to those who are in need as a result of this conflict. This is certainly the least our Government can do after failing the Cambodian people so miserably up to this point.

I believe that we have a duty to the Cambodian people, perhaps like no others, as a result of our involvement in so much that has gone wrong in the recent history of the Cambodian state. We owe the people of Cambodia

our moral support and strength. I am hopeful that 1998 will bring free and fair elections where the Cambodian people can again express their longing for democracy, freedom, and a brighter future. I am also hopeful that the international community, led by the United States, will give them this opportunity and respect their choices by defending them from the threat of violence, rather than giving in to it.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1997.

Secretary MADELEINE ALBRIGHT,
U.S. Department of State, Washington, DC.

DEAR MADELEINE: I am writing to express my grave concerns about recent and emerging events in Cambodia, and to urge that the United States take all appropriate actions to ensure that the situation there does not deteriorate further.

It is my understanding that the situation in Phnom Penh is extremely tense at this time, and that Hun Sen seems to be attempting to orchestrate some sort of parliamentary coup in an effort to wrest control of the Cambodian government from the present coalition. It is also my understanding that parliamentarians from the FUNCINPEC coalition are currently in hiding at the home of First Prime Minister H.R.H. Prince Ranariddh, and that there are credible reports that FUNCINPEC members have been kidnapped by military units loyal to Hun Sen.

If accurate, such developments are extremely disturbing, particularly in light of the recent violent attack on Sam Rainsy during a Khmer National Party rally. It would appear that certain parties are refusing to maintain their commitments to the democratic political process, and thereby seriously jeopardizing the very future of the Cambodian nation. I urge the administration in the strongest possible terms to call on the parties to renounce political violence and manipulation, and to use peaceful, democratic means to settle any disputes.

The United States has invested a great deal in the retrieval of the Cambodian state. Should events continue to unfold as they are presently doing, our efforts would most likely be completely lost. We cannot afford, from a financial or moral perspective, to allow this to happen. I thank you for your attention to this extremely urgent matter, and I would appreciate your keeping me apprised of events and U.S. actions in the wake of this volatile situation.

Sincerely,

JOHN EDWARD PORTER,
Member of Congress.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the resolution, House Resolution 195, as amended.

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

A motion to reconsider was laid on the table.

DEATH ON THE HIGH SEAS ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2005) to amend title 49, United States Code, to clarify the application of the act popularly known as the Death on the High Seas Act to aviation incidents, as amended.

The Clerk read as follows:

H.R. 2005

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

SECTION 1. CLARIFICATION AMENDMENT

(a) IN GENERAL.—Section 40120(a) of title 49, United States Code, is amended by inserting ''(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))'' after ''United States''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

SEC. 2. FAMILY ASSISTANCE TASK FORCE REPORT.

Section 704(c) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 41113 note; 110 Stat. 3269) is amended by striking ''model plan'' and inserting ''guidelines''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this legislation was introduced on June 20 by our very distinguished colleague from Pennsylvania [Mr. MCDADE], along with 40 bipartisan colleagues. The gentleman from Pennsylvania [Mr. MCDADE] introduced this legislation in response to the TWA 800 tragedy last year.

Let me just add that the gentleman from Pennsylvania [Mr. MCDADE] has been reelected time and time again because he really cares about his constituents and tries to help them in every way that he can. This legislation is another example of that because many young people from his district died tragically in the TWA 800 crash. But this legislation will help people all over this Nation, and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Speaker, this legislation is designed simply to clarify that application of the Death on the High Seas Act to aviation accidents. This issue arises because the Supreme Court last year decided in the case of Zuckerman versus Korean Airlines that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean more than 3 miles from land. The effect of this decision is to treat families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed on land. I think it is fair to say almost no one in the aviation or legal communities believed this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zuckerman case.

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However, as a matter of simple fairness and equity, a 1920 maritime shipping law should not apply to the victims of the TWA crash, and this is the injustice that this legislation will correct if we pass this bill.

As of now, if we do not enact the bill of the gentleman from Pennsylvania [Mr. MCDADE], if a plane crashes into the ocean, the Death on the High Seas Act applies. This act denies families the ability to seek compensation in a court of law for the loss of companionship of a loved one, their relatives' pain and suffering, or punitive damages. Basically, they are limited to recovering only lost wages.

Thanks to the Zuckerman decision and this law, it means that parents will receive almost no compensation in the death of a child. On the other hand, if a plane crashes on land, State tort laws apply. These would permit the award of nonpecuniary damages such as loss of companionship and pain and suffering.

Simply put, Mr. Speaker, H.R. 2005 amends the Federal Aviation Act so the Death on the High Seas Act does not apply to airline crashes. It would accomplish this by specifically stating that the Death on the High Seas Act is one of the navigation and shipping laws that do not apply to aircraft.

With this legislation, we will ensure that all families will be treated the same, regardless of whether a plane crashes into the ocean or onto land.

Again, Mr. Speaker, let me thank the gentleman from Pennsylvania [Mr. MCDADE] for his very swift response in introducing this legislation, which will help a number of constituents in his district, and others across the Nation who were devastated by the loss of their loved ones in the TWA Flight 800 tragedy.

Let me also thank the distinguished chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his outstanding leadership on this legislation, as well as the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and especially my good friend, the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the Subcommittee on Aviation.

This is a good bill, and I urge all Members to support it.

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

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

Mr. Speaker, on July 10, 1997, the Subcommittee on Aviation held a very emotional hearing regarding TWA Flight 800. Family members of the victims were there to tell the stories of their loved ones and how, 1 year later, they are still struggling with their loss. The family members' main objective that day was to bring to our attention the gross inadequacy that is created when the Death on the High Seas Act is applied to aviation accidents.

As Chairman DUNCAN said, if a plane crashes into the ocean more than 3 miles from land, as did TWA Flight 800, the Death on the High Seas Act applies. This act denies families the ability to win noneconomic damages in a lawsuit. This means that a family member could not be compensated, for example, for the loss of companionship of a loved one; parents could not be compensated for the loss of their teenaged sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents. However, if a plane crashed on land, State tort law or the Warsaw Convention would apply. Both permit the award of noneconomic damages.

The effect of applying the Death on the High Seas Act to aviation accidents is a threat to families, definitely depending on whether their loved ones died in an air crash into the sea or one that crashed on land. This is obviously absurd and unfair. The value of an individual's life does not change depending on where the plane happens to come down. H.R. 2005, as amended, intends to correct this critical flaw of the Death on the High Seas Act.

First, the bill simply adds the act to the list of shipping laws that do not apply to aviation.

Second, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA Flight 800.

I strongly urge all Members to support this bill. It is a simple piece of legislation that will fix the harmful inadequacies that result when the Death on the High Seas Act is applied to aviation disasters.

I want to congratulate the gentleman from Tennessee [Mr. DUNCAN] for spearheading this bill through the subcommittee and the full committee, and I want to state once again, it is an honor and privilege to work with him. His cooperation is always outstanding.

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

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

Mr. Speaker, I want to thank the gentleman from Illinois [Mr. LIPINSKI] again for his very kind remarks. I do not know of any other subcommittee in the entire Congress where the chairman and the ranking member have a better relationship than do the gentleman from Illinois [Mr. LIPINSKI] and I, and I know that I treasure that relationship personally.

Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Pennsylvania [Mr. MCDADE], author of this important legislation.

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

Mr. MCDADE. Mr. Speaker, I rise in strong support of H.R. 2005, the Airline Disaster Relief Act. I want to thank my friends, Chairman SHUSTER, subcommittee Chairman DUNCAN, the ranking members, the gentleman from Minnesota, Mr. OBERSTAR, and the gentleman from Illinois, Mr. LIPINSKI, for their hard work and leadership in bringing this bill to the floor.

The measure was introduced by myself and a 40-member bipartisan coalition only 26 working days ago. The Subcommittee on Transportation and Infrastructure's swift consideration of the measure is greatly appreciated by my cosponsors, by me, and, most of all, by the families who had lost loved ones in TWA Flight 800.

Today, in my opinion, we are doing what the people sent us here to do; that is, to craft laws of pressing and immediate importance which justly empower the people from which this body's power is derived. This bill, Mr. Speaker, fulfills this mission.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Included among them were 21 people from Montoursville, PA, a small community in my district. The people of Montoursville were brutally impacted by this air disaster, facing the sudden loss of 16 high school students, members of the French Club, and five chaperones, who were on their way to France to enrich their educational experience.

For the families of the victims aboard TWA Flight 800, the tragedy was made even worse by the application of an antiquated 1920 maritime law, which my colleagues have referred to, known as the Death on the High Seas Act. The act would prevent the families of TWA victims from receiving just compensation, which they would be entitled to under State law.

Ironically, the Death on the High Seas Act was passed in 1920 to help widows and orphans of sailors who were lost at sea but limits the compensation to income. The effect of that arcane statute is that claimants must appear before a district judge without the benefit of a jury and can receive compensation only for loss of income, not companionship, not pain and suffering, none of the other tort applications that exist in the State courts.

Today, when State tort laws have progressed to a point where value is placed on human life, the application of this skewed statute is inequity, unfair and inhumane. This is particularly true in the death of children, for they are generally not economic providers for their families, and thus, family members would receive virtually no compensation for the loss of a loved one who is not a wage earner.

The Death on the High Seas Act is invoked when a disaster occurs 3 miles out to sea, the old 1 league measurement from antiquity. No parent ought to be told by our Nation's legal system that longitude and latitude will determine the value of their children or determine their rights in a court of law.

For this reason, I introduced this bill, which will negate the application of the Death on the High Seas Act. It will amend the Federal Aviation Act so airline disasters at sea, as my friend, the gentleman from Illinois [Mr. LIPINSKI], just said, are treated the same as incidents on land.

The gross injustice of the Death on the High Seas Act must be changed. No law should make a loved one valueless because an aviation disaster occurs at sea and not on land. Where a plane crashed ought not to dictate a person's rights in a court of law.

Both the Supreme Court and the White House Commission on Aviation Safety and Security recommended that the Congress correct these inequities. Additionally, the CBO, in examining this legislation, points out it does not have any budgetary impact.

Mr. Speaker, it is time to bring justice to the application of Federal laws which regulate airline disaster claims. Passage of this act will be an important step in achieving this objective.

I want to thank again the distinguished chairman of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], one of the ablest Members of this body, and my friend, the gentleman from Illinois [Mr. LIPINSKI], for their cooperation.

I urge Members to overwhelmingly approve this bill.

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

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

Mr. Speaker, let me conclude by just saying that not only will this bill make changes that most people thought were in effect already, but it will correct potentially a great injustice that would have been done to the families of these victims of the TWA Flight 800 crash and change a law that should have been changed many years ago. This will potentially help families for many years to come.

This is good legislation. As the gentleman from Pennsylvania [Mr. MCDADE] said, I likewise would like to urge our colleagues to pass this legislation overwhelmingly.

Mr. ROTHMAN. Mr. Speaker, last July 17, 230 people died when TWA flight 800 exploded 9 miles off the coast of Long Island. This was and continues to be a national tragedy. For almost 1 year, the families of those who perished have had to deal with more than the pain of losing a loved one. They endured sitting for hours after the crash, waiting for the final passenger list that would confirm their worst fears. They waited anxiously for any indication that someone might have survived the fiery crash. To this day they continue to wait for an explanation for the disaster. Until questions begin to be answered, it is impossible to complete the healing process.

This tragedy is made all the worse by an outdated law that prevents survivors from suing in State court, in front of a jury, for damages like pain and suffering and loss of companionship that are traditionally available under the tort law system. Had the plane crashed seconds earlier—when the plane was only 2 miles off of New York's coast—this would not be an issue. However, at 9 miles out, the 1920 ''Death on the High Seas Act'' governs. This outdated law dictates that lawsuits arising from aviation accidents that occur

more than 3 miles off of the United States shoreline be brought in Admiralty Court and limits recovery of damages for * * * survivors to lost income only. While this may have been an appropriate law 77 years ago, in 1997 it is nothing short of outrageous today.

A constituent of mine, Carol Ziemkiewicz, lost her daughter, Jill, on that flight. Jill's lifelong dream of becoming a flight attendant became a reality when she completed her training at TWA and began her work on TWA domestic flights. After only 1½ months Jill was assigned to her first international flight. She would be going to Paris, where she was eager to visit the Garden of Versailles. An hour before TWA flight 800 left to take Jill to Paris, she called her mother and summed up her anticipation—her last words to her were ''I'm psyched.''

Jill was only 23 years old. Her life, along with everyone else on the plane, was ended too early. But the 230 people who died in that crash were not the only victims on that fateful night. Those victims left behind families, friends, and loved ones; people who continue to live but whose lives will never be the same because of this tragedy.

I am a proud cosponsor of H.R. 2005. H.R. 2005 will help to ensure that Carol Ziemkiewicz and the hundreds of other surviving family members like her know that the lives of their loved ones had value—that what happened to them was a tragedy and we all must do what we can to ease their pain and suffering. They have been through enough. I urge my colleagues to support H.R. 2005.

Mrs. ROUKEMA. Mr. Speaker, as an original cosponsor of H.R. 2005, the Airline Disaster Relief Act, I want to commend my colleague, Congressman MCDADE, for introducing this important bill. This is must-pass legislation that will ensure equitable treatment for those families who suffer the agonizing loss of a loved one resulting from international aviation disasters.

Currently, various laws exist which impact the ability of family members to seek retribution for the death of a loved one. Specifically, in 1920, the Disaster on the High Seas Act was enacted for the immediate family of sailors lost at sea to obtain compensation for lost income. This act is applicable when the aviation accidents occurs more than 3 miles from the shoreline. Because TWA 800 crashed 9 miles off the Long Island coast, the Supreme Court has ruled, in similar cases, that the High Seas Act would apply.

What that means for family members of the TWA 800 air disaster is that they will only be allowed to receive minimal compensation from TWA because this antiquated law restricts compensation to loss of income. Under the 1920 act, plaintiffs are not entitled to damages for pain and suffering, loss of companionship, or loss to society. In fact, those families that lost children, like the 16 students from Montoursville High School in Montoursville, PA, who were participating in a long-awaited French Club trip to France, would receive almost no compensation because children do not contribute any income to the family. Senior citizens fall into the same category as children. Moreover, victims' family members would be restricted from having a jury trial and would have to present their claim to a judge under maritime law.

Justice Scalia stated that the Supreme Court feels the law is antiquated but it's up to Congress to change it. Furthermore, the White House Commission on Aviation Safety and Security has stated:

Certain statutes and international treaties, established 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920, although designed to aid families of victims of maritime disasters, have inhibited the ability of family members of aviation disasters to obtain fair compensation.

At a time when so many Americans are traveling abroad, either taking part in the global economy or seeing the sights of other country's cultures, it is important that Americans know that their court system is accessible to them should the unthinkable happen.

Over 200 families lost loved ones on TWA flight 800. It is unconscionable that those families will not be provided the same access and compensation available to the families involved in the Value-Jet tragedy. This despite the fact that both disasters happened roughly the same time after take off and the same distance from the respective airports. The only difference being that TWA 800 was past the 3-mile limit allowed by the 1920 act. Finally, it is interesting to note that this 1920 act was designed to address maritime disasters and was enacted at a time when there were no transoceanic flights. However, it is being applied to circumstances relating to airline disasters.

I would like to take this opportunity to pay tribute to two of my constituents, Robert Miller and his wife of 30 years Betty were two of the 230 people aboard flight TWA 800. Robert Miller had been Tenafly's popular and affable borough administrator for almost 5 years, and his wife was a school teacher in Dumont. While this legislation will not ease the pain of their loss, it will provide their daughter the same access and compensation available to other families involved in similar tragedies.

In addition, I would like to commend one of my constituents who has worked hard to see that this legislation received the attention it so deserves. Mr. Hans Ephraimson-Abt. lost a 23-year-old daughter when a Soviet fighter plane disabled Korean Airline Flight 007. Since that personal tragedy, Mr. Ephraimson has devoted himself to assisting other families involved in similar tragedies. He has served as the chairman of the American Association for Families of KAL 007 Victims, a support group that has extended its activities to assist families involved in other air accidents to cope better with their tragedies' aftermath.

He has been an active participant in the efforts to improve after-crisis management, as well as to update and modernize laws and treaties. In that regard, yesterday, Mr. Ephraimson testified before the U.S. Department of Transportation's Task Force on Assistance to Families of Aviation Disasters. Year after year he has continued to fight for the rights and needs of families who have suffered as a result of airline disasters. He has pushed for comprehensive regulations, and to improve domestic and international civil aviation.

It is through the hard work and diligence of people like Mr. Ephraimson that we have learned of the need to change the provisions of the 1920 act to make it more applicable to today's modern disasters. He and others like him are to be commended for their unselfish dedication to making all of our lives better and safer, and he is to be commended for his tireless dedication to helping ease the pain of those that have suffered a family tragedy due to an airline disaster.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2005, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the 'Death on the High Seas Act' to aviation incidents, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2005, the bill just considered.

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

There was no objection.

CONCERNING THE SITUATION BETWEEN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AND THE REPUBLIC OF KOREA

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea, as amended.

The Clerk read as follows:

H. CON. RES. 74

Whereas the Korean demilitarized zone remains extremely tense 44 years after the ending of the Korean War, as evidenced most recently by a mortar attack and exchange of gunfire on July 17, 1997;

Whereas with more than 1,000,000 soldiers in the Democratic People's Republic of Korea and 600,000 soldiers in the Republic of Korea, both militaries are on a constant high alert;

Whereas the threat of North-South military confrontation between the Democratic People's Republic of Korea and the Republic of Korea is of grave concern to the United States;

Whereas 37,000 United States troops are stationed on the Korean Peninsula;

Whereas the United States and the Republic of Korea have long had a close relationship based on mutual respect, shared security goals, and shared interests;

Whereas as a result of an invitation extended last year by President Clinton and Republic of Korea President Kim Young Sam, four-party preparatory talks involving the United States, the Republic of Korea, the Democratic People's Republic of Korea, and the People's Republic of China are likely to begin in August 1997 to determine timing, venue, level of representation, and broad agenda categories for forthcoming talks;

Whereas the participation of China is integral to the success of any agreement; and

Whereas it will be impossible to resolve the conflict on the Korean Peninsula and fashion a lasting solution unless the Democratic People's Republic of Korea and the Republic of Korea engage in direct dialogue, without depending on other parties to act as intermediaries: Now, therefore, be it

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

(1) supports United States troops who have faithfully served the interests of the United States by ensuring stability on the Korean Peninsula;

(2) supports our Republic of Korea allies who have made good faith efforts to resolve this conflict; and

(3) supports four-way talks between the United States, China, the Republic of Korea, and the Democratic People's Republic of Korea to peacefully and permanently resolve the conflict between the two Koreas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

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

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

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

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this concurrent resolution.

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

There was no objection.

Mr. KIM. Mr. Speaker, the Korean peninsula remains one of the world's most heavily militarized regions, a hot spot of potential confrontation that has endured for more than 40 years. The mortar attacks and exchange of gunfire between the North and South Korean forces that occurred on July 17, 1997, highlight the extremely tense situation that exists every day along the so-called Demilitarized Zone.

As demonstrated by the presence of 37,000 American troops on the Korean peninsula, the United States is formally committed to maintaining stability and security in the region. Our strong support for the four-party talks is a further proof that the United States Government wants to see improved relations between North and South Korea, which will hopefully bring a final and lasting peace to the peninsula.

The distinguished gentleman from Florida [Mr. HASTINGS] has introduced a timely and well-fashioned concurrent resolution that reemphasizes the support of the Congress for our brave service men and women stationed in the peninsula and for continued diplomatic efforts to bring the two parties together to resolve the conflict. House Concurrent Resolution 74 also, quite properly, recognizes our South Korean allies for their good-faith efforts at achieving peace.

I fully support the passage of House Concurrent Resolution 74 and commend the gentleman from Florida [Mr. HASTINGS] for his leadership in authorizing this resolution.

I thank the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, for his prompt consideration of this measure in his subcommittee, and the ranking Democrat on the full committee, the gentleman from Indiana [Mr. HAMILTON], and on the subcommittee, the gentleman from California [Mr. BERMAN], for their cooperation in advancing it to this point.

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

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

First I want to express my appreciation to the gentleman from Florida who I think was the original cosponsor or the original sponsor of this resolution, along with the gentleman from Nebraska [Mr. BEREUTER]. The Korean peninsula, I think, is the most dangerous place in the world today. Yet American troops working in close partnership with our South Korean friends and allies have helped maintain the peace there for over 44 years. So all of us owe a debt of gratitude to those who gave their lives during the Korean war and to those who stand guard today along the demilitarized zone separating North and South Korea.

This resolution gives voice to our gratitude, expresses our strong backing for both American troops in Korea and our stalwart South Korean allies. The resolution also supports the four-way talks between the United States, China, the Republic of Korea, and the democratic People's Republic of Korea to peacefully and permanently resolve the conflict between the two Koreas. I think this legislation deserves our support. I ask my colleagues to vote ''yes'' on the resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. HASTINGS], the chief sponsor of this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

I would like to thank the gentleman from California [Mr. KIM], the gentleman from Nebraska [Mr. BEREUTER], my friend and colleague, and the gentleman from California [Mr. BERMAN] as well for their expeditious handling of this matter in the Subcommittee on Asia and the Pacific.

I especially point to the gentleman from California [Mr. KIM], my good friend, for this resolution was conceived by me when the gentleman from California [Mr. KIM] and myself and other Members of the House, along with the Speaker of the House, visited South Korea. It was a moving experience to go there and to go there with the gentleman from California [Mr. KIM], who obviously understands and understood the dynamics in that area better than any of us could.

It really is just a sense of the Congress expressing our support for and encouragement of four-party talks between the United States, South Korea, North Korea, and China. Since the Korean peninsula was divided at the end of World War II, between the North and South, repeated attempts at reunification have failed. The 1950 through 1953 Korean war ended in an armistice agreement which altered hostilities but left the two sides technically at war, divided by a heavily fortified demilitarized zone that the gentleman from California [Mr. KIM] and myself and others had an opportunity to visit recently.

Since 1970 there have been several attempts to replace the 1953 armistice agreement with a peace deal that could lead to a unified Korean peninsula. But as you know, Mr. Speaker, these attempts have been fragile if not precarious, yet at times the dialogue between North and South Korea has produced cooperation in various forms such as cultural exchanges, a unified sports team, reunions of separated families and limited trade.

With this resolution, it is our hope that the nothing ventured nothing gained outlook prevails at the four-party talks initiated by the United States and our stalwart ally, South Korea. Without the participation of each and every one of the invited parties, these talks will become moot. This resolution loudly and clearly states that the U.S. Congress strongly encourages all parties to come to the table and stay there until a formal peace treaty is developed.

For its part, North Korea is already plagued by food shortages and economic mismanagement. Most nations avoid the North because its leaders can be and at most times are unreliable. It has no legal system. Its roads and railways are crumbling. Its work force is starving and its huge military is a constant threat to peace and stability in that region.

By encouraging these four-party talks, our goal is to alleviate the immense threat that a dangerous, unstable region poses to our ally, South Korea. Yet we must do so in a manner which does not necessarily condemn North Korea. Rather, our solution must relieve the pain and suffering in the region by replacing it with peace and security.

Forty-four years after the ending of the Korean war, the border between the two countries remains extremely tense. The border remains extremely tense as evidenced by the recent mortar attack and gunfire exchange on July 17. Last August, when the gentleman from California [Mr. KIM] and others and I traveled to South Korea with Speaker GINGRICH, we stood on that border and visited our troops stationed at the demilitarized zone.

This amendment is also about American soldiers and South Korean soldiers. It is an expression of support for the men and women stationed over there with the hope that these four-party talks will lead to a unified Korea, eliminating the need for their deployment.

Reunification is a goal claimed by both North and South Korea. Let us encourage this ambition by making reunification a sincere goal of our foreign policy. I urge all of our colleagues to support this resolution. I thank the gentleman, once again, for yielding me the time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I rise this afternoon in strong support of the resolution introduced by our colleague from Florida [Mr. HASTINGS], which supports our U.S. troops who faithfully served the interests of the United States by ensuring stability on the Korean peninsula and the four-way talks between the United States, China, South Korea and North Korea.

Mr. Speaker, I represent a very unique American community. The American citizens of Guam live in the Asia-Pacific region, and Guam is the closest American community to the events occurring on the Korean peninsula and would be a crucial part of any effort to deal with any hostilities on the peninsula.

Mr. Speaker, as part of my ongoing work in the Committee on National Security, I have traveled to Korea for on-site briefings and witnessed firsthand our challenge there. As America remains engaged in the effort to peacefully settle the conflict between North and South Korea, we must commend and vigorously support the recent efforts to begin the four-way talks. These talks will contribute to greater security in the Asia-Pacific region and are of tremendous importance to Guam and the rest of the United States.

Mr. Speaker, this House has taken many steps in directing United States policy in Korea. At a time of severe starvation and growing internal strife in North Korea, we must resolve to act on our commitments and demonstrate international leadership.

Passage of this resolution will again reassure Koreans that we in the United States are working to establish a concrete and lasting peace on the Korean peninsula by living up to our responsibility as a signer of the armistice agreement. As we support the resolution, let us not forget the distinguished service of our men and women in uniform who have been the main force for peace in that part of the world.

I urge this body to pass this very important resolution.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. ROYCE], a member of the Subcommittee on Asia and the Pacific, my good friend.

Mr. ROYCE. Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. KIM], for yielding to me this time. I want to commend the gentleman from Florida [Mr. HASTINGS] for offering this resolution.

This resolution makes an important statement that the House of Representatives supports our troops on the Korean peninsula. We support our friends and allies in the Republic of Korea and we support the proposed North-South four-party talks that at long last seem to be moving forward.

We are all hopeful that the recent agreement of the North Korean Government to sit down and agree to the final details of four-party talks will lead to substantive negotiations. Now more than ever, it is important to have such channels of communication open to discuss the future of North Korea, and future relations between the North and South. And I really want to take this opportunity to urge all of my colleagues to support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to support House Concurrent Resolution 74, as introduced by my good friend and colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. Speaker, after that terrible conflict commonly known as the Korean war, for some 44 years now our Nation has had to maintain an effective presence in the demilitarized zone that is separating North Korea from South Korea. Even until now, Mr. Speaker, the crisis in the Korean Peninsula remains one of the most tense in the world. North Korea has an army of over 1 million soldiers, compared to South Korea's 600,000 sailors and soldiers.

Mr. Speaker, history has demonstrated several times that all the bullets, the guns, the cannons, and all other manner of military weapons are not worth a dime if the country cannot feed its soldiers. Recent reports indicate, Mr. Speaker, that there is currently a shortfall of approximately 2.3 million tons of grain in North Korea. What this simply means is that the North Korean people are starving and there is serious concern if the crisis has been alleviated or do we expect more problems in the future.

Mr. Speaker, I believe it is only proper that the People's Republic of China, our Nation, and the two Koreas should engage in meaningful dialog.

Mr. Speaker, I have been to South Korea, and I was very impressed with its economic and political developments in recent years. With South Korea's development in technology and industrialization, and with the tremendous potential of resources available to North Korea, a unified Korea could really become a great nation to provide for the needs of some 60 million people living in both North and South Korea.

I want to commend the gentleman from California [Mr. KIM], my good friend, for also being a part of the management of this legislation. I urge my colleagues to support this piece of legislation.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 74, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING CONCERN OVER VIOLENCE IN REPUBLIC OF CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 175) expressing concern over the outbreak of violence in the Republic of Congo and the resulting threat to scheduled elections and constitutional government in that country, as amended.

The Clerk read as follows:

H. RES. 175

Whereas President Pascal Lissouba defeated former President Denis Sassou-Nguesso in a 1992 election that was determined to be free and fair;

Whereas losing candidates raised questions concerning the results of the 1993 legislative election and used those concerns to cast doubt on the entire democratic process in the Republic of Congo and as the rationale for creating private militias;

Whereas thousands of citizens of the Republic of Congo have been killed in intermittent fighting between Government soldiers and private militiamen since 1993;

Whereas there are concerns about the unfinished census and resulting electoral list to be used in the scheduled July 27 election;

Whereas the recent fighting resulted from the Government's attempt to disarm former President Sassou-Nguesso's ''Cobra'' militia in advance of the scheduled July 27 election;

Whereas the fighting and uneasy peace has caused serious loss of life and diminished ability to care for those who are without access to adequate medical care or food and water;

Whereas the fighting between Government troops and militiamen have forced the evacuation from the country of foreign nationals and endangered refugees from both Rwanda and the former Zaire; and

Whereas African governments have attempted to bring about a negotiated settlement to the current crisis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the current fighting and urges the warring parties to reach a lasting ceasefire that will allow for humanitarian needs to be addressed as soon as possible;

(2) calls on all private militia to disarm and disband immediately to end the continuing threat to peace and stability in the Republic of Congo;

(3) commends African leaders from Gabon, Equatorial Guinea, Cameroon, Benin, Central African Republic, Senegal, and Chad for their efforts to negotiate a peaceful settlement and encourages their continuing efforts to find a sustainable political settlement in this matter;

(4) supports the deployment of an African peacekeeping force to the Republic of Congo if deemed necessary;

(5) urges the Government of the Republic of Congo, in cooperation with all legal political parties, to resolve in a transparent manner questions concerning the scheduled elections and to prepare for open and transparent elections at the earliest feasible time; and

(6) encourages the United States Government to provide technical assistance on election related matters if requested by the Government of the Republic of Congo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE], and the gentleman from Indiana [Mr. HAMILTON], each will control 20 minutes.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Since violence in the Republic of Congo escalated several weeks ago, an estimated 3,000 lives have been lost there. What started as an effort by Congo President Pascal Lissouba to safeguard upcoming elections by neutralizing the so-called Cobra militia, operated by a political rival, has degenerated into ethnic cleansing.

All this has developed beneath the media's radar. As the world watched the unraveling of the Mobutu regime in the neighboring country then known as Zaire, the Republic of Congo was seen as a safe haven for refugees from that collapsing nation.

But today nearly a quarter of the population of the city of Brazzaville has left town to avoid being caught in the fighting. Unfortunately, these refugees have found themselves stopped along the way and killed if they belong to the wrong ethnic group. This resolution is a reinforcement of our Government's commitment to the democratic process in Congo-Brazzaville. It calls for a disengagement of forces and a lasting cease-fire and applauds the African efforts to resolve this crisis. It unanimously passed the Committee on International Relations several weeks ago.

□ 1545

Mr. Speaker, when this resolution was before the House last week, there was some confusion over whether it called for an international peacekeeping force. Let me say clearly that this resolution calls for any such force to be an African force.

Mr. Speaker, a resolution of the crisis in Congo-Brazzaville is not only a priority for regional strategic reasons, but the example of a democracy unraveling is a poor one for other African nations. I ask for my colleagues' support.

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

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

Mr. Speaker, I support the resolution because I believe it does draw attention to an explosive situation in central Africa, and I want to express my appreciation for the leadership of the distinguished gentleman from California [Mr. ROYCE], for his sponsorship of the resolution and for putting the resolution forward.

I do think the gentleman's explanation is important to notice. There was a misunderstanding on the floor of the House last week. This resolution supports the deployment of an African peacekeeping force to the Republic of Congo, and only supports it if it is deemed necessary. I think the resolution was not fully understood at the time of the vote last week.

This resolution reflects the views of the U.S. Congress on the importance of this issue. I hope the resolution will encourage the parties to maintain the current cease-fire and to reach a political solution in the ongoing talks. I urge the adoption of the resolution.

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

Mr. ROYCE. Mr. Speaker, I yield myself the balance of my time to thank the gentleman from Indiana [Mr. HAMILTON] and ask my colleagues to support this resolution, which sends an important message to the region.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, H. Res. 175, as amended.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

BANKRUPTCY JUDGESHIP ACT OF 1997

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1596) to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

The Clerk read as follows:

H.R. 1596

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 ''Bankruptcy Judgeship Act of 1997''.

SEC. 2. PERMANENT JUDGESHIPS.

Section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to the central district of California, by striking ''21'' and inserting ''25'';

(2) in the item relating to the district of Maryland, by striking ''4'' and inserting ''5'';

(3) in the item relating to the district of New Jersey, by striking ''8'' and inserting ''9''; and

(4) in the item relating to the western district of Tennessee, by striking ''4'' and inserting ''5''.

SEC. 3. TEMPORARY JUDGESHIPS.

(a) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) 1 additional bankruptcy judgeship for the eastern district of California.

(2) 1 additional bankruptcy judgeship for the southern district of Florida.

(3) 1 additional bankruptcy judgeship for the district of Maryland.

(4) 1 additional bankruptcy judgeship for the eastern district of Michigan.

(5) 1 additional bankruptcy judgeship for the southern district of Mississippi.

(6) 1 additional bankruptcy judgeship for the eastern district of New York.

(7) 1 additional bankruptcy judgeship for the northern district of New York.

(8) 1 additional bankruptcy judgeship for the southern district of New York.

(9) 1 additional bankruptcy judgeship for the eastern district of Pennsylvania.

(10) 1 additional bankruptcy judgeship for the middle district of Pennsylvania.

(11) 1 additional bankruptcy judgeship for the eastern district of Virginia.

(b) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in subsection (a) which—

(1) results from the death, retirement, resignation, or removal of a bankruptcy judge, and

(2) occurs 5 years or more after the appointment date of a judge appointed under subsection (a), shall not be filled.

SEC. 4. EXTENSION.

The temporary bankruptcy judgeship position authorized for the district of Delaware by section 3(a)(3) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) is extended until the first vacancy occurring in the office of a bankruptcy judge in that district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 10 years or more after October 28, 1993. All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

SEC. 5 TECHNICAL AMENDMENT.

The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by

the United States court of appeals for the circuit in which such district is located.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1596.

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

There was no objection.

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

Mr. Speaker, I rise in favor of this legislation, the Bankruptcy Judgeship Act of 1997, and urge its adoption by the House.

We would think it is an anomaly, Mr. Speaker, to have a request for new bankruptcy judges at a time when the gross national product seems to be in good shape and inflation is down and the economy is in fairly good shape, yet the evidence is sound that bankruptcies, personal and otherwise, are on the rise. Therefore, the Judicial Conference, on whom we rely in the Committee on the Judiciary for the general themes of what we can best do to serve the Federal judiciary, has requested that these new judgeships be created.

There would be 7 permanent new judges and 11 temporary judges across the 14 Federal judicial districts. It would extend one temporary judgeship already in existence in another district.

Because I personally put so much stock in the findings of the Judicial Conference, those findings have formed the basis for the hearings that we held in this regard over the last two terms and the reports on which we based some of our recommendations.

The bill that is in front of us has been cosponsored by Members on both sides of the aisle. The gentleman from Illinois [Mr. HYDE], the chairman of the full Committee on the Judiciary, and the gentleman from Michigan [Mr. CONYERS] the ranking member on the minority, as well as the gentleman from New York [Mr. NADLER] the subcommittee ranking member, and this individual, all of us have cosponsored and have urged the passage of this legislation.

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

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

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Mr. LOFGREN. Mr. Speaker, I rise in support of the motion to suspend the rules and pass the bill, H.R. 1596, the Bankruptcy Judgeship Act of 1997.

This legislation is both urgently necessary and long overdue. Although bankruptcies continue to rise, over 1 million filings in 1996, Congress has failed to provide the necessary resources to do the job. We have not provided for any new bankruptcy judgeships since 1992. When the cases pile up in bankruptcy court, businesses that are owed money are left holding the bag, families trying to straighten out their lives face delay, and many cases will receive less attention than they merit.

I would note that this year the Administrative Office of the U.S. Courts has recommended an increase in the number of permanent bankruptcy judgeships in the Central District of California by four and the addition of a temporary bankruptcy judgeship in the Eastern District of California.

This bill also reflects the improved method instituted by the Administrative Office of the U.S. Courts for measuring the work required to adjudicate the huge chapter 11 cases. Until recently, the largest unit of measure used for the purpose of calculating judicial workload was a $1 million chapter 11.

Under that system of measuring judicial workload, a case involving $1 million worth of debt was statistically indistinguishable from a $1 billion case. By failing to measure the actual workload in these cases, the Administrative Office of the U.S. Courts consistently failed to recommend adequate resources for courts that heard the massive chapter 11 cases. This bill reflects the newer and more accurate measure.

We cannot afford to have debtors and creditors held up in court because there are not enough judges to hear the cases. H.R. 1596 is a measured response to the need for additional bankruptcy judges. I urge its adoption and join with the chairman in pointing out that this is indeed a measure that has received bipartisan support among its sponsors and on the committee.

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

Mr. GEKAS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the bill, H.R. 1596, and I want to thank the gentleman from Pennsylvania [Mr. GEKAS] for yielding me time to speak on the personal bankruptcy crisis in America.

In 1996 alone over one million cases for bankruptcy were filed, an increase of 27 percent over the 1995 filings, which equaled 926,000. In 1997 bankruptcy filings have exceeded 100,000 per month across the country.

While the entire Nation needs additional bankruptcy judges to help manage the increased caseload, H.R. 1596 is targeting areas most in need for additional assistance, with temporary judgeships to be authorized for the Eastern District of California, the Southern District of Florida, the District of Maryland, the Eastern District of Michigan, the Southern District of Mississippi, the Eastern District of New York, the Northern District of New York, the Southern District of New York, the Eastern District of Pennsylvania, the Middle District of Pennsylvania, and the Eastern District of Virginia.

Also, the legislation calls for an additional four permanent judges to be authorized for California, Maryland, New Jersey, and Tennessee.

Why are we in a personal bankruptcy crisis in America? A recent study conducted by SMR Research Corp. in Hackettstown, NJ, looked at the bankruptcy crisis and found that while there is no single prime cause of bankruptcy, there is a connection between bankruptcy and gambling.

That study states, and I quote, Mr. Speaker,

> It now appears that gambling may be the single fastest growing driver of bankruptcy. Once limited to Nevada and New Jersey, casino gambling has spread very rapidly through many States. Indian reservation casinos have been one new mode for this growth, and riverboat and coastal gambling boats have been added.

This is a fascinating and enlightening study which I will submit for the RECORD for all our colleagues to read.

When we look at the areas where H.R. 1596 targets the need for additional bankruptcy court assistance, we can see a link to the areas where gambling has proliferated in recent years. The SMR Research study states, and I quote,

> The bankruptcy rate was 18 percent higher in counties with one gambling facility and was 35 percent higher in counties with five or more gambling establishments.

The study continues, and I quote again, Mr. Speaker,

> The effect of gambling on bankruptcy seems quite clear when you look at a map. Among all the counties in Nevada, for instance, we find that the closer you come to Las Vegas and Reno, the higher the bankruptcy rate. In California the two counties with the highest bankruptcy rates are Riverside and San Bernadino. They also happen to be the two counties closest to Las Vegas. The fourth highest bankruptcy rate in California is in Sacramento County, which is closest to Reno.

If we look at H.R. 1596, we see the Central District of California will be authorized four additional permanent bankruptcy judges and the Eastern District of California will be getting an additional temporary judge to handle the swelling number of bankruptcy filings.

Mr. Speaker, I will not belabor the point, but I urge our colleagues to read the SMR Research report. We see Congress must be educated on the effects of gambling in our society. We are acting today to increase bankruptcy judgeships, which I believe can be linked to the proliferation of gambling today, but we just cannot continue to add more and more judges to solve this crisis. Getting to the heart of the problem is a challenge not only facing this Congress but the newly established National Gambling Impact Study Commission.

Mr. Speaker, the SMR information I referred to earlier follows:

THE PERSONAL BANKRUPTCY CRISIS, 1997

(Published by SMR Research Corporation)

THE PURPOSE OF THIS STUDY

In 1996, SMR Research issued a 56-page study on the causes of wildly rising personal bankruptcy filings. We knew the subject was timely, but little did we imagine the media coverage that would follow.

The 1996 study was mentioned in major newspapers and magazines across the land, on television, and even became the subject of two stories in the Wall Street Journal.

Fate is strange. Publicity is nice, but the 1996 study was not exactly a typical SMR production. The explosion in bankruptcies had caused a lot of demand for information from our lending industry clients, especially unsecured lenders. We put together the 56-page piece as a section of our 1996 annual credit card market study, and later offered the bankruptcy section by itself to non-credit card issuers.

Although 56 pages might look big to some folks, it was the shortest research study we have done since 1985. We found ourselves making conclusions in the 1996 study with some statistical backing, but not always definitive proof.

This study, by contrast, is indeed a standard SMR Research work. The scope is much greater, and allows us to cover the subject completely, with a meaty section on solving (or at least mitigating) the personal bankruptcy dilemma. Where the 1996 study focused solely on some of the core causes of bankruptcy, this study covers the full nature of the problem.

We look at the common misperceptions about bankruptcy and provide the statistics that show why they are such vast over-statements. Unemployment is not the primary driver of bankruptcy, nor is the overall consumer debt load. Lender marketing and easy credit also are not the prime cause.

In fact, there is no single prime cause of bankruptcy. In this study, you'll see coverage of many things that result in bankruptcy, with some quantification of which ones are in the worst. The additional space allows us to cover things we couldn't cover last year, like the connection between bankruptcy and gambling—perhaps the fastest-growing problem of all.

In addition, this study, for the first time we know of, shows the demographics of bankruptcy, using our county-level statistical database that goes back to 1989.

Regarding solutions to the problem, they are not easy. The bankruptcy spike is based at least in part on serious, intransigent, worsening, socio-economic problems. This underlying core puts upward pressure on filings, and the upward pressure really explodes when you throw lawyer advertising and bankruptcy's loss of social stigma into the mix.

Still, we are quite confident that there are steps available to creditors to help control their own bankruptcy loss exposure. We think the best solution of all may be the most radical, which is for creditors to adopt some of the risk-control techniques of the insurance industry. This would mean using actual geographic loss statistics as a supplemental aid in credit scoring, pricing, and marketing. This material appears starting on Page 157.

SMR has been following the bankruptcy subject, and has been building its database of filings, for eight years. After all that time, we finally have created a research study that we believe addresses all the central issues in the bankruptcy crisis.

We appreciate your patronage and hope you get good value from the research.

GAMBLING AND BANKRUPTCY

It now appears that gambling may be the single fastest-growing driver of bankruptcy.

Once limited to Nevada and New Jersey, casino gambling has spread very rapidly through many states. Indian reservation casinos have been one new mode for this growth, and riverboat and coastal gambling boats have added more.

If you have not been tracking the spread of gambling, you may be in for a shock about how pervasive gambling facilities have become.

Note that in the state of Nevada, there are only 17 counties (most of them very large). But across the nation, there are now 298 counties that have at least one major legal gambling facility: a casino, a horse or dog racing track, or a jai alai game. That's the count in one recent guide to U.S. gambling facilities, and it does not include such things as places where state lotteries or bingo parlors are available. The lotteries and bingo parlors tend to involve small-ticket gambling, whereas the other facilities obviously involve the larger dollars per customer.

The three addictions & changed mores

When we published our shorter study on the causes of bankruptcy in 1996, we had suspicions about gambling. But we had not yet put together enough solid data and information to make conclusions, therefore we said little about the subject.

Actually, since we were looking at events that can cause insolvency, we were suspicious in 1996 about all three of the serious addiction problems in America: alcoholism and drug and gambling addiction. We remain suspicious about all three of those problems. But of the three, it's quite clear that gambling is the fastest-growing phenomenon.

For those who make and supply alcohol, drugs, and gambling, all are very large businesses. But you don't have to be a sociologist to see that societal mores are changing most rapidly on gambling. Over the last 20 years, state governments themselves have entered the gambling business with lotteries. We see no states as yet that have gone into the heroin trade or where the government itself advertises Jim Beam. So, the concept of gambling now has the tacit blessing of government.

Meanwhile, private entrepreneurs have created dazzling and sophisticated facilities that have eliminated the ''sleazy'' from gambling and turned it into a recreation. Las Vegas is now a city-sized adult theme park with attractions for the kids, too. American Indians, operating on reservations beyond the authority of state laws, have seized on casinos as a new method to generate cash and improve their standard of living Cruise ships of all sorts have set up table games and slot machines.

Hard-bitten gamblers of old played poker at tables in a friend's kitchen or sat in cold bleachers to watch the horses. Today's gamblers only enjoy the fines food, free drinks, the best entertainment, super-quality hotels, and the widest variety of gambling adventures that have ever been available. And, of course, all of this now happens at places much closer to most of the larger population centers. Gambling can indeed be fun these days—but some smallish percentage of gamblers do develop problems that translate into bankruptcy.

STATISTICS, GAMBLING, AND BANKRUPTCY

As in so many aspects of bankruptcy, perfect data related to the gambling problem don't exist. No one has asked all the bankruptcy filers if gambling contributed to their financial problems, and we strongly suspect that if filers were asked that question, many would be too embarrassed to answer honestly.

But we can look at evidence in many other ways. Recently, for example, we input into our county-level records the number of gambling places that exist in each county, if any. We obtained the information, covering more than 800 casinos, race tracks, and jai alai ''frontons'' from the 1997 edition of The Gaming Guide: Where to Play in the US of A, published by Facts on Demand Press of Tempe, AZ. The directory provides street addresses and zip codes for the gaming establishments. We used the zips against SMR's Zip Code/County Matching database to put the right numbers of facilities in the right counties.

Then, we aggregated the bankruptcy rates of those places and compared them to those of counties that have no gambling at all. The bankruptcy rate was 18% higher in counties with one gambling facility and it was 35% higher in counties with five or more gambling establishments.

This exercise probably understates the seriousness of the problem, since many counties that have gambling facilities also have very small populations, and actually draw their customers from other places.

So, when we look only at counties with more sizable resident populations and gambling facilities, we see even greater evidence of the problem.

A look at the map

The effect of gambling on bankruptcy seems quite clear when you look at a map. Among all the counties in Nevada, for instance, we find that the closer you come to Las Vegas and Reno, the higher the bankruptcy rate.

In New Jersey, casinos are permitted only in Atlantic City—and that's also where the resident population has by far the highest bankruptcy rate. Generally speaking, the closer you come to Atlantic City, the higher the bankruptcy rate in New Jersey. One exception to this rule is Cape May County, just south of Atlantic City, where the bankruptcy rate is not so high. But Cape May also is a big retirement place with high average age in the population. As shown in our demographics section, high-age populations do not have high bankruptcy rats.

In California, the two counties with the highest bankruptcy rates are Riverside and San Bernardino. They also happen to be the two counties closest to Las Vegas. The fourth-highest bankruptcy rate in California is in Sacramento County, which is closest to Reno.

In Connecticut, the map hardly matters. Connecticut is so tiny that everyone has access to the gambling parlors in the middle of the state. This is a state that used to have a bankruptcy rate far below the national average. But Indian casino gambling is now huge and well-entrenched. The smaller of the Indian casinos, the Mohican Sun in Uncasville, boasts 3,000 slot machines. In Connecticut, the bankruptcy rate per capita has risen more than twice as fast as the national rate of increase since 1990.

WHAT THE EXPERTS SAY: SCOPE OF THE PROBLEM, AND THE CREDIT CARD CONNECTION

Aside from these observations, we set out this year to interview many of the leading U.S. experts on gambling, gambling addiction, and the financial impact of gambling.

Their studies have suggested, fairly consistently, that more than 20% of compulsive gamblers have filed for bankruptcy as a result of their gambling losses. They also show that upwards of 90% of compulsive gamblers had used their credit card lines to obtain funds for gambling and then lost. The same studies show that problem gamblers have a lot of credit cards on which to draw.

''One of the things we know about problem gamblers is that they tend to have lots and

lots of credit cards and those credit cards have been maxed out in terms of their credit limits,'' said Rachel Volberg, one of the leading researchers into problem gambling in the U.S. and internationally. Volberg is president of Gemini Research, a consulting firm in Roaring Spring, PA. She is a frequent ''expert witness'' on the problem in state legislative hearings and has done research under contract for various government units in Oregon, Colorado, New York, California, Michigan, Mississippi, Georgia, Louisiana, Iowa, Connecticut, and Canadian provinces.

Volberg is not the only researcher to note the connection with credit cards. ''It's not unusual for problem gamblers to have eight to 10 credit cards,'' adds Henry Lesieur, professor of criminal justice at the University of Illinois, Normal, another leading authority on compulsive gambling.

The amount gamblers owe is quite large. According to studies of Gamblers Anonymous members in Illinois conducted in 1993 and 1995 by Lesieur, the median average lifetime gambling debt of those surveyed was $45,000, and the median amount owed at the time they entered GA was $18,000. The median is the midpoint of a list of numbers, with 50% of the numbers being higher and the other 50% being lower.

However, the mean average debts of problem gamblers were far higher than the median amounts. The mean average lifetime gambling debt of those surveyed was $215,406, with three people saying they owed $1 million or more. The mean debt upon entering GA was $113,640, including one person who said he owed $1 million and another admitting to owing an incredible $7.5 million.

In another study dated April 1996 by the University of Minnesota Medical School, a survey of problem gamblers in Minnesota found the average lifetime gambling debt was $47,855, although individual amounts ran into the hundreds of thousands of dollars. The median amount was $19,000. Recent debts—those accumulated in the past six months—averaged $10,008, while the median amount was $4,500.

In late 1995, the Minneapolis Star Tribune examined 105 bankruptcy filings made in that city in which it was determined that gambling was a factor. The results of the study appeared in a five-part series that ran in the paper in December 1995.

The newspaper found that of the $4.2 million of total debt declared by the 105 filers, $1.14 million—or 27%—was comprised of gambling losses. Almost half of the 105 filers—52, to be exact—claimed they had gambling losses. Their average debt was $40,066, which was more than the average annual income of $35,244. The average gambling loss was more than $22,000. Filers carried an average of eight credit cards, although many had 10 or 15 cards and one person had 25. And heavy debts were being carried on each card.

Counties with gambling have higher bankruptcy rates

Let's return to the county-level data. In the table that follows, we divided up the country among counties with gambling facilities and those without. The differences in bankruptcy rates between them are striking. It's quite clear that those counties with legal big-ticket gambling have higher bankruptcy rates than those counties that don't have gambling, and those counties with many gambling houses have higher bankruptcy rates than those places with just a few.

We examined more than 3,100 counties. For the entire United States, the personal bankruptcy filing rate per 1,000 population in 1996 was 4.20. But the national rate for purposes of comparison to counties was 4.22 (using 1996 bankruptcies divided by 1995 populations; the 1996 county populations were not available when we did this analysis). For the 2,844 counties without gambling, the bankruptcy rate was lower, at 3.96.

According to The Gaming Guide, there were 298 counties that had legalized gambling within their borders. In these counties, the bankruptcy filing rate in 1996 was 4.67, or 18% higher than for those counties with no gambling. When we subdivide the universe of counties with gambling between those with five or more locations and those with four or less, we learn more. The places with the most gambling facilities have a much higher bankruptcy rate.

Of the 298 counties with gambling, 275 had only one to four facilities. Their combined 1996 bankruptcy filing rate was 4.53 per 1,000 residents, or 14% greater than the 3.96 rate among counties without gambling. However, in the 23 other counties with five or more gambling facilities, the combined bankruptcy rate was 5.33, a whopping 26% higher than the 4.22 national bankruptcy rate and 35% higher than at counties with no gambling at all. Many of these counties with 5+ gambling facilities are in Nevada, but most of them are not.

BANKRUPTCY FILING RATES IN U.S. COUNTIES WITH GAMBLING FACILITIES[1] VERSUS COUNTIES WITH NO GAMING ESTABLISHMENTS

	Number of counties	Aggregate population	1996 bankruptcy filings	1996 filings/1000
All counties with gaming facilities	298	97,385,935	454,384	4.67
Counties with 5+ gaming facilities	23	16,391,661	87,435	5.33
Counties with 1–4 gaming facilities	275	80,994,274	366,949	4.53
Counties with no gaming facilities	2,844	166,526,572	658,724	3.96
All U.S. counties	3,142	263,912,507	1,113,108	4.22

[1] Gambling facilities include land, tribal, and boat casinos; dog, horse, and harness race tracks, and jai alai frontons.

Again, these data tell only part of the story, since some gambling parlors (especially tribal casinos) are located in thinly populated places and draw almost all their customers from other places.

So, it's important to also look at more populous areas located very near to gaming facilities. Indeed, not only do many gambling facilities draw from other nearby population centers within the U.S., but in addition there are many legal casinos in several Canadian provinces. These often are located just beyond the U.S. border and cater to American gamblers in the Detroit area, upstate New York, and other northern states.

Thus, we believe many counties have high bankruptcy rates tied in part to gambling, yet the county doesn't register in our table as a ''gambling'' county. If we included counties contiguous to those places with legalized gambling, we're sure the numbers would show an even stronger correlation between high bankruptcy rates and gambling. The following mini study of the Memphis, TN, area illustrates our point.

Las Vegas East: Would you believe it's Tunica County, MS?

In the table below, we show the 24 counties in the U.S. with the worst U.S. bankruptcy filing rates in 1996 (10.0 or more filings per thousand residents) and where the population is greater than 25,000.

A significant number of these worst places share one trait—all are within easy reach of major gambling casinos. This is true of just about all of the counties on the list that are located in Tennessee, Mississippi, and Arkansas.

Neither Tennessee nor Arkansas has legal casino gambling within its borders. In fact, neither state even has a lottery, for that matter. Yet, several of their biggest counties are located near the 10 major riverboat casinos in Tunica County, MS. Tunica is located in the extreme northwest corner of Mississippi, just south of Memphis, TN. According to The Gaming Guide, Mississippi has the largest amount of ''gaming area''—that is, square feet of casino gambling—in any state outside Nevada. And most of that gaming is centered in Tunica County. Major casinos are also located in the Biloxi-Gulfport area on the Gulf of Mexico.

The profusion of super-high bankruptcy rates among the counties located near the Mississippi River casinos in Tunica County is quite remarkable. Indeed, the counties in the tristate area within the Memphis metropolitan area have some of the highest personal bankruptcy rates in the nation. We view their close proximity to the Tunica casinos as very meaningful.

Shelby County, TN, where Memphis is situated, easily had the highest county bankruptcy rate in the nation in 1996, at 17.28 per 1,000 population—more than four times the national average. It's also by far the biggest county in terms of population among the most bankrupt counties. Memphis also happens to be the headquarters of Harrah's, one of the biggest casino operators.

Also on the list of worst counties are two Mississippi counties. DeSoto, with a December 1996 filing rate of 10.65, borders Tunica County. Marshall County, at 11.47, is adjacent to DeSoto. Tunica County itself, the likely source of some of this trouble, has a population of just 8,132 souls, and a bankruptcy rate of just 5.78, less than the state average of 6.16.

Also high on the list of most bankrupt counties is Crittenden County, AR, at 11.16. It's the county located just across the Mississippi River from Shelby County. Tipton County, TN, at 10.96, is adjacent to Shelby County on the north. Madison County, TN, at 10.73, is located just east of Shelby. But other counties located near Shelby in Tennessee sport high bankruptcy rates, including Haywood, Lauderdale, Fayette, and Crockett, to name a few. These counties don't appear on our list of worst counties because their populations were less than 25,000.

The Tunica casinos aren't the only ones catering to Tennessee residents. There's also a casino located upriver in Caruthersville, MO, in that state's southeastern panhandle. It may be part of the reason for the 10.56/1,000 bankruptcy rate in Dyer County, TN, which is located just across the river. Also, Gibson County, TN, just east of Dyer, had a bankruptcy filing rate of 10.12. It's worth mentioning that both Dyer and Gibson Counties are also both within a two-hour drive of the Tunica casinos.

The next table shows that 9 of the 24 U.S. counties with the highest bankruptcy rates in 1996 also were places located very close to three gambling sites.

COUNTIES WITH HIGHEST BANKRUPTCY FILING RATES, 1996

[Minimum population 25,000]

County name	Population	Filings	Filings/1000
Shelby, County, TN[1]	865,058	14,952	17.28
Coffee County, GA	32,697	432	13.21
Jefferson County, AL	657,827	8,124	12.35
Bibb County, GA	155,066	1,912	12.33
Troup County, GA	57,882	705	12.18
Walker County, GA	60,654	705	11.62
Marshall County, MS[1]	32,078	368	11.47
Crittenden County, AR[1]	49,889	557	11.16
Clayton County, GA	198,551	2,209	11.13
Liberty County, GA	58,749	650	11.06
Coweta County, GA	72,021	789	10.96
Tipton County, TN[1]	43,423	476	10.96
Murray County, GA	30,032	325	10.82
Madison County, TN[1]	83,715	898	10.73
Baldwin County, GA	41,854	448	10.70
DeSoto County, MS[1]	83,567	890	10.65
Dyer County, TN[2]	35,900	379	10.56
Manassas City, VA	32,657	333	10.20
Gibson County, TN[2]	47,728	483	10.12
Scott County, MS[3]	25,042	253	10.10
Rhea County, TN	26,833	271	10.10
Talladega County, AL	76,737	774	10.09
Spalding County, GA	57,306	575	10.03
Ware County, GA	35,589	357	10.03

[1] Located near casinos in Tunica County, MS.
[2] Located near casino in Caruthersville, MO.
[3] Located near casino in Philadelphia, MS.

MORE EXAMPLES

Of course, scenarios like this can be seen in other areas of the country. Atlantic County, NJ, is a leading example. It is home to all of that state's legalized gambling casinos, and the 1996 bankruptcy rate was 7.10 filings per 1,000 residents. That was 71% higher than the state average bankruptcy rate of 4.16. And most of the time, counties located closest to Atlantic had higher bankruptcy rates than others further away.

Of course, Atlantic City draws customers from all kinds of places, including many from New York City. Our point is that the resident population in a gambling county has the easiest and most frequent opportunity to use the facilities, therefore we should expect to see some result in the per capita bankruptcy rate.

Similarly, the 1996 bankruptcy rate in Nevada is more than 50% higher than the national average. In Clark County, where Las Vegas is located and where more than half of the state's more than 300 casinos are based, we see the highest bankruptcy rate within the state. Nor is it surprising that the two counties with the highest bankruptcy rates in California are those just across the border from Las Vegas, San Bernardino (7.04) and Riverside (6.77). Those two counties also now have tribal casinos of their own.

Moving to Maryland, Prince Georges County has by far the highest bankruptcy rate among counties in that state—6.72 filings per 1,000 population in 1996, almost 50% higher than the state average of 4.57. By way of comparison, the next highest county bankruptcy rate in Maryland is 5.27, a significantly lower figure. What's going on in Prince Georges?

The answer is that Prince Georges is the only county in Maryland where casino gambling is legal. Legal casinos are located at charitable organizations, such as Elks and Knights of Columbus halls and volunteer fire departments. These casinos have strict limits on operating hours and betting and don't have the glitz of Las Vegas or Atlantic City, yet they do now exist and the casinos are used. Prince Georges County also has harness racing.

Gambling & low-bankruptcy States: Would they be even better without it?

All of the prior information is highly suggestive that gambling influences bankruptcy. Yet, as all the rest of this study shows, there are many other bankruptcy drivers. Therefore, the correlation between bankruptcy and the physical location of gambling facilities is certainly imperfect.

There are some states, for instance, where there are gambling facilities, yet the bankruptcy rates are reasonably low. These states include South Dakota, Minnesota, and Iowa—all located in the moderate bankruptcy ''corridor'' of the upper Midwest.

It's hard to tell in these areas whether gambling has no effect on bankruptcy, or if, on the other hand, bankruptcy would be even less of a problem without the casinos. The Minnesota university study referenced earlier in this section suggests that bankruptcies in that state are caused at times by gambling.

Indeed, the notion that gambling is a major negative for bankruptcy in all geographies is supported by information from our interviews and from a lot of local newspaper articles we have reviewed. The actual gambling debts may have become credit card debts prior to the filer entering bankruptcy court, but that doesn't change the cause of the financial trouble. The following material will add more from this review of experts and news articles.

QUANTIFYING THE PROBLEM

10% of Filings Might Be Linked to Gambling; 20% of Problem Gamblers Go Bankrupt

Articles we studied, often quoting attorneys who specialize in personal bankruptcy, suggested that about 10% of bankruptcy filings are linked to gambling losses. That figure could be higher depending on location. Most of the debt is racked up on credit cards.

According to the experts on compulsive gambling with whom we talked, no comprehensive national study on problem gambling has been conducted in the U.S. since the early 1970s. However, several state studies have been done, all concluding that 20% or more of compulsive gamblers were forced to file for bankruptcy protection because of the losses they had incurred.

In the April 1996 study of compulsive gamblers in Minnesota conducted by two professors at the University of Minnesota Medical School, the researchers reported that 21% of the people in the study had filed for bankruptcy. In addition, a disturbing 94% said they had at least one gambling-related financial problem in their lifetime. Furthermore, 9 out of 10 of the subjects said they had borrowed from banks, credit cards, and loan companies to finance their gambling. And, 77% said they had written bad checks to finance gambling sprees.

The University of Illinois in Normal conducted two surveys of members of Gamblers Anonymous in 1993 and 1995. The combined results found that 21% had filed for bankruptcy, and that another 17% had been sued for gambling-related debts. Additionally, 16% said their gambling led to divorce—another big driver of bankruptcy filings—and another 10% said it led to separation. Compulsive gamblers also have very high rates of attempted suicides, higher even than for drug addicts, the experts said.

Rachel Volberg, the Pennsylvania-based compulsive gambling consultant we referenced earlier, told us that a study in Wisconsin had found that 23% of compulsive gamblers had filed for bankruptcy, and that 85% of the gamblers said they had used credit cards for gambling money. She also said a study conducted in the Canadian province of Quebec found that 28% of problem gamblers there had sought bankruptcy protection.

One of the really scary things about these studies is that they are conducted only with people who had sought out professional help for gambling addiction. So, there may be other problem gamblers at risk, too.

According to several lawyers specializing in bankruptcy who were quoted in newspaper articles that we studied, 10% to 20% of their clients did so due to gambling debts they couldn't pay. These lawyers were located in areas near casinos, so the 10% to 20% figures probably doesn't hold for the U.S. population at large. Nevertheless, it's probably not a stretch to say that at least in those areas near major casinos, gambling-related bankruptcies account for a good 10% to 20% of the filings.

The Explosion in Iowa

It's also not a stretch to say that the number of people with financial problems stemming from gambling is on the rise, tracking the spread of legalized gambling.

Tom Coates, executive director of the nonprofit Consumer Credit Counseling Services of Des Moines, IA, told us that 10% to 15% of the people his agency counsels have financial problems ''directly related to gambling.'' That's up dramatically from 2-3% when the agency opened its doors 10 years ago, before casino gambling was legalized in Iowa. Coates also told us that his service's business is up 30-40% over a year ago, at a time when Iowa's unemployment rate is at an all-time low and its economy stronger than the nation's at large. He blames gambling for much of the surge.

Probably, much of what we've reported about problem gamblers will not surprise the experienced credit executive. People with gambling addiction are rather obviously at risk to lose a lot of money. But how many such people exist? And how many gamble occasionally? Let's take a look at the numbers, below.

2.6 million adults may have a gambling problem

According to the most recent statistics released by the American Gaming Association, the casino industry's trade group, U.S. households made 154 million visits to casinos in 1995. That number was up 23% from the previous year and up an astounding 235% from 1990.

The AGA said 31% of U.S. households gambled at a casino in 1995, up from just 17% in 1980. ''Gambling households,'' as the AGA calls them, also made an average 4.5 trips to casinos in 1995, up from 3.9 times the year before and 2.7 in 1990.

Of course, it is difficult to pinpoint how many of these people have a problem or compulsion—terms that can be a matter of degree or interpretation. Most estimates range from 1% of the adult population to as high as 7%.

The University of Minnesota study estimated that 1% of the state's entire population were ''problem pathological gamblers,'' meaning that they lose control and continue gambling in spite of adverse consequences. If this 1% figure were true for the entire U.S. population, it would represent about 2.7 million people at risk.

The gaming industry itself says that 2% to 4% of practicing gamblers develop compulsion problems. Since 31% of households gambled at a casino in 1995, the 2% to 4% range would yield numbers very similar to the Minnesota study. (31% of 265 million people 82.15 million 3% = 2.5 million compulsive gamblers.)

Needless to say, people don't become compulsive gamblers until they're first exposed to gambling. Therefore, the rapid spread of casino gambling right now is a major concern.

Coates, the credit consultant, told us that Iowa commissioned a study of problem gambling in 1989, two years before the state's first riverboat and Indian casinos opened. In that study, it was estimated that 1.7% of the state's adult population were compulsive gamblers.

In 1995, by which time many casinos had dotted the state, Iowa did a similar study. Using the same methodology, the second study found that 5.4% of the state's entire

adult population—not just the population that gambles—were problem or compulsive gamblers, a more than tripling of the rate in just six years.

Losing everything is common

For creditors, another problem with gambling-driven bankruptcy is that it is highly likely to result in total loss.

Even though most bankruptcy filings will represent near-total loss of amounts owed to unsecured creditors, the gambling-driven bankruptcies may be the worst. That's because addicted gamblers tend to ''tap out'' completely on debt and deplete savings, leading them into Chapter 7 liquidation.

These are logical observations, but also are supported by findings in a July 1996 study conducted in Wisconsin. We reviewed this study.

DEALING WITH THE GAMBLING ISSUES

Like so many of the drivers of bankruptcy, gambling is a frustratingly tough problem to solve.

Casino gambling is spreading rapidly in part because so many people enjoy it. Most gamblers also are responsible and know their limits. People like gambling and most do it safely, so how do you argue against the further spread of casinos?

The central problem for bankruptcy is that gambling adds another socio-economic minority group to the high-risk mix.

Bankruptcy is always driven by socio-economic and demographic minority groups. Most people have health insurance, but the 40 million Americans who don't are a large high-credit-risk minority. Most people don't get divorced, but the 10% of adults who are divorced are a sizeable at-risk minority. If there also are 2.6 million compulsive gamblers, this is just another high-risk group to throw in—and perhaps the most rapidly growing group. Bankruptcies are rising in part because, when you add up all these at-risk minority groups, you end up with a very large number that's no longer minor.

Still, we believe that much could be done by active creditors to combat the level of the risk. At the moment, if anything, creditors enable and even encourage the problem gambler to go too far. And some state governments seem even more eager than the casino themselves to encourage irresponsible gambling behavior—as we'll see in a moment in New Jersey.

Here are some of our thoughts on combatting the gambling/bankruptcy problem:

1. Make it tougher for customers to obtain cash advances at gambling casinos

According to the gaming industry itself, more than half of the money that gamblers play with at casinos is not money they brought with them. It is money they obtained inside the casino or close by from automated teller machines, cash advances from credit card terminals, and the like.

''It is no secret in the casino industry that patrons will continue to play a game until their cash runs out. What some operators have discovered, however, is if a consumer is provided with efficient and easy ways to access cash, often a 'last time' player will wager for longer than he or she originally planned,'' states a recent article about cash advances in International Gaming & Wagering Business, a gaming industry monthly magazine. In addition, the article says, ''credit customers tend to be more liberal money-users.''

Credit card issuers have been very accommodating to gamblers, making it easy for them to get their hands on large sums of money very quickly. And it may well be that most of this business is profitable for the card issuers. But that may be changing now. In an era of very rapidly increasing bankruptcies, it does not take long for the net losses from bankruptcy filers to exceed the profits from gamblers who responsibly use their cash advances.

Here is some admittedly over-simplified card issuer math: Let's hypothesize that 1,000 gamblers have used credit card cash advances to obtain $1,000 each. Total receivables for this group will be $1 million. At a 1.5% return on assets, this $1 million will generate $15,000 of net income.

But the gaming industry itself says that 2% to 4% of these gamblers have an addiction problem. If the average is 3%, then 3% of the 1,000 gamblers we've just looked at are very high risk. This will be 30 people. If, as the earlier data suggests, 20% of these 30 people will file for bankruptcy, then 6 of the original 1,000 gamblers will wind up in bankruptcy court. Against the $15,000 of net income, what will the loss be from the 6 bankrupt compulsive gamblers? Probably, it will be more than $15,000—or at least close enough to make this little piece of the credit card business insufficiently profitable.

This tells us that card issuers and the ATM associations they partially control may want to reconsider their placement of so many cash machines in casino hotels. Or, at least, card issuers may need to institute new early warning indicators specific to those locations. The heavy users of casino hotel cash machines should be the ones stopped sooner.

''If I were a credit guy, I would check better on the ATM transactions,'' said Edward Looney, executive director of the Council on Compulsive Gambling of New Jersey. ''Banks ought to immediately pick up on someone in trouble. You can tell just from the transactions.'' Coates was quoted in the Des Moines Register newspapers in late 1995 claiming that banking sources told him that eight of the 10 busiest ATMs in Iowa were located at the casinos.

2. Help defeat actions in states that would make it easier for gamblers to get credit card cash advances on casino floors

Here is perhaps the craziest credit risk story yet.

In New Jersey last September, the state Casino Control Commission passed a regulation that would allow casino patrons to utilize ATM and credit card cash advance machines placed right at the Atlantic City gaming tables.

Previously, customers had to walk to a different part of the building to use these machines. Under the new proposal, borrowing for blackjack would be faster than ordering a drink from a cocktail waitress. Not even Las Vegas casinos allow this. And, the Atlantic City casinos themselves don't support the measure, which they believe would lead to increased gambling compulsion and would tarnish the industry's reputation.

In other words, the state government is more eager to push money into the gamblers' hands than the casinos who would profit most in the short run. What's wrong with the New Jersey regulators—and why didn't the banking industry object?

So far, no Atlantic City casino has taken advantage of the rule change, nor is any likely to in the future, said Keith Whyte, director of research at the American Gaming Association, the industry's trade group.

''We definitely opposed in principle New Jersey's regulatory rule change that would let casinos put ATM card swipes right at the table. And in fact no casinos are doing that, and none will, I can almost guarantee you,'' Whyte told us. ''It wasn't a casino-initiated thing. Everybody [in the industry] realized that is probably not a step we would want to take.''

According to Looney, the New Jersey Compulsive Gambling Council chief, not a single credit card or banking industry representative raised any objection to this rule when it was being debated. Yet, Atlantic City has the highest concentration of big casinos outside Las Vegas and serves millions of gamblers per year. You get the feeling no one in the credit community is paying close attention to gambling's effect on bankruptcy.

3. Maybe cash machines should be moved out of the casino hotels entirely

Many of the experts we talked to for this study agreed that the worst thing for a compulsive gambler to have is immediate access to cash when he's on a binge. To the extent that banks control or influence where cash machines are placed, it may be time to reconsider their currently wide availability around the casino hotels.

If the gambler had to walk down the street to get cash, no doubt some would. But some of the people we interviewed strongly contend that the walk itself would impose a ''cooling off'' period that would stop some compulsive gambling losses.

''It's a vulnerable thing for a compulsive gambler to get credit,'' said Looney of the New Jersey council and himself a recovering gambling addict. ''They will be so focused on their gambling that they will gamble everything they can, including all the credit cards they have in their possession. It is important to have ATM and credit card terminals at least some distance from where gambling actually takes place. To some this might seem a small point, but to those of us who deal with compulsive gamblers, this is huge. For many compulsive gamblers, just being forced to walk a couple of hundred feet away from where the gambling is actually taking place is sufficient time for them to rethink whether they really want to gamble any further. That break from gambling is a crucial time for many.''

4. Challenge more aggressively those bankruptcy filings where it appears that gambling losses are the main reason why the person is filing

Inside the bankruptcy court, at least some folks contend, creditors should be even tougher on gamblers than they already are.

''I think lenders should push for slightly different treatment [in bankruptcy court] for someone who has been shown to run up his debts for gambling,'' said Tom Coates, the Des Moines credit counselor. Credit card lenders would not only be helping themselves but doing the problem gambler a favor, too, he noted.

Coates, who recently testified before the National Bankruptcy Commission, tried to impress on the panel that discharging gambling debts through a bankruptcy filing doesn't do the gambler any good. ''I tried to impress on the Commission that the compulsive, problem gambler is living in a fantasy world and to go ahead and discharge this debt in bankruptcy court continues to propagate this atmosphere of fantasy land. It will abort the recovery process for that individual. The process of recovery is to bring that person out of their fantasy world into the world of reality, and by discharging those debts, none of it seems real to them.''

Indeed, in a recent article in the St. Louis Post-Dispatch about gambling and bankruptcy, one gambler was quoted counseling another with money troubles: ''Go file bankruptcy. Then you'll have money to gamble with.''

U.S. credit card issuers should consider lobbying to change U.S. bankruptcy laws to make it illegal for people to discharge gambling debts in bankruptcy court. That is the current law in Australia, according to Henry Lesieur, the University of Illinois professor. Of course, the card issuers would have to be able to prove that a card cash advance was used for gambling purposes, which might

often be difficult. On the other hand, if the law were changed, perhaps filers who lie about gambling losses would risk penalties, so at least some might be honest.

5. Finance research into problem gambling and finance help for compulsive gamblers

From time to time, creditors provide funds to all sorts of charitable outfits. If they helped finance research into compulsive gambling, such spending would play a dual role. It would be a public contribution, and it would help creditors learn more about the seriousness of the tie between gambling and bankruptcy.

Quite a bit of money is spent on alcohol and drug addiction research and rehabilitation. Both of those problems are viewed (at least by some people) as medical. Apparently, the public view toward gambling addiction is quite different. There's no drug involved, and little is spent on research or rehab. Yet, gambling addiction can indeed be viewed as a form of emotional or metal illness—and it's the one addiction that is growing most quickly in its impact on creditors.

In our research for this study, we found very little new research being conducted on compulsive gambling. The experts we interviewed said that no national survey of compulsive gamblers has been done in more than 20 years; only a handful of studies have been done by various states from time to time. Much of the available research has been done in academia with modest financial support, and it gets little followup attention.

Card issuers spend millions on sporting events, the Olympics, and even on the Smithsonian museums (Discover Card). These expenditures have a marketing value. A fractional amount diverted to gambling research could have an even better bottom line impact.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ROTHMAN].

Mr. ROTHMAN. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 1596, the Bankruptcy Judgeship Act of 1997. I come to the floor today to speak not only as a Member of Congress but as a former county surrogate court judge. I am very concerned about the bankruptcy system in the United States, not that it does not work but that with the sheer number of cases being filed, Americans cannot be assured of speedy bankruptcy filings.

As the gentlewoman from California said, that means that individuals and businesses who are owed money by individuals and companies that take advantage of our bankruptcy laws, they will not receive their just compensation in a timely enough fashion. So as Members of Congress, as legislators, it is our responsibility to equip the judiciary with the tools they need to ensure fair and speedy bankruptcy trials for Americans.

In 1996 there were over a million bankruptcy filings in the United States. This was an increase of 27 percent over 1995 and more than triple the number filed since 1984. In my home State of New Jersey there were more than 34,000 filings in 1996, up almost 23 percent from the previous year.

While this number continues to rise, one thing has not changed. Since 1992, no new bankruptcy judges have been added. New Jersey's 34,000 bankruptcy cases were handled by only eight bankruptcy judges. It is, therefore, unreasonable to think that eight judges can adequately handle 34,000 cases, and that turns out to be the fact.

This number is too high. We cannot expect cases of this number to be heard expeditiously as well as thoroughly and fairly and creditors to be paid promptly if the number of judges does not increase. It is unfair for all of the parties involved.

We will be increasing with H.R. 1596 the number of new bankruptcy judges by 6 percent over 1992, even though the caseload went up 30 percent. I think that this is a good start, Mr. Speaker. H.R. 1596 puts into action the Judicial Conference's recent recommendation to add 7 permanent and 11 temporary judgeships nationwide, and I strongly urge my colleagues to vote for H.R. 1596.

Mr. HOYER. Mr. Speaker, I rise in enthusiastic support of H.R. 1596, the Bankruptcy Judgeship Act of 1997.

Spurred by credit card debt, bankruptcy claims in the United States have escalated by more than 20 percent over the past 5 years, increasing from 971,000 in 1992 to 1.2 million in 1996. This has translated into expanding caseloads for U.S. bankruptcy courts and placed a substantial added burden upon bankruptcy judges and staff. The district of Maryland is among those jurisdictions affected most severely by the rise in bankruptcy filings, experiencing a staggering 35.8 percent jump in the last year, and an astounding 544 percent increase over the 12-year period beginning December 31, 1984, and ending December 31, 1996.

The Bankruptcy Judgeship Act will help to alleviate the mounting stress on the most severely overburdened U.S. bankruptcy courts by establishing an additional 7 permanent and 11 temporary bankruptcy judgeships in various jurisdictions around the country. Under H.R. 1596, Maryland would receive one permanent and two temporary bankruptcy judgeships.

I would like to commend the bill's lead sponsor, Mr. GEKAS, chairman of the Judiciary Subcommittee on Commercial and Administrative law, and the rest of my colleagues on the Judiciary Committee, including Chairman HENRY HYDE, ranking member JOHN CONYERS, and the ranking member of the subcommittee, Mr. NADLER, for taking this action to help bankruptcy courts meet the challenge of rapidly expanding caseloads.

Enactment of this legislation will bring much-needed relief to the U.S. bankruptcy court system and more expeditious adjudication of bankruptcy claims. I strongly encourage all of my colleagues to support this important and timely legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 1596.

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

A motion to reconsider was laid on the table.

☐ 1600

CLARIFYING STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN EMPLOYEES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1953) to clarify State authority to tax compensation paid to certain employees.

The Clerk read as follows:

H.R. 1953

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

SECTION 1. LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"§ 115. Limitation on State authority to tax compensation paid to individual performing services at Fort Campbell, Kentucky

''Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky.''.

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

SEC. 2. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(1) by inserting ''(a) GENERAL RULE.—'' before ''The United States'' the first place it appears, and

(2) by adding at the end the following:

''(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Columbia River, and

''(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

''(c) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE MISSOURI RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Missouri River, and

''(3) portions of which are within the States of South Dakota and Nebraska,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to pay and compensation paid after the date of the enactment of this Act.

The SPEAKER pro tempore [Mr. GOODLATTE]. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. GEKAS]?

There was no objection.

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

Mr. Speaker, I urge adoption of this piece of legislation. For several years now, we heard of this very unique, very peculiar situation that exists where, on borders between two States, there happens to be a facility in which residents and nonresidents alike, each from one of the States, happen to work in that facility. Some of the States are taxing nonresidents on income taxes where nonresidents in their own State might not have to pay that kind of tax. So this has caused a kind of conflict.

We are grateful to the Members of the House from the various States which were affected to give us insight and to give testimony at the hearings that we have held on this very touchy subject. The border between Oregon and Washington comes into play, as my colleagues will hear from the representatives from that area; the border between Tennessee and Kentucky, as well, where Fort Campbell is located. Of late, we had a similar situation arise, which was brought to our attention, between South Dakota and Nebraska.

So my colleagues will hear how this has affected the people who live and work in those areas. We believe that the legislation that is before us cures this very unfortunate situation and allows the nonresidents, as it were, in these six States to have a sense of certainty about to whom they have to pay taxes and where to file, et cetera.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume and I rise in support of the motion to suspend the rules and adopt H.R. 1953.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, many responsibilities have devolved to the States in the last several years. At the same time, there has been less assistance from the Federal Government. State governments must deal with each of these new challenges while balancing their budgets every year.

Congress should only, with the greatest reluctance, interfere with the prerogative of States to tax economic activity within their borders. The three cases before us, however, present unique, narrowly defined instances in which the equities clearly argue for some relief for the very small number of workers affected. In fact, the very small number of individuals involved here probably have something to do with the fact they have been unable to find relief in the appropriate source, State governments.

In each case, a small number of workers enter a Federal facility from their home States. Because these facilities are bisected by State boundaries, their work takes them over the State line and brings them under the taxing authority of the neighboring State. As a result, they must pay income taxes to that neighboring State, even though they never actually use the roads or other State services.

Finally, unlike most States, the two neighboring States lack reciprocal tax agreements to give residents the ability not to be taxed by their home State on income taxed in the neighboring State. These are highly unusual cases. They are not simply cases of people working in neighboring States who do not want to pay taxes to that State.

The combination of these many unusual circumstances: The failure of the States to work out an equitable reciprocity agreement, along with the fact that these workers can be said to have worked in the neighboring State only in the narrowest and most technical sense, makes this legislation merited.

This legislation is in line with the very few previous instances in which Congress has taken similar actions. We are exercising a Federal power that must be used only with the greatest of care; and I believe this legislation does that, and I urge its adoption.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I might consume just to remark that the gentleman from New York, who is the ranking member on the subcommittee in charge of these proceedings, was very helpful from an insight that he has drawn as a member of the New York State Legislature, so that he was able to present to us a certain facet of this type of legislation which he has helped to craft in the language here to help us provide the proper vehicle for what we are attempting to do here.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. BRYANT] such time as he may consume. The gentleman has been very helpful right from the beginning, and his perseverance is in no small measure responsible for the appearance of this bill on the floor here today.

Mr. BRYANT. Mr. Speaker, I thank the chairman from Pennsylvania [Mr. GEKAS] for yielding me the time.

While I fully support all the provisions in this legislation, I want to speak for just a moment on the section which would prevent the State of Kentucky from unfairly taxing the workers who live in Tennessee but who work on the Kentucky side of Fort Campbell. This is a unique situation.

Fort Campbell is the only military installation which is located in two States. In fact, over 80 percent of the base is located in Tennessee, and it might interest my colleagues to know that the only reason we call this base Fort Campbell, KY, is that the post office is on the Kentucky side.

Because of its location, if a Tennessee resident working on the base is assigned to work on the Kentucky side, she must pay Kentucky State income taxes. Reciprocal agreements between two States normally would prevent this double taxation. However, because Tennessee does not impose an income tax on its State residents, a reciprocal agreement does not exist between Tennessee and Kentucky.

Mr. Speaker, passage of this legislation will not set a precedent for Federal preemption of State income tax laws because of the uniqueness of this case and the other two cases. Because this is a military installation, everyday benefits that would normally be provided by Kentucky in return for these taxes paid by Tennesseans are actually provided by either the State of Tennessee or by the military.

For example, a person who has been assigned to work on the Kentucky side of the post does not ever have to use a Kentucky road, since these roads have been paid for by the military and the post can be entered from the Tennessee side. The same is true in the case of fire and police protection.

This is an issue of fairness for the 2,200 Tennessee residents who are seeing their annual income reduced simply because they were assigned to work in a section of the base which is located in Kentucky.

Mr. Speaker, I also want to take a moment at this time to thank my colleagues on the subcommittee, the gentleman from Pennsylvania [Mr. GEKAS], the chairman, and the gentleman from New York [Mr. NADLER], the ranking member, for working with me on this issue.

Consideration of this legislation on the House floor represents a real victory for those who have worked so hard on the issue. For the last 10 years, legislation to correct this inequity has been introduced in the House, only to die at the end of each session of Congress due to inaction. This effort was first begun by then-Representative and now-Governor Don Sundquist, a friend of mine. And I am happy to have an opportunity to carry on this fight with him.

Ms. LOFGREN. Mr. Speaker, I would just further add that, in the last Congress, this issue was discussed on the

floor of the House and there was a great deal of distress and opposition from various State officials that is not presented today. This change is worth emphasizing because this is a very narrow exception that is not a precedent for telecommuting or anything broader than the very narrow circumstances that face us here today. I think we have done a good job of moving this forward. I commend the chairman.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington, Mrs. LINDA SMITH, who herself has been instrumental in keeping this committee focused on the special problem that she and the other Members have faced on that border between Oregon and Washington.

Mrs. LINDA SMITH of Washington. Mr. Speaker, sometimes we have a law that seems insignificant because it only affects a few people. But this particular day, it is very important to many people in Washington and Oregon, especially those that live in Washington, because for many years, they have been told there are not enough of them for Congress to pay attention. So I would like to commend the gentleman from Pennsylvania [Mr. GEKAS], the chairman, for caring about justice for the few.

What has happened over the years is we have what is called a no man's land in Washington State and Oregon called a very wide river. It has many dams on it, and Federal employees work on that river. Over the years, one of the States, the State of Oregon, has decided that there is an imaginary line in the middle of the river and that they will have folks that get up each morning and pack their lunch and go to work never ever going to the State of Oregon, living in Washington, keep track of the hours as they go throughout the day, the hours that they walk onto the side of the river that Oregon has decided is their land. This has become a bone of contention over the years.

And I often hear taxation without representation. We hear this often. But really, sometimes people use it because they do not want to pay their share or they do not want to pay for services. These folks never drive on an Oregon road. They are never protected by Oregon law. There is never a fire engine that comes to protect their home. There is no service. There is nothing, except they walk across a Federal project part of the way through the day and then usually are required to pay about 10 percent tax on 50 percent of their income, without ever getting any service.

So today what we have is just common sense, but it is also justice for the few. And that is what America is about. We protect the rights of each individual. And the right to not have taxation without representation is just something we know is American.

So today I thank the chairman again and all the other Members, especially the gentleman from Washington [Mr. HASTINGS], who I am sure is on a plane coming home, if he is like so many Members, he is coming back here today because he has diligently brought it to the Chair, brought it to the committee, brought it to the limelight. And he has several of those dams, as I do, on the Columbia River, and his folks need to understand that he has been a bulldog on this. Even though it was only a few people, the gentleman from Washington [Mr. HASTINGS] has cared deeply about the few.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume to allow the RECORD to reflect what the gentlewoman from Washington, Mrs. LINDA SMITH, has said that the gentleman from Washington [Mr. HASTINGS] too has been important in the promulgation of the legislation which is now before us. And he, I believe it was almost 2 years ago, was the first who brought this matter to our attention. And here we are today in full fruition of the solution of the problem that he brought then to the floor.

We now turn to another border, South Dakota and Nebraska.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota [Mr. THUNE] to explain how that has occurred and how that was added to our legislation, because it reflected so much of the similarity between it and the other States in question.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GEKAS], the chairman, for yielding and for working with us on this important issue. This is something that is a very commonsense bill. It helps South Dakota families.

In fact, one of the things in South Dakota that we pride ourselves on is the fact that we are a low-tax State, and we like to attract economic development and people to come to our State because we have a low-tax environment. This is something that I think addresses an issue which works against that very principle.

In fact, in this particular case, this bill will save 35 families in my State of South Dakota $1,000 a year. These are people that live in South Dakota but work on a Federal project outside the taxing authority of Nebraska and South Dakota.

South Dakota residents work at Gavins Point, which is a Federal project on the Missouri River. They do not need Nebraska roads, facilities, goods, or services to access their worksite. In fact, these 35 families receive no benefits whatsoever for the tax dollars that they pay to the State of Nebraska. They cannot vote down there, and they cannot use Nebraska services.

We just heard previously from other speakers an important principle on which this country was founded, and that is the principle that you should not have taxation without representation. That is an inequity that has certainly cost the families of my State of South Dakota a substantial amount of tax revenues over the years.

So we are very pleased that the chairman and other Members of this body are willing to work with us to address this inequity and bring some fairness to the respective tax laws that we have.

I would just simply close by saying that those of us that live in South Dakota like the State of Nebraska. Many of us are Nebraska Cornhusker fans, but we would rather live in South Dakota. And that is where we want to live and pay taxes. And since we do not have a State income tax, it does have a significant economic impact on these families. And this bill addresses that. So I thank the chairman for working with us on this.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of H.R. 1953, a bill to tax more fairly workers at Federal facilities which border two States. This bill incorporates legislation I introduced earlier in this Congress to end the double taxation of Army Corps of Engineers employees working on dams across the Columbia River between Washington and Oregon.

Mr. Speaker, these Federal employees are currently being forced to pay income taxes to a State in which they do not work, live, vote, or receive benefits. For example: These workers can enter their dams from Washington State and need not use Oregon bridges or roads; workers paying taxes to Oregon have been denied Oregon unemployment benefits when they are laid off; they and their children are denied in-State tuition at Oregon universities; and they do not qualify for in-State fees for fishing and hunting licenses. Nor are they eligible for Oregon's comparatively inexpensive vehicle registration fees.

In short, these citizens never receive a single benefit from the taxes they are compelled to pay to the State of Oregon.

Beside the burden of paying taxes to two States, these workers must also bear the administrative burden of recording the percentage of their work day spent on each half of the dam. This is an unreasonable burden on these employees, who must frequently walk back and forth across their dams to carry out routine tasks. Furthermore, this costs the American taxpayers who must pay these Federal employees to track their time and movements when they might otherwise be doing the actual work for which they were hired.

H.R. 1953 would settle this problem in a manner consistent with previous legislation. In the Amtrak Act of 1990, Congress determined that railway employees who frequently cross State lines should only be required to pay income taxes to their State of legal residence. In the 104th Congress we passed the source tax bill which stipulated that pension benefits should be taxes only in the recipient's State of legal residence. In both cases, Congress intervened to clarify an interstate tax issue.

The administration has stated that congressional action is needed. The Human Resources Department of the Army Corps of Engineers in Portland has informed their employees that: ''Congressional action will be required if we are to get this situation fixed.'' You may recall that the House debated this

issue last fall. Since that time hearings have been held, and we have worked with the Oregon delegation to address the concerns expressed earlier about this situation.

Mr. Speaker, I would like to commend the excellent work of Mr. GEKAS, the chairman of the Subcommittee on Commercial and Administrative Law—together with Mr. NADLER, the ranking minority member of the subcommittee—in introducing H.R. 1953. Following hearings on this issue in April of this year, Mr. GEKAS prepared a bill which addresses double-taxed workers in Washington, Tennessee, and South Dakota, while preserving the right of States to collect taxes within their borders. This is an excellent bill, and deserving of all of our support.

I urge my colleagues to support this bipartisan, commonsense measure which protects working people and their families from unfair taxation.

□ 1615

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 1953.

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

A motion to reconsider was laid on the table.

PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1997

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 103) to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

The Clerk read as follows:

H.R. 103

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 ''Private Security Officer Quality Assurance Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) the private security industry provides numerous opportunities for entry-level job applicants, including individuals suffering from unemployment due to economic conditions or dislocations;

(3) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are only supplemented by private security officers who provide prevention and reporting service in support of, but not in place of, regular sworn police;

(4) given the growth of large private shopping malls, and the consequent reduction in the number of public shopping streets, the American public is more likely to have contact with private security personnel in the course of a day than with sworn law enforcement officers;

(5) regardless of the differences in their duties, skill, and responsibilities, the public has difficulty in discerning the difference between sworn law enforcement officers and private security personnel; and

(6) the American public demands the employment of qualified, well-trained private security personnel as an adjunct, but not a replacement for sworn law enforcement officers.

SEC. 3. BACKGROUND CHECKS.

(a) IN GENERAL.—An association of employers of private security officers, designated for the purpose of this section by the Attorney General, may submit fingerprints or other methods of positive identification approved by the Attorney General, to the Attorney General on behalf of any applicant for a State license or certificate of registration as a private security officer or employer of private security officers. In response to such a submission, the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which such applicant has applied.

(b) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information and audits and recordkeeping and the imposition of fees necessary for the recovery of costs.

(c) REPORT.—The Attorney General shall report to the Senate and House Committees on the Judiciary 2 years after the date of enactment of this bill on the number of inquiries made by the association of employers under this section and their disposition.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that States should participate in the background check system established under section 3.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''employee'' includes an applicant for employment;

(2) the term ''employer'' means any person that—

(A) employs one or more private security officers; or

(B) provides, as an independent contractor, for consideration, the services of one or more private security officers (possibly including oneself);

(3) the term ''private security officer''—

(A) means—

(i) an individual who performs security services, full or part time, for consideration as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes whose primary duty is to perform security services, or

(ii) an individual who is an employee of an electronic security system company who is engaged in one or more of the following activities in the State: burglar alarm technician, fire alarm technician, closed circuit television technician, access control technician, or security system monitor; but

(B) does not include—

(i) sworn police officers who have law enforcement powers in the State,

(ii) attorneys, accountants, and other professionals who are otherwise licensed in the State,

(iii) employees whose duties are primarily internal audit or credit functions,

(iv) persons whose duties may incidentally include the reporting or apprehension of shoplifters or trespassers, or

(v) an individual on active duty in the military service;

(4) the term ''certificate of registration'' means a license, permit, certificate, registration card, or other formal written permission from the State for the person to engage in providing security services;

(5) the term ''security services'' means the performance of one or more of the following:

(A) the observation or reporting of intrusion, larceny, vandalism, fire or trespass;

(B) the deterrence of theft or misappropriation of any goods, money, or other item of value;

(C) the observation or reporting of any unlawful activity;

(D) the protection of individuals or property, including proprietary information, from harm or misappropriation;

(E) the control of access to premises being protected;

(F) the secure movement of prisoners;

(G) the maintenance of order and safety at athletic, entertainment, or other public activities;

(H) the provision of canine services for protecting premises or for the detection of any unlawful device or substance; and

(I) the transportation of money or other valuables by armored vehicle; and

(6) the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Georgia [Mr. BARR].

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in this great body in support of passage of the Private Security Officer Quality Assurance Act. I introduced this legislation along with the gentleman from California [Mr. MARTINEZ] at the beginning of this Congress. The gentleman from California has championed this bill not only in this Congress but in the previous Congresses as well.

This bill, Mr. Speaker, is identical to the bill that passed this House last Congress by a vote of 415 to 6. This bill will help ensure that private security officers undergo thorough and timely criminal background checks. It is straightforward and simple. It proposes an expedited procedure similar to those in use by the financial and parimutuel industries today to match the fingerprints of job applicants against records maintained by the FBI's Criminal Justice Services Division.

Mr. Speaker, there are more than 1.5 million private security officers in the United States. The security industry is

dynamic and there is great pressure to meet the ongoing need to hire qualified personnel as vacancies occur. Thorough reviews of job applicants' backgrounds are critical to employers, both to protect assets and to ensure protection for the public. Employers must depend on State and Federal agencies for criminal history information. They need this information promptly, but under existing law this process can take from 3 to 18 months.

Thirty-nine States now require security contractors to conduct background checks of their personnel, usually requiring fingerprint matches. To obtain a review of the FBI records, a cumbersome, unwieldy process is used, leading to lengthy delays.

Today an employer must submit prints to the State police agency which in turn forward them to the Bureau where they are processed. This so-called rap sheet is then sent back to the police agency, which then sends these results to the State's agency charged with regulating the industry. That agency then must judge the fitness of the applicant for employment and a decision might then be made. At that point, if a permit is issued, it is sent to the applicant.

The existing system for private security employers to learn whether an applicant's criminal history disqualifies that person is often cumbersome and almost always time consuming. The typical transaction provides many opportunities for the process to bog down. With State agencies commonly stretched thin by tight budgets, the time required for staff to forward an applicant's fingerprints to the FBI sometimes consumes months.

Still further delays can and do occur after the FBI completes the check and returns the results to the State. As I stated earlier, in many States the results of the background check review then go to a law enforcement agency, then to a separate regulatory agency responsible for security officers, thereby lengthening the process even further. The bottom line is that in some instances an employer may wait more than a year, sometimes well over a year, before learning whether an applicant has a serious criminal record.

Financial institutions, Mr. Speaker, were authorized by Congress under Public Law 92–544 to obtain criminal records directly from the FBI. Under this system, the American Banking Association has indicated the process is reduced to about 20 business days.

Congress created another so-called express lane for obtaining criminal record information in the enactment of Public Law 100–413, the Parimutuel Licensing Simplification Act of 1988. This is a similar process to the one used by the American Bankers Association [ABA], but the rap sheet is sent back to the State regulatory agency, not the employer. The system approximates that proposed in H.R. 103.

This bill will authorize the Attorney General to name an association to aggregate, or collect, fingerprint cards, screen them for legibility, and then forward them to the FBI. The results of the records search will then be forwarded back to the appropriate State officials. By sending the records to State officials rather than to employers, we avoid, Mr. Speaker, potential concerns about privacy rights of job applicants. By eliminating several steps from the process, this system should result in a far more efficient system of background checks.

This system has been endorsed by the National Association of State Security and Investigative Regulators. As under current law, fees will be assessed to compensate the FBI for their costs, and there will be no net cost to the Government for this expedited procedure. We have made that clear in the language of the bill, Mr. Speaker.

Moreover, the bill contains absolutely no mandates for the States. The States are not required to participate in any part of a proposed bill if they elect not to. I strongly urge this Congress to join in support of H.R. 103, the Private Security Officer Quality Assurance Act.

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

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

Mr. Speaker, I rise in support of the bill. This bill would permit associations representing private security firms to request FBI criminal history background checks on prospective security employees. This is a worthwhile bill because private security officers are entrusted with safety matters and it makes sense, good sense, to take advantage of the available resources to ensure that security firms do not unknowingly hire someone with a criminal background.

I do, however, want to sound two notes of caution about the bill and potentially unintended outcomes. First, I want to be absolutely clear that I do not believe private security officers are a substitute for sworn law enforcement officers. Private officers are generally less well trained, they are not sworn to protect the public, and constitutional protections do not operate with respect to them to the same degree as with police officers. There has been a trend toward private companies and even residential communities hiring more private officers as local governments are forced by budget constraints to scale back on their police forces. If this legislation were to encourage that trend, I believe we would come to regret it and would need to review and take action in the future should that unintended and unexpected outcome be the result.

Second, I do want to note that the FBI is concerned about the possible burden of dealing with hundreds of different private security firms requesting background checks. I share that concern and would urge the security firms if this bill is enacted to coordinate their background check requests through one or two trade associations that can provide a point of contact for the FBI. Again, if the firms fail to operate in a way that works best for the FBI, Congress would have to step back in and review this situation. And so I think it would be very wise for the private security firms to take every possible step to avoid adversely impacting the Federal Bureau of Investigation.

With those two caveats about potential concerns, I would like to note that I do and Democrats on the committee did support this bill. The gentleman from California [Mr. MARTINEZ], as the gentleman from Georgia noted, has introduced this bill for several Congresses and it is good to see a bipartisan team coming together in support of this bill.

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

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM], distinguished chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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

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

Mr. Speaker, I want to simply congratulate the gentleman from Georgia for this bill. I think it is a very important piece of legislation in terms of trying to make sure that when we have security officers in private concerns, and we do all over the country, that they get their backgrounds checked. It really does not make sense to open the door for criminal behavior and conduct even in private concerns when people are supposed to be involved with highly sensitive matters and they have some kind of background that would say to the people who are hiring that we would not do that if we had known that was there.

Mr. Speaker, I think the gentleman has made an enormously valuable contribution to safety and security in this country by this bill and I strongly support it and urge its adoption.

Mr. Speaker, H.R. 103, the Private Security Officer Quality Assurance Act, represents a legislative effort to expedite and improve background checks for private security guards. Congressman BARR brought this issue to Congress' attention last year, and his bill passed overwhelmingly in the House. Unfortunately, it was not taken up by the Senate before final adjournment, and I commend him for his continuing dedication to this issue.

Mr. Speaker, the private security industry is large and continually growing. It is estimated that, by the year 2000, private security officers will outnumber sworn law enforcement officers nearly 3 to 1.

Private security guards wear uniforms much like law enforcement uniforms. Some carry guns or other weapons. They give every appearance of authority, and many citizens trust them implicitly. The public deserves some assurances that the security guards they see at the malls, or in the parking lots, or at the office buildings are all qualified individuals who do not have criminal records.

H.R. 103 directs the Attorney General to designate an association of employers of private security officers who would submit fingerprints to the Attorney General on behalf of any applicant for a private security officer position. The Federal Bureau of Investigation will then conduct the background checks on those applicants. The legislation gives the Attorney General authority to prescribe such regulations as may be necessary to implement this process, including regulations relating to confidentiality of information and the imposition of fees necessary for the recovery of costs.

This legislation does not supplant any current State background investigation process for private security officers, it simply creates a new avenue for more efficient investigations of national criminal history files. H.R. 103 will make it much more difficult for persons with criminal histories to cloak themselves with the legitimacy of a security uniform, and I urge my colleagues to support it.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is also important to keep in mind that just a few days ago we celebrated, if that is the proper word, or at least recognized the first anniversary of the tragic bombing at Olympic Park in Atlanta. With the fact that there was a great deal of private security at those events and with the events surrounding Mr. Jewel, I cannot help but think that this is a very appropriate time to bring this bill forward to the floor because it will, I think, Mr. Speaker, go a great distance toward improving the caliber of private security officers in our community.

I would like to commend the gentlewoman from California for noting very appropriately and to remind all of our colleagues that the bill itself recognizes in its terms that despite the important role as an assistance or an adjunct to law enforcement, the role played by private security officers, they are not viewed in any way, shape or form by this legislation nor by myself or my cosponsor the gentleman from California [Mr. MARTINEZ] as usurping the authorities and duties of law enforcement officers. But that is a very important concern and one which we addressed specifically in the bill.

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

Mr. FAWELL. Mr. Speaker, I rise today in support of H.R. 103, the Private Security Officer Quality Assurance Act. I believe this legislation will help ensure that only qualified individuals are hired as private security officers, thereby improving the important public service these individuals provide.

H.R. 103 is not broad in scope. It seeks modest changes that would simply expedite the process by which States and employers can check the backgrounds of individuals applying for private security jobs.

The bill would accomplish this in two basic ways. First, it would allow the Attorney General to establish an association of private security guard employers. This association would in turn serve as an industry clearinghouse that would submit applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and the employers would quickly receive important background information concerning individuals seeking to become private security officers.

Second, the bill includes provisions expressing the sense of Congress that the States should participate in the background check system.

The Private Security Officer Quality Assurance Act passed the House on September 26, 1996 by a vote of 415 to 6. The Senate, however, did not act upon the measure before the 104th Congress adjourned. Thus the gentleman from Georgia [Mr. BARR] reintroduced the identical bill this year as H.R. 103.

I would note that H.R. 103 was referred to the Committee on Education and the Workforce and, in addition, to the Committee on the Judiciary. While the Committee on Education and the Workforce has not reported H.R. 103, the Committee on the Judiciary did in fact order the bill favorably reported by a voice vote on June 18, 1997.

In light of the fact that H.R. 103 is identical to legislation passed overwhelmingly by the House last September, I agree with the gentleman from Pennsylvania [Mr. GOODLING], my committee chairman, that there is no reason to slow the legislative process. However, I also share his view that these actions should hold no precedence regarding the interest that the Committee on Education and the Workforce has regarding our jurisdiction with respect to issues raised in the bill. The committee retains its jurisdiction with respect to issues raised in the bill should its provisions be considered in a conference with the Senate.

Mr. Speaker, I would urge passage of this legislation that will help ensure the quality of the individuals who work as private security officers and help improve public safety.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 103, the Private Security Officer Quality Assurance Act. Modest though it may be, I believe this legislation can provide a valuable first step toward assuring that only qualified individuals are hired as private security officers.

H.R. 103 would accomplish two basic goals. First, it would allow the Attorney General to establish an association of private security guard employers that would, in turn, serve as a clearinghouse for submitting applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would more quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes a sense of the Congress that simply says that the States should participate in this background check system.

I am pleased to note that H.R. 103 reflects the changes that were made to the bill in the 104th Congress at the suggestion of Members of my committee. H.R. 103 is a vast improvement over the version introduced in the 104th Congress, which included lengthy provisions declaring the sense of the Congress that States should enact statutes imposing numerous certification and training requirements on employers of private security officers. While I strongly support the notion of thoroughly checking the background of all applicants for private security officer positions, the bill's focus on achieving these improvements through proscriptive and cumbersome mandates—imposed on either the States or employers—was troubling to me as well as to other members of my committee. For that reason, I am pleased that the bill before us today does not include those provisions.

The Private Security Officer Assurance Act passed the House on September 26, 1996 by a vote of 415 to 6. The Senate, however, did not act upon the measure before the 104th Congress adjourned. Thus, Representative BARR of Georgia reintroduced the identical bill this year as H.R. 103.

Finally, I would note that H.R. 103 was referred to the Committee on Education and the Workforce, and in addition, to the Committee on the Judiciary. While the Committee on Education and the Workforce has not reported H.R. 103, the Judiciary Committee did, in fact, order the bill favorably reported by a voice vote on June 18, 1997. In light of the fact that H.R. 103 is identical to legislation passed overwhelmingly by the House last September, we saw no reason to slow the legislative process. However, these actions should hold no precedence regarding the interest that the Committee on Education and the Workforce has regarding our jurisdiction with respect to issue raised in the bill. The committee retains its jurisdiction with respect to issues raised in the bill should its provisions be considered in a conference with the Senate.

Mr. MARTINEZ. Mr. Speaker, I am once again delighted to join the gentleman from Georgia in support of the Private Security Officer Quality Assurance Act, a bill we jointly introduced earlier this year. Representative BOB BARR deserves enormous credit for his diligence, skill, and hard work in bringing this important, bipartisan measure to the floor.

I would like to take a moment to give special thanks to Chairman GOODLING and Representative CLAY for waiving committee jurisdiction over H.R. 103, and allowing this measure to be considered today.

In the waning days of the 104th Congress, the same bill that we are considering this afternoon was overwhelmingly passed by the House. The Senate simply ran out of time and adjourned before they could act on this bipartisan bill. So here we are again.

Mr. Speaker, the public deserves the assurance that the security guard they meet in the mall, the bank, or at school is not a felon or a person who has a history of violent behavior. Virtually every year the press reports on tragedies which occur when inadequate background checks are made—tragedies that involve security guards who commit murder, rape, and theft.

There are now thousands of security companies employing close to 1.8 million guards. The vast majority of these security guards are professionals, many acting heroically in performing their duties. However, right now, we cannot be sure that the security officers that

we meet in virtually every facet of our lives are not armed and dangerous.

H.R. 103 will provide an expedited procedure for State officials to check the backgrounds of applicants for guard licenses. A similar procedure is in place for the banking and parimutuel industries. By establishing an expedited procedure for State regulators of security guards to receive FBI background checks, H.R. 103 will greatly improve the safety of the public.

In some States it can take up to 18 months to complete background checks for security guards. This bill can reduce that time to the approximately 3 weeks it takes for banks to get results under their expedited procedure.

H.R. 103 contains no mandates of any kind. No State or individual is compelled to use it. Fees will be paid by the applicants or their employers. There is no cost to the FBI.

H.R. 103 has broad support, most notably from the National Association of Security and Investigative Regulators and representatives of the guard, alarm, and armored car industries.

Security should not be a partisan issue. I am therefore delighted by the bipartisan support for this bill, which was so soundly reflected last September by the House vote for the Private Security Officer Quality Assurance Act.

Mr. Speaker, I strongly urge my colleagues to support this straightforward, modest, and reasonable bill that will greatly improve public safety.

Vote for common sense. Vote for public safety. Vote for H.R. 103.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 103.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT STATES SHOULD WORK MORE AGGRESSIVELY TO ATTACK PROBLEM OF REPEAT CRIMINALS

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 75) expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The Clerk read as follows:

H. CON. RES. 75

Whereas a disturbing number of law-abiding citizens believe they are prisoners in their own homes because of increasing violence in our society;

Whereas law-abiding citizens have the right to be fearful knowing that violence offenders only serve on average 48 percent of the sentence they received

Whereas more than ⅔ of persons under correctional supervision are currently on parole and not incarcerated;

Whereas 1 in 3 offenders admitted to State prisons were on probation or parole violators;

Whereas the Federal Government eliminated parole in 1984 and prisoners convicted of Federal crimes now serve at least 85 percent of their sentences;

Whereas under current Federal law, States are eligible for prison construction funds if they keep felons in prison for at least 85 percent of their sentence;

Whereas in 1996, at least 25 States, among them Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington, have laws that meet the 85 percent of sentence served requirements set forth in the 1994 crime bill; and

Whereas the National Association of Police Organizations, the International Chiefs of Police, the Fraternal Order of Police, the National Association of Chiefs of Police, the National District Attorney's Association, and the Safe Streets Coalition support the concept of an 85 percent minimum length of service for violent criminals: Now, therefore, be it

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

(1) Congress commends Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington for their existing efforts with respect to prison time served by criminal offenders;

(2) Congress encourages all remaining States to adopt as quickly as possible legislation to increase the time served by violent felons; and

(3) with respect to Federal crimes, Congress reemphasizes its support for the requirement that individuals who commit violent crimes should serve at least 85 percent of their sentence.

□ 1630

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 75, introduced by the gentleman from Michigan [Mr. BARCIA], expresses the sense of Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders. It reemphasizes Congress' support for the principle that individuals who commit violent crimes should serve at least 85 percent of their sentences. It also commends the States which have enacted truth-in-sentencing legislation and encourages the remaining States to adopt such legislation.

Let us remember why we passed truth-in-sentencing legislation in the first place. Members were tired of continually hearing from frustrated and angry American citizens who knew, or were themselves, the victims of violent crimes of criminals who already had violent criminal history records. Congress recognized 2 years ago that the revolving door of justice must be stopped. Truth-in-sentencing legislation was a response to the small but deadly group of criminals who get arrested, convicted and released back into the community before they have served even half their sentences.

In fact, one of the most astonishing cases I have ever heard about: Four Milwaukee men were arrested last year for a crime spree which included two murders. Between them they had 92 prior arrests. The charges ranged from armed robbery and arson to theft and battery. In the group one 24-year-old man had 51 arrests alone. The police chief of Milwaukee was frustrated by the fact that his department was, as he told reporters, ''arresting the same individuals over and over again.''

In fiscal year 1996, 25 States met the requirements for a truth in sentencing grant award under legislation that we passed in Congress. According to the Department of Justice, several more States are attempting to pass such laws during the current legislative session. The fact that so many States have enacted truth-in-sentencing legislation since Congress took action in 1995 demonstrates clearly that incentive grants in that legislation has worked.

Mr. Speaker, let us consider the actual use of these funds. A large number of States have indicated in their fiscal year 1997 applications that they are planning to use some of the grant funds to build or expand juvenile facilities for violent juvenile offenders. In fact, four States have indicated that their entire grant award will be used for juvenile facilities. Additionally, at least 13 States plan to make a portion of the 1997 grant funds available for local jail projects. Four other States are exploring the use of grant funds for privatization of correctional facilities. This was Congress' clear intention, to allow the States some flexibility in determining where and how to spend the money necessary to fight violent crime.

States have responded positively to Congress' leadership on this issue and every citizen has benefited because more violent criminals remain where they belong, behind bars. The incentives grants are effective, and Congress must use every means possible to give

this message out to those remaining States which have not yet passed truth-in-sentencing legislation. There were about 6 or 7 States that had truth-in-sentencing legislation that required at least 85 percent of the time to be served that is given somebody in the sentence who commits a violent crime before we passed our truth-in-sentencing grants, and now we have almost 25, but there are still another 25 or so that have not passed such legislation.

The bill of the gentleman from Michigan [Mr. BARCIA] expresses the sense of Congress that all the remaining States should adopt as quickly as possible legislation to require an increase in the time served by violent felons, and I concur completely. Law-abiding citizens have the right to feel safe, and ensuring that violent criminals serve at least 85 percent of their sentences is one very effective way to do it.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Speaker, this resolution simply expresses the sense of the Congress that violent criminals should face severe penalties for their behavior. I think the resolution gives us an opportunity to reflect on one of the biggest success stories in memory, which is the huge decrease in the crime rate, an astonishing 34 percent reduction since 1991, and it is continuing to fall. I think it is important to realize that there are different elements contributing to the falling crime rate.

First and foremost, I think it has been aggressive community based policing, the 100,000 new cops on the beat program. Second, I agree with the gentleman from Florida [Mr. MCCOLLUM] that repeat violent offenders do need to be kept from their potential victims and that efforts to keep violent criminals incarcerated for most of their sentence have played a role in the falling crime rate.

Third, gun control efforts that we have enacted, including the Brady bill and the ban on assault weapons have done a lot to make our communities safer. Last but not least is the role of prevention programs. I would say of the four elements of a balanced program, it is prevention that has been most starved for attention and for resources. The cumulative effect, however, of the four balances, community policing, career repeat violent offenders being incarcerated, as well as the gun control, and then, finally, prevention programs has yielded this result.

I thank the gentleman from Michigan [Mr. BARCIA] for his resolution. I think it is absolutely appropriate that we recognize one of the four elements on our balanced approach, and I would also ask us to reflect that it is not just that one of the four elements, but the prevention measures and the other that have helped achieve the success that we are now starting to achieve.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, but I know the gentleman from Michigan [Mr. CONYERS] may.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Speaker, I rise today in support of House Concurrent Resolution 75, and I want to thank my good friend from Michigan, the distinguished gentleman from Detroit [Mr. CONYERS] and of course the gentleman from Florida [Mr. MCCOLLUM], the very distinguished chair of the subcommittee, who has been a strong leader on the issue of victim's rights in this Congress and previous sessions. His leadership has resulted in a number of success stories, I think, in our control of violent crime especially, and I want to thank him and the gentleman from Illinois [Mr. HYDE], the full committee chair, and the very dedicated staff of the subcommittee and committee for allowing this resolution to come before the House.

The American public is losing confidence in our judicial system. When two-thirds of convicted felons are on parole and not incarcerated they have every right to feel that way. When a small group of criminals who are responsible for a majority of the violent crimes serve substantially abbreviated sentences, the American public has a right to be concerned for their safety. Mr. Speaker, law abiding citizens deserve to feel safe, and when we keep this small but deadly group of criminals incarcerated for appropriate sentences, our streets are safer for both our citizens and for police officers as well. It is a commonsense approach to a recurring problem.

Since 1984, the Federal Government has required Federal criminals to serve 85 percent of their terms. In 1994 and again in 1995, the U.S. House of Representatives approved incentives to reward States that passed legislation to keep violent criminals imprisoned for at least 85 percent of their sentences. Any State that reaches that benchmark is eligible for Federal funds for prison construction. In 1995, only five States achieved that goal. Today some 25 States, including my home State of Michigan, have put into place harsher prison sentences for those citizens who flagrantly disregard the law and threaten our safety.

I introduced this resolution 2½ years ago to commend those States who have adopted longer sentences and to encourage the remaining States to more aggressively attack the problem of violent crime committed by repeat offenders and criminals serving abbreviated sentences.

One of my constituents, Sherry Swanson, was the victim of a cruel act by a violent repeat offender. Sherry was a vibrant 19-year-old with a bright future. Her life was drastically altered as a result of the actions of a violent repeat offender who has not only a disrespect for the law but also a disrespect for life. The predator that attempted to end Sherry's life had in the 10 months following his early release committed three sexual batteries, armed robbery, two kidnapings and two first degree murders. That was just in 10 months.

Mr. Speaker, a person with this record should not have been allowed back on the streets to commit yet another series of heinous crimes. If this habitual criminal had remained in custody, two people would be alive today. Two people would not be suffering from the results of the kidnaping, one person would not be terrified of another robbery, three people would not have been sexually abused, and a young woman, Sherry Swanson, would not be partially paralyzed.

Numerous studies have already proven that longer sentences for those who repeatedly ignore the law result in safer streets for all of our citizens. Yes, there are inequities in our judicial system. They must be corrected. But are we willing to sacrifice the rights of victims? The victim does not deserve only part of their fear or part of their injury. Why should the violent criminal serve only a small part of their penalty?

We need to send a strong message to the public that we are working hard to end the arrogance of criminals who know that they will not be punished for taking a life. We are working hard to end the ability of violent criminals to return to the streets after only serving one-third of their sentence, to strike again, taking a husband away from a wife, a child from a mother, or a father from his children. We must send a strong message to the States that not only are the incentives and financial assistance available, but the American public demands safer streets.

Lastly, we must send a strong message to criminals that they will not be able to return to the streets and that the sentence handed down will be the sentence served. We must send a message that our justice system is not a flea market where there is always a bargain to be had. Mr. Speaker, justice is not a commodity for haggling; just ask the victims.

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

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

Mr. CONYERS. Mr. Speaker, we have a problem with this sense-of-the-Congress resolution because most of the supporters of this are the conservative Members of Congress who came to Congress talking about States rights, the rights of States to take care of their own business, and frequently the Federal Government was considered to be meddling when it imposed their requirements on the States. That is what we are continuing to do today. We ask that States rights be considered on welfare matters, on civil rights matters, on the environment; that is what

my colleagues were saying, I was not saying that, and that the States know best; that is what my colleagues were saying, I was not saying that. And now we have this sense-of-the-Congress resolution in which we tell the States that we know best.

Does anybody care to explain why we have this bifurcated policy when it comes to criminal matters that all of a sudden we know better than the States who write their own State criminal laws, and we who write our own Federal criminal laws, we are not telling the States that they ought to shape up and join the other 16 States and abolish parole.

Why?

OK, silence.

Mr. BARCIA. Mr. Speaker, would the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Speaker, I would just respond to the gentleman from Michigan's concerns and say that of course the Congress cannot mandate to the States increases in the length of sentences for violent predators, however the concept, of course, due to the leadership of the gentleman from Florida [Mr. MCCOLLUM] and others, the gentleman from Illinois [Mr. HYDE] in the House of Representatives who were advocates on behalf of victims rights saw legislation incorporated into the Omnibus Crime Bill of 1994, which many of us supported, which in fact would reward States with financial incentives if, in fact, they would agree to keep their violent criminals, not all criminals, but violent criminals, those who cause a serious threat to the public and to innocent citizens.

Mr. CONYERS. But how is it we knew better what they should do with their State criminals than they did?

□ 1645

Mr. BARCIA. Mr. Speaker, I think in some cases, I would say to the gentleman from Michigan [Mr. CONYERS], it was a condition where severe financial pressures at the State level allowed for overcrowding of the prison system without adequate facilities to house all of those people who were sentenced to terms in prison. So some States were actually paroling violent criminals after serving only 20 or 25 percent of their sentence, and these criminals were going out and engaging in repeat behavior, again causing great trauma and violence to other citizens that might not have been exposed had they not been paroled early in the first place.

Mr. CONYERS. That was not going on in Michigan, and the gentleman knows it. So why did the gentleman persuade Governor Engler of Michigan, who does not know particularly much about criminal law at the State or Federal level, to do something like this?

Mr. BARCIA. Mr. Speaker, we did have several instances in Michigan, I would say to the gentleman from Michigan [Mr. CONYERS], one that I can think of when I was a State legislator back in Lansing, in which a person had committed two second degree murders, served 4 years on the first sentence, 8 years or about 6 years before he was paroled to a halfway house in Lansing on the second offense, and then also continued, and strangled and raped a young lady in east Lansing and killed a police officer. As he was driving her car through downtown, he committed a small traffic infraction, was pulled over by a Lansing police officer, and was shot. The corrections department in that case had paroled him a bit earlier. By mistake, the computer had credited him with too much good time.

But I was a member of the State senate when that family brought a lawsuit against the Michigan Department of Corrections because of their losses, and the losses in two families could have been prevented had he been incarcerated for the full length of his sentence.

Mr. CONYERS. I would ask the gentleman, Mr. Speaker, is that a reason to eliminate parole for everybody in the State of Michigan? I yield to the gentleman for a response.

Mr. BARCIA. Mr. Speaker, I do not believe it totally eliminates parole. It says if you receive a determined number of years as your sentence, you shall serve 85 percent of that. In other words, if you receive a 10-year sentence, you should serve 8½ years before you are paroled back on the streets.

Mr. CONYERS. Has the gentleman examined what criminal justice authorities say about this kind of draconian addition of time to people who are incarcerated who may be rehabilitatable, and that this works in a very onerous way upon people who, as the gentleman may know, are receiving longer and longer sentences than ever before?

In other words, it may be considered counterproductive to the very thing that the gentleman is trying to accomplish. This includes the concept of three-strikes-and-you-are-out, which is another throw-the-baby-out-with-the-bath-water situation.

We are paying States to go along with us, and now the gentleman is passing a sense-of-the-Congress resolution asking the States that have not jumped in on the cash-flow, which, by the way, is $800 million so far, and I know the gentleman is concerned about balancing the budget, but we have to fight crime at all costs.

Does the gentleman have a little concern that maybe all of these impositions of more and more time, mandatory minimums, 85 percent, we pay people, States, hundreds of millions of dollars to build more facilities, since they cannot afford it anymore themselves, we have three-strikes-and-you-are-out at the Federal level, three-strikes-and-you-are-out at the State level, does the gentleman not have any sense that maybe we could be more efficient and effective in reducing crime than just piling on sentence upon sentence upon sentence?

I yield to the gentleman for a response.

Mr. BARCIA. Mr. Speaker, I would again emphasize to the distinguished ranking member of the Committee on the Judiciary that, in fact, we are not mandating in this resolution nor in the Federal law that was passed in 1994 that States must do this, but for them to consider that.

I do not know if we have a total, I would say to the gentleman, on what the effect or what the impact of violent crime is across the country, if we were ever to total up the cost. But in the case of Ms. Sherry Swanson, who is now 28 years old, and she was shot twice in the head when she was 20 years old working at a convenience store during a robbery attempt, and I know that her medical bills exceeded $1 million, plus her life has been forever changed.

So yes, $800 million is a significant amount of money, and of course, as the gentleman knows, and the gentleman noted, I am a supporter of the balanced budget amendment and balancing our spending with our revenues in the Federal Government. I think we, as policymakers in this body, must make tough decisions on how we apportion out those limited resources that we have and certainly decide the priorities in terms of Federal spending. But I think violent criminals who are in and out of prison and hurting our fellow citizens are worthy of our attention and our resources.

Mr. CONYERS. I thank the gentleman, Mr. Speaker. Those are legitimate sentiments that are held by many in this body.

Could I ask my dear friend, the gentleman from Michigan, and we are friends, and this is a friendly discussion, does he believe that we should continue to deprive judges of the discretion necessary to fashion criminal sentences in individual cases appropriate to the persons standing before them in the court?

I yield to the gentleman for his comments.

Mr. BARCIA. I thank the gentleman for continuing to yield to me, Mr. Speaker.

Mr. Speaker, I would say that, as a State legislator, I have supported determinant sentencing with a number of years prescribed for a type of crime that is committed. However, I am very respectful of the ability for a member of the judiciary to mete out a sentence that is fair and to take into account all the circumstances of a particular crime.

Mr. CONYERS. I thank the gentleman.

Mr. Speaker, is the gentleman aware that in the three strikes legislation in California, in particular, it has clogged the courts, the processes, so much that neither the prosecutors nor the defense lawyers bother with it anymore, because employing it makes it absolutely unworkable? Does the gentleman have any knowledge on that?

Mr. BARCIA. Yes. I do not have any knowledge on how the three-strikes-

and-you-are-out language is impacting across the country, but I have generally supported that, especially for violent crimes.

I know we saw some instances, I think, of a minor theft out in Oregon or the State of Washington, I cannot remember which, in which a person stole a slice of pizza and was prosecuted under that law. I think in that case probably the prosecutors were overzealous and should be allowed discretion in terms of their judgment as to which of those offenses to pursue on the three-strikes-and-you-are-out provision.

But, of course, not being a member of the Committee on the Judiciary, I do not profess to be an expert on the specific language that has been adopted by this House and Senate and signed by our President in an attempt to get a greater grasp of crime in this country.

Mr. CONYERS. I appreciate the gentleman's knowledge on the subject so far. He is doing pretty well, better than, I will not say than some people on Judiciary, but he is holding his own very, very well.

What if the gentleman found out that the three strikes provision does not carry any discretion, and that little incident that you talked about, and I have some more in which the third offense being a violent offense, that is it, for the rest of your natural life? Does that, or is that something we might want to go back and hold hearings on, for example, to see if it might be corrected?

I yield to the gentleman from Michigan for a response.

Mr. BARCIA. Of course, I do not want to second-guess our leadership, neither the gentleman's nor the distinguished chair's and subcommittee chair's, on that very distinguished committee in this House. But it would be my impression as a layperson, not being a graduate of law school, that there ought to be discretion between misdemeanors and felonies on the three-strikes-and-you-are-out. That may be an issue we will revisit at some point in the future.

But I can tell the Members that this resolution involves truth-in-sentencing, and I know my good friend, the gentleman from Michigan, Mr. CONYERS, supported that crime bill here in the House, which contained the same provision for Federal offenses.

What we are trying to do is see the same treatment of violent offenders at the State level, because many of the truly violent crimes, such as rape and homicide, unless there are extenuating circumstances, they are in fact infractions of State law and not Federal law. That is why we are attempting to pass this resolution.

Mr. CONYERS. I thank the gentleman very much, because he has been very helpful.

Mr. Speaker, this is the gentleman's House concurrent resolution on truth in sentencing, is that correct, I would ask the gentleman? The gentleman is the author of this sense-of-the-Congress?

Mr. BARCIA. Yes, I am.

Mr. CONYERS. If the gentleman had known that I had voted against the crime bill of 1994, would that have slowed down the gentleman's enthusiasm for anything we have done or said here today?

I yield to the gentleman for a response.

Mr. BARCIA. I have to correct myself. I was mistaken. I know the gentleman is a strong supporter of gun control, and I assumed that with the strong gun control provisions in the 1994 bill——

Mr. CONYERS. Was the gentleman not?

Mr. BARCIA. Pardon me?

Mr. CONYERS. I said, was the gentleman not?

Mr. BARCIA. Mr. Speaker, I would say to the gentleman, I voted for the first version but not the final version.

Mr. CONYERS. The gentleman voted against the crime bill of 1994, too?

Mr. BARCIA. Yes. We agreed on that issue in the final analysis, but probably for different reasons.

Mr. CONYERS. I thank the gentleman for his colloquy with me. It has been very helpful.

Mr. Speaker, I hope that the States that have not jumped on the bandwagon requiring that offenders serve at least 85 percent of their sentence pay very close attention to House Concurrent Resolution 75, which rereminds them that they are really missing out; if they would join in, they could be getting Federal money, if they would only listen to us a little bit more. We cannot make the States impose these sentences.

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

Mr. Speaker, I simply want to respond very, very briefly. I will not take the chair's time or the Members' time very long. A couple of points the gentleman from Michigan [Mr. CONYERS] made I feel deserve a little response.

One of them is with respect to the truth-in-sentencing legislation, to begin with. It was designed to provide a reward in part to those States that chose to, by their own voluntary commitment, make this 85-percent rule imposed upon those who commit violent crimes in their State, to make sure they serve at least 85 percent of their sentence. It was not anything mandatory.

What Members of the Republican party on this side of the aisle have complained about over the years, in particular, are mandates on the States, unfunded mandates in particular, that have been involved in a lot of legislation that past Congresses have enacted.

We have not complained about incentive grants, per se. We have been very concerned about the multiplicity of grant awards that are out there that say, you can only get *x* dollars if you apply in the prevention area for crime for this program or that program or the other program.

We have insisted that where there is Federal money involved and there are grant programs out there, that there be a wide variety of discretion at the local and State level, preferably in the form of block grants or very limited targeted grants.

This truth-in-sentencing law we passed in 1994 and revised after our party took over the majority is shaped in such a fashion that it allows maximum flexibility to the States to provide for how they spend the money in prison construction, if they choose to apply for it. They can build some jails with it at the local level, they can build juvenile facilities, they can build major State prisons with it.

The States, all States, are eligible for half the grant money, half the $400 million that has been appropriated each year, but those States which actually enact truth-in-sentencing laws that require at least 85 percent of a violent felon's sentence to be served are eligible for the other half that has been put aside. I think that makes eminent sense. I do not think that is in any way inconsistent with the philosophy that most of us have expressed in devolving as much power as possible to the States.

This resolution today that expresses the sense of the Congress is the right of free speech. We are not telling the States to do anything. We are simply saying, as legislators looking at this matter, as the gentleman from Michigan [Mr. BARCIA] so ably pointed out, we think it would be a good idea if they take another look. If they have not become eligible or not applied for the second half of the grant programs for building prisons and jails in their State, it does require as a form of eligibility that they impose an 85-percent service time that violent felons serve on violent felons, and that they do so because it makes good sense for public safety. No, we do not know best, but we hope they will join us in that comment.

The last I would point out on the three-strikes-and-you-are-out, at least at the Federal level, the three strikes requirement, in order to get a life sentence mandated, requires there be two underlying violent or serious drug offenses committed either at the State or Federal level.

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The third one has to be a violent Federal crime. Then you go away for life. I think most of us in this body have supported that. California is a little different, and debating California law, I do not see the merits of in this bill. I think this resolution is a sound one, as I said before. I urge its adoption.

Mrs. KELLY. Mr. Speaker, I rise today in strong support for the passage of House Concurrent Resolution 75, a concurrent resolution expressing the sense of Congress regarding States' efforts against repeat criminals. I was pleased to join my friend and colleague, Congressman BARCIA, in introducing this bill because it highlights one of the most dramatic problems in our Nation's war on crime—namely it is estimated that 80 percent of all violent

crime committed in the United States is committed by only 7 percent of the population. That is a very telling statistic that sheds some light on the problem of crime in the United States.

In the last 20 years, we have seen the war on crime take on new and ominous proportions with an innovative criminal element devising new and ever more violent crimes such as with carjackings and drive by shootings. How do we battle that 7 percent of the population to ensure our safety? One of the best ways is to guarantee that the criminals who repeatedly commit violent crimes serve at least 85 percent of their sentences as House Concurrent Resolution 75 states in no uncertain terms.

In my home State of New York, we have had some of the worst reports of a criminal element at work, and only in recent years, we have been able to see a reduction in our crime rate through community policing and a get tough approach on lesser crimes. While it sounds troublesome and tedious to have the police crack down on petty crimes, the recent case of John Royster demonstrates the value of this practice. Mr. Royster was arrested by police and fingerprinted for jumping a New York subway turnstile. It was his only recorded offense. Three months later, the same prints were reportedly found to match those at a dry-cleaning business on Park Avenue where the owners had been beaten to death. It was because of this match that Mr. Royster confessed to four brutal attacks including a highly publicized attack in Central Park that left a woman in a coma. Now the next step for Mr. Royster is punishment—hard time in a State penitentiary. I will work with my colleagues, both here and in the New York State House, to make sure that Royster stays in prison.

Putting away violent, repeat offenders like John Royster is essential if we are to make successful inroads lowering crime and strengthening our communities. I thank Congressman BARCIA for his work on this problem and ask for all of my colleagues, from both sides of the aisle, to join us in strong support for this important resolution.

Mr. LEVIN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75 of which I am an original sponsor. This important legislation commends those States that have already adopted truth-in-sentencing laws and encourages the remaining States to do the same.

Most Americans believe that convicted violent offenders serve their full sentences; sadly this is not the case.

According to the Bureau of Justice statistics, violent criminals—those who commit murder, rape, assault, or armed robbery—serve only an average of 48 percent of their sentences, and one out of every three offenders admitted to State prisons were either on probation or parole for a previous offense at the time. According to the committee report accompanying this bill, on any given day there are three convicted offenders on probation or paroles for every one convicted felon in prison.

To turn this trend around over 25 States, including my home State of Michigan, and the Federal Government have truth-in-sentencing laws on the books. Under this concept, convicted violent offenders are required to serve at least 85 percent of their sentences.

Both the 103d and 104th Congresses passed legislation providing financial incentives in the form of prison construction funds to States if they adopt laws requiring criminals to serve at least 85 percent of their prison terms. Unfortunately, 25 States still have not adopted such laws.

Law-abiding citizens have the right to know that those who commit the most hideous of crimes in our society serve the time their sentences require.

The resolution before us today is simple. It asks that those who commit violent crimes do the time that the law requires of them. I wish there was not a need for this type of resolution, but until then, I hope all my colleagues vote to encourage States to do the right thing.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75, which expresses the Sense of the Congress that States should work aggressively to ensure that violent offenders serve at least 85 percent of their prison sentences. As a cosponsor of this legislation, I commend the gentleman from Michigan, [Mr. BARCIA], for this hard work and leadership on this issue and ask all my colleagues to support this important resolution.

Although the most recent statistics on violent crime indicate that we are beginning to make progress in our fight for safer neighborhoods, we must remain vigilant in our efforts to ensure public safety and recognize the achievements of States such as Florida which have taken strong steps to attack the problem of repeat violent offenders. Only with continued cooperation between Federal, State, and local officials can we hope to maintain the downward trend in violent crime rates.

This resolution commends Florida and 24 other States which have taken steps to ensure that violent felons serve at least 85 percent of their prison sentences. Nationwide, violent offenders serve an average of only 48 percent of the sentences they receive—a statistic which is unacceptable and greatly erodes Americans' confidence in our justice system. House Concurrent Resolution 75 applauds those States which have taken proactive steps to prevent the problem of repeat violent offenders and encourages other States to follow their lead in enacting strict sentencing guidelines. While guidelines alone will not solve our Nation's crime problem, they have proven an effective tool in ensuring that violent felons remain off our streets.

Mr. Speaker, I applaud the efforts of those States listed in this legislation, including my home State of Florida, and urge all of my colleagues to support this important resolution which recommits this Congress to the fight for safer communities.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 75.

The question was taken.

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

The yeas and nays were ordered.

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

AMENDING THE IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1109) to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

The Clerk read as follows:

H.R. 1109

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

SECTION 1. ELIMINATION OF CERTIFICATE OF CITIZENSHIP TRANSITION RULE APPLICABLE TO CERTAIN CHILDREN.

(a) IN GENERAL.—Section 102 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 108 Stat. 4307) (as amended by section 671(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1856)) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN], each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 1109, which I introduced with my colleague, the gentleman from California [Mr. BERMAN], to correct an error that was part of last year's immigration bill, the Illegal Immigration Reform and Immigrant Responsibility Act.

H.R. 1109 would make a technical change regarding requirements for citizenship for people born overseas.

I want to say that I am particularly appreciative of the gentleman from Texas [Mr. SMITH], who is the chairman of the Subcommittee on Immigration and Claims, that deals with this product, for bringing it forward and recognizing the fact that we need it today. Unfortunately his commitments kept him from being here to be a party to this discussion. I am very happy to handle it for him today.

The gentleman from California [Mr. BERMAN] and I had the pleasure of working together in 1994 on this issue. The Immigration and Nationality Technical Corrections Act of 1994 granted Americans abroad the possibility of obtaining U.S. citizenship for their minor children who had not acquired citizenship at birth. It allows certificates of citizenship to be granted to a child of a U.S. citizen if the child is under 18 and if either the American parent or the American parent's parent, that is, the American grandparent,

has spent 5 years in the United States with two of those five being after the age of 14.

There were no policy problems brought before Congress with regard to this. However, the immigration bill in the last Congress included a change in this policy buried in the technical corrections part of the bill. This was most likely an innocent attempt to clean up an admittedly complicated statute, but this cosmetic change is doing harm. The change doubles the amount of time the parent or grandparent must have been in the United States for children born before November 14, 1986. That means for children between 11 and 18, the parent and grandparent must have 10 years in the United States with 5 after the age of 14. Children born after November 14, 1986 are under the old 5 and 2 rule.

There is no need for the distinction. Not only is this unfair to many families who may have one child eligible for citizenship and another who is not, but it is also an administrative nightmare for the Immigration and Naturalization Service. The correction included in H.R. 1109 needs to be enacted as soon as possible to make the situation right. The legislation has bipartisan support. I strongly urge an aye vote on it.

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

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

H.R. 1109 is a technical amendment bill introduced by the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from California [Mr. BERMAN]. I understand that the Senate recently passed S. 670, which is an identical piece of legislation, and that we will be calling up S. 670 at the end of our debate on H.R. 1109 so that the legislation may go directly to the President when and if it passes.

Section 322 of the Immigration and Nationality Act was amended last year to make it more difficult for certain children of U.S. citizens living abroad to receive certificates of citizenship. Section 322 previously provided that a foreign born or adopted child of an American living abroad was eligible to receive a certificate of U.S. citizenship if he or she was under 18 years old and had an American parent or grandparent who spent a total of 5 years in the United States, at least 2 of which were after age 14.

The amendment, placed a special restriction on children born before November 14, 1986. For those children to be eligible to receive a certificate of U.S. citizenship, the American parents or grandparents are required to have been physically present in the United States for a total of 10 years, at least 5 of which were after age 14.

Unfortunately, last year's conference committee meetings were closed. I have not been able to find anybody who can fully explain how this change came about or why it came about. It certainly does impose burdens on Americans that are unwise and that on a bipartisan basis we object to. I think it is one example again of how haste in these matters can end up producing bills that have consequences no one wanted. I would urge adoption of this measure as a sensible revision for what I think was a mistake made in the last Congress.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 1109 which Mr. MCCOLLUM of Florida and I introduced on March 18th, 1997. This bill is a technical correction of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (Public Law 104–208). Let me explain the history behind this legislation.

Section 322 of the Immigration and Nationality Act (INA) establishes the criteria for citizenship of children born to U.S. citizens living abroad. Prior to 1986, for a U.S. citizen parent to transmit U.S. citizenship to his or her foreign-born or adopted child (before eighteen years of age), the American parent or grandparent had to have lived in the U.S. for 10 years, 5 of which had to be after age fourteen.

The Immigration Reform and Control Act of 1986 (IRCA) amended these requirements to five years of U.S. residency, two after the age of fourteen. Because the change in IRCA applied prospectively, some families had siblings subjected to different standards. Hence, section 102 of the Immigration and National Technical Corrections Act of 1994 (Public Law 103–416) was introduced to amend Section 322 of the INA and apply these lower standards retroactively.

IIRIRA amended Section 322 by placing a special restriction on children born before November 14, 1986. For those children to be eligible for U.S. citizenship, the American parent or grandparent was once again required to have been physically present in the U.S. for a total of ten years, at least five of which were after the age fourteen.

IIRIRA has inadvertently created the same problem that the 1994 amendment to the INA was designed to cure, as siblings may once again find themselves subjected to different standards. The enactment of H.R. 1109 will simply repeal this error and restore Section 322 to its pre-IIRIRA status. The bill will also eliminate the extensive administrative confusion created by last year's immigration bill.

There is no opposition to this legislation. I hope we can give favorable consideration to this technical correction of IIRIRA and I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1109.

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

A motion to reconsider was laid on the table.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 670) to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Ms. LOFGREN. Reserving the right to object, Mr. Speaker, I shall not object, and I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain the purpose of the request.

Mr. MCCOLLUM. Mr. Speaker, the purpose of the request is to cull out the identical Senate bill to the bill we just passed, which is H.R. 1109, and pass it so the legislation may go directly to the President after today. It is the identical bill. It just has a different Senate number on it instead of the House number.

Ms. LOFGREN. Mr. Speaker, continuing my reservation of objection, I will not object. I just wanted Members of the House to understand what we are doing here.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 670

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

SECTION 1. ELIMINATION OF CERTIFICATE OF CITIZENSHIP TRANSITION RULE APPLICABLE TO CERTAIN CHILDREN.

(a) IN GENERAL.—Section 102 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 108 Stat. 4307) (as amended by section 671(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1856)) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994.

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

A similar House bill (H.R. 1109) was laid on the table.

EXPANDED WAR CRIMES ACT OF 1997

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1348) to amend title 18, United States Code, relating to war crimes.

The Clerk read as follows:

H.R. 1348

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 ''Expanded War Crimes Act of 1997''.

SEC. 2. DEFINITION OF WAR CRIMES.

Section 2441 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''grave breach of the Geneva Conventions'' and inserting ''war crime'';

(2) in subsection (b), by striking ''breach'' each place it appears and inserting ''war crime''; and

(3) so that subsection (c) reads as follows:

''(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

''(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

''(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

''(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

''(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. JENKINS] and the gentleman from Michigan [Mr. CONYERS], each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. JENKINS].

GENERAL LEAVE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, last year the House passed and President Clinton signed into law our colleague's, the gentleman from North Carolina [Mr. JONES], War Crimes Act of 1996.

That bill fulfilled the obligation the United States undertook in 1955 when the Senate ratified the Geneva Conventions for the Protection of Victims of War. The Conventions require that signatory countries enact legislation punishing grave breaches of the Conventions.

The Jones bill created a new section 2441 of title 18. The section provides that the perpetrator of a grave breach of the Geneva Conventions taking place inside or outside the United States shall be fined, imprisoned or, where death results, subject to the penalty of death.

The section grants jurisdiction to Federal courts where the perpetrator or the victim is a member of the armed forces of the United States or a national of the United States.

Today we are considering the Jones followup legislation. At a hearing the Immigration and Claims Subcommittee held last Congress, the State Department and noted scholars of international law urged that we modify the Jones bill by expanding the criminalization of war crimes to cover a number of other offenses. That is what the present Jones bill, H.R. 1348, does.

As recommended by the State Department, H.R. 1348 would expand section 2441 to cover violations of common article 3 of the Geneva Conventions and articles 23, 25, 27, and 28 of the Hague Convention of 1907 Respecting the Laws and Customs of War. The United States is a signatory to all those conventions.

These provisions forbid atrocities occurring in both civil wars and wars between nations. They cover atrocities that have been recognized by the civilized world as abhorrent such as the torture or murder of civilians and prisoners of war, the use of weapons that cause unnecessary suffering, the bombardment of undefended towns, the unnecessary bombardment of hospitals or religious structures and the pillaging of towns.

Also, H.R. 1348 would expand section 2441 to cover other offenses at such time in the future that the United States ratifies the underlying treaties. These would include certain violations of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices, currently before the Senate.

Violations would include the willful killing or serious injuring of civilians as a result of the deployment of land mines in civilian areas with no military justification or the booby-trapping of wounded or dead soldiers or of medical supplies.

I urge my colleagues to support this legislation.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of H.R. 1348, the Expanded War Crimes Act of 1997. This is a companion bill to legislation passed last year establishing Federal jurisdiction over war crimes.

I think that every Member of this body agrees that we must actively and aggressively support civility, that we must oppose oppression and war crimes and that we need to bring those to justice who commit crimes against humanity. During the Holocaust, the killing fields of Cambodia, the civil war in Bosnia and the massacres in Rwanda, many perpetrators acted without fear of retribution, and we must do more to change this attitude.

This bill expands the definition of war crimes to include violations of any convention signed by the United States, including the Hague Convention, an important source of international humanitarian law, and I urge support of this legislation.

I would like to note that, although there was strong support on both sides of the aisle for this bill, there are those in this House who on principle oppose the death penalty. I am not among those Members but I do respect those whose religious beliefs have led them to the conclusion that they cannot support the death penalty. I think that we ought to respect those differences of opinion among us and also understand that even those who feel that the death penalty is an inappropriate sanction because of their own religious beliefs still do condemn war crimes and still do believe that we ought to do our very best to oppose crimes against humanity and war crimes throughout the world.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. JONES], sponsor of this legislation.

Mr. JONES. Mr. Speaker, I would like to take a moment to thank the gentleman from Texas [Mr. SMITH] and his committee members and their staff for their work and efforts to bring this important legislation to the floor of the House.

Last year this body passed the original War Crimes Act of 1996. It was quickly considered by the Senate and signed into law. The bill enhanced U.S. authority to prosecute certain war crimes and further U.S. implementation of the 1949 Geneva Convention.

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It was an important time in United States history as we finally gave our men and women in uniform serving our country overseas the protection of the United States judicial system. While the passage of the original war crimes bill was a significant step for the United States in the protection of victims of war, today we have another opportunity to make an equally important step.

This bill which is before the House today reaches beyond the grave breaches of the Geneva Convention. Specifically, H.R. 1348 expands the definition of war crimes to include a more general category of war crimes, to include important sections of the fourth Hague Convention respecting laws and customs of war and land; Common Article 3 of the Geneva Convention dealing with noninternational armed conflict; and Protocol II on landmines.

This expansion will allow U.S. courts to fully protect victims of war by including these additional conventions and protocols which the United States has signed.

Mr. Speaker, it is important to note that President Clinton called for Congress to further strengthen the law in this area by enacting the very expansion proposed in this bill before us today. In fact, the Department of Defense, the State Department, the Department of Justice and the American Red Cross have also voiced their support for this expansion of the original War Crimes Act of 1996.

Mr. Speaker, this is a strong bipartisan bill which will rectify the existing

discrepancies between our Nation's intolerance for war crimes and our inability to prosecute all war criminals.

Again, I would like to thank the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, and the Members on both sides of the aisle for their support. This bill is supported by the President of the United States, and over 50 Members of the House have signed this bill. I urge my fellow Members to support this important bill and pass H.R. 1348.

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

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

Mr. CONYERS. Mr. Speaker, with the conservatives in the House reminding me that the President supports this bill, what am I here for? That is about it, once the Democrats and the Republicans put their arms around a measure.

There are only a couple of things I want to point out, with all due respect to the author of the bill and the gentleman from Tennessee who brings it to the floor today.

In expanding the definition of war crimes in this bill to include not only grave breaches of the Geneva Convention but also breaches of any other convention or protocol to which the U.S. is or becomes a signatory, this becomes prospective. Maybe somebody can explain this to me. Why are we writing legislation to cover protocols and agreements into the future, maybe long beyond the time any of us might be serving in this distinguished body? Do any of my colleagues know the answer to that?

I will research it for us and get back to my colleagues on that.

Now, this companion piece of legislation establishes jurisdiction over the war crimes, and it became law in the last Congress. It includes a provision which permitted the imposition of the death penalty in cases where the victim of the war crime was killed, and therein lies the problem. We support our war crime legislation, but we do not believe such legislation should include a death penalty in order to be effective.

Does anybody here disagree with that? In other words, if we had left the death penalty out, we would not be here today. We would be saying President Clinton, the Republicans and the gentleman from Michigan are all in agreement.

So we want to make it clear, as the gentlewoman from California did, that we are not against war crimes legislation. We are against the implementation of the death penalty wherever it appears.

So my question number two is, would my colleagues have blown a gasket if the death penalty was not in there? And I assume the answer is no, they would not have.

In effect, then, our limited objection is to the net effect of this measure broadening the scope of the death penalty. That is our only problem with this legislation. And so a number of us on the Committee on the Judiciary have opposed it and we continue to oppose it.

Why do we oppose it? Well, because the death penalty is frequently applied racially; race plays a role in the imposition of the death penalty, according to the studies that we keep looking at year in and year out. It has been like that for a long time.

So it is because of that, for some of us. Some people would probably oppose the death penalty even if it were not racially discriminatory. But that is the big hangup inside the United States where the death penalty is law and in certain instances and in certain places. We oppose it because we have seen the racial bias that can occur.

I would like to draw the attention of the author of the bill and the Member from Tennessee that is moving this, that is managing it on the floor, to the fact that the Death Penalty Information Center, which has put out a report that is called ''Innocence and the Death Penalty: The Increasing Danger of Mistaken Executions,'' describes 69 instances since 1973 in the United States in which condemned prisoners had to be released from death row because mistakes had led to their wrongful conviction in the first place.

Now, of course, we do not know how many people went to their death despite their innocence and because no one got to them in time. And by the way, my colleagues know also that frequently many people of less financial means are not able to get the lawyers that can make sure all these kinds of technicalities are adhered to in the courts.

So this is the reason we oppose the death penalty, because of the racial implications in the administration of the death penalty. My lawyer colleagues will be pleased to know that the American Bar Association this year passed a resolution declaring that the system for administering the death penalty in the United States is unfair and lacks adequate safeguards. The resolution further declared that the executions ought to be stopped until a greater degree of fairness and due process can be achieved, which is exactly what the Supreme Court said in an earlier period in the Furman versus Georgia death penalty case, in which they suspended the death penalty at the Federal level.

Now, it is that same problem, Mr. Speaker, that we have seen in the experience of the United States, that we can see in the context of international justice. The tribunal in the Hague which prosecutes war crimes against Bosnians has received excellent resources and quite a bit of attention. But in Africa, the Rwandan War Crimes Tribunal in Zimbabwe is poorly staffed and has not been able to prosecute a single case.

I think it is fair to say that millions of people have been assassinated, prosecuted, oppressed over there in their very troubled situation. The war crimes against Africans in an international context seem to be less pressing than the war crimes against Europeans. I am not trying to extrapolate in generalities, but there is a stunning similarity about how the death penalty is imposed, even in the international arena as well as domestically.

Now, here is question number three for my conservative friends in the Congress. How many of my colleagues would like to be allied with Cuba, Syria, Iraq, Iran, China and Libya? Let us raise our hands. Not all at once.

The only issue that binds us, the United States, to Cuba, Syria, Iraq, Iran, China and Libya is that we are the only nations that impose the death penalty. The only ones. Now, I am embarrassed by that. Some of my colleagues are proud of that. Some of my colleagues are happy to join with America's friends from these countries and support our death penalty, as they support their own death penalty, if there were democracies in any of those countries. But everywhere else there is not a death penalty.

So I just ask my colleagues to think about this with me and join with me, and let us vote down this resolution and go back and take out the death penalty. Let us keep war crimes legislation but remove the death penalty.

Could my colleagues go along with me on that? That is the fourth and last question. If they can, I think my colleagues will sleep better in their beds at night.

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

Mr. JENKINS. Mr. Speaker, I yield myself such time as I may consume to note that the gentleman from Michigan referred to the remarks of the gentlewoman from California, and I think she appropriately pointed out that there are many people in this country who have deep-seated feelings in opposition to capital punishment.

I respect those feelings and I respect the feelings of the gentleman from Michigan. But I believe in, and have always supported, capital punishment, as a legislator in a State legislative body. And I believe that there are occasions when society requires the imposition of the death penalty for certain crimes.

I believe that a majority of the people who serve in this House of Representatives agree with that. I believe that a vast majority of Americans across this land support capital punishment in some instances.

I would simply say, in respecting the viewpoint of the gentleman from Michigan, that I would disagree. I believe that it is appropriate in some circumstances, and in this circumstance, the circumstance contemplated by this bill, that there be the imposition of the death penalty.

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

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the

gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I wanted to make a brief comment because of the tenor of this discussion.

As someone who has reached a conclusion that there are occasions when capital punishment is appropriate, I am aware that other people have reached a different conclusion. I can respect those people. And this is a first time as a Member of this body that I have heard this discussion without the implication that those who have reached a different conclusion are somehow less concerned about crime or less opposed to wrongdoing. I wanted to note that and thank the gentleman from Tennessee for understanding that we can have different beliefs and yet be united in opposition to crime.

□ 1730

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Tennessee [Mr. JENKINS] that the House suspend the rules and pass the bill, H.R. 1348, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

APPOINTMENT OF CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. BALLENGER. Mr. Speaker, by direction of the Committee on International Relations, pursuant to House Rule XX, I move to take from the Speaker's table the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and, without objection, appoints the following conferees:

For consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, LEACH, HYDE, BEREUTER, SMITH (NJ), HAMILTON, GEJDENSON, LANTOS, and BERMAN.

For consideration of title XXI of the House bill, and modifications committed to conference:

Messrs. GILMAN, HYDE, SMITH (NJ), HAMILTON, and GEJDENSON.

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days on which to revise and extend their remarks on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material and charts therein.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore [Mr. BALLENGER]. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2209.

□ 1733

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 consideration of the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. SERRANO] each will control 30 minutes.

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, it gives me great pleasure to bring to the floor H.R. 2209, the fiscal year 1998 legislative appropriations bill. This is the first year I have had the pleasure of chairing this subcommittee.

The gentleman from California [Mr. PACKARD], the former chairman of the subcommittee, has set a very high standard for us to follow. I want to recognize the members of the Subcommittee on Legislative who have assisted me in bringing this bill to the floor.

First, let me thank the gentleman from California [Mr. CUNNINGHAM], the vice-chairman of the subcommittee. In addition, the gentleman from Florida [Mr. YOUNG], the gentleman from Tennessee [Mr. WAMP], and the gentleman from Iowa [Mr. LATHAM] all have contributed to the work on this bill.

My colleague and good friend, the gentleman from New York [Mr. SERRANO], the other part of New York, downstate New York, is the ranking minority member. He is a great friend and has worked with me on a bipartisan basis throughout the process.

In addition, the gentleman from California [Mr. FAZIO] and the gentlewoman from Ohio [Ms. KAPTUR] have helped shape this bill and have maintained the bipartisan spirit of the subcommittee. Also, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full committee, have fully participated in the subcommittee's deliberations.

Mr. Chairman, H.R. 2209 provides $1,711,417,000 in new budget authority. This bill is $10 million below the 1997 bill. If I could repeat that, it is 0.6 percent lower than last year's appropriation, Senate excluded. This continues a 3-year trend of making the legislative branch smaller and indeed leading the way toward smaller government.

The Congressional Research Service, in consultation with the Congressional Budget Office, has calculated that if the entire Federal budget were to be reduced in the same proportion as we have downsized the legislative branch, the entire Federal budget would show a surplus of $183 billion for fiscal year 1998.

Here are a few general points about the bill:

We have continued the program begun in the 104th Congress to rightsize the legislative branch. This is producing a more efficient, smaller work force by using technology wherever possible. The bill does not fund certain personnel costs, such as within-grade, promotion or merit pay increases. Legislative agencies will absorb these costs, just as the executive branch does.

The legislative branch work force is cut by an additional 316 positions. Since 1994, we have reduced FTE's, or full time equivalent positions, by over 3,800 positions. That is a reduction of almost 14 percent of the entire legislative branch work force. The FTE cut does not reduce agency programs. The current level of FTE's used by agencies has been maintained. However, funds for unused FTE's have been removed.

Some of the details in the bill include:

For the House of Representatives, $708 million is provided. The Members' representational allowance appropriation has been increased to cover staff cost of living allowances. Committee funds have been increased by $6.7 million and are extended through December 31, 1998. House administrative offices, the Clerk, Sergeant at Arms, CAO, and others are funded at a net reduction of $2 million. Within the CAO, HIR operational costs are reduced $1.6 million.

For joint items, $86.8 million is provided. The Joint Economic and Printing Committees are funded at the level requested in the budget submission. The Joint Tax Committee has been provided funds for five additional staff to accommodate an expanded workload.

The Capitol Police cost-of-living allowances are funded with the additional funds pending authorizing committee approval. An administrative provision establishes a unified pay and leave procedure for House and Senate details. For the Architect of the Capitol, $122.9 million is provided.

Mr. Chairman, the Capitol buildings belong to the people of the United States. We have an obligation to keep up the maintenance needed to keep the buildings and grounds in working order and suitable for the work of Congress and to accommodate the millions of taxpayers and others who visit each year.

The Architect has estimated that the cost of maintenance and improvements over the next 5 years will require an additional $254 million. This need must be addressed, although perhaps not the full amount. This bill begins to address the long-term Capitol investment program articulated by the new Architect of the Capitol, Mr. Alan M. Hantman, and we welcome him.

We must exercise judgment, however. In the bill, 68 percent of priority-one projects are funded. Safety and Americans with Disabilities Act work continues, including fire alarms, sprinklers, access doors, etc.

The initial funding for the rehabilitation of the Capitol dome has been provided. Mr. Chairman, there is no more important symbol of the American Nation than that Capitol dome. Funding is also provided to commence replacement of the deteriorated floors of the parking garage in the Cannon Building. The Library of Congress, including CRS, is funded at $342 million. We have also added $160 million in other resources to the Library. The bill funds the current FTE level. The initial phase of the new bibliographic system is funded as is additional playback equipment for talking books for the blind.

For the Government Printing Office, almost $100 million is provided. Congressional printing is funded at the fiscal year 1997 level, including an $11 million transfer from the working capital fund, a transfer back to this account of funds paid out earlier to cover costs of non-congressional printing.

For the General Accounting Office, $323.5 million is provided. This will allow 85 additional FTE positions over the current level. The Emergency Supplemental Act of 1997 provided GAO authority to enter into multiyear contracts. We have been told that up to $8.4 million of funds requested for fiscal year 1998 may be obligated in fiscal year 1997 with this new authority. That provision enabled us to reduce the fiscal year 1998 appropriation by that amount.

Just a couple of notes, in summary, Mr. Chairman, and my colleagues. The budget authority compared to the 1997 operating level: we are $10 million, at 0.6 percent below. That is a reduction under 1997 appropriations. It is $143 million less than the President's request for the legislative branch, and it is $2.6 million below our 602(b) allocations.

Last, Mr. Chairman, on a note that does not get an awful lot of attention, but I think it shows that we lead by example, not only in reducing the size of legislative branch. In the area of recycling, it should be noted that the House of Representatives recycling program has been operating for 6 years now.

A pilot test was done in 1990. The House-wide program was begun in 1993. It should also be noted that the program has been producing results. We have all heard of the rumors that we take our waste and we throw fine paper in one basket and we throw the sorted paper in another basket and then the cleaning people come up in at night and throw them all into one coffer. That is not the case.

I want to dispel that rumor. In fact, we have recycled 12,000, almost 13,000 tons of waste, including cans, bottles, and paper. The Architect has estimated that we have avoided over $900,000 in landfill costs due to recycling waste. And here is the key point: We have also been told by the Architect of the Capitol that 1,977 tons of House trash and waste were recycled by a recycling contractor last year. That represents over 57 percent of the waste generated by House offices. That is a remarkable number, given the fact that the goal for the Federal Government is a 50-percent level of recycling. We are doing 57 percent, higher, to my knowledge, higher than any other branch of the Federal Government.

So, once again, Mr. Chairman, we are leading by example. We have shown that we are willing to lead in terms of recycling, but more importantly, that we continue to make government smaller, more efficient and saving money along the way.

LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2209)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	267,200			-267,200	
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,535,000	1,625,000	1,590,000	+55,000	-35,000
Office of the Majority Floor Leader	1,526,000	1,566,000	1,626,000	+100,000	+60,000
Office of the Minority Floor Leader	1,534,000	1,574,000	1,652,000	+118,000	+78,000
Office of the Majority Whip	957,000	983,000	1,024,000	+67,000	+41,000
Office of the Minority Whip	949,000	975,000	998,000	+49,000	+23,000
Speaker's Office for Legislative Floor Activities	376,000	378,000	397,000	+21,000	+19,000
Republican Steering Committee	664,000	680,000	736,000	+72,000	+56,000
Republican Conference	1,130,000	1,161,000	1,172,000	+42,000	+11,000
Democratic Steering and Policy Committee	1,191,000	1,222,000	1,277,000	+86,000	+55,000
Democratic Caucus	603,000	619,000	631,000	+28,000	+12,000
Nine minority employees	1,127,000	1,133,000	1,190,000	+63,000	+57,000
Subtotal, House Leadership Offices	11,592,000	11,916,000	12,293,000	+701,000	+377,000
Members' Representational Allowances					
Expenses	363,313,000	405,450,000	379,789,000	+16,476,000	-25,661,000
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	80,222,000	90,310,000	86,268,000	+6,046,000	-4,042,000
Committee on Appropriations (including studies and investigations)	17,580,000	18,276,000	18,276,000	+696,000	
Subtotal, Committee employees	97,802,000	108,586,000	104,544,000	+6,742,000	-4,042,000
Salaries, Officers and Employees					
Office of the Clerk	15,074,000	14,715,000	16,804,000	+1,730,000	+2,089,000
Office of the Sergeant at Arms	3,638,000	3,598,000	3,564,000	-74,000	-34,000
Office of the Chief Administrative Officer	55,209,000	59,688,000	50,727,000	-4,482,000	-8,961,000
Office of Inspector General	3,954,000	4,344,000	3,808,000	-146,000	-536,000
Office of the Chaplain	126,000	126,000	133,000	+7,000	+7,000
Office of the Parliamentarian	1,036,000	1,129,000	1,101,000	+65,000	-28,000
Office of the Parliamentarian	(786,000)	(861,000)	(852,000)	(+66,000)	(-9,000)
Compilation of precedents of the House of Representatives	(250,000)	(268,000)	(249,000)	(-1,000)	(-19,000)
Office of the Law Revision Counsel	1,767,000	1,881,000	1,821,000	+54,000	-60,000
Office of the Legislative Counsel	4,687,000	4,824,000	4,827,000	+140,000	+3,000
Corrections Calendar Office		441,000	791,000	+791,000	+350,000
Other authorized employees	768,000	1,024,000	780,000	+12,000	-244,000
Former Speakers	(594,000)	(855,000)	(594,000)		(-261,000)
Technical Assistants, Office of the Attending Physician	(174,000)	(169,000)	(186,000)	(+12,000)	(+17,000)
Subtotal, Salaries, Officers and Employees	86,259,000	91,770,000	84,356,000	-1,903,000	-7,414,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,374,000	2,977,000	2,225,000	-149,000	-752,000
Official mail (committees, leadership, administrative and legislative offices)	1,000,000	1,000,000	500,000	-500,000	-500,000
Document management system		1,500,000			-1,500,000
Reemployed annuitants reimbursements	71,000	71,000		-71,000	-71,000
Government contributions	120,779,000	128,451,000	124,390,000	+3,611,000	-4,061,000
Miscellaneous items	641,000	662,000	641,000		-21,000
Subtotal, Allowances and expenses	124,865,000	134,661,000	127,756,000	+2,891,000	-6,905,000
Total, salaries and expenses	683,831,000	752,383,000	708,738,000	+24,907,000	-43,645,000
Total, House of Representatives	684,098,200	752,383,000	708,738,000	+24,639,800	-43,645,000

LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2209)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
JOINT ITEMS					
Joint Committee on Inaugural Ceremonies of 1997	950,000	.....	.....	-950,000	.....
Joint Economic Committee	2,750,000	2,750,000	2,750,000	.....	.....
Joint Committee on Printing	777,000	807,000	804,000	+27,000	-3,000
Joint Committee on Taxation	5,470,000	6,126,000	5,907,000	+437,000	-219,000
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,225,000	1,266,000	1,266,000	+41,000	.....
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	33,437,000	35,507,000	34,118,000	+681,000	-1,389,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	38,428,000	36,837,000	+918,000	-1,591,000
Subtotal, salaries	69,356,000	73,935,000	70,955,000	+1,599,000	-2,980,000
General expenses 1/	6,032,000	5,401,000	3,099,000	-2,933,000	-2,302,000
Subtotal, Capitol Police	75,388,000	79,336,000	74,054,000	-1,334,000	-5,282,000
Capitol Guide Service and Special Services Office	1,991,000	1,991,000	1,991,000	.....	.....
Statements of Appropriations	30,000	30,000	30,000	.....	.....
Total, Joint items	88,581,000	92,306,000	86,802,000	-1,779,000	-5,504,000
OFFICE OF COMPLIANCE					
Salaries and expenses	2,609,000	2,600,000	2,479,000	-130,000	-121,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	24,532,000	24,995,000	24,797,000	+265,000	-198,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	8,454,000	.....	.....	-8,454,000	.....
Travel (limitation on official travel expenses)	(20,000)	.....	.....	(-20,000)	.....
Contingent expenses	100,000	.....	.....	-100,000	.....
Subtotal, Office of the Architect of the Capitol	8,554,000	.....	.....	-8,554,000	.....
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses 2/	23,505,000	42,064,000	36,827,000	+13,322,000	-5,237,000
Capitol grounds	5,020,000	6,618,000	4,991,000	-29,000	-1,627,000
House office buildings	32,556,000	39,403,000	37,181,000	+4,625,000	-2,222,000
Capitol Power Plant	34,749,000	37,771,000	36,032,000	+1,283,000	-1,739,000
Offsetting collections	-4,000,000	-4,000,000	-4,000,000	.....	.....
Net subtotal, Capitol Power Plant	30,749,000	33,771,000	32,032,000	+1,283,000	-1,739,000
Subtotal, Capitol buildings and grounds	91,830,000	121,856,000	111,031,000	+19,201,000	-10,825,000
Total, Architect of the Capitol	100,384,000	121,856,000	111,031,000	+10,647,000	-10,825,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	62,641,000	66,830,000	64,603,000	+1,962,000	-2,227,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	81,669,000	84,025,000	70,652,000	-11,017,000	-13,373,000
(Transfer from revolving fund)	.....	.....	(11,017,000)	(+11,017,000)	(+11,017,000)
Total, title I, Congressional Operations	1,044,514,200	1,144,995,000	1,069,102,000	+24,587,800	-75,893,000

1/ FY 1997 enacted includes $3,250,000 provided in P.L. 104-208, Title V.

2/ FY 1997 enacted includes $250,000 provided in P.L. 104-208, Title V.

LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2209)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	36,402,000	11,662,000	1,771,000	-34,631,000	-9,891,000
LIBRARY OF CONGRESS					
Salaries and expenses	216,007,000	232,058,000	223,507,000	+7,500,000	-8,551,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000	.....	.....
Net subtotal, Salaries and expenses	208,138,000	224,189,000	215,638,000	+7,500,000	-8,551,000
Copyright Office, salaries and expenses	33,402,000	35,787,000	34,361,000	+959,000	-1,426,000
Authority to spend receipts	-22,269,000	-22,507,000	-22,426,000	-157,000	+81,000
Net subtotal, Copyright Office	11,133,000	13,280,000	11,935,000	+802,000	-1,345,000
Books for the blind and physically handicapped, salaries and expenses	44,964,000	48,025,000	45,936,000	+972,000	-2,089,000
Furniture and furnishings	4,882,000	4,882,000	4,178,000	-704,000	-704,000
Total, Library of Congress (except CRS)	269,117,000	290,376,000	277,687,000	+8,570,000	-12,689,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	9,753,000	15,755,000	10,073,000	+320,000	-5,682,000
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,077,000	30,477,000	29,264,000	+187,000	-1,213,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	338,425,000	368,828,000	330,924,000	-7,501,000	-37,904,000
Offsetting collections	-5,905,000	-7,404,000	-7,404,000	-1,499,000	.....
Total, General Accounting Office	332,520,000	361,424,000	323,520,000	-9,000,000	-37,904,000
Total, title II, Other agencies	676,869,000	709,694,000	642,315,000	-34,554,000	-67,379,000
Grand total	1,721,383,200	1,854,689,000	1,711,417,000	-9,966,200	-143,272,000
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	684,098,200	752,383,000	708,738,000	+24,639,800	-43,645,000
Joint Items	88,581,000	92,306,000	86,802,000	-1,779,000	-5,504,000
Office of Compliance	2,609,000	2,600,000	2,479,000	-130,000	-121,000
Congressional Budget Office	24,532,000	24,995,000	24,797,000	+265,000	-198,000
Architect of the Capitol	100,384,000	121,856,000	111,031,000	+10,647,000	-10,825,000
Library of Congress: Congressional Research Service	62,641,000	66,830,000	64,603,000	+1,962,000	-2,227,000
Congressional printing and binding, Government Printing Office	81,669,000	84,025,000	70,652,000	-11,017,000	-13,373,000
Total, title I, Congressional operations	1,044,514,200	1,144,995,000	1,069,102,000	+24,587,800	-75,893,000
TITLE II - OTHER AGENCIES					
Botanic Garden	36,402,000	11,662,000	1,771,000	-34,631,000	-9,891,000
Library of Congress (except CRS)	269,117,000	290,376,000	277,687,000	+8,570,000	-12,689,000
Architect of the Capitol (Library buildings and grounds)	9,753,000	15,755,000	10,073,000	+320,000	-5,682,000
Government Printing Office (except congressional printing and binding)	29,077,000	30,477,000	29,264,000	+187,000	-1,213,000
General Accounting Office	332,520,000	361,424,000	323,520,000	-9,000,000	-37,904,000
Total, title II, Other agencies	676,869,000	709,694,000	642,315,000	-34,554,000	-67,379,000
Grand total	1,721,383,200	1,854,689,000	1,711,417,000	-9,966,200	-143,272,000

Mr. WALSH. The committee report contains language which stresses the need for improving the waste recycling program operated by the Architect of the Capitol. The language in the report makes clear that the Architect should contact each Member, committee, and staff office to elicit cooperation and compliance. It also stresses the importance of continued training of the Architect's workforce in implementing this program.

It should be noted that the House Recycling Program has been operating for 6 years now. A pilot test was done in 1990. The House-wide program was begun in 1993.

It should also be noted that the program has been producing results. Since 1993, 12,886 tons of House and Senate waste cans, bottles, and paper have been recycled. The Architect has estimated that we have avoided over $900,000 (936,518) in landfill costs due to the recycling waste transferred to recycling contractors. Over the past 3 years, almost $600,000 of cost avoidance is due to waste material collected and recycled from House offices, at a cost of $378,000.

That's a 1.6 to 1 benefit/cost ratio. That is a benefit/cost ratio that indicates that recycling is paying off. It is saving taxpayer funds and is contributing to a cleaner environment.

We have also been told by the Architect of the Capitol that 1,977 tons of House trash and waste were recycled by our recycling contractor last year. That 1,977 tons represents about 57 percent of the waste stream generated by House offices.

The Office of Waste Management at the General Services Administration has informed us that GSA itself only recycles 30–35 percent of their waste stream. According to GSA, the Government-wide goal is 50 percent.

So, I would say to those who are concerned about the effort being made, there is a great deal being accomplished. And we are exceeding the Government-wide standard.

Recycling of House waste products is working, but like all similar programs, it requires monitoring and follow-up. We should strive to improve our record.

In that context, the subcommittee decided to include the report language. We have asked the Architect of the Capitol to renew his efforts and to enlist the cooperation of all House offices.

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

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

Mr. Chairman, let me first say that my colleague, the gentleman from New York [Mr. WALSH], deserves quite a bit of praise for this bill. This is a good bill, and it is a bill that was put together by the work that the gentleman from New York [Mr. WALSH] has done and the way in which he has treated the members of the committee.

He has been very fair to this ranking member, and he has been very fair to the members on our side. And for that, we thank him and we look, in spite of some present difficulties, to a future working relationship that will improve as time goes on.

I also would like to take this opportunity to thank the gentleman from Wisconsin [Mr. OBEY], our ranking member, for the work that he has done in support of my work on the committee, and also to thank the other members of the committee, the gentleman from California [Mr. FAZIO] and the gentlewoman from Ohio [Ms. KAPTUR], and a special thanks to the gentleman from California [Mr. FAZIO], who set a track record here in this House for this kind of work. Once again, I thank the gentleman.

And I thank the gentleman from New York [Mr. WALSH] for being the kind of person that he is and for the work that he has done on this committee.

□ 1745

Mr. Chairman, the difficulty of today's discussion is the fact that while this bill starts out as a good bill, outside problems, problems that do not belong really within the committee but then become part of the committee, have taken a hold of this process.

I am speaking specifically about the fact that the minority party feels very much that fairness is not being applied in the dealings with amendments not only on this committee but throughout the committees in the House and that a lack of civility has grown in the institution to the point where the minority party in no way on our side of the aisle feels that we are being treated fairly and properly.

In addition, on this particular bill, we asked for some amendments which were denied. They were amendments, in our opinion, that belong as part of this discussion, because they speak as to how the majority party is running the House and how some things are being done.

While some may argue that the amendments specifically do not speak to the bill, they certainly do speak to the running of the House, they speak to the way in which business is being conducted, and in that sense we have some very serious problems with those issues. We asked for those amendments to be presented.

We were very much concerned, for instance, with the fact that $1.4 million is being spent on an investigation of organized labor in this country. We are concerned also with the fact that a Member of Congress who has been duly elected has been harassed and her campaign and her campaign results continue to be questioned. I speak about the gentlewoman from California [Ms. SANCHEZ]. It is improper, in our opinion, to continue to harass her and harass the results of her campaign.

We particularly feel very nervous about the fact and very concerned about the fact that in carrying out, as we feel, this harassment, that some people have been targeted throughout the country, namely Hispanic surname Americans, for special negative treatment.

We are also very much concerned about the fact that, in general, when we ask for amendments, amendments are either denied or they are rewritten by the Committee on Rules before they are presented in the House, and that is something that has been of great concern to us.

With that in mind, we will hear Members today on our side of the aisle speak about these issues, and it is with much displeasure that I once again inform my friend the gentleman from New York [Mr. WALSH], and I mean that sincerely, my friend, that it is not the intent of this side to vote for this bill when final passage comes.

There will be some amendments that we will deal with, we will try to make our point, but I am hoping that the gentleman from New York will continue to understand or at least try to understand, if he does not already, that this is a very difficult time in terms of the behavior of this House, and our side of the aisle is trying to very strongly make the point that this has to change, that it has to end, and that a new day has to be born in this House.

With that in mind, I once again commit myself to working with the gentleman from New York. I look forward to the day, pretty soon, when these issues are put aside and we continue to build on this work that he has put forth.

Mr. Chairman, let me close with this thought. When I had an opportunity in the Committee on Appropriations to either go back on the Education subcommittee or choose this subcommittee, I chose this one with the understanding that I personally have such respect for this institution that I do not have a problem in dealing with this particular bill year after year, that I do not have a problem in working with the gentleman from New York [Mr. WALSH] in building the institution up.

I am concerned that some of the issues we will discuss today are indeed targeting the work that we do, because if other parts of the House and other behavior are not being carried out properly, then it really does not matter how much we try to protect the institution, the institution will always be in danger and our ability to deal with each other and conduct business will be in danger. I look forward to this type of behavior coming to an end, and I look forward to the debate that we will have today.

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

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

Mr. Chairman, we will soon entertain a number of amendments that were granted by the rule. I would just like to point out for the record that the rule is a modified closed rule. This is the traditional way that this rule has been structured for consideration of this bill.

As my colleagues might imagine, there are lots of opportunity for mischief on this bill. I think while we were in the minority, we certainly respected the majority's view of protecting the institution by using the rule process. We have tried to do exactly the same thing.

In the process of devising this rule, with the help of the chairman of the Committee on Rules who has been

very, very helpful, we allowed for four amendments, two from Republicans and two from Democrats. There were two very contentious amendments on each side, one Republican and one Democrat, that were not granted under the rule. I think that is about as fair as one could ask.

There are issues that swirl about the Congress that are not of the gentleman from New York [Mr. SERRANO] and my making. We have, I think, a very good relationship. We work very well together. Philosophically, we are not what one would call twins, but we do understand the need to protect the institution, and we are both trying to do that. So we are being affected by issues that are outside of the purview of our subcommittee.

I would ask that once everybody has their opportunity to make their case and to take their best shot and to vote for or against their amendment, that we could get a bipartisan vote on this bill. I think traditionally it is the majority's responsibility to deliver the votes on the legislative branch, but there has always been at least some semblance of bipartisanship on final passage of the bill. It strengthens our hand when we go to the Senate in the conference to make sure that we protect our side of this very important Capitol building.

I would end my comments right now by saying, let us have our debate, let us be as civil as we can with each other, and when it is all said and done, let us come together and vote bipartisanly for this bill.

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

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to the bill today because of the irresponsible way in which the Republican leadership has conducted itself.

I consider the three investigations that I am going to mention nothing more than partisan witch-hunts. This year, the Republican leadership is wasting millions of taxpayers' dollars on three separate investigations. These investigations are mean-spirited, duplicative, and wholly unnecessary. So far, they have absolutely nothing to show for their efforts.

I would like to begin with the Committee on House Oversight's investigation into the election of the gentlewoman from California [Ms. SANCHEZ]. The gentlewoman from California [Ms. SANCHEZ] defeated incumbent Bob Dornan in an election that was certified by the Republican Secretary of State in California.

In spite of this, Mr. Dornan, who was defeated, can still command the will of the Republican Caucus and orchestrate a kangaroo court to investigate his loss. However, 9 months later, Bob Dornan still has not proven that he won. Instead, he intends to punish the gentlewoman from California [Ms. SANCHEZ] under an avalanche of subpoenas and a mountain of legal bills, and no matter that the burden of proof to prove wrongdoing is on Bob Dornan as the accuser and he has failed again. Mr. Chairman, the Republican leadership should stop using taxpayer money to harass the gentlewoman from California [Ms. SANCHEZ] in order to satisfy Mr. Dornan's craving for revenge.

Turning to the second witch-hunt, we have the three-ring circus of the gentleman from Indiana [Mr. BURTON] in the Committee on Government Reform and Oversight. In spite of the fact that there is a credible bipartisan investigation currently being conducted in the Senate, the gentleman from Indiana [Mr. BURTON] is determined to go forward with an investigation that is being conducted so shabbily that high-level Republican staffers have resigned from the committee. To date, this investigation has cost American taxpayers over $2 million and there has not been one hearing, not one deposition that has produced any result. That is $2 million spent and, again, nothing to show for it.

Finally, now we have the third investigation. The House Republican leadership has decided to tap into the Speaker's slush fund and spend $1.4 million on an investigation into the political activities of labor groups. For what, Mr. Chairman? For another political score to settle at the taxpayers' expense.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM], the vice chairman of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the gentleman from New York [Mr. WALSH]. I think from the different committees that I have served on and my colleagues on both sides of the aisle, there is no more of an evenhandedness of the issues or of the bill. The gentleman will bend over backward to help.

I would like to address the last speaker's words on Mr. Dornan and the gentlewoman from California [Ms. SANCHEZ]. Many of us feel that the Sanchez-Dornan seat was stolen. I will be specific. I will give my colleagues a classic example.

In the city of San Diego, they had 5,000 new citizens sworn in. At that time, a gentleman from the Republican Party asked the INS if they could establish tables like they always have, but this was an extra large one and they were told no, that this was so large that they were not going to allow anyone to register new citizens in either party. The Republican Party went down there the day of, anyway, and there were 12 Democrat tables set up and no Republican tables had been allowed in.

Then we have the case of the pushing in of new citizens and waiving background checks to the point where we have thousands, thousands, of people that were let in as new citizens that were felons. I am not talking just little felons, I am talking rapists, murderers, and so on. The recent newspaper articles on Conair, where they are actually shifting out people in different areas, is prevalent, also.

All Mr. Dornan is asking is to get the records to see if there was an injustice or if there were any peculiarities in that particular district that affected voting. That is a fair question: Do you have American citizens voting?

What they found to date, especially one activist group encouraged people that were going to be citizens to vote. Even though they had not become citizens, they had done so. It is a felony for people to register before they have become citizens, and there is a great number of those. At the same time, there were numbers of illegals that had registered.

What we need to do, Mr. Chairman, is to take a look at motor-voter, the practices of the INS, the practices of registration in different States. It is not just Mr. Dornan at stake. If we look at all of the border States and the infusion of illegals coming across, we even had hearings in San Diego that the Border Patrol stepped forward and said that they were ordered to let illegals come through, not us, not the Republicans, but the Border Patrol members themselves.

We need to get to the heart of this. When Mr. Dornan asks to have the records looked at by appropriate sources, by Republicans and Democrats, by the judicial system, I think that is fair.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO], a man who set the tone for me to follow, and it is very difficult.

Mr. FAZIO of California. I thank the gentleman for yielding me this time.

Mr. Chairman, I expressed my feelings on the rule on the issue that was just brought to us by the gentleman from California [Mr. CUNNINGHAM]. But my reason for rising at this point is to separate myself from the debate on the overall behavior of the majority versus the minority in the institution, to pay tribute to the gentleman from New York [Mr. WALSH] and the gentleman from the city of New York [Mr. SERRANO] for the excellent job that they have done in bringing the bill to this point.

As the chairman has indicated, we are obviously confronted with other issues when we come to the floor that sometimes transcend the work that is done in the subcommittee and in the full committee, and that is once again the case here. Members will feel differently about the vote on final passage today, perhaps based on factors that have influenced our thinking in the general manner in which the House is being administered. But I think that if we are not careful, we will overlook the fine work that has been done by these two gentlemen, and I hope all Members will pay attention to and honor the effort they have made getting us to this point.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I think one of the great frustrations here, of course, is that not only have we violated all the traditions of the House in the Sanchez case, changing the rules, having the committee kind of being the adversary for an elected Member of Congress, but we have focused in on a community that the majority Republican Party has made a serious effort trying to intimidate away from the polls. Not just in this instance, going as far back as races in New Jersey in the early 1980's, when we had polling security people show up trying to intimidate new Americans from voting.

□ 1800

The reality is we cannot use the Sanchez situation to try to review every piece of legislation on the books. We remember from when motor-voter was passed, the Republicans did not want to have poor people register. They wanted to keep it out of places where poor people went. They did not want to do it at welfare offices. We think everybody ought to vote. Frankly, I think it is too hard to get people in this country to vote. If someone is an American they ought to vote.

If there is something wrong with the Sanchez race, then under the law it is Mr. Dornan's responsibility to come forward and show that. He has come forward so many times with so many accusations, he just keeps stretching the process, and now the committee has taken over. First, he was worried about a house. There were 10 or 12 people living in that house, and I think they all had different last names. Yes; there were nuns living in that house. Then he found a second house that seemed awfully dangerous, and there were like 18 people living in that house; 1 address, 18 people, all different names. Lo and behold, it turned out to be a Marine barracks.

As my colleagues know, Mr. Dornan spent a lot of time on this floor talking about how tough he was, what a military campaigner he was. He ought to take this like an honorable politician. The evidence is clear. She won the race. Were there some problems? Yes. They do not measure up to her margin. If he has got proof, he ought to come forward with it. It is 9 months since the election. It starts to look like they are trying to drain her of resources and intimidate Hispanics from voting.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

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

Mr. THOMAS. Mr. Chairman, following the statement of the gentleman from Connecticut [Mr. GEJDENSON], some of my colleagues might be surprised to find out that I was an original cosponsor of the motor-voter bill, and in fact we think it is a good idea to reach out and get as many people as we can on the rolls. But they fail to understand one fundamental point. Get all the people on the rolls who legally should be on, get all the people off who should not be on.

What we are doing now in Orange County, and the attorney for the gentlewoman from California [Ms. SANCHEZ] has finally admitted, there were people who voted in that contest who should not have voted. They were registered illegally, and they participated in the election illegally. The question is not if; the question is how many. We are in the process of determining how many. It is interesting that the minority already knows there were not enough to make a difference in the election.

What we try to do on our side of the aisle with the new majority is investigate the facts and then come to a conclusion rather than coming to a conclusion based upon what they want the end result to be. We are working with the Immigration and Naturalization Service. It has been very difficult. We had to subpoena them to go through their records to provide us with the thousands of names. We will determine how many people voted illegally, not in an attempt to deal with this election, but in an attempt to get every American who casts a vote legally to have a comfort level that their vote would not have been canceled by someone who voted illegally.

We believe it is fundamental. We believe we have to get to the bottom of it. No amount of protesting on their side will deter us from making sure that every legal voter believes no illegal vote canceled them out.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, regardless of what is being said here, over $200,000 in funds provided by this bill is being committed to a witch hunt against one of our colleagues, the gentlewoman from California [Ms. SANCHEZ], for the sake of partisan games. This is an unprecedented attack which many of us believe has much more to do with the growing political power of Hispanics in this country. The committee has allowed a pattern of actions by both Mr. Dornan, the loser in that contest, and the committee itself which are an outrage to the Latino community.

The violation of privacy rights that people have a right to expect when they apply to the INS; that is why they had to subpoena them, to violate their privacy rights, and future voter intimidation and voter suppression of the Hispanic community are outrageous and will never be tolerated by us.

The voters of the 46th District of California elected the gentlewoman from California [Ms. SANCHEZ] in an election certified by the Republican Secretary of State last November, uncontested in any California court. For the first time since 1969 Republicans forced a hearing on the merits, a procedure that is available here. That hearing, held in the district of the gentlewoman from California [Ms. SANCHEZ], was a media circus that produced no credible evidence of changing the election outcome.

Unprecedented subpoena powers have been given to Mr. Dornan, now a private citizen, to harass Hispanic Americans and organizations that have helped them, like Catholic Charities, 20,000 students at Rancho Santiago Community College and even, as Mr. Dornan admitted, the Carpenters Union. Why? Because they had a large contingent of immigrant workers.

Add to all of these facts the admissions that we have already heard here and by one of the senior Republican Committee on Appropriations members that the real reason for pursuing the gentlewoman from California [Ms. SANCHEZ] is to kill motor-voter, and we have a Republican plan that is crystal clear.

So what is that plan? Attack the underpinnings of Hispanic empowerment by attacking a Hispanic woman elected to Congress, give unprecedented subpoena powers to a private citizen to intimidate Hispanic individuals, violate their privacy rights at the INS, create fear in the community, and by doing so create a chilling effect on voters, thereby intimidating them and suppressing their enjoyment of the right to vote, and, as a by-product, let us create the base for getting rid of motor-voter.

And that reminds me of the Republican motivated ballot security program that happened in my State of New Jersey in 1980, which were brought to Federal Court, and we will do it again if we have to.

We should not permit the use of taxpayer funds for such a biased political witch hunt, we should not accept and we will not accept this treatment as a community. We are here to stay, and so is the gentlewoman from California [Ms. SANCHEZ]. Get it over with, stop wasting our money, and we should register a vote of protest on this bill.

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

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to this bill. The Republican leadership is using the Committee on House Oversight, funded by this appropriation bill, to harass a Hispanic woman Member of Congress. Three hundred thousand dollars of the taxpayers' money has been used to try to deny the gentlewoman from California [Ms. SANCHEZ] the congressional seat that she won fair and square. And this is not just about the gentlewoman from California, this is about the growing influence, political influence, of

Latinos in this country. This is about sharing power.

As if that were not enough, the Republicans have forced the INS to launch an investigation against the gentlewoman from California [Ms. SANCHEZ] without providing the funding to do so. They have literally given subpoena power to the loser in the race, Bob Dornan.

The Republicans are trying to say that the gentlewoman from California [Ms. SANCHEZ] did not win her seat fairly. There is only one problem. They cannot prove it. Instead, they are wasting taxpayers' money to harass a Member of Congress. It is outrageous, and it has got to stop.

Vote no on this bill.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I listened to this debate. I had to rise because I am familiar with a lot of the facts with respect to the investigation as to illegal voters voting in the Sanchez-Dornan race, and this is not about the gentlewoman from California [Ms. SANCHEZ], it is not about Bob Dornan; it is about a very simple American fundamental value that is known as one man or one woman and one vote, and that means that no matter where one comes from, no matter how long they have been in America, no matter whether they are rich or poor, they get one vote.

And there was an investigation in Orange County, and one organization that is supported by taxpayer dollars, by our dollars, registered to vote over 300 people who were not legal voters. That has been established. That is the basis for the ongoing investigation.

I think it does a disservice for people that come from all over the world to be Americans to somehow give them the idea that the system that they left, the system where the ballots are counted on Sunday before the Tuesday election, the ballots where some people get five votes and other people get no votes, is somehow something that should be pursued here.

Now one of the two candidates, Mr. Dornan or the gentlewoman from California [Ms. SANCHEZ], got the most votes by legal voters in Orange County. The person who got the most votes wins. That is what this is about, and everybody who is involved in this is willing to let the chips fall where they may. If Ms. SANCHEZ when the smoke clears and the illegal votes have been taken away has the most votes, then she wins; if when the smoke clears the person who got the most votes on election day is Mr. Dornan, then he wins; and if it is unclear as to who wins, then we have a new election.

That is America, and I might say to my colleagues that is why people come to America. That is not bad, and that is not any kind of an insult to anybody. The Republicans do a lot of registering of new citizens, we have our card tables right there at the new citizens' swearing in programs for Hispanic Americans, Filipino Americans, Vietnamese Americans after they become citizens.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, the gentlewoman from California [Ms. SANCHEZ] was certified the winner of the 1996 congressional election in California's 46th Congressional District by a Republican registrar of voters and the Republican secretary of State by 979 votes after a recount of every ballot. I rise today to urge my colleagues to vote against this bill.

The Republican leadership has spent 9 months and $300,000 investigating the election of our colleague, the gentlewoman from California [Ms. SANCHEZ], and it is now time for this to stop. This is clearly a partisan attempt to steal an election that the gentlewoman from California [Ms. SANCHEZ] won fair and square.

I am sorry to break it to my Republican colleagues, but Bob Dornan lost the election and, yes, he even lost to a Democratic Hispanic woman. The Republicans have also given Bob Dornan, an average citizen, not a Member of the House of Representatives, the power to subpoena. He has used this authority to harass his political enemies by forcing them to spend thousands of dollars in legal bills to comply with his subpoena. Republicans are using taxpayer funds to finance a partisan political investigation. They are using race baiting tactics to scare new citizens from exercising their constitutional right to vote.

It is time to bring an end to this investigation. Let the gentlewoman from California [Ms. SANCHEZ] do what she is doing very well in representing the people of California's 46th district. Let us get back to the business of the American people, let us call off this witch hunt on a partisan political basis, and finally, let us just stop wasting taxpayers' dollars.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume just to respond to this issue.

The gentleman from New Jersey earlier suggested that the contesting of an election such as this is unprecedented. Well, there is very strong precedent: the McIntyre case in Indiana. And nobody on this side suggested that that was an anti-Irish decision.

□ 1815

Let us try to stick to the issues. This really does not fall on this committee. This falls on another Committee. Let us try to keep this debate within the constraints of this committee.

Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, the gentlewoman from California, Ms. LORETTA SANCHEZ, is a Member of this body. She has been seated. That is the rightful course of action.

Again, I want to point out, as I did last week, that I have had my disagreements here when the Democrats were in charge, but when they were in charge and there was a contested election where a Republican was declared the victor, as the gentleman just mentioned, the Republican was not seated.

In fact, we are not in any way disrupting the right of the gentlewoman from California, Ms. LORETTA SANCHEZ, to act as a Member of Congress, but we owe it to the American people to see that that election was a fair election, and if it was not, if it was determined by illegal votes, it should be overturned. Otherwise, it is a crime against the American people.

Mr. Chairman, my colleagues on the other side of the aisle are complaining that the contested election task force investigation is going on and has been dragging on too long. The fact is, this reflects something of a pattern.

What we see is, on the other side of the aisle and with the administration, a stalling, a stonewalling, and just dragging its feet. No matter how or what way they can do it, they are trying to elongate this, and then coming before the body complaining that we are putting the gentlewoman from California, Ms. LORETTA SANCHEZ, through a travail because it is lasting so long.

Mr. Chairman, this is pure politics. I, for one, would hope that we would not be calling each other names and then, especially, trying to suggest that the motives over here are malicious. We need to get to the bottom of this.

The task force is working. It is trying to determine how many votes were illegal. Already they have found 300 votes in the 46th district since the gentlewoman from California, Ms. LORETTA SANCHEZ, was seated that were improperly cast. The Secretary of State in California has determined that. The State registrar declared another 120 absentee ballots invalid. Together, that calls into question one-third of the 98-vote margin of the gentlewoman from California [Ms. SANCHEZ].

However, with the INS dragging its feet and all the administration representatives out there not going along and trying to stonewall this, we now are faced with having to go through 5,000 votes that appear to be or there is a potential that these votes were cast by people who were not legally entitled to vote.

Mr. Chairman, this is, as the gentlewoman from California, Ms. LORETTA SANCHEZ, moves on, and we are not intimidating her, she is a Member of Congress, but it is just and right for us to determine whether that election was stolen, and if it was, she should be removed from that seat, because she did not win it.

A Democratic Party activist in Orange County was convicted several years ago, and I come from Orange County, of registering illegal aliens intentionally. He was arrested and convicted of that crime. We cannot have this going on.

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

Mr. Chairman, I think what some of my colleagues on the other side of the aisle have to try to understand is the process which has been used in dealing with this issue. No one argues with the fact that if one party feels aggrieved in any way, they can bring up an issue, and that is what we have the court system for and we have rules of the House.

But I can tell the Members that I have been on the short side of a couple of elections in my life where I thought there had been some problems on the other side, and there were different communities involved in that vote, not only different regions of a county, but certain different ethnic groups and political persuasions. I do not recall that anyone on my side ever suggested that the way to deal with this issue was to single out one particular group and to target those surnames and to go through the books and just make a mockery of the whole system.

Mr. Chairman, let me also say that if you are a member of the Hispanic community and are involved in the political process, you know that for the last 25 or 30 years, 40 years, you have been working hard to try to get people registered to vote, to get people interested in the political system, and in the cases of immigrants, to get them to understand in this country you can participate and not be afraid that someone is going to do a number on you.

I do not think that my colleagues on the other side of the aisle understand, and some may understand and not care, the chilling effect that this has on legitimate individuals who are here, who want to vote, who want to participate, and now are feeling that somehow, somehow they are being targeted.

Let me conclude by saying that I know this subject well. I know this area well. It is so difficult on the receiving end to have one community targeted, to have people's last names be the issue of the day, and not what in fact happened in the election. That is not the right way to do it.

What does that mean now, that every time there is an election throughout the country where there is a question, whatever your political persuasion is, that is the only group you are going to target? That could happen in all 50 States. That is not the proper way to do it. There are people on that side that know that is not the proper way. That is why we are making an issue of it today, because the gentlewoman from California [Ms. SANCHEZ] has won. She should continue to sit here, and this investigation should come to an end.

Mr. Chairman, I yield 4½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say to my friends that, as a member of the task force, I have followed this case very closely, quite obviously.

I want to say to my friend, the gentleman from New York [Mr. WALSH], who is inadvertently involved in this discussion, certainly he has none of the responsibility for the angst that is being discussed. First of all, let me say to my friend, the gentleman from California [Mr. ROHRABACHER], who has left, he said this is pure politics. Let me say that it may be politics, but it is not pure.

My friend, the gentleman from New York [Mr. WALSH] said that in the McIntyre-McCloskey case, which of course was not a Federal contested election case, that obviously is a sore point with many, and I understand that and do not mean to get into that, but the fact of the matter is, it was not. There was no question about the Irish vote. That is correct. The INS was not prepared to see if Irish perhaps had registered improperly.

That was not surprising, the McIntyre case, because by that time the Irish had been here in big numbers for a long time and very active in politics. As somebody who came into politics because of John Fitzgerald Kennedy, I am thankful for that.

At no time in Boston did anybody ever go to the INS, in the 1920's or the 1930's or the 1940's, and say, we want the Irish checked through your records to see whether or not they are legally registered.

Mr. Chairman, in Providence, RI, into which the Italian community moved in great numbers, at no time in the 1920's or 1930's or 1940's did anybody repair to the INS and say, notwithstanding the fact of the machine politics of Boston or the machine politics of Providence or the machine politics of New York, when many Jews moved into the city of New York, at no time, I tell my friends, did anybody suggest that the INS check on every voter.

Notwithstanding the fact in Chicago, when the Polish community moved in, in great numbers, nobody, notwithstanding the fact that there were allegations repeatedly as to whether or not there was fair voting, asked the INS to check on every Polish citizen; no, I tell my friend, the gentleman from New York, this is unprecedented; not McIntyre, not Tunno versus Veysey, which was the first case under the Federal Contested Election Act.

And guess what, that was a case in which the Democratic majority said to a Democratic challenger of a Republican incumbent, no, you have not met the test, and we reject the Democratic challenge of the Republican incumbent, which we have done time and time and time again in seating Republicans who have been challenged by Democratic nonincumbents. Democrats rejected their claim and, in fact, never allowed their case to go as far as this one has.

So yes, I say to my friend, the gentleman from New York, this is historically a brand new and different attack. It is not an attack, frankly, being made by Mr. Dornan, per se, it is the committee that is pursuing this; also unusual, I tell my friend.

It is time to bring this matter to a close. It is time, and I say to my friend, if they have additional votes, 300, let us say, who is to say? At no time can anybody on this floor get up and say, I say to my friend from California, that those 300 votes were not equally divided, 150 for Dornan and 150 for the gentlewoman from California [Ms. SANCHEZ].

Why do I say that? Because uncontested testimony at the hearing was that the leader, Herman Dodd, said he was a friend and close to Bob Dornan and could not get involved in a campaign against Mr. Dornan; uncontested testimony. I do not know whether that is the fact. But I say to my friends, it is time to end this investigation.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I do not intend to become part of this dispute, but let me try to set the record straight, if the gentleman from New York will allow me, or both gentlemen.

Mr. Chairman, the INS is checking every voter in that election, not one particular group. They are checking every voter to see if they were naturalized and what the date of naturalization was, whether you are of German descent or Irish descent or whatever. They are checking everyone. They are not singling out any particular group. That is my understanding.

I say that because my subcommittee funds the INS. We have checked into this, I say to the gentleman from Maryland [Mr. HOYER]. If it were otherwise, I would join the gentleman in his outrage. That is just not the case. They are checking every single voter in that election, and the naturalization date, and if you are a natural born citizen, of course, you would not show up.

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

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

Mr. HOYER. One of the problems, Mr. Chairman, as the gentleman perhaps knows, is, first of all, the committee asked for all of Orange County, not just the 46th District, all of Orange County. That is where the 500,000 came from. So they have done a much broader search than would be called for by this contested election.

Mr. ROGERS. No single group is picked out.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding time to me.

At first I thought this contest was about a difficult loss, Mr. Chairman. After all, Mr. Dornan served in the House for many years. But 9 months and $300,000 later, no contested election has ever taken this long or gone this far in the history of this country. The gentlewoman from California, Ms. LORETTA SANCHEZ, won the election fair

and square. The Latinos and other citizens of Orange County spoke, and there are some in this House who would like to silence them.

Mr. Chairman, the women and the Hispanics and the Democrats in this House will not tolerate the silencing of any man's or woman's vote. The gentleman from Maryland [Mr. HOYER] was absolutely correct when he said this has gone too far. It is time to end this investigation. It is undemocratic. Vote against this rule.

Mr. WALSH. Mr. Chairman, I yield 3½ minutes to the levelheaded and very fair-minded gentleman from Michigan [Mr. EHLERS], chairman of that House task force.

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

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am the chairman of the task force investigating this election. I have to say that the comments I have heard from the other side of the aisle bear no resemblance whatsoever to the activity of the task force.

The point has been raised that the gentlewoman from California [Ms. SANCHEZ] won the election fair and square. We have not in any way said that she had cheated in the election. We are simply trying to determine if noncitizens voted in the election, and that would be illegal if they did. But we are not saying that she instigated this in any way whatsoever.

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I also point out that my parents were immigrants. I grew up in an immigrant culture in a small town in Minnesota where a majority of people were immigrants. I would also point out that this Congress, the Republican majority, seated the gentlewoman from California [Ms. SANCHEZ], which is a practice not followed by the Democrats in the case of a famous election in 1984 when they did not seat Mr. McIntyre and eventually denied him a seat on very poor grounds, and seated his opponent.

I would also point out that we have not delayed in determining this. We are working as rapidly as possible. The other task force on which I served in the previous session of Congress, that of Mr. Charlie Rose of North Carolina, did not resolve the issue until September of the following year. We certainly hope to resolve this one before that amount of time elapses. We are certainly not dilly-dallying on this one, or delaying, or conducting an investigation of a type that has not been done before.

A comment has been made that for the first time the committee has allowed subpoenas to be issued. We did not allow them. Mr. Dornan read the law and discovered that he could issue them. So he proceeded to issue them. It was a question raised in court by the Sanchez attorneys, and the court said: That is fine, Mr. Dornan can issue those subpoenas under the law.

We have not had any involvement with that activity. The only subpoenas issued by the committee have been those on the INS which unfortunately proved necessary because the INS was not willing to release its computer tapes to the committee without subpoenas. Fortunately they have been cooperating since that time.

As the gentleman from Kentucky [Mr. ROGERS] has mentioned, we are checking all names, and my colleagues might be surprised at the results, since all the discussion here has been about those with Spanish surnames. The number of Vietnamese names is very, very large on the list in question, and other nationalities appear as well.

It appears that there may have been an organization in Orange County, which is why we are looking at all of Orange County, that deliberately encouraged noncitizens to register to vote. In other words, this organization may have been using noncitizens in citizenship classes and encouraging them to register to vote before they could legally do so. That is one area we are investigating.

The problem we have encountered is that subpoenas issued to that organization and to the gentlewoman from California [Ms. SANCHEZ] and to other organizations have not been honored. They have not even responded to them. They refuse to give the information. The U.S. attorney has been asked to rule on that and has not yet done so. But it appears the only way we could get the information would be through committee subpoenas. We have not done that as yet, but we may be forced to.

This is not a new type of attacks as stated here. We are using the procedures under the act as it was written by this Congress and signed into law. We are simply using them properly for the first time in the history of the act. No one can accurately accuse us of subverting the process in any way.

Mr. SERRANO. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. SERRANO] has 4½ minutes remaining, and the gentleman from New York [Mr. WALSH] has 3½ minutes remaining.

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

Let me once again extend my appreciation to the gentleman from New York [Mr. WALSH], even during this debate, for the gentlemanly way in which he conducts himself and treats the Members on this side of the aisle.

As I have said at the outset, it was difficult to stand up in opposition to this bill at first because of the fact that we understood well that outside issues had come into play. But as we listened to this debate, I think we can come to the conclusion that, while they may have started out as outside issues, they are in fact very much a part of this bill because this bill sets out to run the House, to pay the bills for the House, if you will. And when those bills are paid to harass people and those bills are paid to bring pain on the institution, then I do not think it is improper to bring it up during this debate. So we have done so.

Let me just say that much of the discussion was around the Sanchez case. That is a very crucial case. It is not, in my opinion, crucial because it speaks about a seat in Congress, although I tell my colleagues I love my seat and I know how important that is. It is crucial because it speaks about a much broader issue. And it is the treatment of a community.

The last gentleman who spoke clearly said that other communities had been investigated but there are many people who feel that the target was specifically the Hispanic community that presents to some people a political threat.

Let me also tell my colleagues that I come from a district in the Bronx where at times we hear and deal with information regarding people who are not in this country with documents, as some would say, illegal. Well, the fact of life is that their behavior is one of hiding in the shadows of society, of never coming out in front. So the whole idea that people in large numbers were registered to vote to steal this election goes, runs contrary to everything we know about the behavior of people who are not citizens yet. Those people hide. We cannot get them sometimes into a clinic for help because they are afraid somehow somebody will find them out.

That is a fact of life. I do not know where all of a sudden this one county came up with the boldest of undocumented aliens who now want to be out front, sign up and be deported in the process.

This is not the way it is. My side will vote against this bill tonight, and we will hope that in the process we will discuss other issues which will make it easier for the gentleman from New York [Mr. WALSH] and I to present next year's bill and any changes thereof on this bill.

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

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

Mr. Chairman, we have heard an awful lot today about the contested race in southern California. That is an issue of obvious importance to many but it has absolutely nothing to do with this bill. Our responsibility, the gentleman from New York [Mr. SERRANO] and mine, and our subcommittee's and the Committee on Appropriations' is to provide the resources that this body needs to function. I think we have done that.

I think we have continued the trend toward cutting the budget, cutting expenses, reducing staff, working smarter, faster, better like American businesses have done to make them globally competitive. We have continued that trend. But our role ends there. We appropriate the funds to make sure that the legislative branch can do its

work. Then the legislative branch, the democratic process takes over. And the majority will prevails. In this case the majority will is to proceed with this task force. The minority digresses from that view. That is their right. They can say it as loud and as long as they like, but the fact is that when they were in the majority, their will prevailed and we expressed our reservations and they continued on their path.

The American public decided that this party would have the majority for these 2 years and they would have the minority, that those are the facts.

Our job today has nothing to do with that. It is to provide the resources needed for the legislative branch of Government. We have done that. We have done a good job, and it has been a bipartisan job and we should be proud of that. There is plenty in this bill for all of us to support.

Mr. Chairman, I will finish by just asking once again, reach across the aisle, ask the Democratic Members of the Congress to set the issues aside, once we have completed the work on this bill, and vote bipartisanly for support.

Mr. POSHARD. Mr. Chairman, I rise today to register my strong opposition not only to the FY 98 Legislative Branch Appropriations bill, H.R. 2209, but to the way in which the Leadership of this House continues to thwart progress and ignore fairness in order to advance a partisan agenda. This has resulted in the Democrats being effectively shut out of what had the potential to be a legislative session characterized by bipartisanship and productivity.

I am particularly angered at what I feel is an egregious waste of taxpayer money to fund investigative hearings designed to attack and intimidate organized labor. The Speaker of the House has access to nearly $8 million, euphemistically referred to as the ''Speaker's Reserve Fund,'' which is intended for use in case of emergency. Yet $1.4 million of this slush fund was recently used to launch investigative hearings into labor activities, without the consultation of minority members of the House. I find this pattern of shutting out the minority to be entirely mean-spirited, petty and unfair to the American people, especially when it is their hard-earned tax dollars that are being used to advance these partisan goals. There is no excuse for circumventing the established and equitable procedures of the House, simply to avoid debate and discussion of issues that deserve, and indeed require, such serious consideration and bipartisan debate.

The Republican attack on labor, and on the minority members of this House, has gone too far, and I cannot support a bill to appropriate funds which will allow this type of partisan, unwarranted investigation to continue. It is certainly unfortunate that such considerations must continue to interfere with the business of the House, and I had held out great hope at the beginning of the appropriations process that we might be able to get our work done effectively, efficiently and fairly. It saddens me that this view has proven to be overly optimistic. I will therefore be forced to vote against this bill, and I must urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Chairman, I am very pleased that the Subcommittee on Legislative Appropriations included report language urging the Architect of the Capitol to conduct a feasibility study for the installation of adequate shower and locker facilities for congressional staff. Currently, there are only 14 shower heads for more than 7,000 employees.

The employees of the House of Representatives are one of the hardest working, most dedicated corps of staff I have had the pleasure to work with. House facilities are designed to cater to these long hours, with food service, banks, post offices, a barber shop and a beauty salon available within the House complex so that errands can be taken care of with minimal time away from work. Adequate facilities to accommodate those who wish to exercise during the day or bike or run to work are not perks—they are important in helping our employees become more efficient and effective and they could actually save us money. Encouraging our employees to bike to work or exercise has several benefits:

Health and Productivity.—Recent studies ranking adult physical activity levels in U.S. cities concluded that Washington, DC, has the highest per capita rate of sedentary adults in the country. At the same time, we are learning more every day about the importance of regular exercise and its impacts on overall health, productivity, and longevity. I know many of our fellow Members believe they are more effective when they exercise regularly—I see them every day in the Members' locker room.

Time.—How many people will sit in their cars this evening, stuck in traffic on their way to ride a stationary bike or run on a treadmill? Combining the daily commute with exercise is an effective way to work out without taking extra time from already full days. Riding, skating, or running to work can actually take less time than driving from some parts of the District. Showers would make it possible for staff to use these modes.

Congestion.—The Washington metro area has some of the most congested roadways in the country. Local traffic congestion may seem like an intractable problem, but by making it possible for our employees to ride or run to work, or at least to avoid that extra trip to the health club, we can do something to relieve traffic congestion.

A Harris Poll conducted in 1990 showed that 43.5 percent of bike riders would ride to work if trip-end facilities—showers, lockers, and bike parking—were available, and in my district, where a 1992 survey found that 21 percent of bike riders would be motivated to ride to work if they had showers and parking, response to these improvements is enthusiastic. Private companies and public agencies around the country are retrofitting their buildings with these facilities to accommodate their workers. We should acknowledge the wisdom of these companies and take up their example.

I look forward to working with the Office of the Architect to design this study, and again I thank the committee for their consideration.

Mr. BURTON of Indiana. Mr. Chairman, the legislative branch appropriations bill for fiscal year 1998 cuts the funding level for the General Accounting Office by $9 million from the fiscal year 1997 funding level. This cut is unwise and unfair and should be reversed in Conference.

Two years ago, the GAO and House and Senate Appropriators reached an agreement on a two-year plan to reduce GAO's budget. As part of that agreement, GAO's budget has been reduced by 25 percent and its staffing has dropped below 3,500—its lowest level in almost 60 years. These cuts have taken a heavy toll. Hiring and promotions have been frozen for a long time. Staff reductions have diminished expertise in key areas. And needed investments in information technology have been placed on hold. Additional cuts now are not only a violation of that agreement, they will result in a loss of morale and a further loss in staff expertise as the agency's future is cast in doubt.

Instead of pursuing this foolish course of action, the House should have honored the agreement over funding for the GAO. It could easily have made up for the revenue difference by refusing to fund the Government Reform and Oversight's partisan witch-hunt into campaign fundraising practices. The budget for that ''investigation'' is an extravagant waste of taxpayers' money. The Senate is doing a better, and fairer, job while the House's investigation is in a shambles. We are wasting millions of dollars on a mistake-plagued House investigation which duplicates the more comprehensive and bipartisan efforts of the Senate. Instead of funding partisan investigations in the Government Reform and Oversight Committee, let's give money to those that can really use it, the professional auditors and investigators of the GAO.

The Senate has also taken a much wiser approach to GAO's funding, and kept faith with the agreement reached two years ago. By funding GAO at their requested level, the Senate has provided less than a 2 percent increase; not enough for any staff or program increases, just enough to continue current operations at their present levels. In essence it is a cost of living increase. This is certainly the least Congress should provide for the GAO, our own investigative arm. The cuts in the House bill are penny wise and pound foolish because the GAO remains an excellent investment for the American taxpayer. The financial benefits from its work in the last five years alone total over $103 billion.

If we in Congress are to continue doing our jobs well, we need a strong and effective General Accounting Office. I urge my colleagues on the House Appropriations Committee to carefully consider these issues during the conference with the Senate on this bill.

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

The CHAIRMAN. Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2209 is as follows:

H.R. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $708,738,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $12,293,000, including: Office of the

Speaker, $1,590,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,626,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,652,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,024,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $998,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $397,000; Republican Steering Committee, $736,000; Republican Conference, $1,172,000; Democratic Steering and Policy Committee, $1,277,000; Democratic Caucus, $631,000; and nine minority employees, $1,190,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $379,789,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $86,268,000: *Provided,* That such amount (together with any amounts appropriated for such salaries and expenses for fiscal year 1997) shall remain available for such salaries and expenses until December 31, 1998.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $18,276,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount (together with any amounts appropriated for such salaries and expenses for fiscal year 1997) shall remain available for such salaries and expenses until December 31, 1998.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $84,356,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $16,804,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,564,000; for salaries and expenses of the Office of the Chief Administrative Officer, $50,727,000, including $27,247,000 for salaries, expenses and temporary personal services of House Information Resources, of which $23,210,000 is provided herein: *Provided,* That of the amount provided for House Information Resources, $8,253,000 shall be for net expenses of telecommunications: *Provided further,* That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,808,000, of which $1,000 shall be for the release of the Inspector General's Report on Management and Financial Irregularities—Office of the Chief Administrative Office: *Provided further,* That all names of persons making favorable or unfavorable statements in the report shall be expunged; for the Office of the Chaplain, $133,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,101,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,821,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,827,000; for salaries and expenses of the Corrections Calendar Office, $791,000; and for other authorized employees, $780,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $127,756,000, including: supplies, materials, administrative costs and Federal tort claims, $2,225,000; official mail for committees, leadership offices, and administrative offices of the House, $500,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $124,390,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $641,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. The provisions of House Resolution 7, One Hundred Fifth Congress, agreed to January 7, 1997, establishing the Corrections Calendar Office, shall be the permanent law with respect thereto. The provisions of House Resolution 130, One Hundred Fifth Congress, agreed to April 24, 1997, providing a lump sum allowance for the Corrections Calendar Office, shall be the permanent law with respect thereto.

SEC. 102. The funds and accounts specified in section 107(b) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 123b note) shall be treated as categories of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

SEC. 103. (a) Section 109(a) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 60o(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''who is separated from employment,'';

(2) in the matter preceding paragraph (1), by striking ''employee'' the second place it appears and inserting ''employee or for any other purpose''; and

(3) in paragraph (1)(B), by striking ''the amount'' and inserting ''in the case of a lump sum payment for the accrued annual leave of the employee, the amount''.

(b) The amendments made by subsection (a) shall apply to fiscal years beginning on or after October 1, 1997.

SEC. 104. (a) Section 104(c)(2) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92(c)(2)) is amended by striking ''in the District of Columbia''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning on or after October 1, 1997.

SEC. 105. (a) Section 204(11)(A) of the House of Representatives Administrative Reform Technical Corrections Act (110 Stat. 1731) is amended by striking out ''through 'respective Houses' and'' and inserting in lieu thereof the following: ''through 'respective Houses' the second place it appears and''.

(b) The amendment made by subsection (a) shall take effect as of August 20, 1996.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $804,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,907,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistants; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the appropriations from which such expenses incurred for staff and equipment are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $70,955,000, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for

extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $3,099,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 106. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 107. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the armed forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service, may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided,* That no part of such amount may be used to employ more than forty individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,479,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,797,000: *Provided,* That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $36,827,000, of which $6,450,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $4,991,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $37,181,000, of which $8,082,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage,

and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,032,000, of which $550,000 shall remain available until expended: *Provided,* That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $64,603,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further,* That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000, of which $11,017,000 shall be derived by transfer from the Government Printing Office revolving fund under section 309 of title 44, United States Code: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the ''Congressional Operations Appropriations Act, 1998''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $1,771,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $223,507,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further,* That of the total amount appropriated, $8,845,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,361,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $45,936,000, of which $12,319,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $97,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $10,073,000, of which $710,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository

and international exchange libraries as authorized by law, $29,264,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: *Provided further,* That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,550 workyears: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $323,520,000: *Provided,* That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: *Provided further,* That an additional amount of $4,404,000 shall be made available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: *Provided further,* That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1998 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. (a) Section 713(a) of title 18, United States Code, is amended by inserting after ''Senate,'' the following: ''or the seal of the United States House of Representatives, or the seal of the United States Congress,''.

(b) Section 713 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

''(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.''.

(c) Section 713(f) of title 18, United States Code (as redesignated by subsection (b)(1)), is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) in the case of the seal of the United States House of Representatives, upon complaint by the Clerk of the House of Representatives; and

''(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly.''.

(d) The heading of section 713 of title 18, United States Code, is amended by striking ''**and the seal of the United States Senate**'' and inserting the following: ''**the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress**''.

(e) The table of sections for chapter 33 of part I of title 18, United States Code, is amended by amending the item relating to section 713 to read as follows:

''713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.''.

This Act may be cited as the ''Legislative Branch Appropriations Act, 1998''.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–202, which may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for division of the question.

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

It is now in order to consider amendment No. 1 printed in House Report 105–202.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DAVIS of Virginia:

Page 8, insert after line 5 the following new section:

SEC. 106. Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e) is amended—

(1) in the second sentence of paragraph (2), by striking ''A donation'' and inserting ''Except as provided in paragraph (3), a donation'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3)(A) In the case of computer-related equipment, during fiscal year 1998 the Chief Administrative Officer may donate directly the equipment to a public elementary or secondary school of the District of Columbia without regard to whether the donation meets the requirements of the second sentence of paragraph (2), except that the total number of workstations donated as a result of this paragraph may not exceed 1,000.

''(B) In this paragraph—

''(i) the term 'computer-related equipment' includes desktops, laptops, printers, file servers, and peripherals which are appropriate for use in public school education;

''(ii) the terms 'public elementary school' and 'public secondary school' have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

''(iii) the term 'workstation' includes desktops and peripherals, file servers and peripherals, laptops and peripherals, printers and peripherals, and workstations and peripherals.

''(C) The Committee on House Oversight shall have authority to issue regulations to carry out this paragraph.''.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from Virginia [Mr. DAVIS] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This amendment is fairly simple and straightforward. The schools in our Nation's Capital are in a state of crisis. The dropout rate in the school system is over 40 percent. We have a very low percentage of these students going on to college. There are safety issues and management issues, but worst of all there is a technology revolution that is engulfing the beltway, creating thousands and thousands of jobs in the Metro D.C. area and the District of Columbia. And the students who come out of its public schools have not really been able to participate in a meaningful way in this revolution.

This amendment addresses this human tragedy by making surplus congressional information technology equipment available at no cost to the city's public elementary and secondary schools. Specifically the amendment would authorize the Chief Administrative Officer of the House to transfer surplus equipment without charge to the District of Columbia public school system during fiscal year 1998.

My amendment is limited to the District of Columbia schools because of the special responsibility that the Congress has to the residents of this Federal District under the Constitution. The Committee on Rules has made this in order. I hope my colleagues will support it. We have other Members who would like to address it.

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

The CHAIRMAN. Does any Member seek time in opposition to the Davis amendment?

Mr. SERRANO. I do, Mr. Chairman, not in opposition.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. SERRANO] is recognized for 5 minutes and may proceed in support of the amendment.

There was no objection.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume. I think it is a wonderful amendment. I would like, however, if possible to ask the chairman of the subcommittee, the gentleman from New York [Mr. WALSH], if he would allow me to ask him a question. I am very much in favor of this notion and I am very much supportive of it. But, as we know, in the past I have discussed the possibility of Members being able to do this in their own districts. I would hope that we do this as a 1-year situation, which I support wholeheartedly and that next year the subcommittee look at possibilities, that Members in their own districts can accomplish what the gentleman from Virginia [Mr. DAVIS] is accomplishing for the great city of Washington, DC.

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

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

Mr. WALSH. Mr. Chairman, I think it is a very good amendment. I think the gentleman's amendment has merit. I would certainly support it. I am delighted that in my role as chairman of the Subcommittee on Legislative I am still able to reach back and help out my former constituents in the District of Columbia.

In response to the gentleman's question, this is something that we have talked about, that we both support the concept of allowing Members to use their used equipment in their district offices to provide to local school districts. I am sure the Committee on House Oversight would like to take a look at this before we appropriators try to make a determination, but I would certainly go with the gentleman from New York to the chairman and members of the House oversight subcommittee and urge that this be considered very strongly for next year.

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

Mr. DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the chairman and the ranking member of the subcommittee for their generosity.

I do not think we have to look far to see the crying need for the gentleman's amendment. I especially appreciate that in his role as chairman of the D.C. committee he has looked far and wide and always dealt with the District in a bipartisan manner. I would like to make a suggestion to the ranking member because I can understand his concern as well. As to these computers in the District of Columbia, the cost of shipping will probably be more than the computers would be worth, but there are Federal agencies in all the large cities; and it seems to me the same kind of situation could be worked out with the Federal agencies in cities

like New York who would also have, it seems to me, excess technology equipment of this kind. It said that the District needs a billion dollars in school repairs.

In that respect, it is clear that we will not get to computers for an awfully long time. Bell Atlantic is wiring the schools of the District free. That will be done by April. General Becton in his budget this year asked for $20 million for technology, and of course it had to be cut. The District came into compliance a year ahead of time, into balance a year ahead of time in order to qualify for the President's plan to relieve it of some State functions.

□ 1845

While the District is getting its act together, I do not think that the children should suffer. The Speaker has said that if we put a lap-top in the lap of every kid in the city, we would see changes, if not overnight, then very soon.

The gentleman from Virginia is clearly trying to get us close to that by at least putting a computer in every school. I thank him for it, and I urge this amendment be adopted.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I want to compliment the gentlewoman from the District of Columbia.

We can support this right now, for all States, for all congressional districts, but just in a little different way. The Century 21 high-technology bill, which is in the budget under Ways and Means, today the President is looking at it and he accepts some portions of that.

Right now he is insisting that all $35 billion go toward higher postsecondary education. If that is the case, this will be cut out of all of our districts, and it is one in which we accommodate industry that develops and puts into the classrooms high-technology equipment like computers, like scientific gear.

The next phase of this, I think, should be the libraries, and we are asking for just a small portion of that $35 billion goes through K through 12. We think when our education system in some areas, and we have good teachers, my wife is one of them, but in some areas needs help, that we do it in the K through 12 and not spend it all on postsecondary education.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Chairman, I note there are over 19,000 high-technology jobs available right now that we cannot fill in the greater Washington area. This amendment, with a donation from the House of surplus computers, we have over 644 PC's available today, plus a number of printers, modems and other IT equipment, going to the school system, can allow the city of Washington, DC, the District of Columbia and the students therein, to share in the economic benefits of this region and to allow them to be trained to fill some of these jobs.

I think it is a good amendment. I thank very much the chairman of the committee for allowing us to offer this, the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Florida [Mr. FOLEY], who has helped in arranging this as well, and I hope my colleagues will support it.

The District of Columbia public schools are in desperate need of information technology infrastructure in their classrooms. By supporting the Davis of Virginia amendment to the legislative branch appropriations bill, scheduled for consideration this evening. Congress will allow hundreds of surplus computers, printers, modems, and other IT equipment to be donated to the D.C. public schools.

This amendment authorizes the Chief Administrative Officer [CAO] of the House to transfer surplus computer equipment to elementary and secondary D.C. public schools during fiscal year 1998. Current laws constrain the donation of surplus equipment, allowing disposal only through the General Services Administration [GSA] except for equipment with no recoverable value. The CAO estimates that there are hundreds of high end computers, printers, and modems currently available for use but not needed by the Congress or GSA. While the Senate Sergeant at Arms and Doorkeeper have successfully donated surplus computers and related equipment to the schools, the House lags far behind. To the thousands of D.C. students, 40 percent of whom are at risk of dropping out of school, this equipment correlates into more effective and dynamic learning opportunities.

The Congress has a unique constitutional relationship to the District of Columbia. Supporting the Davis amendment to the legislative branch appropriations bill is a direct and efficient method that will inject much needed technology into the D.C. public schools. Speaker GINGRICH, Representatives MARK FOLEY, JOHN BOEHNER, and ELEANOR HOLMES NORTON have all been extremely helpful in moving this concept forward.

I thank my colleague, for their support of this commonsense measure.

Mrs. MORELLA. Mr. Chairman, as a longtime advocate of providing telecommunications services to our public classrooms, I rise in support of the Davis amendment. This amendment would allow the Chief Administrative Officer [CAO] of the House to transfer surplus computers, printers, modems, and other technological equipment to schools in the District of Columbia.

Many of the classrooms in the District are housed in buildings that are falling apart. Classrooms are ill-equipped with resources that will leave students behind in this rapidly evolving technological revolution. The Davis amendment would provide the District with an infusion of much-needed technology that will afford students the opportunity to succeed in this new, information age.

The statistics on the performance of students in the D.C. public schools are dismal. Only 22 percent of fourth-grade students in the D.C. public schools scored at or above basic reading achievement levels in 1994. Over the last 3 years, 53 percent of students dropped out or left the school system after 10th grade. The cumulative grade point average for current 12th grade students is 1.5 on a 4.0 scale, and wide disparities exist in student performances among wards.

Information technology can excite young minds and provide all children in the District access to the same rich learning resources, regardless of where they live. Telecommunications would close the gap between the have and have-not communities within the District and help provide a level playing field for all students to utilize the information superhighway. In a nation rich in information, teachers, and students in the D.C. public schools can no longer rely on the skills of the industrial age.

I applaud Congressman DAVIS for his efforts to bring technology into D.C. classrooms in a direct and efficient manner, and I urge a ''yes'' vote on the Davis amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–202.

AMENDMENT NO. 2 OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FAZIO of California:

Page 8, line 18, strike ''5,907,000'' and insert ''$5,624,000''.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from California [Mr. FAZIO] and a Member opposed each will control 15 minutes.

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

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this amendment to freeze positions at the Joint Committee on Taxation.

My colleagues, I am sure, remember that the regular committee funding resolution managed by the Committee on House Oversight was a source of major contention this year. The dispute was not just because of Democratic objections but also because of Republican objections to proposed committee increases. Yet the funding assumption of that resolution was still a freeze on the number of committee positions, the Speaker's so-called employment caps.

The one exception, as I am sure many remember, was the proposed increase in the Committee on Government Reform and Oversight's allocation, and those increases provoked a significant fight here on the floor that I am sure we have already noted continues even up to this day.

Now the majority is trying to accomplish, I believe indirectly, what they could not accomplish directly, and that is increases in committee staff levels. The Legislative Appropriations Subcommittee originally went along with

the request by the Joint Committee on Taxation to increase its funding by 20 percent, a total of 12 positions, from 61 to 73 positions. But because of objections by Democrats on the committee, the bill was changed at the full Committee on Appropriations to add five positions to the Joint Committee on Taxation. My amendment would eliminate that increase and hold the Joint Committee on Taxation to the current year's staffing level of 61 positions.

The majority received significant credit at the beginning of this 104th Congress for reducing committee staff by one-third. It was a significant reduction, and one that we are reminded about constantly. In fact, we were reminded of it as recently as Friday's debate on the rule for this bill.

So one question is whether the Joint Committee on Taxation, which does not clear through the regular committee funding process for the standing committees of the House, will be singled out for special treatment while other committees with important jurisdictions and heavy workloads are given no increase in staffing.

I think it is also suspect that the Joint Committee on Taxation would make this extraordinary request for fiscal year 1998 funds but make it for the year after we are scheduled to complete consideration of major tax legislation. In fact, the buzz all over the Capitol tonight is that we have reached agreement on a major tax bill for the long haul. If that is the case, and I certainly anticipate it will occur this week, there is absolutely no way in which the Joint Committee on Taxation's increased staff will have any major tax bill before it in the near future.

The rationale given for significant new duties by the chairman, the gentleman from Texas [Mr. ARCHER], in making his request to the committee, was for unfunded mandates and line item veto. It just does not hold water, Mr. Chairman. Those are responsibilities that are chiefly handled by the Congressional Budget Office.

Line item vetoes are far more likely to be applied to the appropriations bill. In fact, there is even a question as to whether it will apply to a tax bill. And unfunded mandates, as we know, are far more likely to be included in authorizing legislation.

In fact, the gentleman from Texas said, ''If the Joint Committee's responsibilities are expanded in any further way, I will find it necessary to request an additional increase.''

But perhaps the most important point is the highly politicized complexion that the Joint Committee on Taxation has assumed under Republican control, in sharp departure from its traditional low profile. The staff director, Kenneth Kies, was singled out for a profile in the Wall Street Journal that appeared in April. Here is a quote from that article:

''But Mr. Kies is breaking the mold, wielding his clout in some surprising ways and taking all-expense-paid trips to speak to groups, many of which have large stakes in the tax code. Mr. Kies does not get paid for speaking, but last year he accepted more in travel expenses than any other congressional staffer,'' and this is what I think my colleagues are most interested in hearing, ''more than any of the 535 Members of Congress, according to an analysis done by the Associated Press.''

The Washington Post editorial a few days ago had this to say about the Joint Committee on Taxation: ''The JCT was once the great redoubt of integrity in such matters. It has been converted into a political parrot.'' The New York Times, in an editorial about the 1995 budget bill said '' Congress relied on misleading estimates by its tax analysts,'' and ''The Republican distribution tables are distorted in at least four ways.''

So adding positions to the Joint Committee on Taxation when its fairhandedness is being called into question makes absolutely no sense. The simple fact is the Joint Committee on Taxation has not made a compelling case for these additional positions. They should not get special treatment.

Our precious committee resources should not be going to highly politicized staff operations that will merely be used to advance a partisan agenda here in the House instead of providing the nonpartisan estimates that we have come to expect in the past.

I think this is an opportunity for us to show that we are going to be fair across the board. I think it is an opportunity to indicate that we like people to work for us in these different and very essential committees who do not bring their own personal profile or who serve the House in a traditional manner, one that emphasizes the role of the Members and not of the staff in making policy.

I think we ought to treat this committee the same way we are treating most agencies, and that is give the existing staff a cost-of-living adjustment. That is what this amendment would allow; and, therefore, I ask for a ''yes'' vote on my amendment.

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

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

Mr. Chairman, this amendment will eliminate the five additional staff positions that we have appropriated for the Joint Committee on Taxation. The chairman of the Joint Committee on Taxation, the gentleman from Texas [Mr. ARCHER], who also chairs the Committee on Ways and Means of the House, testified that he needed 12 new positions to do the additional work that was mandated on the Joint Committee's staff. The committee bill only allows five.

We removed seven of those positions during the full committee consideration of the bill, after the gentleman from California and the gentleman from Wisconsin and others raised this issue. They felt that it was too large an increase at one time. That would have only, by the way, brought us up to the level where the Democratic majority had it when they lost control of the House, so we are still substantially below that level.

We offered an amendment not to eliminate the total increase but to reduce it to five. So we went more than halfway to show a reasonable approach to try to develop compromise. They wanted the whole loaf instead of half of the loaf.

The fact is the chairman of the House Ways and Means and the chairman of the Committee on Finance in the Senate both felt that this is essential to their work. The Joint Committee on Taxation does the very important work of providing technical support to the Committee on Ways and Means and the Senate Committee on Finance.

As we know, this work is highly technical in nature and requires very high skills in tax law and economics. The staff is called upon to make several thousand revenue estimates each session for Members and those estimates are highly regarded.

In addition, the Joint Committee on Taxation has new responsibilities that staff resources are needed for: a new requirement imposed by the House to make dynamic scoring estimates in major tax legislation, to determine unfunded mandates contained in revenue legislation, and to determine limited tax benefits subject to the line item veto act. These are all new responsibilities.

With all due respect to the gentleman from California, under the rules of the House these are required of the Joint Committee on Taxation. It is their responsibility.

They also will have, we are told, the added responsibility of reviewing options for a comprehensive review of the Tax Code. What a monumental challenge that would be without additional staff.

There are many in this country who feel that the current Tax Code is unfair, it is antiquated, and it creates tremendous amounts of work and expense to individuals and to businesses. So many of us feel that there needs to be a review, and the Joint Committee on Taxation would have that responsibility.

The bill provides funding for a staff level of 66 employees, or FTEs. It puts the FTEs back to the level they were funded at in 1988. We are now working on the 1998 appropriations bill. We are asking for an increase to 66, and that is still seven positions below the level it was funded at by the Democrats in 1988.

So we are doing this added responsibility, doing it better, smarter, and faster. All we have done is to put them back where they were 10 years ago.

I heard the gentleman's concerns in the full committee and I offered an amendment that reduced the subcommittee's mark of 12 positions to 5. The Committee on Appropriations

heard the gentleman, considered the prudence of restraint, accepted a staff level of a decade ago and reported the bill with those limited resources. We have met the gentleman more than halfway.

I oppose the amendment and urge all to oppose the amendment.

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

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman. If the gentleman would look at the transcript of the hearing on the Joint Committee on Taxation on February 13, the statement of the chairman of the Joint Committee, the gentleman from Texas, Mr. BILL ARCHER, makes no reference to dynamic scoring.

There is not any reference because, I believe, dynamic scoring is something that is still a controversial issue here, and I am not sure there is any mandate to the committee to handle that task. Dynamic scoring may, in fact, be what the committee needs additional staff for, but if we look at what was cited as the justification for the increase, I could not find it.

□ 1900

A lot of committees would like to go back to the staffing level they were at in the past. That is the very point I am trying to make. This committee is being given the opportunity to go back because suddenly it is determined that there is work for them to do. Well, there are many other committees that have additional work they would like to do, but they are not being give this kind of latitude, they are not being given this kind of assistance.

Also, part of my concern is I believe much of the help for this committee will be given to the Committee on Ways and Means staff. Certainly, the members of the Committee on Ways and Means benefit greatly from the work of the joint committee. But I am not sure that is going to be handed out in any 2-to-1 ratio. I am not sure it is going to be available to Democrats as much as to Republicans.

In fact, I think that the issue of dynamic scoring is something that is quite partisan within that committee in terms of how they would like to have the long-range effects of tax bills analyzed and factored into the way in which we project future deficits, for example.

So I think that the comments of the gentleman from New York [Mr. WALSH], while certainly appreciated in a rebuttal sense, do not hold weight.

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

Mr. FAZIO of California. I would be happy to yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

Just to clarify on this one point, under the rules of the House, this is rule XIII, paragraph (e)(1) of clause 7, regarding dynamic scoring:

> A report from the Committee on Ways and Means on a bill or joint resolution designated by the majority leader (after consultation with the minority leader) as major tax legislation may include a dynamic estimate of the changes in Federal revenues expected to result from enactment of the legislation.

So, clearly, the rules of the House do provide that responsibility to the joint committee.

Mr. FAZIO of California. Mr. Chairman, I reserve the balance of my time. But before I do so, Mr. Chairman, I would simply say, the fact that it is cited in the rules and yet not mentioned by the chairman as a justification for additional staff is, perhaps, the point. It is not one of the reasons the gentleman from Texas [Mr. ARCHER] has asked for additional help.

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

Mr. WALSH. Mr. Chairman, I yield myself as much time as I may consume.

The point of the gentleman from California [Mr. FAZIO] was that these responsibilities are not covered by the Rules of the House. Quite clearly, they are covered by the Rules of the House. Not to pick nits, but the responsibility is theirs. Thus, the need for additional staffing.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. THOMAS] of the Committee on House Oversight, also a member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, I thank the gentleman from New York [Mr. WALSH] for yielding me the time.

I find it almost fascinating that the gentleman from California [Mr. Fazio], the former chairman of the Subcommittee on Legislative of the Committee on Appropriations is offering an amendment to allow no additional staff. The gentleman indicated that perhaps this particular committee could learn from what occurred to other committees.

Let me recite some dollars and cents and numbers for my colleagues. There is one committee in the House of Representatives that is not responsive to House Oversight and the rest of the Members in determining its budget. It is not the Joint Committee on Taxation. It is not the Committee on Ways and Means. It is not the Committee on Agriculture. It is not the Committee on Commerce. It happens to be the Committee on Appropriations. That committee alone determines its own staff and its own budget.

Let us return to 1994. The budget for Appropriations was $14.7 million. The budget for the Committee on Ways and Means was $8.1 million. The budget for the Joint Committee on Taxation is $5.7 million. Let us leap ahead 4 years and look at the fiscal year 1998 budget of Appropriations, $18.2 million. From $14.7 million to $18.2 million. That is a 25-percent increase in the budget that the gentleman from California [Mr. FAZIO], behind closed doors, determines what is appropriate to do their job.

The Committee on Ways and Means, at $8.1 million in 1994. In 1998, it is $5.5 million. In 1994, Ways and Means, $8.1 million. In 1998, $5.5 million. That is a decrease of 32 percent.

The new majority willingly took on themselves savings of taxpayers' dollars. The Joint Committee on Taxation goes from $5.7 million to $5.9 million. That is an increase. That is a 3-percent increase. The gentleman from California [Mr. FAZIO] focuses on staffing. In the 103d Congress, the Joint Committee, under Democratic leadership, had 77 staff. Currently there are 59.

On the Committee on Appropriations, there are 60 members. There are 155 staff; 52 of them are called associate staff. They get a staffer for virtually every member of the committee. The Committee on Ways and Means, we do not get that kind of staffing. We have to rely on the Joint Committee on Taxation.

Why is it called the Joint Committee on Taxation? Because that committee serves not only the 39 members of the Committee on Ways and Means, but it serves the 20 members of the Senate as well. There are 59 members who utilize the services of the Joint Committee on Taxation. Is it not interesting there are also 59 staffers? That means, on the Joint Committee on Taxation, there is one staffer for every member.

On the Committee on Appropriations, on the committee that the gentleman from California [Mr. FAZIO] believes should not get even five new staffers, the ratio for staffers is 2.6; 1.0 for the Joint Committee; 2.6 for Appropriations.

But frankly, the Joint Committee should not be compared to any committee here in the House. We have to go down and look at Treasury and we have to look at the Office of Management and Budget, because the Joint Committee is for Congress. The Office of Management and Budget, for the President, has 503 staff.

The Treasury, focusing on the issues that the Joint Committee focuses on, has 113. Get your translating dictionary. When they were in the majority, the staff was bipartisan. When they are in the minority, the staff is partisan. Understand, the Joint Committee works for all of us. They need five new staffers to do our work. Vote down the Fazio amendment.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

First of all, I really think it is not my place to protect or defend the majority on the Committee on Appropriations and the way in which they have allocated the funds. This is not a debate between the Committee on Ways and Means and the Committee on Appropriations. This is a question of how much we should provide the Joint Committee on Taxation.

I know the gentleman from California [Mr. THOMAS] is proud of some of the reductions that have been made. But if we look at the Committee on

Government Reform or the Committee on Education and the Workforce, we see an increase from 1997 and 1998 of 26 percent for Government Reform and 22 percent for Education and the Workforce.

I guess the gentleman from California [Mr. THOMAS] feels that a 20-percent increase that was originally intended for the Joint Committee on Taxation is consistent with those overwhelming increases in the staffing of those committees.

But I have confidence in the gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. SERRANO]. I do not think the Committee on Appropriations has been treated any better than any other committee. In fact, I think we set an example. And, so, I guess I rise to defend the majority from the majority.

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

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. ENGLISH], a member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, briefly, I rise as a member of the Committee on Ways and Means and as the former principal tax staffer for the Senate Republicans in Pennsylvania in strong opposition to this amendment.

We have to realize that these revenue estimates that are done by the Joint Committee on Taxation are critical to our policymaking and critical for the minority and the majority. There have been 2,000 revenue requests per year heaped on the Joint Committee, and so far they only have the staff resources to process about 50 percent of them.

In the last 2 years, we have asked the Joint Committee to assume additional responsibilities in connection with the Line Item Veto Act and unfunded mandates legislation. We adopted a new House rule that requires the Joint Committee on Taxation to analyze the macroeconomic effects of such proposed legislation, and we have added additional responsibilities.

The lack of revenue estimates stifles tax policy, it reduces input from rank and file Members. Because, let us face it, members of the tax committee have, in all probability, easier access to revenue estimates from the Joint Committee.

Also, I think it is fair to say that this gives the minority a better shot at getting revenue estimates. Let us understand that revenue estimates are important and that a vote for this amendment by reducing access to revenue estimates is a vote against tax relief, in my view. And more importantly, it is also a vote against tax reform, which is something that I hope the Committee on Ways and Means will have an opportunity to take up during this Congress. It will require many revenue estimates because it is going to be extremely complicated.

In my view, if any Member of this body strongly supports tax reform, tax simplification, streamlining our tax system, they should vote against this amendment.

Mr. FAZIO of California. Mr. Chairman, I continue to reserve at this time.

Mr. WALSH. Mr. Chairman, I have no further requests for time.

Does the gentleman from California [Mr. FAZIO] have the opportunity to close?

The CHAIRMAN. The gentleman from New York has the right to close.

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

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the ranking member of the subcommittee, the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I thank the gentleman from California [Mr. FAZIO] for yielding me the time.

The gentleman from California [Mr. THOMAS] has made some very interesting points. But the one that touches me the most, for someone who just became the ranking member of this committee and who has been on the Committee on Appropriations for a shorter time than most members on that committee, is his understanding and my understanding that what we are trying to do here is, through the back door, increase a committee at the same time that we are sending out press releases talking about the fact that we are cutting staff.

And indeed, we are cutting staff in many committees. And, in fact, the whole House has felt the need at times to deal with this issue. And here we single out one committee, one committee that in our opinion has become a very political instrument to use in this House, not necessarily one that simply deals with the facts and figures; and we, through the back door, are trying to increase this committee.

Now, I know the difficulty that we face, the gentleman from New York [Mr. WALSH] and I, in my case being supportive of his decisions to make some changes in the committee structure. But the fact of life is that no matter how we present this, there is no other way to present it but to admit the fact that this committee is being increased.

The gentleman from California [Mr. FAZIO] has made that point clearly. Anyone that votes against the Fazio amendment is in fact admitting to the fact that one committee was singled out for an increase, while other committees we gladly yell and scream are being cut. So we cannot have it both ways. We cannot cut an increase and then deny it.

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

How much time does remain, if I may ask?

The CHAIRMAN. The gentleman from New York [Mr. WALSH] has 4¾ minutes remaining. The gentleman from California [Mr. Fazio] has 4 minutes remaining.

Mr. WALSH. Mr. Chairman, I will just say that our responsibility on the subcommittee is to allocate resources. There are times when some committees have more responsibilities than others, and that is what we have tried to do. There was a request by the chairman, and this is unusual, too, because this is one of the rare places where the Senate and the House have to come to agreement on something that they mutually share. Both chairmen asked for this increase. We are going to provide that increase if the committee agrees.

So I would again urge defeat of this amendment.

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

Mr. FAZIO of California. Mr. Chairman, I will just close and yield back any remaining time simply to say, if there was a justification based on a major tax bill, straining the resources of the Joint Tax Committee would have been in this fiscal year.

This is the year that we probably would find that committee spending long hours and putting in extra time trying to meet the needs of both the Senate and the House as we put together probably one of the largest tax bills we will see in this decade. But of course, this request comes in after the fact. It does not go into effect until the 1st of October.

But I think, in addition, we have to keep in mind the Joint Committee's stature here. The Senate has chosen not to make the kind of reductions in staffing that have been so prominently discussed ad nauseam in the House of Representatives. We did make sizable reductions, eliminating essentially a third of our staffing, most of which of course were majority staff of the former majority Democrats when the new majority took over. We understand that decision. We understand that it has been made. And I believe it should apply across the board.

It seems to me the people who need this committee from the other side of the Capitol are among those who need it least, because they have done absolutely nothing to track the reductions that have been made in this body.

So the joint committee is available, obviously, to the Committee on Ways and Means. It is an additional staffing assistance to them. And we understand why all those who come to the well today to defend this increase are on that committee. They will benefit.

☐ 1915

But I think most of the other Members of the House on a bipartisan basis want to be standing tall for equal treatment, to make sure that all of the bodies that assist us in our analysis of legislation of all sorts are treated equally. Therefore, Mr. Chairman, I would ask my colleagues to defeat this increase in personnel and simply give the existing staff a cost of living adjustment.

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

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

First of all let me thank the gentleman from California for his stirring defense of not only the Committee on Appropriations, which I strongly endorse, but also his stirring defense of the majority. Any time I have him on my side in an argument, I feel pretty confident. However, on this amendment I do disagree substantively.

The House is about to enter into a major tax reduction agreement with the President, an historic agreement. This is something that was part of the Contract With America. This is something that we worked all the last 2 years and now 6 more months to come to. A capital gains tax cut, an estate tax cut, a $500 per child tax cut for all Americans with children under 18. This is a monumental victory for all of us in this country. This is not the end of the tax cuts. If we have our say, this is only the beginning of tax cuts for the American public. We want to make sure that the Joint Committee can do a good job of determining what the impacts of these tax cuts are and help to lead the way, to show us the way toward further reducing the oppressive tax burden that has piled up on the American public over the last 40 years. What we are seeing is a major change of direction here by the legislature. We have seen the markets respond to it, we are seeing the deficit being reduced at an exorbitant clip. We are seeing the deficit estimates go down. Why? Because the country and the markets are responding to the Republican tax cuts. We want to make sure that we have the support of the Joint Tax Committee when we look at the next round of tax cuts in the next Congress.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

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

Mr. FAZIO of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 197, further proceedings on the amendment offered by the gentleman from California [Mr. FAZIO] will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 105–202.

AMENDMENT NO. 3 OFFERED BY MR. KLUG

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Klug:

Page 29, line 13, strike ''3,550 workyears'' and insert ''3,200 workyears''.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed, the gentleman from New York [Mr. SERRANO] each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment has to do with the Government Printing Office which the Federal Government has actually run and the House of Representatives has been involved with since well before the Civil War in this country. Since the mid-1800's, we have been running a printing office. There are 100,000 private printers across the United States, all of them, I think, quite capable of doing the printing work now being done by the United States Government. If I ran the world, we would actually figure out a way to end the Government Printing Office and instead simply turn it into a procurement agency. But that is not the option in front of us today. What we are going to try to do is to further reduce the staffing levels at the Government Printing Office in order to at a minimum help the Government Printing Office operate in the black rather than in the red.

The General Accounting Office will tell us in a study ironically printed by the Government Printing Office that every time we print a document in the Government Printing Office it is roughly 2 times what it would cost us to do if we did it in the private sector. In 1991, the Government Printing Office lost $1.2 million; in 1992 it lost $5 million; in 1993 it lost $14 million; in 1994 it lost $21 million. We began to squeeze the Government Printing Office down about the time we took over the majority, and in 1995 the loss was $3 million, but I have to tell my colleagues with some embarrassment this year it ballooned up to $16.9 million, nearly $17 million. This year through June of 1997 we are losing an additional $4 million.

This amendment quite simply cuts the staffing at the Government Printing Office by less than 10 percent, about 350 slots. If my colleagues will do the arithmetic on that and translate it all out, 350 staffers at about $50,000 a slot, when we include benefits, it results in savings to taxpayers at $17,500,000, virtually equivalent to what the Government Printing Office is expected to lose in this current operating year.

I think in the long run we have to ask ourselves why it is that the Federal Government has been involved in the printing business for more than 130 years and especially today with web sites and Internet pages across the country beginning to replace hard documents and reliance on paper, the squeeze on the Government Printing Office I think will become even more extraordinary in the next several years, at a time when a single CD rom can replace hundreds of volumes of printed documents like the appropriations text that we are considering right now done by the Government Printing Office.

My amendment makes good sense because of changing technology, my amendment makes good sense for the taxpayers of the United States, and it takes us one step further to where we want to be, I think, in the long run which is a government procurement office which uses the private sector and which saves money rather than a Government Printing Office which continues to run printing presses for the Federal Government in order to print government documents in an emergency, which as soon as I discover what a government emergency is, I will be glad to share it with my colleagues, and an operation at this point which loses unfortunately tens of millions of dollars a year for United States taxpayers.

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

Mr. SERRANO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have with me a letter that is being sent to all Members of the House in a bipartisan fashion by the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Virginia [Mr. MORAN], the gentleman from Maryland [Mr. HOYER], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Virginia [Mr. WOLF] and the gentleman from Virginia [Mr. DAVIS]. They clearly point to the fact that the Klug bill is not a good idea. In fact, the subcommittee had recommended a cut of 50 positions as part of the ongoing work that we are doing in the House. Yet this particular amendment goes way overboard in asking for 350 position cuts.

Let me just make one other quick comment. The gentleman did mention the fact that the web pages are opening all over the Nation. That is not reaching everyone. In fact, that is an issue for another day. But not everyone in this country and some communities are totally being left behind in this technology. To suggest that this is a way to reach them is totally improper at this time. I understand that the gentleman has a reputation for being one who likes to cut the budget and we applaud him at times for that. But I think this particular time he is making a drastic mistake and we should all join in defeating this amendment.

Mr. KLUG. Mr. Chairman, at this point let me suggest that it is not such a drastic cut, and to bolster the case let me yield 1 minute to the gentleman from New York [Mr. WALSH], the chairman of the subcommittee.

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

Mr. Chairman, the gentleman's amendment reduces the FTE staff level at the Government Printing Office from 3,550 to 3,200. GPO is currently staffed at a level of 3,600. This amendment will require a reduction in force. Even though the GPO continues to lose money at a rate of about $1 million a month, their costs remain high. They tell us that is because they have to maintain a capability to do the daily job of printing the CONGRESSIONAL RECORD, our hearings, bills, reports and other congressional documents.

The long-run solution to this problem is a rewrite of the printing statutes. The Government Printing Office needs to have their mission reevaluated. The Executive Branch and the Legislative Branch are using modern desk-top publishing technologies and withdrawing much of their work from the printing plant. The situation cries out for a more substantive solution than annual limitations on their workforce.

With that caveat, I will accept this amendment, but I want to stress that we need help from the authorizing committees on this matter. I know the chairman of that committee is dedicated to that task, and I want to work with him and others to bring it about.

Mr. Chairman, I have no objection to this amendment.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, GPO, the Government Printing Office, has reduced their staff by 25 percent over the last 4 years, meaning a reduction of more than 1,000 full-time equivalents. The Klug amendment, although well intentioned, is extreme.

Time and time again Members searching for easy deficit reduction targets turn to Federal employees. Indeed, that is what this amendment does. Already the bill before us today will reduce the Government Printing Office by 50 full-time equivalents. The additional cuts contained in this amendment would reduce GPO by another 350 FTEs.

Such a draconian reduction would hinder their ability to produce the documents that we depend on in a timely fashion, including the CONGRESSIONAL RECORD, bills, reports, hearing transcripts, official documents. Furthermore, such a large cut would lead to expensive RIFs; let us consider that.

Please join me in opposing this amendment. The GPO is making excellent progress moving into the 21st century with advanced technology and a leaner staff. Let us not set them back in time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman from New York for yielding me this time, and I rise in opposition to this amendment.

Mr. Chairman, this amendment is not new. The gentleman from Wisconsin offers this amendment every year. This is his annual amendment of how we gut the GPO. Annually we say, ''Oh, it's not going to be a problem.'' The fact of the matter is that this is an over 10 percent reduction. It is going to be approximately 50 plus 350, 400. It is going to require RIFs.

I regret that the chairman, somewhat in my opinion, cavalierly accepts this amendment. This is not a small cut. This is a cut on top of, as the gentlewoman from Maryland indicated, 1,000 employees out of 4,500 employees over the last 4 years.

They are not dairy farmers. So if we no longer stop buying milk or have price supports or anything of that nature, who cares? But these people are going to be put out on the street. We have gone from 8,000 down to 3,600 in 20 years. We have done 25 percent of that in the last 4 years.

The fact of the matter is, if we want GPO to do something different, then let us pass legislation and mandate that. If we want them to be, I tell my chairman, financially solvent, then have the Congress pay its bills. Have the Congress pay fair market value for the product it gets from GPO and I guarantee that they will show a profit.

I ask my chairman to go over to GPO. They have as modern a capability in information technology as there is in Washington. Period. They are on line and on top of it.

I urge my colleagues to reject this amendment. This amendment, I will tell the chairman, will cost the government money. It costs approximately $25,000 to $35,000 per RIFed employee. This amendment will cost us, not save us. Reject the Klug amendment.

Mr. KLUG. Mr. Chairman, I yield myself the balance of my time. Let me wrap up this debate, if I could.

To my colleague from Maryland, let me point out to him that my farmers in Wisconsin actually would be delighted to eliminate the milk marketing orders because they discriminate against the upper Midwest. I would be more than willing to work with him on that in the future.

Let me make a few closing points. Here are a few facts about the Government Printing Office: Over 50 percent of idle machine hours; GPO operated and paid overtime on at least one weekend day of 50 of 52 weekends; paper waste average 40 percent higher than most industry standards, 1989 estimated waste totaled $7 million.

Fact after fact, study after study tracing all the way back to 1989 through 1997 reaches one simple conclusion: The Government Printing Office continues to lose money. The gentleman from New York [Mr. WALSH] is absolutely correct. We need to redefine the mission for the Government Printing Office, but in the interim we are going to lose $17 million this year.

The long-run solution is to outsource the Government Printing Office and use the experts that are there today. The short-run solution is to begin to stop the bleeding and have the Government Printing Office break even in the current year operation. That is the intent of this amendment.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. WYNN].

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Mr. WYNN. Mr. Chairman, I also rise in opposition to the Klug amendment. I believe it is ill-considered. The fact of the matter is that GPO has been reducing its work force. Since 1993 they reduced by 25 percent, from 4,800 to 3,600. This year's appropriation request is for 3,500.

But the gentleman wants to go further, and in going further he would have us make 400 RIFs; that is, 400 people thrown out in the street, within about 65 days, and that will cost the Government money.

Mr. Chairman, I would like to close on something that the gentleman from New York said in accepting the amendment. He said the fact of the matter is we need to evaluate GPO. But rather than evaluate first and then make policy, the Klug amendment would make policy in the absence of any study, any evaluation, and just throw people out on the street.

If GPO's mission needs to be reevaluated, we have it within our power to do it. That is the responsible approach. This is a meat ax approach. It ignores the progress that GPO has already made in reducing its work force, and it does not make sound public policy.

Mr. Chairman, I urge a strenuous rejection of the Klug amendment.

The CHAIRMAN. All time on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

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

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

The CHAIRMAN. Pursuant to House Resolution 197, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 105–202.

AMENDMENT NO. 4 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROEMER: Page 37, insert before line 1 the following new section:

SEC. 309. Any amount appropriated in this Act for ''HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 1998. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from Indiana [Mr. ROEMER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I yield myself 2 minutes.

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

Mr. ROEMER. Mr. Chairman, first of all, I want to thank the gentleman from Michigan [Mr. CAMP] for his help in cosponsoring the legislation that we have turned into this amendment. Simply put, Mr. Chairman, this amendment requires unexpended congressional office funds from the salaries and expenses of Members representational account allowances not to be respent, not to be shifted into a Speaker's slush fund or spent on marble elevator floors, but to instead go directly to the U.S. Treasury to reduce the deficit.

Now we have been working on this for several years, Mr. Chairman. Last year we voice voted this amendment. The year before we had 403 Members, Democrats and Republicans, agree to pass this legislation. We think that this is fair.

In the context of this week we are debating maybe the most important legislation to balance the budget that we have considered in this body since the balanced budget amendment or since we balanced the budget in 1969. We are considering how to share and sacrifice to get to a balanced budget, and certainly that sharing and sacrificing should start here in the House of Representatives.

There are two reasons why my colleagues should support this Roemer-Camp amendment. One is that instead of this money going back to be respent, we have the money go to reduce the deficit. Second, this encourages better management in individual offices. If my colleagues decide not to do a number of newsletters, if my colleagues decide to implement a new management technique on buying office equipment and technology, if my colleagues come up with better ways to motivate their staff and they do not hire as many people in their district office, why should that money automatically be respent in somebody else's account? That money should go to reduce the deficit.

I encourage Members to support this bipartisan legislation.

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

Mr. ROEMER. I yield to the cosponsor of the amendment, the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentleman from Indiana for yielding this time to me, and I thank him for his leadership on this issue and would associate myself with his remarks, and, Mr. Chairman, I rise in support of the Roemer-Camp amendment.

We all know the Federal Government is drowning in a sea of red ink. The Roemer-Camp amendment would help in a very small way at least to stem that tide. It would allow unspent office funds to be used specifically for deficit reduction.

As my fellow Members know, every office has provided funds to meet office expenses. The funds are not specific to each Member, but Members draw upon the account up to a certain level as needed.

This amendment would reaffirm our commitment to eliminating the Federal debt and send a strong message to the American people that we, too, are willing to sacrifice and to put our fiscal house in order.

If every Member saved only $50,000 a year, over $21 million would be returned to the Treasury to reduce the Federal debt. This amount obviously will not eliminate the Federal debt, but it will show the American people that Congress will do more with less in order to provide our children with a future that is free of debt and rich with opportunity.

I urge a vote in favor of the Roemer-Camp amendment.

Mr. WALSH. Mr. Chairman, I claim the time in opposition to the amendment, but I rise in support.

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

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

Mr. WALSH. Mr. Chairman, we have the gentleman's amendment. This is the same amendment we have carried for the past 2 years in the bill.

As we understand the amendment, it would require that any amount remaining in the Members' representational allowances account after all payments are made under such allowances be deposited in the Treasury for deficit reduction.

As the gentleman knows, the bill does not make representational allowances available to specific Members of the House. The calculation of how much each Member may spend for staff salaries, office expenses, and official mail is determined by law and is under the regulation of the Committee on House Oversight.

That committee notifies each Member of the allowance available for each session of Congress. The amounts available are not given to the Member. They do not receive a check or a funds transfer. They are only given an allowance to draw upon.

Likewise, the appropriations bill does not make a funds transfer to any Member. No MRA amount in this bill is assigned to any specific Member. The bill only provides an overall appropriation for the combined amount of the MRA's which may be charged against the Treasury.

And the committee bill does not full fund this amount. The bill contains $379.8 million—$379,789,000—for the sum total of MRA's during fiscal 1998. That amount is $17 million below the total amount authorized to be spent by the Committee on House Oversight.

So the committee bill has already economized on this item. We know that many Members will underspend this allowance. We are saving the $17 million.

This amendment says that what is left over after the end of the fiscal year will be deposited in the Treasury. That is true in concept but I would point out that these unspent funds never leave the Treasury to begin with.

Since this is a fiscal year appropriation, all unspent funds will lapse. That is, they will not be available to be spent after the conclusion of the fiscal year. So the terms of the bill meet the requirements of the amendment.

It is good to stipulate this fact and that is why I have no problem with this amendment.

So, with that understanding, I have no problem accepting this amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I thank the original sponsor and also the gentleman from Michigan [Mr. CAMP] for their persistence every year bringing this back up to the full House. We need their persistence out there. It is a great commonsense idea. I am delighted the gentleman has just accepted the amendment himself. It is a very commonsense idea to save the taxpayers a little money and also encourages Members to lead by example, and it is a very simple question really. When Members spend less on their office, should it go to this fund where it can be reprogrammed into other uses on Capitol Hill, which as I understand is a three-year fund, or should it go for deficit reduction?

As my colleagues know, the answer is quite simple. It actually should probably go pro rata to the constituents and taxpayers of the district the Member represents because they are the ones who in a sense have made the sacrifice. Because that is probably not too practical, at least at this point, then I guess it should go to deficit reduction and as soon as possible.

So I want to again commend both of these gentleman for raising this issue again, for bringing to the floor and for a little common sense in our legislative appropriations bill this year.

Mr. ROEMER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Indiana has one-half minute remaining.

Mr. ROEMER. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota [Mr. MINGE], who has been very helpful with the legislation.

Mr. MINGE. Mr. Chairman, we have worked for many years in this institution to try to gain the credibility of the American people that when we talk about deficit reduction and when we take steps as Members to actually implement what we believe in that that effort is actually recognized in terms of what happens to this Nation's finances. And I would like to urge all Members to join with us in supporting this measure because indeed this measure allows us in the administration of our offices to actually implement what we are urging on the Government and the American people.

I urge all Members to support the Roemer amendment.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 197, proceedings will now resume on those amendments on which

further proceedings were postponed in the following order:

Amendment No. 2, offered by the gentleman from California [Mr. FAZIO], and Amendment No. 3 offered by the gentleman from Wisconsin [Mr. KLUG].

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. FAZIO] 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 CHAIRMAN. This will be a 17-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 213, not voting 23, as follows:

[Roll No. 332]

AYES—199

Abercrombie	Frank (MA)	McKinney
Allen	Frost	McNulty
Andrews	Furse	Meehan
Baesler	Gejdenson	Meek
Baldacci	Gephardt	Menendez
Barcia	Goode	Millender-McDonald
Barrett (WI)	Gordon	Miller (CA)
Becerra	Green	Minge
Bentsen	Gutierrez	Mink
Berman	Hall (OH)	Moakley
Berry	Hall (TX)	Mollohan
Bishop	Hamilton	Moran (VA)
Blagojevich	Hastings (FL)	Murtha
Blumenauer	Hefley	Nadler
Bonior	Hefner	Neal
Borski	Hilliard	Neumann
Boswell	Hinchey	Oberstar
Boyd	Hinojosa	Obey
Brown (FL)	Holden	Olver
Brown (OH)	Hooley	Ortiz
Capps	Hoyer	Owens
Cardin	Hulshof	Pallone
Carson	Jackson (IL)	Pascrell
Chabot	Jackson-Lee (TX)	Pastor
Clay	Jefferson	Paul
Clayton	John	Payne
Clement	Johnson, E. B.	Pelosi
Clyburn	Kanjorski	Petri
Conyers	Kaptur	Pickett
Costello	Kennedy (MA)	Pomeroy
Coyne	Kennedy (RI)	Poshard
Cramer	Kennelly	Price (NC)
Cummings	Kildee	Rahall
Danner	Kilpatrick	Rangel
Davis (FL)	Kind (WI)	Reyes
Davis (IL)	Kleczka	Rivers
DeFazio	Klink	Rodriguez
DeGette	Kucinich	Roemer
Delahunt	LaFalce	Rothman
DeLauro	Lampson	Roukema
Dellums	Largent	Roybal-Allard
Deutsch	Levin	Royce
Dicks	Lewis (GA)	Sabo
Dingell	Lipinski	Sanders
Dixon	Lofgren	Sandlin
Doggett	Lowey	Sawyer
Dooley	Luther	Schaffer, Bob
Doyle	Maloney (CT)	Schumer
Edwards	Maloney (NY)	Scott
Engel	Manton	Serrano
Eshoo	Markey	Sherman
Etheridge	Martinez	Sisisky
Evans	Mascara	Skaggs
Farr	Matsui	Skelton
Fattah	McCarthy (MO)	Slaughter
Fazio	McCarthy (NY)	Smith, Adam
Filner	McGovern	Snyder
Flake	McHale	Stabenow
Foglietta	McIntyre	Stark
Ford	Stenholm	Thurman
Stokes	Tierney	Waxman
Strickland	Turner	Weygand
Stupak	Velazquez	Whitfield
Tanner	Vento	Wise
Tauscher	Visclosky	Woolsey
Thompson	Waters	Wynn

NOES—213

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

NOT VOTING—23

Ackerman	McInnis	Torres
Boucher	Metcalf	Towns
Forbes	Rush	Upton
Gonzalez	Sanchez	Wexler
Harman	Schiff	White
Johnson (WI)	Smith (MI)	Yates
Lantos	Spratt	Young (AK)
McDermott	Thornberry	

□ 1958

Mr. SAXTON, and Mr. BATEMAN changed their vote from ''aye'' to ''no.''

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Wisconsin. Mr. Chairman, on rollcall No. 332, the Fazio amendment, I was delayed and unable to vote because my air flight was detained because of weather. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 332, I was delayed and unable to vote because my air flight was detained because of weather. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 197, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. KLUG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] 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 CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 242, not voting 22, as follows:

[Roll No. 333]

AYES—170

Aderholt	Crane	Hoekstra
Archer	Crapo	Hostettler
Armey	Cunningham	Houghton
Bachus	Deal	Hulshof
Ballenger	DeLay	Hutchinson
Barr	Doolittle	Hyde
Barrett (NE)	Dreier	Inglis
Bass	Duncan	Istook
Bereuter	Dunn	Jones
Bilbray	Ehlers	Kaptur
Bilirakis	Ehrlich	Kasich
Blagojevich	Emerson	Kelly
Bliley	English	Kim
Blunt	Ensign	King (NY)
Boehner	Everett	Kingston
Bonilla	Ewing	Klug
Boswell	Fawell	Kolbe
Brady	Foley	LaHood
Bryant	Fowler	Largent
Burr	Fox	Latham
Burton	Franks (NJ)	Lazio
Buyer	Ganske	Leach
Callahan	Gekas	Linder
Camp	Gibbons	LoBiondo
Campbell	Goode	Luther
Cannon	Goodlatte	Manzullo
Castle	Goodling	McCarthy (NY)
Chabot	Goss	McCollum
Chambliss	Granger	McIntosh
Chenoweth	Hall (TX)	Meehan
Christensen	Hansen	Mica
Coble	Hastert	Miller (FL)
Coburn	Hastings (WA)	Minge
Collins	Hayworth	Myrick
Combest	Hefley	Nethercutt
Condit	Herger	Neumann
Cooksey	Hill	Norwood
Cox	Hilleary	Nussle

Oxley	Ros-Lehtinen	Souder
Pappas	Roukema	Stearns
Parker	Royce	Stenholm
Paul	Ryun	Strickland
Paxon	Salmon	Stump
Pease	Sanford	Sununu
Peterson (MN)	Scarborough	Talent
Peterson (PA)	Schaefer, Dan	Taylor (MS)
Petri	Schaffer, Bob	Taylor (NC)
Pickering	Sensenbrenner	Thomas
Pitts	Sessions	Thune
Porter	Shadegg	Tiahrt
Pryce (OH)	Shays	Turner
Quinn	Shimkus	Walsh
Ramstad	Smith (OR)	Wamp
Riggs	Smith (TX)	Watts (OK)
Riley	Smith, Linda	Weller
Rogan	Snowbarger	Whitfield
Rohrabacher	Solomon	

NOES—242

Abercrombie	Gephardt	Mink
Allen	Gilchrest	Moakley
Andrews	Gillmor	Molinari
Baesler	Gilman	Mollohan
Baker	Gordon	Moran (KS)
Baldacci	Graham	Moran (VA)
Barcia	Green	Morella
Barrett (WI)	Greenwood	Murtha
Bartlett	Gutierrez	Nadler
Barton	Gutknecht	Neal
Bateman	Hall (OH)	Ney
Becerra	Hamilton	Northup
Bentsen	Hastings (FL)	Oberstar
Berman	Hefner	Obey
Berry	Hilliard	Olver
Bishop	Hinchey	Ortiz
Blumenauer	Hinojosa	Owens
Boehlert	Hobson	Packard
Bonior	Holden	Pallone
Bono	Hooley	Pascrell
Borski	Horn	Pastor
Boyd	Hoyer	Payne
Brown (CA)	Hunter	Pelosi
Brown (FL)	Jackson (IL)	Pickett
Brown (OH)	Jackson-Lee (TX)	Pombo
Bunning	Jefferson	Pomeroy
Calvert	Jenkins	Poshard
Canady	John	Price (NC)
Capps	Johnson (CT)	Radanovich
Cardin	Johnson (WI)	Rahall
Carson	Johnson, E. B.	Rangel
Clay	Johnson, Sam	Redmond
Clayton	Kanjorski	Regula
Clement	Kennedy (MA)	Reyes
Clyburn	Kennedy (RI)	Rivers
Conyers	Kennelly	Rodriguez
Cook	Kildee	Roemer
Costello	Kilpatrick	Rogers
Coyne	Kind (WI)	Rothman
Cramer	Kleczka	Roybal-Allard
Cubin	Klink	Sabo
Cummings	Knollenberg	Sanders
Danner	Kucinich	Sandlin
Davis (FL)	LaFalce	Sawyer
Davis (IL)	Lampson	Saxton
Davis (VA)	LaTourette	Schumer
DeFazio	Levin	Scott
DeGette	Lewis (CA)	Serrano
Delahunt	Lewis (GA)	Shaw
DeLauro	Lewis (KY)	Sherman
Dellums	Lipinski	Shuster
Deutsch	Livingston	Sisisky
Diaz-Balart	Lofgren	Skaggs
Dickey	Lowey	Skeen
Dicks	Lucas	Skelton
Dingell	Maloney (CT)	Slaughter
Dixon	Maloney (NY)	Smith (NJ)
Doggett	Manton	Smith, Adam
Dooley	Markey	Snyder
Doyle	Martinez	Spence
Edwards	Mascara	Spratt
Engel	Matsui	Stabenow
Eshoo	McCarthy (MO)	Stark
Etheridge	McCrery	Stokes
Evans	McDade	Stupak
Farr	McGovern	Tanner
Fattah	McHale	Tauscher
Fazio	McHugh	Tauzin
Filner	McIntyre	Thompson
Flake	McKeon	Thurman
Foglietta	McKinney	Tierney
Ford	McNulty	Traficant
Frank (MA)	Meek	Velazquez
Frelinghuysen	Menendez	Vento
Frost	Millender-McDonald	Visclosky
Furse	Miller (CA)	Waters
Gallegly	Minge	Watkins
Gejdenson	Mink	Watt (NC)
Waxman	Wicker	Wynn
Weldon (FL)	Wise	Young (FL)
Weldon (PA)	Wolf	
Weygand	Woolsey	

NOT VOTING—22

Ackerman	Metcalf	Towns
Boucher	Portman	Upton
Forbes	Rush	Wexler
Gonzalez	Sanchez	White
Harman	Schiff	Yates
Lantos	Smith (MI)	Young (AK)
McDermott	Thornberry	
McInnis	Torres	

□ 2007

Ms. DANNER, and Mr. MORAN of Kansas changed their vote from ''aye'' to ''no.''

Mrs. LINDA SMITH of Washington, Mr. SCARBOROUGH, and Mr. HASTERT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 333, my air flight was detained because of weather. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Chairman, because I was unavoidably detained, I was absent for rollcall vote No. 333. Had I been in attendance, I would have voted ''aye''.

PERSONAL EXPLANATION

Mr. UPTON. Mr. Speaker, sadly a number of us sat on an airplane for 6 hours in Detroit. We unfortunately missed two previous votes today. Had I been here, I would have voted ''aye'' on both the Klug amendment as well as the Fazio amendment.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COLLINS) having assumed the chair, Mr. LAHOOD, 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. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEJDENSON. Yes, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GEJDENSON moves to recommit the bill H.R. 2209 to the Committee on Appropriations with instructions to report the same back to the House with an amendment to ensure that all funds in the bill to support the Reserve Fund providing for the hiring of additional committee staff and other related expenses pursuant to clause 5(a) of rule XI are deleted.

Mr. GEJDENSON. Mr. Speaker, I think that if we look at the issues that have brought tension to this House and this Congress, this issue is clearly among the most important.

I would like Members of the minority and the majority to take a look at the history of how we got here. Pursuant to the rules of the House, the reserve fund was established of $7.9 million. At that time I referenced this reserve fund as a slush fund. A number of Members on the Republican side of the aisle objected.

In section 5(a) of the reserve fund it was established for unanticipated expenses. Well, the request from the committee, the first request was to review the Department of Labor and its programs, activities, and spending habits. They got some of the slush fund money.

The original jurisdiction of the committee was to review those very same programs, the Department of Labor, its programs, and its activities. It was also requested to review the focus of the program which had little past review in terms of impact on employees and employers. That was also the original description of the committee's $10 million worth of funding. So now if this is not a slush fund in the worst of its connotations for purely political purposes, the committee would have come up with some unanticipated challenges, some new scope where they had to go in and review a situation that was not anticipated, that was not able to be covered in their $10 million.

What we found was very anticipated concerns were immediately used to get additional funding into this committee. It is a slush fund. If Members want to make things a little better here, let us have a chance to give some money back to the voters. Let us cut the $7.9 million.

If the committees have a legitimate need, let them come to the Congress of the United States and in front of the American people ask for that money. The Republican majority has in the range of $50 million worth of investigations going on. I dare say not one American will be better off as a result of these investigations.

□ 2015

The taxpayers will simply lose some of their funds and we will not gain new information or, indeed, information on issues that were unanticipated.

It is a $7.9 million slush fund used for political agendas, and they cannot come to this Congress and tell us that

they are trying to run it better when they failed in almost every category and now, in the utmost political venture on this floor, they have established an almost $8 million fund to be used to go after those who have stood up to them.

Where do they start? They start with labor, with working men and women. They take some of that slush fund and they are going to try to go after them. The question is, if we allow them to continue with this kind of slush fund, which group of Americans will be next? Who will they try to intimidate with this $8 million fund, investigating citizens of this country who have every right to exercise their own political activity?

Again, Mr. Speaker, I go to the words of the committee and the rules of the House. ''Unanticipated expenditures.'' Nothing in the expenditures that have been taken from this slush fund were unanticipated. It is simply a political attack on the adversaries of the majority party.

Mr. Speaker, I hope we can just get 10 Republicans to join us to put an end to this slush fund. There are people on the other side of the aisle that say they want comity, they went to Hershey trying to make friendship. Friendship is designed by peoples' actions. Vote for this motion to recommit. Get rid of the $7.8 million, $7.9 million, save the taxpayers' money and start building a trusting relationship in this House.

Mr. WALSH. Mr. Speaker, I rise in strong opposition to this motion.

Mr. Speaker, let me be clear. This motion is tantamount to killing this bill. It sends the bill back to committee, it eliminates all the work that the subcommittee, full committee and this House has done to this point, and I strenuously oppose any restrictions on the use of the reserve fund.

Mr. Speaker, just because it is said loudly, does not mean it is true. This amendment would repeal an action taken earlier this year in the committee funding resolution. The House has worked its will on this issue. It does not belong in debate on the legislative appropriations bill.

The reserve fund is designed to provide funding flexibility to take care of the unanticipated expenses that may arise during the 2-year term of this Congress. The committee funding resolution is a 2-year funding bill. And I think that in any project to have some unanticipated expense funds available is a very proper thing to do.

The reserve fund is a separate and distinct fund. All expenditures will be detailed explicitly to the taxpayer. This is a role for the Committee on House Oversight which has been adopted by recorded vote in the House and is consistent with the rules of the House. I oppose any attempt to limit the ability of the committees of the House to do their routine oversight work. I strongly oppose the motion, and I strongly urge its defeat.

The SPEAKER pro tempore (Mr. COLLINS). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Parliamentary inquiry, Mr. Speaker.

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

Mr. GEJDENSON. Mr. Speaker, it was stated that if the motion carries it kills the bill, and it is my understanding that it only sends it back. My inquiry is, it is my understanding under the rules it does not kill the bill, it simply sends it back to committee to take that particular action and return to the House.

The SPEAKER pro tempore. The Chair advises the gentleman the bill would be recommitted to committee.

The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 198, nays 220, not voting 16, as follows:

[Roll No. 334]

YEAS—198

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

NAYS—220

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

NOT VOTING—16

Ackerman	Metcalf	Wexler
Boucher	Rush	White
Forbes	Sanchez	Yates
Gonzalez	Schiff	Young (AK)
McDermott	Torres	
McInnis	Towns	

□ 2036

Mr. PETERSON of Minnesota changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 203, not voting 17, as follows:

[Roll No. 335]

YEAS—214

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

NAYS—203

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

NOT VOTING—17

Ackerman	McInnis	Towns
Boucher	Meek	Wexler
Forbes	Metcalf	White
Gonzalez	Sanchez	Yates
Houghton	Schiff	Young (AK)
McDermott	Torres	

□ 2054

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER. Pursuant to clause 6 of rule X the Chair announces the following modification to the conference appointment to the bill, H.R. 1119:

Mr. MCKEON is added to the panel from the Committee on National Security to follow Mr. BARTLETT of Maryland.

The first proviso to the panel from the Committee on Resources is stricken.

The Clerk will notify the Senate of the change in conferees.

REPORT ON POLICY ON PROTECTION OF NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACK—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security:

To the Congress of the United States:

Pursuant to section 1061 of the National Defense Authorization Act for Fiscal Year 1997, attached is a report, with attachments, covering Policy on Protection of National Information Infrastructure Against Strategic Attack.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997.*

□ 2100

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). 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.

CALLING ON HCFA TO STOP RESTRICTING USE OF MULTIDEX BY DENYING REIMBURSEMENT WHEN IT IS USED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. Duncan] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, every year 54,000 Americans lose a foot or a leg to diabetes. As terrible as this is, one thing that makes this statistic especially heartbreaking is that many thousands of these amputations could have been prevented were it not for Federal redtape. Two-thirds of all amputations in diabetic patients are precipitated by traumatic foot ulceration, which could have been prevented with proper care and modern medical products that are already available.

However, Federal bureaucrats at the Health Care Financing Administration, HCFA, are restricting FDA-approved dressings which have been proven to heal these types of wounds. If this is not a scandal, I do not know what is, people who are having amputations thanks to our own Federal bureaucracy.

Just think how wonderful it will be if we could prevent up to two-thirds of these 54,000 diabetic amputations each year. Sadly, it seems that the Medicare system sometimes gives little or no incentives to doctors, nursing homes, or hospitals to help their patients get better quickly because as long as they are

treating patients they are getting payments from the Government. There are better ways to treat patients, Mr. Speaker, especially diabetic patients.

To get more specific, Mr. Speaker, there is a product approved by the FDA which has been shown through repeat success to have healed repeatedly diabetic ulcerations and to have eliminated the need for amputations. This product is called Multidex. HCFA, however, is restricting the use of Multidex through bureaucratic redtape and needless Government road blocks. The way they are restricting the use of Multidex is by routinely denying reimbursement to providers who use it on patients.

If ever there was an effective way to stop the use of a medicine or a medical product, this is it. This is because most of the patients who have these amputations are senior citizens who are on Medicare. Between the ages of 65 and 74, nearly 17 percent of the U.S. white population, 25 percent of African-Americans, and more than 33 percent of Hispanic-Americans have diabetes. Each year we are spending $1.5 billion on diabetic amputations. Within 3 years of a major amputation 30 to 50 percent of diabetic patients will die, yet many thousands of these amputations could be prevented with proper care, and this product Multidex, which is being restricted by HCFA, is the most effective treatment available today for these diabetic ulcerations.

I would like to show four pictures, Mr. Speaker, which demonstrate the effectiveness of Multidex, and I apologize for the graphic nature of these pictures, and while these pictures all show the same foot at different stages, and these are the same case, huge numbers of pictures and tests and data have been presented to HCFA from many, many other cases showing similar results.

This first photograph shows the foot of a 75-year-old diabetic patient with a massive ulcer of the right foot. It is a stage four wound with heavy infection, gangrene, and amputation of the left toe. The second photograph shows the same foot 19 days after treatment with Multidex has begun. The infection has cleared, and the healing has begun. The third photograph shows the same foot 25 days after the treatment with Multidex has begun. It is obvious that the treatments are working. The final photograph shows the same foot at the time of discharge. Without Multidex or some similar product this foot would probably never have healed. The foot might have had to have been amputated if Multidex had not been used.

This is obviously a situation where the system has broken and needs fixing. Clearly helping the body to heal itself is a much better choice than amputation from both a quality-of-life point of view and a cost-of-Medicare point of view.

If any part of the Federal Government needs reinventing, Mr. Speaker, it is Medicare. Here is a vital Government service where artificial barriers need to be broken down and effective products like Multidex need to get to these desperately ill patients. I call on HCFA to stop restricting the use of Multidex by denying reimbursement when it is used. It is a scandal of major proportions to think that thousands of senior citizens might have to have amputations in the next few months because of this bureaucratic redtape.

USDA ACCOUNTABILITY AND EQUITY ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, when the history of this century is written, it is my hope that the year 1997 will be recorded as significant in the effort to change the course and the culture of the U.S. Department of Agriculture.

Known as the People's Department, USDA was established when President Lincoln signed the law on May 15, 1862. It is ironic that the very Department created by the President who signed the Emancipation Proclamation today faces widespread and documented charges of unfair and unequal treatment to socially disadvantaged and minority farmers.

Farmers and ranchers are invaluable resources to all of us. The farmers and ranchers of America, including minority and limited resource producers through their labor sustain each and every one of us and maintain the lifeblood of our Nation and the world. These people do not discriminate. Their products are for all of us. Therefore, it is important that we do all within our power to ensure that each and every producer is able to farm without the additional burden of institutional discrimination rearing its ugly head.

It greatly concerns me, Mr. Speaker, that in my home State of North Carolina there has been a 64-percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992.

There are several reasons as to why the number of minority and limited resource farmers are declining so rapidly, but one that has been documented time and time again is the discriminatory environment present in the Department of Agriculture, which was the very agency established by the U.S. Government to accommodate and to assist the special needs of all farmers and ranchers.

Mr. Speaker, the issue was first raised in 1965, when the U.S. Commission on Civil Rights established that USDA discriminated both in internal employee action and external program delivery activities. An ensuing USDA employee focus group in 1970 reported the USDA was callous in their institutional attitude and demeanor regarding civil rights and equal opportunity.

In 1982, the U.S. Commission on Civil Rights examined this issue a second time and published a report entitled ''The Decline of Black Farming in America.'' The Commission concluded that there were widespread prejudicial practices in loan approval, loan servicing, and farm management assistance as administered by the Farmers Home Administration.

However, as no improvement was forthcoming, in 1990 the House Committee on Government Operations, chaired by my colleague, the gentleman from Michigan [Mr. CONYERS] investigated this matter again. In their report entitled ''The Minority Farmer: A Disappearing Resource; Has the Farmers Home Administration Been the Primary Catalyst?'', the same conclusion was reached in 1990 as had been reached in 1982. That conclusion was that, ''Ironically, the Farmers Home Administration had been a catalyst in the decline of minority farming.''

In 1997, the General Accounting Office published yet another report on the matter, entitled ''Farm Programs: Efforts to Achieve Equitable Treatment to Minority Farmers.'' While much of the report was inconclusive due to its limited scope, the GAO did find instances of discrimination. Two cases out of the 28 closed in fiscal year 1995 and 1996. The GAO also found that the disapproval rate for loans was 6-percent higher for minority farmers than the 10-percent rate for the nonminority farmer.

The very next month, two additional reports were released: The Office of Inspector General Evaluation report for the Secretary on Civil Rights Issues and the Civil Rights Action Team report. The authors of these hard-hitting reports came to the identical conclusion that those who had looked at this issue 32 years previously, there are significant problems with discrimination within the Department of Agriculture.

On February 28, 1997, the Civil Rights Action Team report was issued and entitled ''Civil Rights at the United States Department of Agriculture.'' It was done by the Civil Rights Implementation Team at USDA, and it documents the decades of discrimination against minorities and women within the Department. Ninety-two recommendations for change were made in the report, 13 which require legislation action.

I have introduced the bill, H.R. 2185, that seeks to implement most of those legislative recommendations within the CRAT report. The bill is entitled the ''USDA Accountability and Equity Act of 1997.'' It consists of three titles; title I, Program Accountability, making changes to the structure of the county committees as well as to the status of county committee employees. County committees are retained, and the tenure of county committee employees is preserved and protected. Title II, Program Equity, makes provisions for those producers who are of marginal financial standing to continue to participate in USDA loans and programs. These provisions recognize

the financial hardship created by USDA.

It is my hope, Mr. Speaker, that through this legislation and other efforts we will continue with steady movement toward an emancipation proclamation for socially disadvantaged farmers and minority farmers.

REVISED 602 ALLOCATIONS AND REVISED ALLOCATIONS IN NEW BUDGET AUTHORITY FOR THE HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, Public Law 104–193, I hereby submit revised 602 allocations and other appropriate budgetary levels. Subsection 211(d)(5) of Public Law 104–193 amends section 103(b) of the Contract with America Advancement Act of 1996, Public Law 104–121, which provided for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews [CDR's] under the supplemental security income program.

Public Law 104–121 directed the chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports an appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of continuing disability reviews.

The Committee on Appropriations has reported H.R. 105–2264, a bill making appropriations for the Departments of Health & Human Services, Labor, and Education, and related agencies for fiscal year 1998. This legislation provides $245,000,000 in budget authority for continuing disability reviews. The resulting outlays are $232,000,000.

The revised allocations and other budgetary levels are as follows:

COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

Discretionary	Current allocation		Change		Revised allocation	
	BA	O	BA	O	BA	O
General Purpose	520,657	549,376	+245	+232	520,902	549,608
Violent Crime Reduction Trust Fund	5,500	3,592			5,500	3,592
Total	526,157	552,968	+245	+232	526,402	553,200

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[In millions of dollars]

Current aggregates		Change		Revised aggregates	
BA	O	BA	O	BA	O
1,386,700	1,372,000	+245	+232	1,386,945	1,372,232

Pursuant to House Concurrent Resolution 84, The concurrent resolution on the budget for fiscal year 1998, I hereby submit for printing in the CONGRESSIONAL RECORD a revised allocation for the House Committee on Appropriations to reflect $100,000,000 in additional new budget authority and $98,000,000 in additional outlays for payment of international arrearages.

Section 206 of House Concurrent Resolution 84 states that:

* * * after the reporting of an appropriation measure * * * that includes an appropriation for arrearages for international organizations * * * the Chairman of the Committee on the Budget shall increase the appropriation allocations, * * * by an amount provided for that purpose in that appropriation measure.

The House Committee on Appropriations has reported H.R. 105–2267, a bill making appropriations for the Departments of Commerce Justice, and State, the Judiciary, and related agencies for fiscal year 1998 which includes $100,000,000 in budget authority and $98,000,000 in outlays for international arrearages.

The adjustments are as follows:

COMMITTEE ON APPROPRIATIONS

[in millions of dollars]

Discretionary	Current allocation		Change		Revised allocation	
	BA	O	BA	O	BA	O
General Purpose	520,902	549,608	+100	+98	521,002	549,706
Violent Crime Reduction Trust Fund	5,500	3,592			5,500	3,592
Total	526,402	553,200	+100	+98	526,502	553,298

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[in millions of dollars]

Current aggregates		Change		Revised aggregates	
BA	O	BA	O	BA	O
1,386,945	1,372,232	+100	+98	1,387,045	1,372,330

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE BALANCED BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I rise tonight, and we are in really the final hours of the budget negotiations with the balanced budget and tax cut plan close at hand, and as the final details are worked out concerning a number of issues, I want to, on the one hand, talk about some of the major achievements that I believe Democrats have succeeded in accomplishing if this budget agreement is finally concluded also talk about some of the things that I think that Democrats and the President need to continue to stand firm on to make sure that this balanced budget agreement, when it is concluded, is something that helps the average American, the average working American family.

One of the things that I am most proud about is the fact that the President indicated very strongly today that the final agreement will contain $24 billion to expand health insurance for kids. Those of us who have been involved with this issue for a number of months, actually more than a year now, know that a few months ago when the initial budget agreement was

struck, the proposal was for a $16 billion plan that would guarantee coverage for about half or 5 million of the 10 million uninsured children that we have in this country. Because of the addition of the tobacco tax, which appears to be included in the final budget agreement, and the additional 8 cents that would be devoted to kids' health care in that, we now have a larger part of money, $24 billion, and this could actually accomplish, if it is used properly, providing insurance for even more than the 5 million kids that were initially promised.

But I have to say that in order to make sure that that money goes to pay for kids' health care we have to make sure that the money is used by the States for insurance, that there is a good benefit package and that there are not ways for States to basically take the money and use it for other purposes.

□ 2115

In that regard, as the final details are worked out concerning children's health care, I just wanted to urge my colleagues to stand behind the stronger Senate proposal that covers more children, not only because it has the extra money available, but because it offers a real benefits package and insures that all the money set aside for children's health will in fact be used to provide children with health care coverage.

Unlike the House Republican plan, which falls short on kids, the Senate plan uses the additional monies from the tobacco tax increase to cover probably twice as many kids. While Democrats see this legislation only as a first step in covering the 10 million uninsured children, a majority of the House Democrats joined me in signing a letter to the conferees and to the President outlining the same principles that the Senate language embodies.

Republicans often cite the need to balance the budget for our children, and I urge them not to turn their backs on the Nation's uninsured kids. Let us support the Senate language. Let us make sure we have a good benefits package. Let us make sure we do not have a direct service option or a high direct service option that lets the money be used for purposes other than kids. Let us make sure that the States have to provide insurance for the kids and have to spend at least as much money as they have in the past, if not more, to make sure that there is adequate coverage for kids.

The other thing on the tax side that I would like to talk about before I yield to one of my colleagues who has been here, the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE], who has been here almost every night with me and on other occasions, talking about this balanced budget to make sure it includes the Democratic provisions, and to make sure it covers and provides tax cuts and benefits for the average working family.

As I think many Members have heard, as my colleagues have heard, one of the Democrats' main concerns on the tax side of this balanced budget bill is that families that have children who are working but at the lower end, if you will, of the economic spectrum, but still paying taxes, still paying income taxes, still paying payroll taxes, that they get the advantage of the $500 per child tax credit.

Again, it appears that the negotiators, in coming to a final agreement, are about to make sure that there is a guarantee that those middle-income families, those working families that pay income taxes or pay payroll taxes, that they will still get the child tax credit, even though they are also getting the earned income tax credit.

This has really been one of the more divisive issues in the budget negotiations, and I just want to urge the White House once again to stand firm in defense of the Democrats' position on this. It really goes right to the core of what each party believes is the right thing to do.

Just very briefly, Democrats believe that the right thing to do is to provide tax breaks to those who need them. With respect to the earned income tax credit, that means extending the proposed $500 per child tax credit to the 24 million working families that the Republican bill excluded. Under the tax plan that was pushed by the GOP, families with children that make less than $30,000 a year would not qualify for a $500 per child tax credit. The Republicans fashioned this tax plan so that would exclude these families from eligibility for such a tax credit because they do not make enough money. It is like a reverse Robin Hood doctrine. They would penalize the poor to benefit the rich.

On the other hand, in the Republican plan we had major reductions in capital gains taxes, in indexing. We had major efforts to cut estate taxes for wealthy Americans. We also had the corporate alternative minimum tax that basically allows corporations to avoid tax liability.

I think what is happening now is that the Democratic proposal that says that those families making less than $30,000 a year should be able to get the child tax credit, it looks like we are finally convincing our Republican colleagues, and the President is standing firm on that, but we have to keep repeating the point as we go down to the final days and hours of these negotiations.

I yield to the gentlewoman from Texas [Ms. JACKSON-LEE], who has been here, as I said, almost every night talking about why it is important to make sure that this budget deal is good for the average working family.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE] for his leadership. This has been a team effort in being persistent and consistent dealing with some very crucial issues that deal with Democratic constituency all over this Nation. In fact, I would like to say that this deals with what America stands for.

The gentleman's commitment has been much appreciated. I have been delighted to join the gentleman on this, as well as to join the gentleman, along with my Democratic colleagues, on the letter written to the President to ask him to stand firm.

As we speak, rumors are abounding that a deal has been cut. Many people ask why we are engaging in this discussion. It is this kind of discussion night after night and time after time that I believe brought this deal to where it is tonight. Whoever may think that closure is here, let me remind everyone that a vote has to be taken. We will continue to fight until we find out in final form that these issues are in these documents, concise and safe on behalf of all people in need in all of America.

Let me also acknowledge ranking members, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from New York [Mr. RANGEL], who worked with the President and the administration, because the gentleman is right, the gentleman from New Jersey. As we reminded the conferees and reminded the Republicans, we are not going to stand by and see kids' health care cut. We are not going to stand by and watch 10 million children who are uninsured continue to be unempowered and in jeopardy because they have no health care, and continue to jeopardize young families who had no other resource to provide for their children.

How many times did we hear the stories of young families saying, I could not have my children play in sports, or, I was afraid for them to play on the playground or do the normal things children do, because I simply did not have any child health insurance?

I am very proud that we can emphasize as our victory the difference between 5.5 million children and 13 million children. It was the Democratic effort, the Democratic fight, the Democratic plan, that pushed the Republicans for a more expanded child tax credit, moving them from a mere 3.9 million families benefiting who made under $30,000, resulting only in 5.5 million children being impacted by the $500 per child tax credit, to a whopping 8.78 million families, but a whopping 13 million children that now would benefit by getting this tax credit. I think that is something that is directly attributable to the Democratic efforts.

There is something very important to my community. I want to emphasize or at least raise this point because I am still going to be looking for the refinement of this issue. One is that we certainly had talked about capital gains, and there are some benefits here in bringing down the percentages from 28 to 20 percent. But there was a lot of discussion, particularly with the Black Caucus, about taking some of these funds and reinvesting in inner cities and rural communities. I hope we will

still have an opportunity to talk about reinvestment, for we are better when the infrastructure is as good as one's neighbor. I think we should not leave that point.

Another point that I think is key is this whole question of welfare to work. We are very, very gratified that $3 billion has been set aside but, more importantly, that it will be controlled by the Department of Labor. People need to understand the distinction. That means we will not have any dipping in the pot.

We voted on welfare to work, we voted on having Americans move from welfare to work, but we had our hands thrown up in the air because, of course, in the Republican plan there was not a sufficient amount of protection and cover and help for those who needed to move from welfare to work, some sort of support system.

This system, I believe we can make it work. The Department of Labor, which is a job-generating department, with its commitment to moving women from welfare to work, and other recipients, and now that particular pot of money, controlled by cities where the welfare impact is most felt, that means that through the formula, the 75 percent formula process and 25 percent competitive, we can actually see on the ground efforts moving and helping these young mothers and other welfare recipients become independent, but through a dignified process, and not a process where their whole self-esteem is undermined.

I have some concerns. I would like to raise these, too. I hope we can continue this discussion.

As I said, for those who do not hear any joy in my voice, I have joy, but I recognize there is a vote coming up. We cannot advocate and abandon these issues before we get the final vote. I am gratified on the kids' health, gratified on the $30,000 a year families who will benefit from this tax credit who would not have benefited if we had not held to the line and fought the fight.

But I am concerned that Texas is going to be unevenly impacted. My colleague, the gentleman from Texas, Mr. GENE GREEN, has worked very hard. I have joined him on this issue. That deals with privatization of welfare by giving it to large corporations, a very sensitive process with trained professionals.

The law even states that this decision-making on who receives welfare or who does not is a governmental process, not a corporate process. Through the badgering of leadership in Texas, we now have been unfortunately driven in this legislation, the budget reconciliation and tax plan, to accept privatization in Texas.

I am not willing to capitulate at this point. I am willing to continue to fight. We need to look at this language. We need to make sure that the large cities that are going to be so severely impacted by decisionmaking outside of the Government arena, in the hands of private entities, are not going to impact poor children and elderly citizens, the disabled, unfairly. I want the word to go out that we will continue to fight and ask the White House for language so we can look and see how we can solve this problem.

Then finally, let me say that something the gentleman from New Jersey [Mr. PALLONE] and I worked on together, that is the disproportionate share that not only Texas but many other States, and New Jersey as well, a lot of folk do not understand DSH as having any great impact on them, but it really does. It means that the fastest-growing States sometimes are penalized for their share of Medicaid dollars in terms of the structuring that has gone on.

We have tried to work with both the administration and the conferees. I think we have moved in the direction where we are seeing sort of a 3.5 percent response to this. Of course, everyone may not be made happy, but I think it is important that we do not unfairly burden those States that are growing and trying to receive their share of Medicaid dollars to help their public hospital systems.

I have in my district a large share of the public hospital system in Houston. I know the service it renders. I know the budget constraints it is under. I realize that this process is extremely important. That is why I say this is an issue that we must keep under advisement and study over the next 48 hours, that we can ensure that we have a fairness in the DSH, or the disproportionate share of Medicaid distribution.

All in all, as I see my colleague, the gentleman from Michigan [Mr. BART STUPAK,] as well has joined us, and I know how hard he has worked, but I think that clearly sometimes these voices of ours may sound as if they are ringing in a hollow tunnel. I am glad we kept ringing, and the reason is because there is no doubt that this legislation that is now at the precipice of a deal would not have been where it is today if we had not continued to pound and pound and emphasize that we were not going to sell out to special interests, but we were going to get those folk who could not be inside the circle, could not get a bus ticket or an airplane ticket to get up here to Washington and talk about hard working citizens, teachers, and police officers who make $30,000 a year or less, I am glad we stood on their side, along with those families trying to get their young people to college, with the HOPE scholarship.

It is a better deal because of the Democratic alternative. I want it to be the best deal, and I think we need to keep working and fighting the fight until this gets final closure on the floor of the U.S. House of Representatives.

Mr. Speaker, I thank the gentleman for the fight we have waged together, along with our Democratic colleagues, on this very important piece of legislation.

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentlewoman.

I was just looking at some of the worst features of the House and Senate Republican bills that we have been fighting against for the last 2 or 3 months. Based on the reports that we have heard today about what the agreement finally will be, we do not know for sure, but we really have, as the gentlewoman said, made some major achievements in fighting against some of these worst provisions.

Just briefly to give an example, the $500 per child tax credit, which we mentioned, really was not going to go to most families below $30,000 in income. Now it will go to them. If they are paying income taxes or they are paying payroll taxes, they will still be able to take advantage of that $500 per child tax credit.

Capital gains and indexing, if the gentlewoman will remember all the discussions we had about how the indexing provision caused the revenue loss to explode, and all this money going to wealthy corporations and families that would really explode the deficit, the indexing has been dropped.

Education tax assistance, the GOP plans were far short of the $35 billion in tax assistance that the President and Democrats had talked about now. They have agreed to that.

Another example is with regard to the minimum wage. I think the gentlewoman mentioned that with the independent contractors, where people would be taken off their pensions and their benefits and not be eligible for minimum wage anymore because they were classified as independent contractors.

☐ 2130

That is gone. Really important, with regard to Medicare, we had the Senate provisions that raised the age eligibility to 67, that had the means testing in part B, that had the home health copayment, these things are all gone. Most important, what we already mentioned with the kids health care, that we shall now have a program that has a real possibility of insuring the majority of those 10 million uninsured kids.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think something very important that we do not tend to be associated with as Democrats, I hope all the small business owners and family farmers really pay attention to this legislation, because there is no doubt that on the budget and on the tax plan, the tax bill, that the Democrats came out on the side of small family farms and small businesses.

I had my small business owners speak to me in the district and say, would we be willing to stand with them. We did, because the relief that we are getting for them comes much earlier than the relief proposed initially for them out of the Republican plan. I believe we have got it moved up to 1.1 million.

I think that was something that the Democrats worked on, and I think it is

important to note that we are standing up for those who really make this country run. They are the engine of this country, small businesses, family farms. That is an important aspect of what we have worked on and what we can certainly take credit for, for helping those who did not have a real voice.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman.

I yield to the gentleman from Michigan [Mr. STUPAK]. He has been here most nights arguing in favor of the average working family, both on the tax cuts as well as the entitlement provisions.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding to me.

It is great to join the gentlewoman from Texas [Ms. JACKSON-LEE] tonight as we talk, hopefully within the few nights we have left we can move on to another subject, not that the subject is not important, but I think we are putting together a package, we are finally putting together a package, and I think probably within the next 24 or 48 hours we will have some agreement.

I could not help but notice as I walked over the storm clouds are brewing over there over the Washington Monument. It is starting to rain a little bit. I hope, and I truly hope, that as we move forward with this spending bill and also a tax cut bill, we are not going to let the rain come falling down in the next 5 years, we have a 5-year plan and the outyears, it is a 10-year plan, where we have huge deficits like we have seen.

This has to be a fiscally responsible and a disciplined budget, or we are going to be back to where we were when I came here in 1993. We had a caucus tonight. We had a little bit of an outline of the tax cuts and also some of the spending reductions. Our friend from Texas is very correct on the DSH payments, disproportionate share, those are hospitals who serve people who do not have insurance or the elderly who are on Medicaid or Medicare.

So we, the Federal Government, give them extra money to pay for the cost that is not captured by Medicare and Medicaid or the no insurance. And States like Texas which have a high DSH payment structure, really get hurt hard, at least in the first spending bill we have seen. So I am glad you are watching that closely. You are correct, Mr. Green has been working with us in the Committee on Commerce to make sure that happens.

As we look at this in the next 48 hours or 24–48 hours, I really hope we will not rush through this legislation. I really do not want us to go back to the days of spending money we do not have, giving tax breaks to corporations and other people that we really cannot afford.

I just cannot say enough, that if we could get it structured, targeted so we do have children's health credit and it is children's health coverage, there are 10 million children in this country that do not have health care. And the original proposal was to make sure at least we got half of them covered with this proposal.

The bill that went through the House only did 500,000, the Republican bill, 1/20 of what we were trying to do or 5 percent. And with the agreement or the discussions about maybe putting the tobacco tax back on, which would capture some more money so we can pay for the practice program, that is the way we have to do it. We have to pay for programs. We have to do it with new sources of revenue and not tap old sources so we do not start running a deficit.

On education, you have the HOPE scholarships, the President has stood firm with the Democrats. We are going to try to put some money in there. But the $500 per child tax credit is really going to be sort of the hallmark.

We have been here for a number of nights trying to argue that the people on the earned income tax credit deserve that tax credit. The Republican Party has said that those people who are on the earned income tax credit should not get a $500 per child, because all they are looking for is another welfare payment.

Let me tell you, I have a person in my district who called me the other night. She has two children under the age of 18. Unfortunately, she is divorced. Her ex-husband is not real prompt on his child support payments. But she is a very hard working woman, works a full-time job. When she first got divorced, the best she could do was a $4.95 an hour job, 40 hours a week. That is not even $200 gross per week. Then she got a better job where she made $7 an hour. Even at $7 an hour, that is only $14,560 per year. Every time, whether it was the $4.95 job or the $7 job, every time she got a paycheck, what did we take from that paycheck?

We took State taxes. We took Federal taxes. We took Social Security out, FICA to pay for the Medicare. So she was taxed as she went along. At the end of the year, if she was fortunate enough when she filed her income tax, she got the earned income tax credit which basically says, if you are below a certain level, we will give you back some money. It is usually about a $1,000 to $1,500, depends on where you fall on your wages.

What did it do? She said, I resent the Republican Party saying I am looking for a welfare handout. I was never on public assistance, even though I had two children. I was supporting them. My ex-husband was not real prompt on his child support payments, but I never went on public assistance. I worked. And I got a little helping hand from the Government. Not a handout, but a helping hand. And what it allowed me to do, she said, I remember 1 year very distinctly. She now has a good job and does not qualify for the earned income tax credit. She said, I remember 1 year, I usually used that EITC to catch up on my bills, but 1 year I used it, caught up on a couple bills, but I bought four tires for my car so I could travel back and forth to work so I could continue working so I could stay off public assistance.

So I advised this young lady that we, the Democrats, would stand with her. And night after night we are going to be down here advocating that everybody who has a child should be entitled to that $500 per child tax credit, if you are making less than $75,000. That is the Democratic plan. We hope we will stand with her.

But as I came over, I mentioned the storm clouds on the horizon. That is the way I see this budget. If you go back, I know the gentlewoman from Texas [Ms. JACKSON-LEE] came after me and the gentleman from New Jersey [Mr. PALLONE] was here before me, I came in in 1992. That was the year, if you remember 1992, the first year President Bill Clinton was elected. What happened in 1992. Remember that?

In 1992, we inherited an economy that had barely grown. There were very few jobs being created. The deficit had hit a record level. Mr. Boskin, who was Mr. Bush's economic advisor, I still have the report, the week before President Clinton took office Mr. Boskin predicted the deficit would be $322 billion.

Real business investment in equipment and everything else was way down. It was growing at only about 2 percent a year. Savings and investment was down. Consumer confidence in the economy was down. Interest rates were rising. A 30-year Treasury note was over 7.5, almost 8 percent in 1992. Unemployment was higher than it had been in the 1990–1991 recession. Incomes were stagnant. Real average hourly earnings fell about 7 percent in this country. Remember, it is the economy, stupid, that is what they told us in 1992.

So what did we do? We got Mr. Boskin's report. Those of us who came in in 1993 with the new President, January of 1993, when President Bill Clinton took office, the deficit was $322 billion. We said, we have got to get at this. We would like to give the middle class a tax break, but right now we have to get our fiscal house in order. In 1993, he worked with Congress to enact an economic program which would lower our deficits and put more investment in hard-working Americans in this country. The plan was passed in Congress with only Democratic support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, that is an excellent point. That was a very hard time. There had to be believers in order to come to grips with a very difficult decision. That is, a tax increase.

We can now look back and say the words ''tax increase,'' nobody wants to say that, and not a tax cut. Now some 4 years later, we are standing on, you made a very valid point, we have to be very cautious, we cannot throw caution to the wind, but we are standing

on an economy smart. We said the economy stupid, but we are standing on an economy smart. I think that is an important point, one that is growing and that we have to watch.

Mr. STUPAK. In the 1993 budget vote, probably those of us who lived through it probably know it better than any of them, there were 60 some Democrats who came in with me, and after that vote my class now has maybe 40 Democrats left. We lost about half our Democrats. It was a tough vote. We did raise taxes on those whose gross income was more than $180,000. I can tell my colleagues, in my district in northern Michigan, that is 1,170 families, with the money we taxed, those we asked to pay more, the higher income folks. Over 32,000 families in my district got the earned income tax credit that I spoke of a little earlier. So we taxed those, we asked those who could give us a little more to give it. We helped invest in our people.

Since then the deficit has fallen dramatically. In fact, at the start of this year it was about $70 billion. When we close our books here on September 30, 1997, it will be approximately, some people predict, as low as $35 billion, basically no deficit whatsoever. So we have cut the deficit with the help of the President and just Democratic votes by over 90 percent in less than 5 years.

We have the smallest deficits since 1980. And as a percentage of our gross domestic product, it is the smallest it has been since 1974. In fact, the deficit is less than 1 percent of our gross domestic product here in 1997.

So if you take a look at it, this deficit reduction was based on the Democratic plan. Now the GOP gets up, the Republican party gets up and says, we passed these budgets and that is what got everything down. Since they have taken over majority party, they have not passed one budget yet. We have been living on continuing budget resolutions, continuing on the same budget, the same plan that the Democrats passed in 1993.

They have not passed a budget yet. I predict this year, even with this budget agreement, we probably still will not pass a budget because we will get hung up on some things. As you take a look at it, what has really happened? Not only did we raise some revenues and invest it in people here in this country, but we also, the public sector is much smaller.

We moved forward to cut over 350,000 Federal employees with early retirements. We have the smallest Government since the days of John F. Kennedy in 1960. Since 1960, our people in this country, 130 million people, we are now over 260 million people so we doubled the number of people in this country who rely on services from the Federal Government, but we have the smallest Federal work force serving twice as many people since the days of John Kennedy. So we really did a yeoman job in doing this.

But I am concerned that having done 90 percent of the work, we need to finish the job. And I do not want to rush into this agreement that is being put together, because we have to take the opportunity now to finally eliminate not just the deficit but the structural deficit so that we will be able to run surpluses in good economic times instead of deficits like we still are today and stay at least in a balanced budget during times of recessions.

If you look at it, we have got to make sure any agreement makes very important investments in policy choices for our Nation's economic future. We need the savings and reforms that are in the spending bills, whether it is DSH payments or whatever it might be, to address the Nation's long-term budgetary challenge, past the 1998 election, past the election of 2000. If it is going to be a 10-year plan, let us look at it for a full 10 years and make sure we address our Nation's long-term budgetary challenges and needs.

We are within striking distance of a zero deficit, a balanced budget the first time since 1969. It is not time now to abandon the responsible, effective strategy we put together in 1993. It cost us. It cost us Members and a lot of people questioned what we were doing. But it has worked, and it has worked well.

So as we go here in the next 24, 48 hours and reach this agreement, let us reflect on where we have been for the last 4 or 5 years. Let us reflect on those days of the high deficits of, again, when President Bush left office, 322 billion, and how did we get it down here and make sure that the fiscal responsibility that was put in place in 1993 continues not just for today but for tomorrow and for our future.

I am very pleased to join my colleagues here tonight and hope those folks who are Members in their offices and around this country listening to us tonight, ask that question, where is this agreement going to be in 4 or 5 years? Let us make sure it does not explode out.

□ 2145

As I walked over, I could see those storm clouds. And I could also see those storm clouds in this budget. And we have to be cautious in how we do it.

We have a line item veto. The first time ever the President has had a line item veto. That has been challenged in the courts. We have a number of issues that could turn this economic plan on its ear, and it is our responsibility, those of us who have the vote, to make sure it does the right thing.

So I am very pleased the President is standing tough, that we are going to provide some health care for children in this country, education, and give them some hope to get a college education, and a $500-per-child tax credit, including those people who earn the earned income tax credit.

I am proud to stand with the gentleman. And those are our parameters on the budget cuts, and let us make sure the future is just as bright as tomorrow is with this budget agreement.

I thank the gentleman once again for his leadership on this issue.

Mr. PALLONE. Well, I thank the gentleman, and I wanted to follow up on some of the points that the gentleman from Michigan made, and that is with regard to the President.

If my colleague would remember, I think it was a week or two ago when the Treasury Secretary, Robert Rubin, who appeared before our caucus, also sent a letter to those who were negotiating the budget in the final weeks, and he outlined four key tasks for any tax bill.

Just to go over those briefly, one was no exploding deficits. Of course, the indexing for capital gains is a big factor, and that is now gone from what we hear. Then he talked about a fair balance of benefits for working Americans. And, again, we have been pushing for the child tax credit to be available to the majority of those people who are working, who are under $30,000 but they are working and paying taxes.

And the third one, and I wanted to just mention this because I know the gentleman from Michigan and the gentlewoman from Texas have talked in the past quite a bit about the education tax aspect of this, he said in the letter that the tax cuts have to encourage economic growth. He stressed that the most important point in that regard was to make sure that our children are well educated in an ever-increasing global economy as we approach the 21st century, and that that was a Democratic priority, and that the Republican proposal neglects the commitment to education and instead offers broad-based tax breaks to wealthy buddies who want to make a killing in the stock and bond market.

Well, one of the things the President insisted on and the Democrats insisted on was that this $35 billion be available as part of the tax package for education tax credits. And that, from what I understand in terms of what the negotiators have agreed to, is part of the final agreement.

It was interesting, because today in my local newspaper, this is a syndicated column that I am sure appears in various papers around the country. Actually, it is not, it is written by Robert Reich and John Donahue. Robert Reich, of course, was the Secretary of Labor, and John Donahue was counsel to Reich in the first Clinton administration.

It says, ''What should be first in line for tax breaks: education, capital gains or estates?'' And it says ''the Clinton administration is sticking to the late-spring deal it struck with Congress: $35 billion earmarked for incentives linked to education.''

And why? I just thought it was very interesting, just briefly here, because it says that ''While there's no consensus on the effects of preferential tax rates for capital gains, the best prediction is little, maybe no, net increase

in savings and investment, a lot of maneuvering by accountants and lawyers to relabel income as capital gains and a sharp rise in the after-tax income of a tiny, wealthy slice of the population.'' But the benefits of education tax incentives are focused on working families.

And basically what we are choosing between is middle class tax relief that rewards and encourages investments in America's earning power, as opposed to these sterile tax breaks that will deepen the divide between the very wealthy and the rest of us.

I think it was very important throughout these negotiations that the President and the Democrats insisted on these education tax breaks because of the investment aspect, because of what it means to the future of the country, and I know both my colleagues have talked about this in the past.

Mr. STUPAK. If the gentleman would yield on that point, even if we put it in everyday terms, we have to remember the HOPE Scholarship is not just going to 4 year colleges but 2-year colleges or to go in some worker training program. An individual can get up to $1,500 underneath the President's HOPE Scholarship plan.

I have two sons, my oldest son, Ken, will be graduating here in 1999, and he is a smart young man and he is going to do quite well in college and forward. But if we take a look at it, when he starts working in his adult life, it is estimated that he will have to change jobs at least eight times in his working career. Eight times.

He is a very smart young man. Nothing wrong with his ability to learn. But the technology is moving so fast that those who begin employment in the year 2000, their jobs will become outdated. Outmoded. Technology is moving so fast, the job that people have today will be outdated and gone tomorrow. So they will need the education skills along with the social skills to adapt in an ever-changing society.

So education is an investment. It is an investment in our future. And our children will need those educational skills, whether they are going to 2-year colleges or some other training programs or worker incentive program or worker enhancement programs so they can stay ahead of the curve. So as their job is outdated because of technology, they can adapt to tomorrow's world and continue to be a breadwinner and help out their family and pay their taxes and everything else.

I say that half jokingly, but why has this economy done so well? Because people pay their taxes and we have revenues coming in, and, again, going back to that budget plan. So investing in the future is really a current investment in today's education, and will prepare us for tomorrow in that ever-changing world and the technology that will outdate our jobs, because the jobs that we have today will be outdated tomorrow.

So it is a good point the gentleman makes, and I wanted to bring it more into the workplace setting, that education that we will need. Anything we can do at the Federal level, we should and we must.

Mr. PALLONE. I am glad the gentleman brings that up, and if I can quickly just mention that job training is just as important an aspect of that. What it points out in this article, again, this is in my home paper, the Asbury Park Press, is that most students still are paying a majority of their tuition bills with their own money. So when we talk about these tax incentives or tax credits, they really make a difference.

My understanding is, based on what we are hearing, and again we do not have a final document, but what I understand is that of this $35 billion which is now agreed to, that the President insisted on we have a credit of 100 percent of the first $1,000 tuition and fees, and that is in the first 2 years, and then 50 percent of the next $1,000 in 1998 through 2002.

And if a student is not eligible for the HOPE Scholarship but is pursuing a postsecondary degree or a certificate or enrolled in a job skills program, a 20 percent credit for tuition and fees up to $5,000 through the year 2000 and $10,000 thereafter is granted.

I think the agreement also adopts the student loan interest deduction. So there are a lot of incentives in there for people paying for tuition out of their own pocket, which most people still do.

Mr. STUPAK. On the tuition part, is the gentleman saying there is going to be a look-back provision for those who already have a guaranteed student loan or who are paying off their college loans? Even if they are not in college now, let us say they graduated last year, are they going to be allowed to look back and at least take off that interest?

Mr. PALLONE. No, I cannot say that, but I think what the gentleman is seeing here is not only the HOPE Scholarship but also this 20 percent credit for tuition and fees, and then they will be able to deduct the interest on a student loan.

Mr. STUPAK. Interest on the future loans?

Mr. PALLONE. I think so.

Mr. STUPAK. I know that is a part that is not clear in the budget agreement. Hopefully, it is something we can look at. I am sure when the gentleman gets back in his district, as in my district, a working class district, many people ask me, ''My son just graduated or my daughter just graduated from college, and, geez, I have all these loans and paying interest on it, can I at least get that deduction?''

So far I have not seen it, and I just thought maybe I missed something at the caucus today and thought maybe the gentleman picked up on that.

Mr. PALLONE. Again, as the gentleman knows, we do not know what is in the final agreement, but my understanding is the President insisted on those provisions and that they are in there.

Ms. JACKSON-LEE of Texas. If the gentleman would yield, I would like to challenge sometimes the interpretation made globally about the Democrats and their fight for those who make less than $50,000 a year.

I am proud of that fight, but I think it is important when we discuss the issue of capital gains and who gets capital gains to sort of put this whole issue in perspective, particularly around this very explosive and booming economy, because that is what it is.

Just a couple of weeks ago the headlines read that the Dow had reached 8,000 points. So I do not think that we should in any way feel intimidated about allegations that the Democrats are not respecting those who have invested in this country and helped by their wealth to make this country great. The atmosphere and the economic climate has helped to make those who are in business strive and thrive and be prosperous.

It is important, then, that we emphasize the importance of the great equalizer, and that is an education. The distinction between how we started out with the HOPE Scholarship versus the Republican plan, which was to say to those who were already wealthy, ''It is all right, you can do an IRA, a savings account, and you can then take a tax deduction when your children are ready to go to college.''

That does not fare well for the average teacher, the working bus driver, police officer, who, by the best of what they can do, they have to spend as they go. So there is a time when their youngsters come up to the time for college and they are looking for monies. They do not have savings.

This HOPE Scholarship, what we fought so hard for, says to them that they get that right then and there. They do not have to save the $1,000, they do not have to have put away that money in an IRA. It simply says that they will get a HOPE Scholarship. And in particular, having given the graduation speech to our Houston community college system, where almost a thousand graduates graduated in 1997, this $1,000 dollars for the first year and $500 for the next year or $1,500 is a real boost for working class families.

I think that when we debate the bill as it ultimately may come to the floor, I think it is key that we understand the principles by which the Democrats have been guided, and that is kids' health, not $16 billion but $24 billion for those 10 million uninsured children who are in every one of our districts all over this Nation; and then to recognize something very important, that this welfare plan that came unsupported with compensation to make it work, now we have a real commitment to expend $3 billion in and around our communities.

I hope our churches, and I see that there are members here from the National Church Usher Convention from Houston, TX, and I know how hard our churches have worked with me, and they have worked in order to help their members who are falling on hard times move from dependence to independence. We now have $3 billion that makes the welfare-to-work program actually work. It actually gives training a leg up. I hope that our communities will be taking advantage of this money that will come down to help train individuals to let them work.

One thing that was really, I think, a tragic reflection on our respect for working people was this whole concept of independent contractors that took away from individuals the benefits of the various coverage that one gets when they are working in their job. If they were an independent contractor, they had no health benefits, they had no vacation time, they had no overtime.

We were able to get that out. I think that is extremely positive for working Americans. They did not realize what was getting ready to hit them. They might move in jobs eight to ten times, but I can tell my colleagues that if we were an independent contractor and did not really have a job that was secure, we would not feel very good about being able to protect our families.

So I think that we can take great comfort in things that working Americans can be gratified for, and that is, of course, the health care, the welfare-to-work and certainly the HOPE Scholarship.

And in taking up my colleague's admonition that we must be cautious, I do believe that we should watch the storm clouds that are off to the side, and that is why I said that we have 48 hours to ensure that when we ultimately cast a vote, these items that we have mentioned here this evening, DSH, and I will mention it again, protecting our county hospital systems and the individuals who go to these systems, who are unable to pay the extra cushion that is needed in order to provide the money so that they can have coverage by Medicare and Medicaid, if they do not have health insurance, and that is still a lot of people.

And then just for Texas, this whole question of privatizing health care and not allowing those sensitive social workers and government employees who have been working on this to be able to make the determination of our citizens, whether they are deserving of welfare in times when they have fallen on hard times, and putting it into computerization, that will be a fight that I will continue because I do not see any sunshine at the end of the tunnel.

□ 2200

But I do think that this fight has been one that we can claim at the juncture a quiet victory until we get the last and final word. We have been able to stand up for those working families.

I feel proud that families who have made a commitment to stay off welfare may be making $30,000 collectively, two wage earners, that we have taken the terminology, the accusations that they are on welfare and do not deserve these tax cuts, we have taken that out of the mouths of Republicans. We have removed that sort of cancer that was really impacting this debate, and acknowledge that these citizens making $30,000 or under $50,000 deserve our respect and appreciation because they help to build this country and they deserve a $500 a year tax credit for their children. And I am very proud to stand up and say it was because of our fight that they got that tonight.

So I want to thank the gentleman from New Jersey [Mr. PALLONE] again for his leadership on this issue and, likewise, will join him tomorrow in debate and over the next 48 hours to ensure that the clock does not turn back on the fights that we have made over these last couple of months. There has been some hard fights, but I think we ought to applaud the conferees, the gentleman from South Carolina [Mr. SPRATT], the ranking member, and the gentleman from New York [Mr. RANGEL], members of the Committee on Commerce, and all others who have continued in this fight to ensure that we never slip for a moment.

So I thank the gentleman from New Jersey [Mr. PALLONE] clearly for his efforts, and I look forward to working with him as we watch these next 4 hours.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to thank the gentlewoman from Texas [Ms. JACKSON-LEE], and I know that both she and the gentleman from Michigan [Mr. STUPAK] stress the fact that we do have to watch what is going on here in the next 48 hours.

One of the things that we both talked about tonight and we are very happy about is the kids' health care initiative, because now it is up to $24 billion because of the addition of the tobacco tax. But I have to say that in discussions, in debate over the last several months on the kids' health care issue, one of the major concerns of House Democrats, including myself, and we have a health care task force amongst our Democratic Caucus that has articulated this, one of the major concerns is that this money not be drained away and used for purposes unrelated to insuring kids.

In one of the aspects of this that we will be discussing and we will be insisting on, and I believe that the White House has been insisting on, is to make sure that built into this program to insure these children at the cost of $24 billion that there are safeguards so that in fact the money is used to insure kids.

The Senate version of this bill was a lot better than the House version, and particularly the House version that the Republicans reported out of the committee, the Committee on Commerce, and many Commerce Democrats were very critical of the lack of safeguards for how this pot of money would be used for kids' health care.

Just to give some examples, there was in the House version what we call a direct services option that would have allowed the pot of money available for kids' health care when it went to the States to be used not to actually insure kids but to be used for certain services that they may or may not use.

For example, money could have gone to children's hospitals but there may have been a lot of the uninsured kids that never went to the hospital or never were able to take advantage of the services of that particular hospital, and they would not be insured pursuant to this direct services provision but just get services for certain purposes of the hospital.

Well, that was not acceptable to many of us, and we kept insisting on the Democratic side that the direct services option be eliminated or certainly curtailed. My understanding is that it has been curtailed. I do not know exactly if there is talk that it may be as low as 10 percent at this point. I still think that is too much. But nonetheless, by eliminating or cutting back on the direct services option, we are at least moving in the direction of what the Democrats have said needs to be done.

The Senate language actually says that States have to provide insurance either through the traditional Medicaid program or through an alternative State insurance program and that they have to do what we call maintenance of effort, meaning that States have to at least provide as much money to pay for kids' health care as they have in the past.

Well, if those provisions are in the final bill that we vote on here in the next few nights, and we are told that the Democrats and the White House have been pushing for that and that is likely to be the case, then we will at least know there are safeguards built in that most of this money will go towards actually insuring children.

Another major issue was the benefits package. We can say we are going to have $24 billion available to insure children, and we can say that they have to be insured in some way; but if we do not have an adequate benefits package, then a lot of them may not get certain services. Our understanding is that the White House has insisted on the benefits package similar to what was in the Senate version, which is similar essentially to what Federal employees get.

So a lot of the devil, so to speak, is in the details. We do have to make sure over the next 48 hours or so that these safeguards are built into the kids' health care program so that this money is actually spent to insure kids. These are the types of things that we have been talking about all along on a number of the tax cut provisions, as well as the spending provisions, the balanced budget agreement.

I just must say that, although we are still weary about what finally results, Democrats can take a great deal of pride in the provisions with regard to kids' health care with the coverage now for the child tax credit, with the education tax credits, and with so many of the other things that we have been talking about all along that should be included in this tax cut package and in this spending bill to make sure that the benefits go to the average working American.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–213) on the resolution (H.Res. 198) providing for consideration of the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a report (Rept. No. 105–214) on the resolution (H. Res. 199) providing for consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered printed.

HUMAN RIGHTS VIOLATIONS IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 60 minutes as the designee of the majority leader.

DOW JONES AVERAGE UP SINCE REPUBLICANS TOOK CONTROL OF CONGRESS

Mr. DIAZ-BALART. Mr. Speaker, I wish, before I begin speaking about the subject that brings me to the well this evening, to insert into the RECORD a note made available to us here in Congress today by our dear colleague, the gentleman from Tennessee [Mr. DUNCAN].

Mr. Duncan points out, among other things, that the Dow Jones Industrial Average, on Election Day 1994, when the Republicans took the majority in this House and in Congress, both Houses, for the first time in 40 years, was 3,830 points. And since Republicans took control of Congress, the Dow Jones Average has gone up by more than 4,000 points, breaking all records. And that that was due, to a great degree, because of the fact that the majority here, the Republicans, brought the leadership to the Congress to bring Federal spending under control and stop the growth of taxes and regulations and that, finally, the belief took hold in the economy and in the world in this international economy of today that the United States of America would finally balance its budget.

And, so, I think that that is something that was important to bring out. And I thank the gentleman from Tennessee [Mr. DUNCAN] for having done so. So I would like to insert the following into the RECORD, if I could, Mr. Speaker:

The Dow Jones Industrial Average closed at 3830.74 on election day, 1994.

Since Republicans took control of Congress, the Dow Jones average has gone up by more than 4,000 points—mainly thanks to Republican success in bringing Federal spending under control and stopping the growth of taxes and regulations.

Mr. Speaker, I come this evening to the floor, to the well, to discuss a matter that for the last 4 months has worried me on a daily basis in increased fashion. It has been typical of the tyrant in Cuba, who has ruled for 38 long and destructive and painful and extraordinarily gruesome years, it has been typical for him to engage in Stalinist crackdowns. But for the last 4 months, he has been clearly engaged in another such Stalinist crackdown the effects of which have come to my attention on a daily basis.

And, so, I have been thinking it appropriate for some time now to come to the well to give an update to my colleagues and to the American people through C-SPAN, the millions of citizens who watch through television, by way of television, an update on the dreadful human rights situation and the details, as I know them, of that Stalinist crackdown engaged in by the tyrant of Havana, only 90 miles away from the United States.

And, so, I would like to read a list, and I acknowledge from the beginning that it is a partial list, of human rights violations in Cuba for the last 4 months. And with that acknowledgment, I would like to begin to get into it and then discuss some other aspects of the reality of Cuba today.

March 29, a Danish tourist, there have been a number of incidents recently with tourists in Cuba where the government has shown, the regime has shown its paranoia and its apprehension about its security situation as it has related to tourists, a Danish tourist, Joachim Loevschall, somehow mistakenly wandered into a restricted military zone and he was shot to death. That was March 29.

Then began the month of April. And Ramon Rodriguez, father of a well-known activist, Nestor Rodriguez, president of Young People for Democracy, was arrested.

Also, on April 1, Rafael Ibarra Rogue, president of the Democratic Party 30 November, Frank Pais, who is currently serving a sentence of 20 years in the infamous prison known as Kilo 8, according to relatives, was told that he would be denied from having any contact with his family or any religious visits. That was April 1.

April 8, Nestor Rodriguez Lobaina, president of Youth for Democracy, a group that has become more well-known recently and has developed already a number of very impressive young leaders, Youth for Democracy, president Nestor Rodriguez Lobaina was arrested and charged with ''crimes against the state.'' He had previously been arrested in June 1996 and sentenced to 12 months in prison and an additional 6 months of internal exile for the crimes of resistance to authorities and disrespect of the revolution. He was sentenced to 18 months in April and is currently being held in the Guantanamo Prison.

Today, July 28, Nestor Rodriguez Lobaina has begun a hunger strike that he has announced will last during the days that something called the 14th World Festival of Youth and Students lasts. That festival has begun also today in Havana. It is a splurge that Castro gives to Communists who come from throughout the world to party in Cuba, young Communists, while the Cuban people are subjected to the apartheid system and the rationing cards that have been imposed upon the people since 1962.

So Nestor Rodriguez Lobaina says that during the duration of this party, called the 14th World Festival of Youth and Students, he, as a youth leader, is going to fast in protest.

Of course, he and Cuban students who want to speak out in favor of democracy are not allowed to participate in that youth movement festival in that party that Castro organizes with funds that the Cuban people are denied for international young Communists and revelers and partyers.

☐ 2215

April 11. Miguel Angel Aldana, member of the Executive Committee of the Concilio Cubano and president of the Martian Civic League, arrived in the United States after being forcefully expelled from Cuba. He was initially handcuffed, dragged out, and arrested while attending a mass in memory of the Brothers to the Rescue pilots who were shot down by the Cuban Air Force on February 24, 1996.

April 22. Israel Feliciano Garcia, representative of the Democratic Solidarity Party in the Province of Villa Clara was arrested in his home. His wife Arelis Reyes Garcia was also detained for pointing out to the police that they did not have a warrant.

April 30. Radames Garcia de la Vega, vice president of Youth for Democracy,

is arrested and charged with showing, ''contempt for the commander in chief,'' Mr. Castro. Since last year Mr. Garcia de la Vega had been held in house arrest. On April 30 he was sentenced to 18 months imprisonment.

Rafael Fonseca Ochoa, a member of Young People for Democracy as well, was arrested. May 1.

May 1 also. Ana Maria Agramonte, a member of the Movimiento Accion Nacionalista is arrested for ''contempt of the authorities.''

May 1. Jesus Perez Gomez, Lorenzo Pescoso Leon, and Aguileo Cancio Chong were arrested by State Security and held without charge in Havana. Aguileo Cancio Chong was beaten at the time that he was arrested.

May 14, 2 weeks later. Cuba Moises Castaneda Rangel, opposition activist with the Workers Union Movement and a member of the Seventh Day Adventists and his family were subjected to an act of repudiation at their home in Villa Clara.

It might be worthwhile to talk a minute about what an act of repudiation is. Government-sponsored mobs are sent to the home of an independent journalist or an opposition leader, a dissident, and there they throw stones and insults, and if someone comes in and out of the house, they physically often attack the people, spit upon them. Those are acts of repudiation organized by this system in Havana.

Ana Maria Agramonte, May 15, a member of Movimiento Accion Nacionalista, was sentenced to 18 months in jail for contempt of the authorities and resisting arrest.

May 25. We go back to Cuba Moises Casteneda Rangel who had been subjected, he and his family to the act of repudiation May 14, was arrested, interrogated, and subjected to psychological torture.

May 27 was the beginning of Eduardo Gomez Sanchez' third year at the Kilo 8 prison. Sanchez was sentenced to 20 years, 20 years, for the crime of illegal exit from the country. He suffers from a severe liver condition and according to relatives probably has cancer.

June 10. Leonel Morejon Almagro, the elected leader of Concilio Cubano, delivered a message to one of Castro's offices demanding the right to hold a peaceful public meeting of his group. Morejon Almagro, who was just released from prison where he served 15 months, was beaten by State Security agents shortly after delivering the letter to Castro's offices.

Amelo Rodriguez, June 10 also, a well-known member of the opposition movement, was arrested by State Security and charged with an unspecified, ''act of rebellion.''

June 16. Nilda Malera Pedraza, a 34-year-old professor of music in Guantanamo was fired for ''deviating from official political thought.'' Professor Joaquin Lozano was also fired for being ''politically unreliable.''

June 17. Luvia Bonito Lopez, the daughter of independent news journalist Ana Luisa Lopez Baeza, was detained and interrogated. Again she was detained 3 days later, June 20.

June 22. Teresa Plateros Rodriguez, a member of the Pro-Human Rights Party, was arrested.

June 23. Hector Peraza Linares, co-director of the Havana Press, independent press people, and his wife were arrested, held without charge.

June 24. Dr. Dessy Mendoza Rivero of the dissident Independent Medical Association of Santiago was arrested by State Security after reporting the epidemic of dengue fever that is sweeping Cuba. She was charged with reporting false information. Thousands of people have gotten the dengue virus. It is imperiling the health of people throughout the island of Cuba and nearby countries and this brave doctor who simply let the world know of the fact that there was dengue fever sweeping through the island was arrested for ''reporting false information.''

June 25. Edillo Barrero, a 25-year-old farmer, was detained without charge by State Security, severely beaten, and died in custody.

June 28. Orlando Merchante Ricart of the 13th of July Movement was expelled from his job after doing an interview with the U.S. Information Agency, Radio and Television Marti. The next day he was beaten and stripped of his clothing.

July 1. Luis Alberto Hernandez Suarez of the Democratic Youth Union Movement is arrested.

July 1. Orestes Rodriguez Omuitiner, vice president of Seguidores de Chibas, human rights group, is arrested in Santiago.

July 1. The home of Nancy de Varona, president of the 13th of July Movement, is placed under constant State Security surveillance and her phones were disconnected.

July 1. Juan Antonio Gonzalez Dalmau, member of the Cuban Civic Current, is detained by State Security.

July 2. The home of Ileana Someillan, a member of the opposition, is searched by State Security.

July 3. Julio Grenier, another activist in the dissident movement, is detained, his house searched, and various items confiscated.

July 3 as well. Busy day for Castro this July 3. Carlos Raul Jimenez of the Nationalist Agenda Movement opposition group, detained by State Security.

July 3 Marta Beatriz Roque, member of the Internal Dissidence Working Group, perhaps the most prestigious economist in Cuba today, received a death threat from State Security officers.

July 3. Mercedes Sabourni Lomar of the Nationalist Agenda Movement, detained and questioned twice that day by State Security.

July 3. The home of Vladimiro Roca of the Internal Dissidence Working Group and president of the Social Democratic Party is stoned by a government-organized mob. Acts of repudiation as we talked about earlier. His home was placed under constant surveillance by State Security. That is July 3, this busy day for the tyrant. Got a lot of pleasure this day, did he not?

July 3. The wife of Vladimiro Roca, because of her husband's activities, is delivered a summons to appear before State Security for questioning. She is threatened with exile.

July 3. Luis Alberto Hernandez Suarez of the Democratic Youth Union Movement is arrested by State Security in Pinar del Rio.

July 3. Jose Orlando Rodriguez Bridon of the Democratic Workers Confederation detained by State Security after leaving the home of Marta Beatriz Roque.

July 3. Odilia Valdes Collazo, President of the Pro Human Rights Party and member of the Internal Dissidence Working Group, detained by State Security.

July 3. Orestes Rodriguez Brea, Vice President of the 13th of July Movement, detained by State Security, placed under house arrest.

July 3. Dr. Frank Hernandez Loveira, Dr. Elias Vicent and Ana Maria Caballero, members of the 13th of July Movement, are visited and threatened by State Security.

July 3. Manual Fernandez Rocha, President of the Historical Studies Forum and lawyer for the Agramonte Current opposition group, detained by State Security.

July 3. Mercedes Sabourni Lomar, Secretary of the Nationalist Agenda Movement opposition group, receives two summons to appear before State Security.

Fourth of July. Jorge Gonzalez Puentes of the 13th of July Movement, detained by State Security, his old typewriter confiscated, and ordered to stay in his home until August.

July 4. Juan Ruiz Armenteros, Vice President of the Assistance Committee of the Internal Dissidence Working Group, Arnaldo Ramos Lauzurique of the Cuban Independent Economists Institute, and Georgina de las Mercedes Gonzalez Corbo of the Cuban Civic Current all threated by State Security at their homes, told not to leave.

July 4. Felix Bonne Carcasses of the Internal Dissidence Working Group is followed and threatened by State Security.

July 4. Juan Antonio Gonzalez Dalmau of the Cuban Civic Current opposition group, detained for questioning by State Security.

July 5. John Mendez Diaz and Osvaldo Caballero, a former political prisoner, both of the 13th of July Movement, detained by State Security.

July 5. Rafael Garcia Suarez of the Democratic Workers Confederation, arrested by State Security.

July 5. Raul Pimentel, President of an independent environmental group and opposition activist, arrested by State Security.

July 6. Raul Rojas, member of the Democratic Youth Movement, detained

by State Security after leaving the home of Marta Beatriz Roque, the economist. He is currently staging a hunger strike in prison.

July 6. Manuel Sanchez, member of the Internal Dissidence Working Group, threatened by State Security.

July 6. Nancy Gutierrez Perez, member of the Democratic Pacifist Movement, visited twice by State Security and threatened. ''Stop your activities,'' they told her.

July 7. Lazaro Lazo, an independent journalist and director of the Independent Press Bureau of Cuba, is threatened with attack by State Security, unless he immediately abandons his independent press activities.

July 10. Nicolas Rosario Rozabal, a correspondent for the independent Havana Press in Santiago was arrested by State Security.

July 11. Osvaldo Paya Sardinas, President of the Christian Liberation Movement, and fellow opposition activist Rene Montes de Oca are detained. Montes de Oca remains in detention.

July 12. Dr. Augusto Madrigal Izaguirre, director of the Cuban Independent College of Medicine, detained and questioned by State Security. Dr. Madrigal Izaguirre is active with the independent medical movement.

Lorenzo Paez Nunez, July 12, an independent journalist, sentenced to 18 months in prison for ''disrespecting Cuba's national police.''

July 12. Nancy de Varona, President of the July 13 Movement, is arrested. In addition, all of the executive committee members of the group are questioned by State Security that day.

July 13 was coming, the anniversary.

July 12. Juan Carlos Vasquez Garcia, a 26-year-old author from Cienfuegos, arrested by State Security.

July 13, the third anniversary of the sinking of the tug boat where over 70 refugees were trying to flee that hell which is Castro's Cuba and they were sunk pursuant to the orders of the tyrant, and more than 40 refugees died, including more than 20 children. That is July 13, the third anniversary, 3 years ago.

That day this year, Herbiberto Leyva Rodriguez, a member of Young People for Democracy, was detained and he is still being held at the provincial headquarters of the National Police in Palma Soriano in Santiago. He has been charged with, quote, disrespect to a judge, because at the end of the trial of Randames Garcia de la Vega, he exclaimed, ''This is proof that in Cuba there is no freedom or democracy.'' So he is still being held in prison for that.

July 16. Marta Beatriz Roque, the head of the independent economists that I referred to earlier, Feliz Bonne Carcaces, Vladimiro Roca and Rene Gomez Manzano, all leaders of the Internal Dissidence Working Group, were arrested. At that time they were taken to State Security headquarters at Villa Marista.

The four of them, the rest of those four leading opposition leaders is the only incident, Mr. Speaker, all these human rights violations 90 miles away that I have referred to, that our local newspaper here, the Washington Post, has reported. A very large article here in the Washington Post. Page A22, July 18.

KEY DISSIDENTS ARRESTED IN CUBA

The Cuban government said today that 4 dissidents are under arrest and are being investigated on suspicion of counterrevolutionary activities. Foreign Ministry spokesman Miguel Alfonso confirmed the arrests, reported by diplomatic and dissident sources, at a weekly briefing. Vladimiro Roca, Martha Beatriz Roque, Felix Bonne Carcasses and Rene Gomez Manzano, who lead the Working Group of Internal Dissidence, were arrested by State Security Wednesday, the sources said. It is extremely unusual for authorities to comment on arrests of Cuba's small and illegal dissident groups.

There has been a tyranny 38 years in Cuba. It allows no opposition. It reiterates that it will never hold elections while this tyrant is alive and never intends to unless it is forced to. It is engaged in a Stalinist crackdown that I have begun to describe and we see here the extent of coverage by the national media, the Washington Post, page A22, July 18.

Historians will have to describe why this reality exists that for some reason this tyrant can murder and imprison and use medicines for psychological torture and engage in electroshock therapy of political prisoners, and the reality of that regime is simply not covered by the national or international media. In fact, there have to be bombs placed in the hotels where Ms. Lucia Newman is of CNN in order for her to report that there are incidences of opposition to the regime.

It is so sad, Mr. Speaker. But it is a reality.

□ 2230

July 16, Luis Lopez Prendes, a journalist with the Independent Press Bureau of Cuba, is arrested by State security. He was among the first to report the bombings that I just referred to in tourist hotels in Havana on July 12.

July 17, Edel Jose Garcia Diaz is a journalist with the independent press agency Centro Norte del Pais, subjected to a government sponsored act of repudiation at his home.

July 17, Porfirio Batista Rodriquez, a member of the Pro Human Rights Party, is detained and interrogated by state security in Santa Clara.

July 17, Marilis Blazques Aparicio, member of the internal opposition and widow of former political prisoner Reynaldo Jimenez Herrera, is detained, interrogated and warned to abandon her counterrevolutionary activities.

July 17, David Flores Diaz, a member of the Democratic Solidarity Party in Villa Clara, is detained and interrogated by state security.

July 17, Cuba Moises Castaneda Rangel, member of the opposition Workers Union Movement and an active Seventh Day Adventist, is arrested and held in handcuffs in an underground blackout cell 48 hours and charged with ''dangerousness.''

July 19, State Security agents visit Ledonel Morejon Almagro and his wife Zohiris Aguilar Callejas at their home, where they are interrogated and threatened from 10 p.m. until 2 a.m. regarding their peaceful opposition activities within Concilio Cubano and Alianza Nacional Cubana. State Security warned Morejon Almagro that if he proceeds with this activism he will be sentenced to 25 years in prison, not 15 months like he was sentenced in 1996, but 25 years.

Similar visits were received by other signers of a document that I have here in my possession asking Castro to permit a plebescite like Pinochet, the dictator of Chile, permitted a few years ago. For that they were visited and said you will get 25 years if you continue with this, not 15 months like last time.

Also visited that night, July 19, Reinaldo Cozano Leon, Aguileo Cancio Chong, Ibrain Carrillo Fernandez, Neri Gorortiza Campoalegre, Jose Pastor Leon and Cecilia Zamora Cabrera.

July 20, Amnesty International issues a 13-page report titled Medical Concerns, where Amnesty International indicates their concern that political prisoners are not receiving adequate medical care in Cuba, and citing international sources, Amnesty International states that many political prisoners already suffer from malnutrition and excessive weight loss due to poor nutrition, which leads to anemia, diarrhea, parasite infections. Some of the most serious conditions developed include optic neuropathy, tuberculosis, beriberi and leptospirosis. Amnesty International also states that the conditions and solitary confinements of Cuban prisoners are brutally inhumane, lacking beds and mattresses and even natural or artificial lights. Political prisoners are also sent to prisons, according to Amnesty International, hundreds of miles away from their families, which makes family visits and contact practically impossible.

Amnesty International has also issued urgent action appeals for the arrests of the four leaders of the internal dissidents movement and also for Heriberto Leyva Rodriguez and the other leaders of the Young People for Democracy. I would like to at this point, Mr. Speaker, insert into the RECORD Amnesty International's urgent action appeal.

AMNESTY INTERNATIONAL USA'S,
URGENT ACTION APPEAL

July 18, 1997.

Further information on EXTRA 106/96 issued 11 July 1996 and re-issued 24 September 1996 and 3 June 1997 Legal concern/Ill-treatment and new concerns: harassment/prisoner of conscience/possible POC.

CUBA: Nestor Rodriguez Lobaina, Radamés Garcia de la Vega, Ramón Rodriguez, Rafael Fonseca Ochoa, new name: Heriberto Leyva Rodriguez.

Amnesty International is concerned at further developments relating to members of an unofficial youth group called Jóvenes por la

Democracia, Young People for Democracy, which has been campaigning for, amongst other things, changes in the Cuban university system. Radamés Garcia de la Vega, who was detained on 30 April 1997, was reportedly tried on 17 June 1997 and sentenced to 18 months' imprisonment, charged with ''desacato a la figura del Comandante en Jefe'', ''disrespect to the Commander in Chief'', i.e. President Fidel Castro.

Heriberto Leyva Rodriguez, also a member of the group, Young People for Democracy, was reportedly detained on 13 July 1997 and is being held at the provincial headquarters of the National Police in Palma Soriano, Santiago de Cuba province. He has been charged with ''desacato a un juez'', ''disrespect to a judge'', reportedly because, at the end of the trial of Radamés Garcia de la Vega, he exclaimed ''Esto es una prueba de que en Cuba no existe libertad ni democracia'', ''This is proof that in Cuba there is no freedom or democracy''.

Nestor Rodriguez Lobaina, President of the group, remains imprisoned in the Combinado de Guantánamo Prison. He had been sentenced in April 1997 to 18 months' imprisonment, charged with ''resisting authority'' and ''disrespect''.

There is no new information about Nestor Rodriguez' father, Ramón Rodriguez, or Rafael Fonseca Ochoa, also a member of Young People for Democracy, who were both threatened with arrest in April and May 1997 respectively.

Amnesty International is seeking the immediate and unconditional release of prisoners of conscience, Nestor Rodriguez Lobaina, Radamés Garcia de la Vega and Heriberto Leyva. The organization believes they have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly.

Further recommended action: Please send telegrams/telexes/faxes/express/airmail letters: urging that Nestor Rodriguez Lobaina, Radamés Garcia de la Vega and Heriberto Leyva Rodriguez be immediately and unconditionally released, on the grounds that they are prisoners of conscience, detained solely for peacefully exercising their rights to freedom of expression, association and assembly; urging that Heriberto Leyva Rodriguez be granted immediate access to a lawyer of his choice; urging that no reprisals be taken against relatives and others who try to make these cases public.

Appeals to: (1) Attorney-General: (Salutation) (Sr Fiscal General/Dear Attorney General).

Dr. Juan Escalona Reguera, Fiscal General de la República, Fiscalia General de la República, San Rafael 3, La Habana, Cuba, [Telegrams: Fiscal General, Havana, Cuba], [Telex: 511456 fisge].

(2) Minister of Foreign Affairs: (Señor Ministro/Dear Minister), Sr Roberto Robaina González, Ministro de Relaciones Exteriores, Ministerio de Relaciones Exteriores, Calzada No. 360, Vedado, La Habana, Cuba, [Telegrams: Ministro Relaciones Exteriores, Havana, Cuba], [Telex: 511122/511464/512950], [Fax: 011 53 7 333085/011 53 7 335261].

(3) Minister of the Interior: (Señor Ministro/ Dear Minister), General Abelardo Colomé Ibarra, Ministro de Interior, Ministerio del Interior, Plaza de la Revolución, La Habana, Cuba, [Telegrams: Ministro Interior, Havana, Cuba].

(4) Department of State Security: (Señor Director/Dear Sir), Sr Director, Departamento de Seguridad del Estado, Versalles, Santiago de Cuba, Cuba [Telegrams: Director, Seguridad del Estado, Santiago de Cuba, Cuba].

COPIES TO: *National Union of Jurists:* Unión Nacional de Juristas, Apartado 4161, La Habana 4, Cuba.

Editor of Granma (daily newspaper), Sr Jacinto Granda de Laserna, Granma, Apdo 6260, La Habana, Cuba.

For Urgent Action participants in the United States: Cuba has no embassy in the U.S. at present. To contact its interest in the U.S., write: Cuban Interests Section Mr. Fernando Remirez de Estenoz, 2630-16th St. NW, Washington, DC 20009.

Please send appeals immediately. Check with the Colorado office between 9:00 a.m. and 6:00 p.m., Mountain Time, weekdays only, if sending appeals after August 29, 1997.

July 22, 4:55 p.m. while dictating news to international news services, Lazaro Lazo and Cruz Lima, directors of the Agencia Patria news organizations in Camaguey and Ciego de Avila provinces, were detained and taken to an unknown destination.

July 22, Pascual Escalona Naranjo, National Coordinator of the Movimiento Pro Derechos Humanos Golfo de Guacanayabo, was detained under charges of dangerousness. His wife, Mirta Leyva Lopez, was threatened that she and her husband would lose custody of their 2 children by socially and morally deforming them and planting ideas in them contrary to those of a Communist education.

I think it is important to repeat what I just said. On July 22, when 2 dissidents were rounded up, they were told, the wife of Pascual Escalona Naranjo was told, that her 2 children, aged 10 and 8, would be taken from them because of their advocacy of democracy, their peaceful advocacy of democracy. Their children will be taken, your children will be taken away from you because of socially and morally deforming them. They say implanting ideas in them contrary to those with communist education.

This is unprecedented and unparalleled in history. Often people ask me why is it that Castro has lasted 38 years? There are many factors. But where in the world are peaceful pro democracy activists told that they are going to lose their children if they advocate democracy? Ninety miles away from the United States, in that land that the national media does not report what is going on. That is going on in Cuba, unprecedented and totally unconscionable.

July 24, Ricardo Gonzalez and Juan Antonio Sanchez Rodriguez, journalists for the independent news bureau Cuba Press, were assaulted by Cuban State Security. During the assault State Security agents stole their computer.

Today, July 28, my office received information that Jorge Garcia Perez Antonez and Jesus Chamber Ramirez have been transferred from the infamous Kilo 8 prison to unknown locations where their families cannot visit them, families do not know where they are. No one knows where they are.

Now, Mr. Speaker, a phenomenon that is common among Cuban political prisoners is the highest rate of cancer of prison population in the entire world.

When Leonel Morejon Almagro was first sentenced to the 15-month prison term in 1996 during which, by the way, around 70 of us here in the House, and I thank my colleagues who joined in that marvelous petition, so full of dignity seeking the Nobel Peace Prize for this young lawyer and pro democracy activist in Cuba, Leonel Morejon Almagro. When he was first sentenced to 15 months, last time in 1996, he was placed in the same prison cell where the renown political prisoner, Sebastian Arcos, was previously placed. Arcos, that man who is such an exemplary leader and who now is in exile and very sick in Miami, was denied medical attention for cancer while being confined in that cell for 3 years.

Now, Mr. Speaker, during these days that I have mentioned in this survey with the partial, very limited list of human rights violations that have reached me, the thousands of others, the thousands of other Cuban political prisoners, continued suffering the same savage brutality that they, in fact, continue to suffer to this very moment.

Col. Enrique Labrada continues to receive electroshock torture at the Mazorra Institution for the mentally ill. Labrada was sent there after staging a pro democracy protest on June 21, 1995. Sergio Aguiar Cruz, Francisco Chaviano, Omar del Poso, Jose Miranda, Jesus Chamber Ramirez, and so many others remain in dungeons in the 176 known prisoners, 176 known prisons where pro democracy political prisoners are kept in the enslaved Island of Cuba.

Now I want to thank at this point the American Bar Association for naming 2 of these Cuban human rights activists as winners of the prestigious ABA Litigation Section International Human Rights Award, Rene Gomez Manzano and Leonel Morejon Almagro. Of course Almagro is today in prison, and Manzano, who served his 15 months sentence, has just been told that if he continues in his activities, I am sure he will continue in because he is extraordinarily brave and admirable, he has been threatened for those peaceful activities by the regime, as I have just stated, to 25, that he will be sentenced to 25 years.

I would like to insert at this point in the RECORD the award given by the ABA to these 2 distinguished Cuban lawyers and human rights activists, Mr. Speaker.

TWO CUBAN LAWYERS NAMED WINNERS OF PRESTIGIOUS ABA LITIGATION SECTION INTERNATIONAL HUMAN RIGHTS AWARD

CHICAGO, July 9—Two Cuban lawyers who have represented dissidents in human rights cases, and founded independent organizations seeking to promote the rule of law in Cuba, will receive the annual International Human Rights Award from the American Bar Association Section of Litigation, during the ABA Annual Meeting in San Francisco next month.

Rene Gomez Manzano and Leonel Morejon Almagro are the 1997 award recipients. ABA Section of Litigation Chair Barry F. McNeil will present the awards during a noon luncheon on Tuesday, Aug. 5, in the California West room of the Westin St. Francis Hotel. Michael Tigar, past chair of the Litigation

Section and defense attorney for Oklahoma City bombing suspect Terry Nichols, will deliver the keynote address.

Gomez Manzano and Morejon Almagro are expected to attend the ceremony to accept their awards, provided they are allowed to travel to San Francisco and return to Cuba.

Gomez Manzano is the founder of Corriente Agramontista, an independent professional organization of lawyers in Cuba. Morejon Almagro is one of the founders of the Concilio Cubano, an umbrella organization of lawyers, journalists, accountants, economists and human rights activists.

The theme for the Litigation Section Meeting is, ''Bridge to the Future: Advocacy in a High-Tech World.'' The Section's meeting is held in conjunction with the ABA 1997 Annual Meeting, July 31–Aug. 6.

''Award recipients have pursued the highest ideals of our profession in the face of extraordinary adversity,'' said Christopher Wall, chair of the nomination process. ''These individuals face persecution for advocating rights we too often take for granted in the United States. We hope the award will provide international recognition that will help protect the award recipients from government reprisals.''

The Section of Litigation award annually recognizes lawyers and judges who have made extraordinary contributions in foreign countries to the causes of human rights, the rule of law, and promotion of access to justice.

''These courageous lawyers should be commended for their tireless efforts, and for holding to the belief that all individuals have a right to a fair and unbiased judicial process. We are proud to honor Dr. Gomez Manzano and Dr. Morejon Almagro for their dedication and commitment to promoting justice for Cuban citizens.''

In particular, the award recognizes the following contributions:

Rene Gomez Manzano, a Cuban lawyer, has worked for years defending cases involving human rights violations. He has openly criticized irregularities in court proceedings, and has been arrested and detained many times with no charges brought against him. He has been banned from the Supreme Court and expelled from his lawyers' collective. In 1990, Gomez Manzano helped organize the Corriente Agramontista, a group of lawyers willing to litigate political cases against the state. He has tried to register the organization as an independent law office responsible only to its clients and not the Cuban government. This request has been ignored, and meetings have been disrupted or prevented from taking place. The Corriente Agramontista seeks to reform Cuba's judicial system from within requiring the Cuban government to obey its own laws. Its 1991 manifesto calls for the establishment of a developed rule of law, an independent judiciary, and the democratization and decentralization of the system of state run law offices. In an article that appeared in the July 19, 1995, issue of American Lawyer, Gomez Manzano described the group's philosophy: ''We are not of one political current. We are a movement at the service of the whole country, whether Socialist, Christian Democratic or whatever. We are simply lawyers, professionals.''

Leonel Morejon Almagro, a Cuban lawyer, has faced repeated harassment for defending clients in cases against the government. In 1995 he was instrumental in establishing the Concilio Cubano, an umbrella organization composed of approximately 140 groups, including the Corriente Agramontista. The group's mission is to ''promote a peaceful transition to a democratic constitutional state and the establishment of a legal framework to guarantee the observance of universally accepted human rights.'' The Concilio Cubano has sought legal recognition from the government, which has been denied. The government has engaged in a campaign of harassment against the organization and its members since its inception. This campaign intensified after the Concilio Cubano formally requested authorization from the Cuban government to hold a national meeting in February 1996. Morejon Almagro was arrested, tried without due process, and sentenced to 15 months in prison for ''disrespect.'' During his detention, human rights organizations called for his release, and 57 congressmen signed a letter nominating him for the Nobel Peace Prize. Since his release only a few months ago, the Concilio Cubano has again petitioned the Cuban government requesting that the organization be allowed to meet, and Morejon Almagro has again been assaulted by government agents.

The Litigation Section of the American Bar Association includes approximately 60,000 trial lawyers, judges and others involved in all aspects of litigation and the dispute resolution process. The Litigation Section is dedicated to promoting justice both domestically and internationally and enhancing public understanding of and respect for the legal profession.

Also a brilliant and very impacting and important document named The Homeland, or The Nation, I guess, would be a better translation, the Nation Belongs To All, precisely by the four leaders of the Cuban dissidents task group. This statement is, as I say, of extraordinary importance. I thank Freedom House, commend Freedom House, for its translation and would encourage all my colleagues and those listening, watching through C–SPAN, to read this document.

Mr. Speaker, as I mentioned briefly before, July 13 was the third anniversary of perhaps the most heinous, cold-blooded crime, if it is possible to pinpoint any one crime of the Cuban tyrants in 38 years, the sinking of a boat full of refugees, and I do not think, I surely have never done this, I would like to read the names. There were four of the refugees who were missing, who are missing and are unaccounted for. Their names are not known. But 37 of the lost at sea that day are accounted for, and I would like to read their names and their ages.

These people, as I say, they had gone into a tugboat and were seeking to leave in 1994, July 13, and the order was given to sink them, and of course with power hoses they started trying to—that was how the aggression was first committed before these steel, other modern steel tugboats ran them and finally cracked opened the hull and this old tugboat sank, killing over 40 people.

But at the time that the power hoses began to be used against the refugees the refugees lifted some of the babies up so that they could see with the reflectors that they had children on board. That did not stop them. They continued with the power hoses, and of course then sank them, and more than 40 died. I insert these names into the RECORD, Mr. Speaker.

TUGBOAT MARCH 13

PASSENGER'S LIST, JULY 13, 1994

Juan Mario Gutierrez Garcia, age 11.
Giselle Borges Alvarez, age 4.
Eliesser Suarez, age 11.
Cindy Rodriguez Hernandez, age 2.
Jose Carlos Nicle Anaya, age 3.
Angel Rene Abreu Ruiz, age 3.
Caridad Leyva Tacoronte, age 4.
Yousel Eugenio Perez Tacoronte, age 11.
Gelen Martinez Enrique, age 6 months.
Yasel Perodin, age 11.
Liset Alvarez Guerra, age 24.
Lazaro Borges Briel, age 34.
Guillermo Cruz Martinez, age 46.
Joel Garcia Suarez, age 20.
Ernesto Alfonso Loureiro, age 25.
Amado Gonzalez Raices, age 50.
Fidencio Ramel Prieti Hernandez, age 50.
Rigoberto Peud Gonzalez, age 31.
Jorge Balmaseda Castillo, age 24.
Eduardo Suarez Esquivel, age 39.
Estrella Suarez Esquivel, age 45.
Omar Rodriguez Suarez, age 29.
Miralis Hernandez, age 26.
Rosa Maria Alcalde Puig, age 47.
Marta Carrasco, age 44.
Yaltamira Anaya, age 22.
Julia Caridad Ruiz Blanco, age 35.
Jorge, Arquimides Lebrigido Flores, age 28.
Leonardo Notario Gongora, age 27.
Marta Caridad Tacoronte Vega, age 36.
Mayulis Mendez Tacoronte, age 16.
Odalis Muños Garcia, age 20.
Mydalis Sanabria Cabrera, age 19.
Reynaldo Marrero, age 45.
Yuliana Enriquez Carrazana, age 23.
Pilar Almanza Romero, age 30.
Manuel Sanchez Gallol, age 59.
Mylena Labrada Tacoronte, age 3.
Susana Rojas Martinez, age 8.
Daney Estevez Martinez, age 3.
Yandi Gustavo Martinez Hidalgo, age 9.
Sergio Perodin, age 7.
Maria Victoria Garcia Suarez, age 28.
Mayda Tacoronte Vega, age 28.
Deysi Martinez Fundora, age 27.
Jusanny Tuero Sierra, age 20.
Janet Hernandez Gutierrez, age 19.
Jorge Luis Cuba Suarez, age 23.
Ivan Prieto Suarez, age 26.
Dariel Prieto Suarez, age 22.
Gustavo Guillermo Martinez Gutierrez, age 37.
Juan Gustavo Bargaza del Rino, age 39.
Juan Fidel Gonzalez Salinas, age 35.
Daniel Erik Herrera Diaz, age 21.
Eugenio Fuentes Diaz, age 28.
Arquimides Lebrrigido Gamboa, age 52.
Jorge Alberto Hernandez Avila.
Raul Ernesto Munos Garcia, age 23.
Reynaldo Marrero Carrazana.
Roman Lugo Martinez, age 36.
Sergia Perodin Almanza, age 38.
Frank Gonzalez Vazquez, age 20.
Modesto Almanza Romero, age 28.
Jose Fabian Valdez Coton, age 17.
Julio Cesar Dominguez Alcalde, age 32.
Pedro Francisco Crespo Galego, age 31.
Juan Bernardo Varela Amaro.
Armando Morales Piloto, age 37.

☐ 2245

They remain at the bottom of the sea about 7 miles out of Havana Harbor. The Cuban Government has never permitted anyone to go and seek the remains, to give them proper burial. Despite numerous requests from people within Cuba, as well as in the international community, for the Government to bring someone to justice, it has not, and of course it cannot, because it is the tyrant himself, the evidence dictates beyond all shadow of any doubt, who gave the order. So that is something that is going to have to be dealt with as soon as possible.

I would like to at this point also mention an article that did not come

out in the press here, but did come out in the press in Madrid in the ABC newspaper, which is one of the most prestigious and oldest newspapers in Madrid.

A doctor in Cuba in charge of the AIDS center in Santiago, Las Vegas, near Havana, has admitted that over 100 young people in Cuba have been injected with the AIDS virus in an experiment; that 90 percent of them have died; that they were told that, at the time they were injected, that there was a good chance that there would be a vaccine, a cure, developed before anything would happen to them, and that in the interim, they would be in a five-star luxury resort.

This is an admission by Dr. Jorge Perez, the director of the AIDS treatment center at Santiago Las Vegas in Havana. I have heard nothing from the national media in the United States, nothing on CNN, and yet an admission from this Cuban doctor was published in the ABC newspaper, this monstrosity.

The doctor said, ''We sinned from paternalism by presenting the AIDS detention center as a paradise.'' This monstrosity is something that I think the media has an obligation to bring to the international community and that the national media in the United States has an obligation to bring to the American people.

What we have, Mr. Speaker, is a tyrant whose jokes continue to be laughed at and his beard caressed by even some of our colleagues who go and visit there occasionally and laugh at his jokes, while his crimes are not even reported. The American people are not told about what he is doing.

Nevertheless, the instinct, the sense that the American people have about the fact that that tyrant is an enemy of the United States and a hater of his own people, is very strong and something that I think that history will see as a distinguishing characteristic of the American people, that ever wise, deeply wise American people.

Of course, the Cuban people will always be grateful for the sense of solidarity that has always come in that distinctive way from the people of this great Nation, the United States of America. I want to thank Assistant Secretary Jeffrey Davidow for stating, and I read it today, his remarks: ''The hemisphere cannot reach its potential, cannot become whole, cannot be fully democratic, cannot fully confront the realities of economic globalism or meet the challenges of crime, narcotics, human rights abuses, and other transnational issues, when one nation, Cuba, remains undemocratic.''

I thank him for that statement. It rings out as distinctive in this world, which demonstrates consistently such lack of solidarity and such lack of care, such lack of concern, such lack of awareness toward what is happening in the holocaust occurring 90 miles to that unarmed people, the Cuban people.

I think that obviously much more must be said, but, nevertheless, the statements of Secretary Davidow are to be commended and thanked. We will continue speaking, Mr. Speaker, on the reality of the Cuban tyranny, on human rights violations, on the fact that there is a cover-up going on by the Government, President Clinton, against the drug smuggling activities that the Cuban tyrant has engaged in.

My colleagues, the gentleman from Indiana, Mr. DAN BURTON, and the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, and I wrote a letter to General McCaffrey, the director of the Office of National Drug Control Policy, back in November, with page after page of evidence, and including other unclassified evidence that we have of Castro's participation in the drug trade.

We were very disappointed with his lack of response and also the lack of response of other agencies. There should be no contradiction between what the field people in south Florida tell us, and they have told us on tape of the fact that over 50 percent of the cocaine that comes into the United States in the Caribbean comes through or by Castro's Cuba, and the cover-up that we see time and time again from the top of the DEA and the White House.

That is unacceptable, and we are going to continue to talk about that, and we are going to have another Special Order soon specifically limited to this evidence that is being covered up of Castro's participation in the drug trade.

This is poisoning the youth of America, and for whatever reasons, of appeasement, of not wanting to confront Castro, a fear that he will release refugees, or whatever the fear is caused by, that appeasement is caused by, it is simply inexcusable that there is a cover-up of that dictatorship's participation in the drug trade.

So we will have another of these Special Orders in the next weeks, specifically on the evidence of Castro's participation in the drug trade and, thus, the cover-up that is occurring by the administration of the evidence that it knows, it has, of Castro's participation in the drug trade.

Suffice it to say at this point that there is an indictment ready to be filed by the U.S. attorney in the Southern District of Florida charging the Cuban Government as a racketeering enterprise, and 15 members of the hierarchy of the Cuban dictatorship, charging them with cocaine trafficking into the United States, and that because of a political decision, that indictment was put into a drawer and it has been hidden. It has not been authorized to be issued.

In addition to that, a drug trafficker who was arrested last year not only implicated Castro personally in multiple drug deals but agreed to go in under surveillance and do another deal with Castro, and the administration has shut that up as well.

So we will continue to talk about these subjects. The American people deserve it.

THE DANGERS OF THE PROPOSAL OF THE U.S. FISH AND WILDLIFE SERVICE TO INTRODUCE GRIZZLY BEARS INTO IDAHO

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for approximately 35 minutes, half the remaining time until midnight.

Mrs. CHENOWETH. Mr. Speaker, I am taken with the comments of my colleague, the gentleman from Florida [Mr. DIAZ-BALART]. He truly is a freedom-fighter, and I am very pleased that he brought these comments to the attention of the American people.

I want to speak on an entirely different issue, in an entirely different area of the world. I would like to begin my comments tonight, Mr. Speaker, with a joke. Members may have heard the joke. A preacher was being chased down the mountain by a grizzly bear. Just as the bear was about to catch him, the preacher fell to his knees and made a plea to God. He said, Oh, Lord, I implore you to make a Christian out of this bear. Shortly after this prayer, the grizzly bear immediately fell to his knees and proclaimed, Dear Lord, please bless this food I am about to eat.

Mr. Speaker, that was a joke, but, unfortunately, what I am about to share with Members tonight is not a joke, it is reality. I rise this evening to speak about the proposed introduction of these man-eating animals in my State.

Yes, that is true. I would say to my colleagues who are listening, if they have ever wondered why many Members in the West like me have real concerns about the current implementation of the Endangered Species Act, I beseech them to listen attentively to my comments. I think only then Members will begin to understand the sense of sometimes the absurd manner in which this act is being carried out by the Federal agencies. If there ever was an example of how out of touch our extreme environmental policies have become, this is it.

Quite simply, the U.S. Fish and Wildlife Service has actually prepared a plan to introduce grizzly bears, known by their Latin name as ursus horribilis, into a huge portion of my district.

Mr. Speaker, let me explain to the Members what the implications are of this proposal to the management policies of a significant portion of the State of Idaho. To help illustrate my point, I would like to draw Members' attention to this rather large map of Idaho that has marked in it the area that the Fish and Wildlife Service has designated as the recovery area for the grizzly bear under their plan to introduce the bear back into the State.

As we can see, this is an enormous area. It is almost 28.5 million acres. It includes 14 counties populated by nearly a quarter of a million people and has at least 13.2 million visitors a year. It is over one-third of the State of Idaho.

The grizzly bear recovery area runs very close to Boise, ID. It includes an area that has our University of Idaho in it. It has many populated areas in this area. Just to give Members an idea about how big this area is, let me give a comparison. In this area we could fit the States of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Vermont, and Rhode Island, into this area that we see colored in red on this map, plus have over 1 million acres to spare.

How would the introduction of the grizzly bear affect this massive area? The grizzly bear, in terms of management, is unlike any other species. In short, it is a huge and dangerous animal, and that is a huge and dangerous problem for us. The grizzly bear is, by its nature, a large predatory mammal that, provoked or unprovoked, can move very quickly to viciously attack a human or an animal. In addition, the grizzly has special dietary needs and requires a vast amount of area for its habitat, which can range between 10 square miles and 168 square miles, depending on the availability of food.

The Wildlife Management Institute states in its book ''Big Game of North America, Ecology and Management,'' that, and I quote, ''For most species, protection is an uncomplicated and effective method of preservation. When bears are totally protected, however, some individual bears can be aggressive towards people or cause damage to livestock and property, which makes imperative a different form of management.''

The book cites several distinct human-related activities grizzly bear management needs to address in favor of the grizzly bear. These management considerations include the construction of town sites and populated areas, which by the way, already exist; campgrounds, which already exist; trails; roads; storage of food or bait, and garbage disposal; the allowance of too many people into prime bear habitat for a multitude of activity, such as simple living, hiking, fishing, hunting, camping, livestock management, and the allocation of space for forage, and other resources in areas heavily used by both bears and humans.

In essence, what introducing the unpredictable grizzly bear under the full protection of the Endangered Species Act means is that this large area that we see blocked in this map will experience a complete change in its lifestyle. People will not be able to behave or work in the way they used to in this area, in this part of Idaho. Roads normally open will be shut down. Hiking trails will be restricted. Camping areas will be closed. Hunting will be restricted. Livestock and logging practices will be dramatically altered.

All in all, in order for the bears to survive and diminish human risk, hundreds of square miles at any given time, depending on where the bear roams, would either have to be shut down or have human activity severely restricted.

Let me quote from a very interesting book about the behavior of grizzly bears, in a book titled ''Alaska Bear Tales.'' The book states that, ''A bear's nature is definitely interesting and different. They have their own individuality. No two bears will do the same thing in a given situation, and a bear may not do the same thing twice. But then again, though there will always be exceptions to the last statement, it would serve us well to commit it to memory.''

I ask Members, Mr. Speaker, if every individual bear's behavior is so different, how in the world can the bureaucrats begin to come up with any workable management scheme for bears? It is just not going to work.

How does the Fish and Wildlife Service intend to answer that question? Their only answer is, and I will tell the Members straight out, it is by shutting down human activity in the area that we see on this colored map.

□ 2300

The changes would result from the existence of protected grizzly bears that would dramatically alter the management of this area in Idaho and some in Montana. This is an absolute perversion of the Endangered Species Act. This is a perfect example of how the legitimate goals of the act, once supported by almost everyone, have been twisted to fit the whims of a few who have a different view on how our land should be managed. It is a ploy that those who are directly affected by this misapplication of the act have come to resent.

Mr. Speaker, I would like to expound further on a very important element of the grizzly bear introduction and that is the danger these predators present to human beings. This aspect brings the grizzly bear introduction into a whole new realm of incomprehensibility of purpose and unmeasured cost.

Mr. Speaker, it is an undisputed fact that the grizzly bears tend to possess a propensity of violence toward humans and animals. As the Fish and Wildlife Service well documents, grizzly bears were almost exterminated from the lower 48 States, and this was not because there was a market for their fur or for their meat, because there was not, but simply because individuals who settled in the Great Plains in Idaho, Montana and California, whose flags bear the picture of an emblem of the grizzly bear, they all sought protection for their families and their domestic animals from what in their minds was the most terrifying of all animals in America.

While settlers may have recognized the majesty of these animals, they realized the horrible threat that they were, and there was no Federal act that stopped them from taking action to eliminate this threat. Thank goodness. Lewis and Clark described in their journals the absolute terror that they and the Indians had for these animals, the extreme frustration that they felt when they could not successfully kill the animals, even with several shots fired from their 18th century guns.

Mr. Speaker, I think that it is important in looking at this issue to share just how vicious the grizzly bears are to human beings. Let me warn you, what I am going to speak about is a bit gruesome but it is a real factor in this issue and it needs to be laid out there.

An adult grisly can weigh as much as 450 pounds. It can run up to 40 miles an hour over irregular terrain. It has a keen sense of hearing and an even keener sense of smell. The teeth are large and very, very sturdy, especially the canines, and although they are not particularly sharp, the power of the jaw muscles allow them to readily penetrate deep into soft tissues and to fracture facial bones and bones of the hand and forearm with ease.

The resulting trauma is characteristically a result of punctures with sheering, tearing, and crushing force. Claws on the front pads can be as long as human fingers and can produce significant soft tissue damage in a scraping maneuver that results in deep parallel gashes. The bear paw is capable of delivering powerful forces, resulting in significant blunt trauma, particularly to the head and the neck region, the rib cage and the abdomen.

In many reported cases bears attack and then they begin to back off and wait and watch and again resume mauling the victim, sometimes going for the head, especially if they see movement.

The bears then wait and watch, once again, and then swipe claws across the genital areas to test signs of life. And this is typical. An unarmed person's only defense, say the experts, is to play dead and whatever, the experts advise, do not move. Unfortunately, if a bear is hungry or angered or if you happen to be between a bear and a cub or a pile of food, you may not have time to get down and play dead. When one studies bear attacks, it is easy to see why humans have developed a healthy fear of these animals.

Let me also note that while it is an unusual occurrence, grizzly bear attacks on humans do continue on a regular basis in areas where the bear exists. That is why we do not want it to exist in Idaho.

Grizzly bears have not become kinder and gentler with age. In fact, in the past few years, because more people are recreating in our forests and lands, documented attacks have increased.

Let me share with you some of these recent occurrences. In early September 1996, an individual hunting elk in an area a few miles north of Yellowstone was attacked without provocation. He was with another hunter, questioning the notion that bears only attacked individuals who are alone, and had part of his biceps bitten off.

In Alaska, where grizzly bear attacks occur on a regular basis, recently a

woman and her husband were backpacking in a wilderness area near Fairbanks. The woman was attacked by a grizzly which resulted in her facial bones being smashed, her nose missing, her scalp shredded or gone, massive wounds in her legs and buttocks.

Also an American woman is suing the Canadian Government because of emotional and physical scars left from a grizzly rampage at a Canadian park campgrounds in 1995. A number of unreported bear encounters occurred shortly before the ranger and friends had their tents ripped through and were attacked by grizzly bears early in the morning, and the attack left the ranger with a number of disfiguring scars.

In August 1996, a man on a hiking trip was killed by a grizzly bear in Alaska. The man and his friends had taken all the suggested precautions in going into known bear country, such as wearing bear bells and making noise while they hiked through the brush. The attack was quick and the man was killed very rapidly.

In June 1996, an elderly man hiking a common trail in Glacier National Park while taking a rest was attacked by a grizzly bear leaving a gash in his scalp, a trail of holes down his back, and a broken leg bone. Park officials determined that the man had inadvertently invaded the bear's space and, therefore, it did not need to be relocated or killed.

In August 1996, an experienced backpacker was killed in the Yukon Territory by a grizzly bear. And in October 1995, a man hiking in British Columbia was attacked by a bear after taking off his shoes and socks near a stream. Also in October 1995, two hunters were killed by three grizzly bears in British Columbia and they were carrying out a carcass of elk. You cannot possibly expect to hunt, dress out game, and pack it out without having blood on your hands, blood on your clothes, an immediate attraction for grizzly bears.

In August 1996, a 9-year-old, 550-pound grizzly bear near the Yellowstone area was finally destroyed by park officials after killing dozens of cattle, preying on 10 calves alone in the 2 weeks before it was put to death. Since 1990, there have been 17 grizzly bear maulings in Glacier National Park, 5 maulings in Yellowstone Park.

One very compelling story is that of an 18-year-old boy, living not far from my district in Broadus, MT. His name is Bram Shaffer. He was hunting near Horseshoe Mountain, 10 miles north of Yellowstone, and he was walking along quietly, not calling out and certainly no bear calls, keeping his eyes mostly on the ground, when he stepped out of the stand of trees to find a grizzly bear already charging him. The 18-year-old had time to take four desperate steps, trying to get out of the way, when Bram's head was suddenly in the bear's mouth and then Bram later wrote, she threw me to the ground and started chewing on me like I was a big dog bone. She had my left thigh in her mouth, and she was shaking me around like a dog would a dish towel.

When it was over, Bram was alone in the woods. It was getting dark and beginning to rain. The temperature near freezing. The bear had bitten a chunk of meat from his right side under his arm about the size of a football. One hand and wrist were chewed up. The scalp was open to the bone. He was covered with blood but worst of all was his left thigh. It looked like someone had taken an axe to it again and again. Most of the big muscle that runs down the front of the thigh was hanging out of his jeans, peeled back from his leg for much of its length.

Most of us would have fainted at that sight but Bram tucked the muscle back in his jeans as best he could and tied it up with his hunting vest. He got up and he found that while he could not bend the leg, he could walk stiff legged using his wounded left knee as kind of a peg. He could not go uphill but he could go downhill and he had his rifle and 9 rounds so he knew he could fire signal shots and he knew they would come looking for him. Even after rescue, many hours later, his nightmare was not over. He waged a war against gangrene. As his doctors explained a bear's mouth is notoriously foul, especially one that had been feeding on intestines. But Bram managed to survive and after three operations expert surgeons managed to save his leg. About 35 percent of his thigh is simply gone. He walks with the help of crutches and will likely have a severe limp for the rest of his life.

Mr. Speaker, when I presented these types of concerns about human risk to the Fish and Wildlife Service at a recent hearing I held in the House Subcommittee on Forest and Forest Health, I was quite dumbfounded at the response that I was given by the officials in charge of this program. I asked them if they knew that there was a known killer in the forest, would they allow that killer to remain there to cause harm to human life and limb?

They, too, recognized the danger of grizzly bears. However, they brushed the threat off as being rare and part of the thrill of being in the wild. They rationalized that putting grizzly bears in the woods only makes it a part of the other natural dangers that anyone must contend with when they venture out into the wide open. Even with their plan they estimate that there could be about one human injury or death each year.

Let me repeat, the Fish and Wildlife Service is planning for about one human injury that could result in death due to the grizzly every single year.

Mr. Speaker, I have to say that I was mystified by that response. I ask this House, Mr. Speaker, is introducing this predator, one that is not threatened with extinction, worth the cost of even one human life? Is it worth even the cost Bram Shaffer and his family have had to pay for his injuries?

Mr. Speaker, using this same logic introducing the grizzlies into Idaho is like pouring toxic substance into a water supply. It may only kill one in 10,000 or so, but it still is not a good thing to do. And in addition, knowingly doing this makes one liable for serious personal injury claims involving negligent disregard for human life and safety. I would like to share with you how a dangerous instrumentality is defined by law. Keep in mind that these are the types of definitions created through case law that are used when liability cases are considered in court.

The Black's Law Dictionary defines a dangerous instrumentality as anything which has the inherent capacity to place people in peril, either in itself or by careless use of it. Due care must be used to avoid injury to those reasonably expected to be in proximity. And it goes on to say, ''in certain cases absolute liability may be imposed.''

Mr. Speaker, based on what I have described to you, can introducing the deadly grizzly bear into the human environment be construed to mean anything differently than the inherent capacity to place people who are in the proximity in peril? I think not.

What this clearly means to me is that introducing a dangerous predator in a human environment will undoubtedly open up the prospect of making the Government or its personnel liable in courts from any resulting death or injury. This could potentially be very costly to the taxpayers.

Let me say for the record, Mr. Speaker, not one human death or injury resulting from a grizzly bear attack is acceptable to this Congressman. In fact, it should not be accepted by anyone who values human life. I do not want to have to stand up before a spouse, a parent, a child, brother, or sister who have lost their loved one because of a rare occurring brutal grizzly bear attack and explain that this tragedy would not have occurred had we not introduced this dangerous animal into Idaho in the first place.

☐ 2315

In addition, for those who visit and work in this beautiful area, the threat of abrupt death or injury, no matter how unlikely it may seem, will also always be in the back of their minds. When we hike on our trails, when we sleep in our tents or go about our business, we will always have to contend with the possibility that we have accidentally stepped in the pathway between a mother grizzly and her cub, an often fatal error.

Mr. Speaker, with all of the concerns that I have shared tonight, and believe me this is not an easy special order speech to give because it is so unpleasant, but it should come as no small wonder that the opposition in Idaho against this misguided proposal is overwhelming and decisive. In fact, every single elected official in Idaho, and that includes the entire congressional delegation, the Governor, the

entire State House, the Attorney General, every State legislator, with the exception of one who voted against a resolution opposing the grizzly bear introduction, all the county commissioners, the sheriffs, so on and so forth, are adamantly opposed to the introduction of grizzly bears even as an experimental population.

And, remember, Mr. Speaker, they are not in danger of extinction. Even the head of the Idaho Fish and Game Department has publicly stated that, under the direction of the Governor, he will not issue permits to allow the bears into this State, and yet the program goes on. This is utter arrogance, utter nonsense, and a total misexpenditure of the American taxpayer.

In addition, 90 percent of the people who live, recreate and work in the affected area are dead set against this proposal. Campers and hikers are concerned, for obvious safety reasons, and because many of the trails in areas would be made off limits. Hunters are also concerned about dramatic reductions in the game animal population. Ranchers are concerned about loss of cattle and road closures, and private property owners are deeply concerned about bears foraging too close to their homes.

Overall, people are not only afraid of the immediate threat, and I mean afraid of the immediate threat of having bears in their backyards, but also being subject to severe restrictions in accessing the forest and lands both for recreational and industrial purposes.

Mr. Speaker, what part of ''no'' does the Fish and Wildlife not understand about this crazy program? Amazingly, despite being fully aware of the State's solidarity against their proposal, the Fish and Wildlife Service is moving forward with their plans to introduce these bears. What is even more incredible and even more unbelievable is that the way they are addressing the State's concerns.

The preferred alternative for the introduction of the bear is to turn the day-to-day management of these animals over to the State and community as part of a citizens management committee. I can tell my colleagues the State does not want them. But what that really means is that the management and enforcement of an ill-advised and hazard-filled program will be passed to individuals, some of whom have strenuously opposed the very idea of introduction from the beginning.

On its face, it is utterly preposterous. How will the local citizens feel when their county government has to close numerous roads and trails because it is bear habitat, grizzly bear habitat? Will the local governments be able to handle the cost of litigation coming from groups seeking costs of damages caused by the bear, or from environmental groups who feel that there are not enough restrictions on land use?

How will local law enforcement deal with the dilemma of prosecuting a rancher who has killed one of the bears to protect his livestock? My colleagues may say the Endangered Species Act allows for ranchers to protect their property or their life. Well, ask John Schuler, a rancher in Montana, who early one February morning was awakened to the unmistakable sound of a grizzly bear in his sheep pens. He got up and went outside and fired a couple of shots and, sure enough, a couple of grizzlies bounded out of the sheep pens, and the sheep were piling up on one end.

Well, John Schuler stayed out there for 2 or 3 hours with the sheep and he did not see any more signs of the grizzly so he decided to go back to get an hour or so of sleep before dawn. As he was going back to his house, suddenly out of the dark rose a grizzly bear with his paws in the air and he growled. John Schuler did what any human being would do with a gun in his hand: He shot the bear.

Well, the bear came down, and there was no stirring or movement, so John Schuler went on and went ahead to his home to get a couple of winks of sleep, deciding he would take care of the carcass, notify the proper agencies in the morning, and so he did. But when he came out in the morning the grizzly bear was gone and all there was was a trail of blood into the woods.

Well, John Schuler got his gun and dogs and went into the woods. He had not been there long when a wounded grizzly bear charged him, bent on killing John Schuler. Well, this time John Schuler shot the bear and made sure that the bear was dead. He notified the agencies and they came out and did the necessary investigation. And lo and behold, Fish and Wildlife Service sued John Schuler for the intentional taking of an endangered species.

One might think that case would be easy to defend. In fact, one of America's finest litigating organizations, the Mountain States Legal Foundation, defended John Schuler. But in the lower court they lost, and that issue is on appeal now. But they lost and John Schuler was fined.

The judge reasoned that when John Schuler shot the bear, when the bear rose up and growled at him when he was going back to his home, the judge reasoned that that was a greeting; a greeting, Mr. Speaker. And what about when the bear came out of the bushes bent on killing John Schuler? Did he not have a right to defend his life? Well, the judge reasoned that the bear was provoked by John Schuler's actions the night before, and so the bear was doing only what bears normally do when they are provoked: They kill humans.

No, we must do something in this Congress to make sure that we begin to put the Endangered Species Act back on a stable and focused plan.

I would like to make one last point, Mr. Speaker, that even makes this whole idea absurd. The introduction of the grizzly bear into Idaho is not even necessary, as I have said before, for their survival or even the recovery of the species. Let me say that again. For the fourth time, the introduction of the grizzly bear in Idaho is not even necessary for their survival or even the recovery of the species.

The agency has arbitrarily chosen this area to introduce grizzly bears, not because the species is in danger of extinction but because they have determined this area is suitable habitat and historically inhabited by grizzly bears.

Just wait, Mr. Speaker, until they try to introduce the grizzly bear into the Great Plains or California. Keep in mind, Mr. Speaker, grizzly bears currently inhabit and are beginning to thrive in such areas as Yellowstone Park and the Cabinet-Yaak Mountains in Montana, and are already currently protected by the Endangered Species Act. In addition, the grizzly bear numbers in the tens of thousands in Canada and Alaska.

In other words, Mr. Speaker, where ursus horribilis exists, there is no threat of extinction. However, because they are not where the Government thinks they may have possibly existed, and where the Government thinks in their misguided wisdom that they should be now, which according to the Fish and Wildlife Service is most of the Western United States, the Endangered Species Act requires them to expend taxpayer resources to eventually return them to these areas, or so they think the ESA requires them.

This, in my opinion, is not an appropriate utilization of the act or taxpayers' money. In fact, I would like to read from the act itself, the section that delineates the process of introducing experimental populations which the Service is citing as their authority for this proposed action.

It states: ''Before authorizing the release of any experimental population, the Secretary shall by regulation identify the population and determine, on the best available information, whether or not such a population is essential to the continued existence of an endangered species or a threatened species.''

Mr. Speaker, is the introduction of the grizzly bear into the Bitterroot area in Idaho essential to the continued existence of the grizzly bear as required by this section? Clearly, Mr. Speaker, it is not.

Further, it might surprise my colleagues to know that when ESA was reauthorized in 1978, the Congress was concerned about the unnecessary expansion, back then, 9 years ago, the unnecessary expansion of the grizzly bear habitat in the West, and even addressed this concern in the committee report that accompanied the act.

That is surprising, is it not? Allow me to read from the 1978 congressional report.

''The committee is particularly concerned about the implications of this policy where extremely large land areas are involved in a critical habitat designation. For example, as much as

10 million acres of Forest Service land is involved in a critical habitat being proposed for the grizzly bear in the Western United States. Much of the land involved in this proposed designation is not habitat that is necessary for the continued survival of the bear.''

We do not have just 10 million acres, Mr. Speaker, that they are proposing here. We can set five eastern States inside this area. Clearly, the agency is ignoring what the congressional intent is and what the Congress specifically addressed in 1978, and clearly Congress had in mind the unnecessary expansion of grizzly habitat when it reauthorized the Endangered Species Act in 1978.

The real question is why the agencies blatantly disregard the explicit congressional intent in this matter and have moved forward in designating this massive area in Idaho and Montana for the grizzly bear, driven on by special interest national environmental groups.

Mr. Speaker, I would venture to say that any Member of this Chamber, whether they are Democrat or Republican, eastern or western, conservative or liberal, if faced with the possibility of having ursus horribilis introduced into their district, I would be happy if they would stand up, as I have, and vigorously object to this. If there is one in this body who feel that they could defend having the bears in their district, please see me and I think we can arrange something. Somehow, I doubt that there is such a Member.

If Members are among those who would oppose this action in their district, then I would implore them, any of the Members of this body, to join me in stopping this completely unnecessary and costly action from happening in my district. They can do so by cosponsoring H.R. 2162, a bill that I have introduced that simply would prohibit the reintroduction of grizzly bears into the Bitterroot ecosystem in east central Idaho.

With my colleagues' help we can stop this nonsense by the Fish and Wildlife Service and work on a more legitimate use of the Endangered Species Act. Continuing these efforts to introduce dangerous predators where millions of people live and work will only serve to give ESA another black eye and turn more people against the environmental policies of this administration.

I hope that in my speech tonight, that I have been able to educate my colleagues with some very strong evidence of how the policies instituted under the Endangered Species Act have completely gone adrift. I also hope that it will drive my colleagues, as it has me, to come together and to rein in this extreme environmental policy that we now see running rampant in some of our agencies, and come up with one that addresses the real needs of our environment, while at the same time respecting the lives and livelihoods of those who are affected by our environmental policies.

It can be done, Mr. Speaker. It must be done. And with all of our help, working together, it will be done.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY), for today and the balance of the week, on account of his father's death.

Mr. SCHIFF (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Ms. EVANS (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 7 p.m., on account of personal reasons.

Mr. GONZALEZ (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. RUSH (at the request of Mr. GEPHARDT), for today, on account of airline cancellation due to inclement weather.

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 Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request, of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. HUTCHINSON, for 5 minutes, on July 29.

Mr. HILL, for 5 minutes, on July 29.

Mr. GIBBONS, for 5 minutes, on July 29.

Ms. ROS-LEHTINEN, for 5 minutes, on July 29.

Mr. KASICH, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, on July 29.

Mr. GOSS, for 5 minutes, on July 29.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. DEFAZIO.

Mr. HAMILTON.

Mr. BENTSEN.

Mr. LANTOS.

Mr. MILLER of California.

Mr. CLEMENT.

Mrs. CARSON.

Mr. JOHNSON of Wisconsin.

Mr. CONYERS.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. FORBES.

Mr. SOLOMON.

Mr. SCHIFF.

Mr. LEWIS of California.

Mr. BILIRAKIS.

Mr. RAMSTAD.

(The following Members (at the request of Mrs. CHENOWETH) and to include extraneous matter:)

Mr. COSTELLO.

Mr. BALLENGER.

Mr. PACKARD.

Mr. GREEN.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 1043. An act to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. Con. Res. 43. Concurrent resolution urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup; to the Committee on Ways and Means.

□ 2330

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 29, 1997, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4367. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sheep Promotion, Research, and Information [No. LS–97–002] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4368. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Popcorn Promotion, Research, and Consumer Information Order [FV–96–706FR] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4369. A letter from the Administrator, Agricultural Marketing Service, transmitting

the Service's final rule—Milk in the Carolina and Certain Other Marketing Areas; Order Amending the Orders [Docket No. AO–388–A9, et al.; DA–96–08] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4370. A letter from the Acting Administrator, Agricultural Research Service, transmitting the Service's final rule—National Arboretum [7 CFR Part 500] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4371. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—User Fees; Agricultural Quarantine and Inspection Services [Docket No. 96–038–3] (RIN: 0579–AA81) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4372. A letter from the Administrator, Cooperative State Research, Education, and Extension Service, transmitting the Service's final rule—1890 Institution Capacity Building Grants Program; Administrative Provisions (RIN: 0524–AA03) received July 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4373. A letter from the Administrator, Cooperative State Research, Education, and Extension Service, transmitting the Service's final rule—Higher Education Challenge Grants Program; Administrative Provisions (RIN: 0524–AA02) received July 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4374. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances for Emergency Exemptions [OPP–300510; FRL–5729–3] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4375. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambdacyhalothrin; Time-Limited Pesticide Tolerance [OPP–300509; FRL–5728–8] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4376. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP–300511; FRL–5729–4] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4377. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Pesticide Tolerance [OPP–300507; FRL–5727–9] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4378. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances [OPP–300508; FRL–5728–3] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4379. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fomesafen; Pesticide Tolerances for Emergency Exemptions [OPP–300512; FRL–5729–5] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4380. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Disaster Set-Aside Program—Second Installment Set-Aside [Workplan No. 96–051] (RIN: 0560–AE98) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4381. A letter from the Acting Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity Trading Advisors for Delivery of Disclosure Documents and Other Materials [17 CFR Part 4] received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4382. A letter from the Secretary of Agriculture, transmitting a report of a technical violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4383. A letter from the Director, Defense Finance and Accounting Service, transmitting notification that the Defense Finance and Accounting Service (DFAS) is modifying the scope of the cost comparison study of accounting functions supporting the Defense Commissary Agency (DeCA), pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

4384. A letter from the Assistant Secretary, Department of the Navy, transmitting notification of the Secretary's intent to study a commercial or industrial type function performed by 45 or more civilian employees for possible outsourcing, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

4385. A letter from the Secretary of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the H–60 multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

4386. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report entitled ''FINANCIAL AUDIT: Panama Canal Commission's 1996 and 1995 Financial Statements'' [GAO/AIMD–97–92] July 1997, pursuant to 31 U.S.C. 9106(a); to the Committee on National Security.

4387. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Extension of the Active Duty Dependents Dental Plan to Overseas Areas [DoD 6010.8–R] (RIN: 0720–AA36) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4388. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Truth in Negotiations and Related Changes [DFARS Case 95–D708] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4389. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1992, pursuant to 22 U.S.C. 284b, 285b(b), 286b(b)(5), 286b–1, 286b–2(a), and 290i–3; to the Committee on Banking and Financial Services.

4390. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Procedure for Imposing Assessments on the FHLBanks [No. 97–42] (RIN: 3069–AA51) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4391. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 514(a) of the Housing Act of 1949 to expand the entities eligible for farm labor housing loans to include limited partnerships, in which the general partners are nonprofit entities; to the Committee on Banking and Financial Services.

4392. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 173, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4393. A letter from the Secretary of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4394. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Direct Grant Programs (RIN: 1880–AA76) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4395. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Report to Congress 1996, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

4396. A letter from the Executive Vice President and Chief Operating Officer, Corporation for Public Broadcasting, transmitting the annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to Public Law 100–626, section 9(a) (102 Stat. 3211); to the Committee on Commerce.

4397. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products; Fluorescent and Incandescent Lamp Test Procedures [Docket No. EE–RM–220–IF] (RIN: 1904–AA61) received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4398. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulations; Department of Energy Management and Operating Contracts [1991–AB–28] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Criteria for Municipal Solid Waste Landfills [FRL–5275–3; FRL–5865–3] (RIN: 2050–AE24) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Revisions to the Tennessee SIP Regarding Prevention of Significant Deterioration and Volatile Organic Compounds [TN189–1–9730(b); TN194–1–9731(b); TN198–1–9732(b); FRL–5859–7] received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15% Rate of Progress

Plan and Contingency Measures for the Cecil County Nonattainment Area [MD 038–3016; FRL–5864–9] received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4402. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN44–01–7269a; FRL–5861–6] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plans; Vermont: PM10 Prevention of Significant Deterioration Increments [VT–01–015–01–1217(a); A–1–FRL–5859–9] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4404. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Wisconsin [WI66–01–7242; FRL–5861–8] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4405. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; Federal-State Joint Board on Universal Service [CC Docket No. 97–21; CC Docket No. 96–45] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4406. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Radiological Criteria for License Termination (RIN: 3150–AD65) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4407. A letter from the Secretary of Health and Human Services, transmitting a report entitled ''Performance Improvement 1997: Evaluation Activities of the U.S. Department of Health and Human Services,'' pursuant to section 241(b) of the Public Health Service Act; to the Committee on Commerce.

4408. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 08–97 for U.S. involvement in the NATO Tactical Communications (TACOMS) in the Land Combat Zone Post-2000, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC–83–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4410. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Russia, Ukraine and Norway (Transmittal No. DTC–16–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC–43–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4412. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Turkey (Transmittal No. DTC–64–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Turkey (Transmittal No. DTC–61–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Turkey (Transmittal No. DTC–25–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Federation of Bosnia and Herzegovina (Transmittal No. DTC–66–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4416. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4417. A letter from the Administrator, U.S. Agency for International Development, transmitting the policy justification for a proposed transfer of funds from the Development Assistance account to the account for Operating Expenses of the U.S. Agency for International Development, pursuant to section 652 of the Foreign Assistance Act of 1961; to the Committee on International Relations.

4418. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [97–014] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4419. A letter from the Director of Benefits, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Bank of Texas Pension Plan for 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4420. A letter from the Director, Office of Personnel Management, transmitting a report on Physicians Comparability Allowances, pursuant to Public Law 103–114; to the Committee on Government Reform and Oversight.

4421. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4422. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule for 13 Plant Taxa from the Northern Channel Islands, California (RIN: 1018–AD39) received July 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4423. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1997 Closure [Docket No. 970612136–7136–01; I.D. 071797B] received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4424. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Vessel Monitoring System [Docket No. 970623152–7152–01; I.D. 061897A] (RIN: 0648–AJ57) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4425. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Final Guidelines for Megan's Law and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (RIN: 1105–AA50) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4426. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Mandatory English-as-a-Second Language Program [BOP–1013–F] (RIN: 1120–AA19) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4427. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department's final rule—Danger Zone, Pacific Ocean, Naval Air Weapons Station, Point Mugu, Ventura County, California [33 CFR Part 334] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4428. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Streamlined Procedures for Modifying Approved Publicly Owned Treatment Works Pretreatment Programs [FRL–5859–8] (RIN: 2040–AC57) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4429. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Approval of Training by Independent Study, Including Television (RIN: 2900–AI34) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4430. A letter from the Secretary of Commerce, transmitting the Annual Report of the Secretary of Commerce to the Congress for the fiscal year ending September 30, 1996, pursuant to 15 U.S.C. 1519; jointly to the Committees on Commerce, Ways and Means, Government Reform and Oversight, the Judiciary, Science, Transportation and Infrastructure, Banking and Financial Services, and International Relations.

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. GEKAS: Committee on the Judiciary. H.R. 1596. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes (Rept. 105–208). Referred to the

Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1855. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; with an amendment (Rept. 105–209). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 29. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the ''Ronald H. Brown Federal Building'' (Rept. 105–210). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 824. A bill to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the ''Howard T. Markey National Courts Building'' (Rept. 105–211). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1851. A bill to designate the U.S. courthouse located at 200 South Washington Street in Alexandria, VA, as the ''Martin V. B. Bostetter, Jr. United States Courthouse'' (Rept. 105–212). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 198. Resolution providing for consideration of the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–213). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 199. Resolution providing for the consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–214). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SANDERS:

H.R. 2278. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to provide for an increase in such wage based on the cost of living; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Mr. LEWIS of Georgia, Mr. HILLIARD, Ms. NORTON, Mr. OWENS, Mr. BARRETT of Wisconsin, Ms. FURSE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY):

H.R. 2279. A bill to amend title 10, United States Code, to establish limitations on taxpayer-financed compensation for defense contractors; to the Committee on National Security.

H.R. 2280. A bill to establish limitations on the ability of a Federal agency to pay a contractor under a contract with the agency for the costs of compensation with respect to the services of any individual; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, 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. CLEMENT (for himself, Mr. DUNCAN, Mr. ETHERIDGE, Mr. HALL of Ohio, Mr. WOLF, Ms. LOFGREN, and Mr. SMITH of New Jersey):

H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress that the Nation must place greater emphasis on helping young Americans to develop habits of good character that are essential to their own well-being and to that of our communities; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. DOYLE, and Mr. COYNE):

H. Con. Res. 128. Concurrent resolution recognizing and honoring the crew members of the U.S.S. Pittsburgh for their heroism in March 1945 rendering aid and assistance to the U.S.S. Franklin and its crew; to the Committee on National Security.

By Mr. DINGELL (for himself, Mr. MARKEY, and Ms. LOFGREN):

H. Res. 200. Resolution expressing the sense of the House of Representatives that the Federal Government should not withhold universal service support payments; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

156. The SPEAKER presented a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 18 urging Congress to reform the Food and Drug Administration to ensure that health care products, therapies and cures are available to the public in a timely manner; to the Committee on Commerce.

157. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 16 urging interested public and private entities to work cooperatively for the establishment and operation of public shooting ranges and recreational facilities in Clark County, Nevada; to the Committee on Resources.

158. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 13 urging Congress to provide for a bridge with four traffic lanes to serve as a bypass to the existing highway over Hoover Dam; 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. 15: Mr. TURNER.

H.R. 26: Mr. LUCAS of Oklahoma, Mr. GEKAS, Mr. OBERSTAR, Mr. CHRISTENSEN, Mr. PETRI, Mrs. EMERSON, and Mr. LOBIONDO.

H.R. 40: Mr. WATT of North Carolina.

H.R. 55: Mr. LAZIO of New York and Mrs. MCCARTHY of New York.

H.R. 58: Mr. TURNER and Mr. FOX of Pennsylvania.

H.R. 291: Ms. KILPATRICK, Mr. GONZALEZ, Mr. JACKSON, Mr. OBERSTAR, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. WYNN, Ms. MILLENDER-MCDONALD, and Mr. BECERRA.

H.R. 648: Ms. RIVERS.

H.R. 693: Mr. SESSIONS.

H.R. 715: Mr. MCCOLLUM and Ms. SANCHEZ.

H.R. 836: Mrs. THURMAN.

H.R. 859: Mr. CANADY of Florida.

H.R. 922: Mr. GUTKNECHT.

H.R. 923: Mr. GUTKNECHT.

H.R. 983: Mr. BONIOR.

H.R. 1049: Mr. LEWIS of Georgia.

H.R. 1059: Mr. HOEKSTRA and Mr. WELDON of Florida.

H.R. 1060: Mr. METCALF, Mr. GORDON, Mr. GREEN, Mr. KLINK, Mr. JOHN, Mr. WHITE, Mr. FARR of California, Mr. FOX OF Pennsylvania, Mrs. CLAYTON, Mr. INGLIS of South Carolina, Mr. SNYDER, and Mr. COOKSEY.

H.R. 1063: Mr. LEWIS of Georgia and Mr. FRANKS of New Jersey.

H.R. 1079: Ms. RIVERS, Mr. FALEOMAVAEGA, Mr. ALLEN, Mr. POSHARD, Mr. VISCLOSKY, Ms. VELÁZQUEZ, Mr. STRICKLAND, Mr. MCHALE, Mr. BARCIA of Michigan, Mr. FILNER, and Mr. UNDERWOOD.

H.R. 1140: Mr. BOYD.

H.R. 1159: Mr. DELLUMS.

H.R. 1166: Mrs. THURMAN, Ms. SLAUGHTER, Mr. RUSH, Mr. CALVERT, Mr. DEUTSCH, and Mr. RIGGS.

H.R. 1175: Mr. KIM.

H.R. 1283: Mr. ADAM SMITH of Washington.

H.R. 1289: Mr. JEFFERSON, Mr. MATSUI, Mr. KILDEE, Mr. FOLEY, and Mr. NEAL of Massachusetts.

H.R. 1311: Mr. LEWIS of Georgia.

H.R. 1329: Ms. CARSON.

H.R. 1349: Mr. LEWIS of Georgia.

H.R. 1355: Mr. LEWIS of Georgia.

H.R. 1356: Mr. FRANK of Massachusetts and Mr. SMITH of Oregon.

H.R. 1357: Mr. FRANK of Massachusetts.

H.R. 1363: Mr. DAVIS of Illinois, Mr. BROWN of California, Ms. LOFGREN, and Mr. DELLUMS.

H.R. 1364: Mr. DAVIS of Illinois, Mr. BROWN of California, Ms. LOFGREN, and Mr. DELLUMS.

H.R. 1398: Mr. WOLF and Mr. BURTON of Indiana.

H.R. 1410: Mrs. KELLY.

H.R. 1425: Mr. LEWIS of Georgia.

H.R. 1428: Mr. SHAW.

H.R. 1437: Mr. ROTHMAN.

H.R. 1450: Mr. MANTON.

H.R. 1524: Mr. BARR of Georgia.

H.R. 1542: Mr. ENSIGN, Mr. CALVERT, and Mr. BOYD.

H.R. 1596: Mr. KIM.

H.R. 1616: Mr. WAXMAN, Mr. RUSH, Mrs. CLAYTON, and Mr. FILNER.

H.R. 1628: Mr. WEYGAND, Mr. KENNEDY of Rhode Island, Mr. MCGOVERN, and Mr. CALVERT.

H.R. 1665: Mr. STUMP, Mr. BARRETT of Wisconsin, and Mr. FILNER.

H.R. 1679: Mr. MURTHA.

H.R. 1766: Mr. STENHOLM.

H.R. 1773: Mr. STENHOLM.

H.R. 1799: Mr. MCHUGH and Mr. NEY.

H.R. 1836: Mr. GILMAN and Mr. SOUDER.

H.R. 1880: Mr. PASCRELL, Mr. PETRI, and Mrs. MINK of Hawaii.

H.R. 1885: Mr. BORSKI.

H.R. 1903: Mr. BARCIA of Michigan and Mr. CAPPS.

H.R. 1913: Mr. SNYDER and Mr. KANJORSKI.

H.R. 2072: Mr. BARTON of Texas, Mr. SMITH of Texas, and Mr. FROST.

H.R. 2103: Mr. RYUN.

H.R. 2112: Mr. MURTHA.

H.R. 2116: Mr. VENTO, Mrs. MALONEY of New York, Mr. RANGEL, Mr. SPRATT, Mr. MARTINEZ, Mr. DAVIS of Illinois, Mr. WATTS of Oklahoma, Mr. DAN SCHAEFER of Colorado, and Mr. SAWYER.

H.R. 2129: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mr. SABO, Mr. STOKES, Mr. PORTMAN, Mr. COLLINS, and Mr. GILLMOR.

H.R. 2135: Mr. VISCLOSKY, Mr. UNDERWOOD, and Mr. EVANS.

H.R. 2162: Mr. GOODE, Mr. STUMP, and Mr. CRAPO.

H.R. 2174: Mrs. KELLY, Mr. MENENDEZ, and Mr. ACKERMAN.

H.R. 2198: Mrs. MINK of Hawaii.

H.R. 2221: Mr. BURTON of Indiana.

H.R. 2263: Mr. STENHOLM.

H.J. Res. 78: Mr. BEREUTER and Mr. DAN SCHAEFER of Colorado.

H. Con. Res. 6: Mr. LAFALCE and Ms. ROYBAL-ALLARD.

H. Con. Res. 55: Mr. KIM.

H. Con. Res. 80: Mrs. KENNELLY of Connecticut, Mr. BLUMENAUER, Mr. SKAGGS, Mr. YATES, and Mr. KIM.

H. Con. Res. 98: Mrs. EMERSON.

H. Con. Res. 124: Mr. MILLER of California and Mr. DICKS.

H. Res. 37: Ms. WOOLSEY.

H. Res. 131: Ms. HOOLEY of Oregon.

H. Res. 170: Mr. CALVERT and Ms. WOOLSEY.

H. Res. 171: Mr. CASTLE, Mr. MILLER of California, Mr. MARTINEZ, and Mr. ROTHMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 63: Page 13, line 4, after ''$2,400,000,000'' insert ''(reduced by $50,000,000)''.

Page 25, line 4, after ''$650,000,000'' insert ''(increased by $50,000,000)''.

H.R. 2159

OFFERED BY: MR. FOX

AMENDMENT NO. 64: Page 1, strike line 1 and all that follows and insert the following:

SEC. 572. None of the funds made available under the heading ''DEVELOPMENT ASSISTANCE'' may be used to directly support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns.

H.R. 2159

OFFERED BY: MR. FOX

AMENDMENT NO. 65: Page 1, beginning on line 10, strike ''to directly finance'' and all that follows through ''Species Act'' on line 14 and insert the following: ''to directly support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns''.

H.R. 2159

OFFERED BY: MR. FOX

AMENDMENT NO. 66: Page 30, line 23, insert after ''Act'' the following:

: *Provided further,* That, of the funds appropriated by this paragraph, $51,100,000 shall be available for the program established under section 203(a) of Public Law 103–447

Page 81, line 12, insert after ''maturities'' the following:

: *Provided further,* That, of the funds appropriated by this paragraph for the cost of direct loans, $20,000,000 shall be available for the program established under section 203(a) of Public Law 103–447

H.R. 2159

OFFERED BY: MR. GILMAN

AMENDMENT NO. 67: In the matter proposed to be inserted by the amendment as a new subsection (h) of section 104 of the Foreign Assistance Act of 1961—

(1) in paragraph (1)(B), insert before the period at the end the following: '', or to organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning''; and

(2) in paragraph (2)(A), strike ''or engage'' and insert the following: ''or (except in the case of organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning) engage''.

In the matter proposed to be inserted by the amendment as a new subsection (i) of section 301 of the Foreign Assistance Act of 1961, insert before the quotation marks at the end the following sentence. ''If the President is unable to make the certification required by paragraph (1) or (2) with respect to a fiscal year, the funds appropriated for the UNFPA for such fiscal year shall be transferred to the Agency for International Development for population planning activities or other population assistance.''.

H.R. 2159

OFFERED BY: MR. PITTS

AMENDMENT NO. 68: Page 6, line 3, after ''$650,000,000'' insert ''(increased by $100,000,000)''.

Page 6, line 24, after ''$1,167,000,000'' insert ''(decreased by $100,000,000)''.

Page 52, line 4, after ''$385,000,000'' insert ''(decreased by $100,000,000)''.

H.R. 2159

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 69: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. None of the funds appropriated or otherwise made available by this Act may be made available to any Caribbean Basin Initiative country if such country offers provisional, permanent, or any other form of membership to the Government of Cuba into CARICOM.

H.R. 2159

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 70: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to any foreign government that provides assistance for, or engages in nonmarket-based trade with, the Government of Cuba.

(b) WAIVER.—The President may waive the requirements of subsection (a) with respect to a foreign government if the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national security of the United States to do so.

H.R. 2264

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: Page 43, after line 13, insert the following:

COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT (INCLUDING TRANSFERS OF FUNDS)

For carrying out title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) as amended by section 121 of the Child Abuse Prevention and Treatment Act Amendments of 1996 (Pub. L. 104–235), to be derived from amounts provided in this title for ''National Institutes of Health'' (consisting of $10,835,000 from ''Office of the Director'' and $23,000,000 from ''Buildings and Facilities''), $33,835,000.

H.R. 2264

OFFERED BY: MR. ENGEL

AMENDMENT NO. 2: Page 74, line 3, after the dollar amount insert ''(increased by $100,000)''.

H.R. 2264

OFFERED BY: MR. EVANS

AMENDMENT NO. 3: Page 2, line 15, after ''reimbursements,'' insert ''of which $10,000,000 shall be available for purposes of carrying out section 738 of the Stewart B. McKinney Homeless Assistance Act (relating to homeless veterans' reintegration projects);''

H.R. 2264

OFFERED BY: MR. GOODLING

AMENDMENT NO. 4: In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION REFORM'', after the first dollar amount, insert the following: ''(reduced by $35,000,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SPECIAL EDUCATION'', after the each of the 2 dollar amounts, insert the following: ''(increased by $155,526,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—HIGHER EDUCATION'', after the first dollar amount, insert the following: ''(reduced by $6,900,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT''—

(1) after the first dollar amount, insert the following: ''(reduced by $113,626,000)''; and

(2) after the second dollar amount, insert the following: ''(reduced by $50,000,000)''.

H.R. 2264

OFFERED BY: MR. GOODLING

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) PROHIBITION OF FUNDS FOR NATIONAL TESTING IN READING AND MATHEMATICS.—None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

(2) The Third International Math and Science Study (TIMSS).

H.R. 2264

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 6: Page 44, line 5, after the dollar amount, insert the following: ''(increased by $14,045,000)''.

Page 73, line 15, after the first dollar amount, insert the following ''(reduced by $14,045,000)''.

HR 2264

OFFERED BY: MR. NADLER

AMENDMENT NO. 7: At the end of Title II, insert after the last section (preceding the short title) the following section:

''SEC. 213. (a) No funds made available under this Act may be used under Title XI, XVIII or XIX of the Social Security Act to pay any insurer if such insurer—

''(1) offers monetary rewards or penalties, or other inducements to a licensed health care professional to influence his or her decision as to what constitutes medically necessary and appropriate treatments, tests, procedures or services; or

''(2) conditions initial or continued participation of the health care professional in a health insurance plan on the basis of the health care professional's decisions as to what constitutes medically necessary and appropriate treatments, tests, procedures or services.

''(b) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

''(c) For the purposes of this section, the term ''health care professional'' means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with State law.

HR 2264

OFFERED BY: MR. NADLER

AMENDMENT NO. 8: At the end of Title II, insert after the last section (preceding the short title) the following section:

''SEC. 213. (a) No funds made available under this Act may be used under Title XI,

XVIII or XIX of the Social Security Act to pay any insurer unless under health care coverage provided by such insurer—

''(1) the determination of what is medically necessary and appropriate within the meaning of the insurance contract is made only by the treating health care professional in consultation with the patient; and

''(2) the insurer covers the full cost of all treatment, tests, procedures and services deemed to be medically necessary and appropriate by the treating health care professional in consultation with the patient, subject to any deductibles, co-payments, or percentage limitations provided in the insurance contract.

''(b) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

''(c) For the purposes of this section, the term ''treating health care professional'' means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with State law, who is personally and directly involved in the care of said patient.

''(d) Nothing in this paragraph shall be construed as requiring the provision of coverage for benefits not otherwise covered.

HR 2264

OFFERED BY: MR. NADLER

AMENDMENT NO. 9: At the end of Title II, insert after the last section (preceding the short title) the following section:

''SEC. 213. (a) No funds made available under this Act may be used under Title XI, XVIII or XIX of the Social Security Act to pay any insurer if—

''(1) the provisions of any contract or agreement, or the operation of any contract or agreement, between such insurer and a health care professional prohibit or restrict the health care professional from engaging in medical communication with his or her patient; or

''(2) such insurer penalizes (through contract termination, financial penalty or otherwise) a health care professional for engaging in medical communication with his or her patient.

''(b) For the purposes of this section, the term ''medical communication'' means a communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of the patient) with respect to—

''(1) the patient's health status, medical care, or legal treatment options;

''(2) any utilization review requirements that may affect treatment options for the patient; or

''(3) any financial incentives or penalties that may affect the treatment of the patient.

''(c) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

''(d) For the purposes of this section, the term ''health care professional'' means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with State law.

H.R. 2264

OFFERED BY: MS. PELOSI

AMENDMENT NO. 10: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . The amount otherwise made available in this title under the heading ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING'' is increased by the amount derived through the following amendment: Section 510(d) of the Social Security Act is amended by striking ''1998'' and inserting ''1999''.

H.R. 2264

OFFERED BY: MS. PELOSI

AMENDMENT NO. 11: At the end of title , insert after the last section (preceding the short title) the following section:

SEC. . Section 510(c) of the Social Security Act is amended by adding at the end the following:

''(3) The Secretary may accept an application from a State for a allotment under subsection (a) only if the application is submitted by the State health agency responsible for the administration, or supervision of the administration, of the State program carried out with allotments under section 502(c) (relating to the maternal and child health servcies block grant); only if the programs carried out with the allotment under subsection (a) provide information that is recognized as medically accurate and relevant; only if the funds from such allotment are dispersed at the discretion of the chief executive officer of the State (except to the extent inconsistent with the law of the State, including applicable judicial precedents); and only if the application is developed by or in consultation with the State agency for maternal and child health.''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 12: In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION REFORM'', after the first dollar amount, insert the following: ''(reduced by $25,000,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SCHOOL IMPROVEMENT PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $25,000,000)''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 13: In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION REFORM'', after the first dollar amount, insert the following: ''(reduced by $10,000,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SCHOOL IMPROVEMENT PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $10,000,000)''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON PENALTIES UNDER IDEA.—None of the funds made available in this Act may be used by the Department of Education to investigate, or to impose, administer, or enforce any penalty, sanction, or remedy for, a State's election not to provide special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to individuals who are 18 years of age or older and are incarcerated in adult State prisons.

(b) EXCEPTION.—Subsection (a) shall not apply to any withholding of financial assistance to a State by the Department of Education pursuant to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

H.R. 2266

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: Page 9, line 19, insert after the dollar amount the following: ''(reduced by $25,000,000)''.

Page 18, line 9, insert after the dollar amount the following: ''(increased by $25,000,000)''.

H.R. 2266

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 3: Page 9, line 19, insert after the dollar amount the following: ''(reduced by $15,000,000)''.

Page 32, line 25, insert after the dollar amount the following: ''(increased by $15,000,000)''.

H.R. 2266

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 4: Page 100, after line 15, insert the following new section:

SEC. 8103. (a) None of the funds appropriated or otherwise made available by this Act for the Department of Defense specimen repository described in subsection (b) may be used for any purpose except in accordance with the requirement in paragraph numbered 3 of the covered Department of Defense policy memorandum that specifically provides that permissible uses of specimen samples in the repository are limited to the following purposes:

(1) Identification of human remains.

(2) Internal quality assurance activities to validate processes for collection, maintenance and analysis of samples.

(3) A purpose for which the donor of the sample (or surviving next-of-kin) provides consent.

(4) As compelled by other applicable law in a case in which all of the following conditions are present:

(A) The responsible Department of Defense official has received a proper judicial order or judicial authorization.

(B) The specimen sample is needed for the investigation or prosecution of a crime punishable by one year or more of confinement.

(C) No reasonable alternative means for obtaining a specimen for DNA profile analysis is available.

(b) The specimen repository referred to in subsection (a) is the repository that was established pursuant to Deputy Secretary of Defense Memorandum 47803, dated December 16, 1991, and designated as the ''Armed Forces Repository of Specimen Samples for the Identification of Remains'' by paragraph numbered 4 in the covered Department of Defense policy memorandum.

(c) For purposes of this section, the covered Department of Defense policy memorandum is the memorandum of the Assistant Secretary of Defense (Health Affairs) for the Secretary of the Army, dated April 2, 1996, issued pursuant to law which states as its subject ''Policy Refinements for the Armed Forces Repository of Specimen Samples for the Identification of Remains''.

H.R. 2266

OFFERED BY: MR. NADLER

AMENDMENT NO. 5. Page 32, line 11, after the dollar amount, insert the following: ''(reduced by $420,000,000)''.

H.R. 2266

OFFERED BY: MR. NADLER

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 8103. (a) LIMITATION ON USE OF FUNDS.—Of the funds appropriated in this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', not more than $1,651,000,000 shall be available for engineering and manufacturing development of the F–22 aircraft program.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', is hereby reduced by $420,000,000.

H.R. 2266

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: Page 9, line 19, insert after the dollar amount the following: ''(increased by $2,000,000)''.

Page 32, line 11, insert after the dollar amount the following: ''(reduced by $2,000,000)''.

H.R. 2266

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: Page 87, after line 18, insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

(3) not less than 50 percent of the allowable costs for which reimbursement is provided are directly related to services and benefits for employees of a defense contractor who were separated or otherwise adversely affected by the business combination, and

H.R. 2266

OFFERED BY: MR. SHAYS

AMENDMENT NO. 9: Page 100, after line 15, insert the following new section:

SEC. . The total amount obligated from new budget authority provided in this Act may not exceed $244,046,478,000.

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PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, MONDAY, JULY 28, 1997 *No. 108*

Senate

The Senate met at 12 noon, and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of enabling strength, we thank You that You have promised that, ''As your days so shall your strength be.'' As we begin a new week it is a source of both comfort and courage that You will be with us to provide power to finish the work to be accomplished before the August recess. Help us to trust You each step of the way, hour by hour, issue after issue. Free us to live each moment to the fullest. We commit to Your care any personal worries that might cripple our effectiveness. Bless the negotiations with the administration on tax and spending bills. We ask that agreement may be reached.

Father, be with the Senators. Replace rivalry with resilience, party prejudice with patriotism, weariness with well-being, anxiety with assurance, and caution with courage. We claim that magnificent promise through Isaiah, ''But those who wait on the Lord shall renew their strength; they shall mount up with wings of eagles, they shall run and not be weary, they shall walk and not faint.''—Is. 40:31. May it be so for the Senators all through this week. In the name of the Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, it is my hope that the Senate will be able to make a great deal of progress this week. We have a number of votes that already have been agreed to and we have several bills that we may be able to consider before the week is out.

Today it had been my understanding that we would be able to begin consideration of S. 830, the Food and Drug Administration reform bill. I understand that there would be an objection to proceeding to that measure at this time. I certainly regret that. I don't understand why that is the case. I had been told on Friday that, after a lot of laborious negotiations, agreement had been reached.

Certainly we need to pass this legislation. There are very few organizations in this city that are more in need of reform than the FDA which, for years, has been bureaucratic; it has been dilatory; it has delayed access for the American people to medical procedures that clearly should have been approved earlier, that are available in other countries, including Great Britain; they delayed approval of drugs that could mean a great deal of comfort to Americans. At the same time, they have been over trying to push into other areas where they really have no business. So, to say the least, I have a very low regard for the FDA, and they are long overdue for reform.

This legislation has been pending in the Senate both last year and this year. The chairman of the committee of education and labor has reported that bill out. Negotiations have been underway with a number of Senators, including Senator MACK, Senator FRIST, Senator KENNEDY, and I presume Senator DURBIN, and I thought that all had come to resolution. But it appears now that we will not be able to go forward with it at this time. But we will continue to look for an opportunity to get that done this week.

As all Senators are aware, this is the last week of legislative business prior to the August adjournment for our State work periods. There are a number of important issues that will be considered this week, including the conference reports on the budget, Balanced Budget Act of 1997, and the Tax Relief Act. I get a lot of inquiries about that, will we do it or not? Have we reached an agreement with the administration or not?

Negotiations continue; they continued throughout the weekend. There were communications on Friday, meetings on Saturday, a number of communications back and forth between the Congress and the administration all through the day yesterday, all the way up until about 9:15 or 9:30 last night, and there are negotiations underway now with the exchange of paperwork as to exactly what these issues may mean. Some of them are pretty complicated, in terms of the formulas that will be used—how do you define a benefits package where the States and the Governors and the legislators have the maximum flexibility in providing the services for the needs of the children in their respective States? But I would have to say, I think we are very close. I continue to be relatively optimistic.

I must say, this agreement on both the spending bill and the tax relief

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package is worth having. I hope we will continue to try to come to a conclusion today, if at all possible.

We will be completing work also this week on the Commerce, State, Justice appropriations bill as well as the Department of Transportation appropriations bill.

Previous agreement was entered into also last week to complete action on S. 39, the tuna-dolphin bill, early this week. So we expect that sometime in the next 2 days we will have a 30-minute time for debate and possibly a recorded vote, but a vote of some sort on the compromise that was worked out on that issue last Friday.

At 5 p.m. this afternoon, the Senate will begin consideration of the Transportation appropriations bill. We hope to get most of the work done on that appropriations bill tonight, done tonight. There will be no rollcall votes today.

Tomorrow morning the Senate will be scheduled to have a series of votes, or we were scheduled to have a series of votes with debate beginning at 8:30 and votes occurring, I believe, beginning at 9:30, on the Commerce, State, Justice appropriations bill, but we understand that there is a memorial service for Justice Brennan that will be held on Tuesday morning, so it may be necessary to delay these votes and, as always, Members will be notified exactly when that will be. There will be some stacked votes, I don't know right now whether it's 2, 3, or 4, with relation to Commerce, State, Justice. But it will be later in the morning or in the early afternoon, so we can accommodate Senators who would like to attend the memorial service. Then we can complete action on the bill.

I had hoped we would have agreement on the spending and on the tax relief bill early enough that we could actually get started on it on Tuesday morning. It looks like we will not be able to do that, but we still want to get the final votes on the State, Justice, Commerce appropriations bill as soon as we can and be prepared to move swiftly to the budget agreements once they are reached.

I thank all Senators for their cooperation. I know this will be, again, a hectic week. But I believe we can complete 2 more appropriations bills which will put us at 10, leaving only 3 that we would have to work on when we return in September. That is an incredible pace, and I am very pleased with the cooperation that we have had in getting that done. I hope we can continue that. We also, again, hope to complete action on two or three other bills; most important, the budget agreements. When that is completed, of course, we would then have an opportunity to turn to the Executive Calendar also.

Mr. President, I would like to hear from the distinguished Senator from Vermont as to what is the state of negotiations regarding the Food and Drug Administration reform package. I know he has worked very hard on it. We hope to get that done this week. I would be glad to hear his impressions of how we are going to do that.

Mr. JEFFORDS. Mr. President, I would be happy to enlighten the body as to where we stand. It is my understanding we have an agreement. However, it appears an objection will be raised if we try to move forward at this time. So, I would just alert everyone that I believe we have an agreement and that we will be able to move forward this week.

There are, as is always the case when you go to bring a measure forward, people who decide suddenly they want to be involved in the process. We will try to accommodate them. I know there are several Members who are out of the country right now and will be back later today. So, I don't intend to call up the FDA Act at this time, but I will, with the indulgence of the President, move forward, I suppose as in morning business, and discuss where we are on the bill.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no objection, there will now be a period of morning business.

The Senator from Illinois.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

Mr. DURBIN. Mr. President, I would like to say at the outset that I have the highest respect for the Senator from Vermont. The Senator has done a great deal of work on one of the most important pieces of legislation which we will consider during the course of this Congress. Although I am not a member of his committee, I have an abiding interest in the Food and Drug Administration. For 12 years in the House I was a member of the subcommittee which funded the Food and Drug Administration. I was called on many times to get involved in issues related to this important agency.

It is an extraordinary agency. By Federal standards it is tiny. About $1 billion each year out of our $1.6 trillion budget is spent on the budget of the Food and Drug Administration. Yet every one of us, every American family, depends on the Food and Drug Administration. Many of the products which we take for granted are reviewed by them for safety so that our families can use them and feel confident that the product is safe for that use. Thus, when there have been efforts to reform the Food and Drug Administration, I have been very attentive. Some people are looking to reform the Food and Drug Administration for selfish reasons. Others are looking to reform the Food and Drug Administration for the right reasons. I believe the Senator from Vermont falls in the latter category. I believe he is trying to reform the FDA for the right reasons.

He and I may have a few differences of opinion, I think very few, and I hope that we have a chance, when this bill comes to the floor, to actually address them and perhaps, in the quiet of an off-the-floor conversation, we may come to an agreement on each of these items that I would like to discuss. But I salute him for the hard work which he has done in a bipartisan fashion to bring this matter to the floor.

It is my understanding, perhaps the Senator from Vermont could enlighten us, that the bill itself was not ready for consideration, was actually in draft form for Members' offices to read, until this weekend. And, if that is the case, although I would like to see us move on it this week, I'm sure we would all like at least a few moments to go through it and to reflect on the different changes that are proposed and the impact that they would have on this important agency.

Mr. JEFFORDS. If the Senator will yield?

Mr. DURBIN. I would be happy to yield for a question.

Mr. JEFFORDS. The bill itself has been ready for about a month and has been under examination for a month. In order to be able to proceed most efficiently and effectively in the amendment process, we have been working with Members—and you have asked us to do so today—to take into consideration possible changes in the bill. We had many requests of that nature over the past month, and we have accommodated, to my knowledge, every one of those requests and have been and are ready to proceed, with the understanding that certain amendments would be offered. Some of those amendments would be accepted and some of those would be disagreed with.

But we are under the exigencies of time here. This is such an important bill. We started negotiations, the Senate did, last year, under Senator Kassebaum. The bill was voted out of the committee by a very substantial vote. However, there were strong objections raised to it and problems with the House. So we started again this year with the bill and we have been working for several months, now, ironing out these difficulties and problems.

It was my understanding we had a consensus. That is why we are here on the floor this afternoon. On the other hand, now we understand that some others have reasons that they would like to participate. We have no problem with that. The problem is not ours, in the sense of the committee. The problem is time on the floor. We have just 1 week left before we go into recess in order to accomplish the major bills, the reconciliation and budget matters, and we will have only a limited amount of time. So, for us to proceed and get this finished by the end of the week, which is important, it is going to take agreement by those who now want to participate in order to have a timely process where we can bring this to conclusion.

I look forward to working with my colleague—I know he will cooperate

with us so that this very important piece of legislation can get passed out. The House is waiting to move until we move. Also connected with it is the Prescription Drug User Fee Act, PDUFA, which is very important to get passed because that expires at the end of September. So we must move ahead. I thank the Senator for giving his time.

Mr. DURBIN. If the Senator from Vermont will continue to yield for the purpose of a question, then it is my understanding we will not proceed to the bill itself today, that we will wait?

Mr. JEFFORDS. I am not proceeding to the bill at this time. I am hopeful and wait patiently with great expectations that at some point after having discussed with you and perhaps communicated with the minority leader that we will be able to move forward with the bill in a way that will utilize the time today effectively so that we can complete this bill by the end of the week. But I do not intend to call it up at this particular moment.

Mr. DURBIN. I thank the Senator from Vermont and pledge my cooperation to consider any amendments which might be necessary to be debated on the floor in a timely manner, sensitive to the limited time we have this week. He is correct, that if we do not move on this user fee question, it will expire and create great problems and complications at this important agency. We don't want that to happen. I share with him the belief that we can and should move this bill forward this week, and I look forward to working with him.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Anne Marie Murphy of my staff be accorded the privilege of the floor for the duration of debate, when it starts, on S. 830, the Food and Drug Administration Modernization and Accountability Act of 1997.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Sean Donohue and Chris Loso, fellows with the Committee on Labor and Human Resources, be permitted the privilege of the floor during all Senate consideration of S. 830, the Food and Drug Modernization and Accountability Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, as we have just discussed, I am going to proceed so that my colleagues and those interested in this legislation can better understand the nature of this legislation and the importance of it, and, hopefully, later in the day, we will be able to proceed in an orderly manner through the amendment process.

The legislation is to modernize the Food and Drug Administration, and we authorize the Prescription Drug User Fee Act, which will, upon enactment, streamline the FDA's regulatory procedures. This modernization will help the agency review medical devices and drugs more expeditiously and will let the American public have access sooner to newer, safer and more effective therapeutic products.

I am disappointed that some of my Democratic colleagues are not desirous of proceeding at this time, but I will do my best to accommodate them and also to move forward on this bill. I am especially chagrined, given the months of bipartisan negotiating that has led to this bill. Each major provision—all of the drugs and medical device provisions of this measure—represents long-sought agreements with the minority and with the FDA itself. I do not understand this continued delay.

In particular, Senator KENNEDY has played a key role in reaching this agreement, and I wish to applaud his willingness and tenacity in working through several difficult issues to reach a consensus on this legislation.

In addition, Secretary Shalala and the FDA itself has worked diligently to reach reasonable, sensible agreements. This is a good, bipartisan measure that represents moderate yet real reform. It has been agreed to by the minority and the administration.

There is no reason for further delay, and I am going forward today with the expectation that before the end of the day, we will be moving forward on this bill.

On June 11, prior to the committee markup of S. 830, I received a letter from Secretary Shalala outlining the Department's key concerns. This was sometime ago. In her letter, the Secretary stated:

> I am concerned that the inclusion of non-consensus issues in the committee's bill will result in a protracted and contentious debate.

Before and since our committee markup, we have worked hard to achieve a consensus bill. The measure before us today accomplishes that goal. Bipartisan staff and Members have worked diligently with the agency to address each of the significant non-consensus provisions raised by the Secretary.

In her letter, Secretary Shalala expressed her feeling that the legislation would lower the review standard for marketing approval. Key changes have been made to the substitute to address these concerns. With respect to the number of clinical investigations required for approval, changes were made to assure that there is not a presumption of less than the two well-controlled and adequate investigations, while guarding against the rote requirement of two studies.

We made it very clear you don't have to do two, although it is quite acceptable for you to do two, but you shouldn't look at it as being required. It is not necessary.

The measure clarifies that substantial evidence may, when the Secretary determines that such data and evidence are sufficient to establish effectiveness, consist of data with one adequate and well-controlled clinical investigation and confirmatory evidence.

Concerns were raised also about allowing distribution of experimental therapies without adequate safeguards to assure patient safety or completion of research on efficacy. Changes to accommodate those concerns were made. They are in the substitute. We tighten the definition of who may provide unapproved therapies and gave FDA more control over the expanded access process.

Other changes will ensure that use of products outside of clinical trials will not interfere with adequate enrollment of patients in those trials and also give the FDA authority to terminate expanded access if patient safeguard protections are not met. The provision allowing manufacturers to charge for products covered under the expedited access provision was deleted also.

In mid-June, the Secretary argued that S. 830 would allow health claims for food and economic claims for drugs and biologic products without adequate scientific proof. In response, Senator GREGG agreed to changes that would allow the FDA 120 days to review a health claim and provide the agency with the authority to prevent the claim from being used in the marketplace by issuing an interim final regulation.

In addition, the provision allowing pharmaceutical manufacturers to distribute economic information was modified to clarify that the information must be based on competent and reliable scientific evidence and limited the scope to claims directly related to an indication for which the drug was approved.

This bill was further changed to accommodate the Secretary's opposition to the provision that would allow third-party review for devices.

Products now excluded from third-party review include Class III products. These are products that are implantable for more than 1 year, those that are life sustaining or life supporting, and also products that are of substantial importance in the prevention of impairment to human health.

In addition, a provision advocated by Senator HARKIN has been incorporated that clarifies the statutory right of the FDA to review records related to compensation agreements between accredited reviewers and device sponsors.

I want to point out that we have been working hard with Members, the Secretary, and others who brought problems to us, and we believe we have all of those taken care of, but we understand now we will have to do some more work today.

Finally, the Secretary was concerned about provisions that she felt would burden the agency with extensive new regulatory requirements that would detract resources from critical agency

functions without commensurate enhancement of the public health. This legislation now gives FDA new powers to make enforcement activity more efficient, adds important new patient benefits and protections, and makes the review process more efficient.

First, we give FDA new powers and clarify existing authority, including mandatory foreign facility registration, seizure authority for certain imported goods, and a presumption of interstate commerce for FDA-regulated products. Those are all important changes to help clarify the powers of the FDA.

Second, to assist patients with finding out about promising new clinical trials, we established a clinical trials database registry, accessed by an 800 number. Patients will also benefit from a new requirement that companies report annually on their compliance with agreements to conduct postapproval studies on drugs. This was an important provision that we added, working with Senator KENNEDY.

Third, FDA's burden will be eased by provisions to make the review process more collaborative. Collaborative reviews will improve the quality of applications for new products and reduce the length of time and effort required to review products. We also expressly allow FDA to access expertise at other science-based agencies and contract with experts to help with product reviews. This is very important to bring about more efficient and effective utilization of resources.

Lastly, by expanding the third-party review pilot program for medical devices, we build on an important tool for the agency to use in managing an increasing workload in an era of declining Federal resources.

In closing, I echo another part of Secretary Shalala's June 11 letter:

> I want to commend you and the members of the committee on both sides of the aisle on the progress we have made together to develop a package of sensible, consensus reform provisions that are ready for consideration with reauthorization of the Prescription Drug User Fee Act. . . a protracted and contentious debate . . . would not serve our mutual goal of timely reauthorization of PDUFA and passage of constructive, consensus bipartisan FDA reform.

I can't tell you how pleased I am that we have been able to work with the Secretary and come to this point now where we have few—I don't believe we have any disagreements—with the Secretary. Although we have some further matters we may have to discuss.

From the beginning of this process, all of the stakeholders have been committed to producing a consensus measure, and we have accomplished that goal. There is agreement on this bill, and I urge my Democratic colleagues to allow this important measure to move forward.

Before yielding the floor, I would like to commend the members of the committee. I have never worked with a group that has worked as hard as the members of my committee have to bring about a consensus. This has been night-and-day work for weeks. We have some outstanding Members on both sides of the aisle that have done outstanding work to bring us to this point. I could name them all, and I will eventually as we go forward, but I know standing and ready to go is one of those who has been of invaluable service to this committee. That is Senator FRIST. With his knowledge as a physician, his intelligence and ability to communicate in a way that brings about consensus, we have moved forward on some incredibly important goals for being able to assist our doctors in their pursuance of good health for all of us.

With that, Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak on the issue of a bill which I am very hopeful will be considered shortly, and that is the Food and Drug Administration Modernization and Accountability Act of 1997. I came to the floor expecting, as we all had anticipated, that this bill would be considered today in the bipartisan spirit that has, in many ways, been reflected by working together over the past 2 years on a bill that will modernize the FDA, will strengthen the FDA and will, what I guess I care most about, improve patient care for the thousands, for the hundreds of thousands of people who will benefit from having speedier access to effective drugs, to effective therapies, to effective devices.

I am very excited about the bill, yet I am very disappointed now that my colleagues on the other side of the aisle have presented a situation where this bill cannot be considered today.

I am hopeful that over the course of today we will be able to reach some sort of agreement. I had thought we had reached that agreement, but obviously we have not, much to my disappointment and, I think, to the detriment of the United States and all those people who could benefit from having a strengthened FDA.

A comment was made earlier that the bill has not really been considered by a number of people. Again, that is a bit disappointing. The bill before us today really represents over 2 years of work conducted in committee and with people off of the committee that we just heard our distinguished chairman mention—2 years of work with one objective; that is, to modernize the Food and Drug Administration. I do want to emphasize the bipartisanship in committee, in the Human Resources Committee.

This bill was considered, was marked up, and the bill, with a 14 to 4 vote, passed out of committee to be taken to the floor. Throughout this process, our distinguished chairman, who we just heard from on the floor, has worked with the minority staff, with the minority Senators as well as the majority. Both Senator JEFFORDS and the majority, and Senator KENNEDY and the minority on the committee have negotiated in good faith to move forward.

During the months—and really this has gone on for months, in effect, for 2 years as we debated and discussed a very similar bill—but during the months leading up to committee passage—again, it has gone through the committee with a vote of 14 to 4—and continuing up to today, there have been a series of meetings between the FDA, between industry, between the administration and the committee staff, all gathered together in a bipartisan spirit, legislative and executive branch, working together to clarify provisions, to outline and to resolve those concerns between the various parties. And with a bill that is this major, that will impact every single American both in the current generation and in the next generation, it takes that working together, negotiating across the table, listening to everybody's concerns.

I am delighted—up at least, I thought, until 15 or 20 minutes ago—that those provisions had been discussed, that the debate had been outlined with negotiations and compromise carried out to where we have a very strong bill that will benefit all Americans.

The chairman of the committee, through which this passed again with a strong bipartisan vote, pointed out the importance of passing FDA reform over the next 6 to 7 days, or I guess the remaining 5 days now, when he referred to the expiring authorization of what is called PDUFA. This is favored.

The reauthorization, which is expiring—the authorization is expiring—the reauthorization is supported by the FDA, it is supported by the U.S. Congress, it is supported by the administration, and it is supported by industry. This law has been a great success. It must and will be extended for another 5 years. It is an integral part of the FDA reform and modernization bill that I hope will be introduced this week.

If in some way this aspect of the bill is blocked, despite the fact that both sides—that all sides—want it to move forward, there is the potential that as many as 600 FDA reviewers that are employed because of PDUFA, which speeds up, which accelerates the approval process to get drugs out to the American people, could be at jeopardy. That must be addressed this week. Furthermore, patients awaiting the drugs that will be approved at an expedited rate of PDUFA will wait and wait and wait if this is not continued.

PRIVILEGE OF THE FLOOR

Mr. President, at this juncture, I ask unanimous consent that privileges of floor be granted to a member of my staff, Dr. Clyde Evans, during the period between now and 3 p.m., Monday July 28.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I would like to speak to a specific aspect of the bill that reflects, I think, the bipartisan spirit, the working together to the benefit of individual patients or future patients, to the benefit of children today, of hard-working men and women across this country. It has to do with the whole topic of dissemination of scientific medical information. This aspect of the Food and Drug Administration Modernization and Accountability Act of 1997 is a very important one, but one that has been contentious in many ways and in many people's minds has been the most contentious part of the FDA bill.

It all stems back to legislation that was introduced by my distinguished colleague from Florida, Mr. MACK, and myself 2 years ago. It focuses on the fundamental aspect which is so important to the practice of medicine today, to the delivery of care today, and that is to allow a free flow of good, accurate information that can be used to benefit people who need health care and health care services. It focuses on the dissemination of scientific medical peer-reviewed information to physicians and other health care providers.

As I said, this is an important aspect of the bill which I hope will be introduced. It will result in more scientific information on uses of FDA-approved drugs in an off-label or extra-label manner. Again, these are products that have already been approved by the FDA, but they are used very commonly in fields such as pediatric medicine, the practice of delivering care to children today while they are in the hospital, used very commonly in the treatment of cancer therapy. As much as 90 percent of all of the uses of drugs in oncology or the treatment of cancer are used in what is called an off-label or extra-label manner.

These provisions, which are a part of the underlying bill, represent a lot of hard work, as was implied by the distinguished chairman, a lot of bipartisan support which has been demonstrated especially over the last 2 months but really over the last 6 months.

Specifically, I want to thank my colleagues on both sides of the aisle, Senator MACK, who I mentioned, Senator DODD, Senator WYDEN and Senator BOXER, all of whom have remained throughout committed to this issue and have demonstrated real leadership in their bipartisan working together to come up with a piece of legislation that will be to the benefit of all Americans. I, too, want to express my appreciation to Secretary Shalala for her willingness to work, along with Senator KENNEDY, on what had been considered, as I mentioned, one of the most contentious issues initially of FDA reform. Now we have a bipartisan consensus agreement among all parties in this body with the FDA and with the administration.

The information dissemination provisions do represent a compromise, a balanced compromise, but they really ultimately respect the importance of physicians receiving up-to-date, independently derived scientific information, as well, at the same time to pursue, when possible, getting those prescribed uses ultimately approved on the label by the FDA. Thus, we have to address the dissemination of information. But what we have come to by these very careful, balanced negotiations is this linkage to actually improving and reforming the supplemental application process. The goal among almost all of us is to get as many of these uses today on the label.

Now, what does off-label mean? Off-label scares people. As a physician, as someone in my thoracic oncology practice, as someone who routinely every week treated cancer patients, I have some responsibility to define for my colleagues what off-label means. Off-label scares people. Is it somebody going in some secret closet and pulling out a medicine and using it? No, it is not. That is why extra-label is probably a better term. But right now off-label is something that we in the medical profession understand is used routinely in the pediatric population and, as mentioned earlier, for inpatient hospitalization. Probably 50 percent of all pediatric drugs prescribed are off-label. So it is not a term to be scared of or to fear.

In off-label use, it is simply the use of a drug which has been approved by the Food and Drug Administration in a way that has not yet specifically been indicated on the label. It might be using that drug in a combination with other drugs for an intended benefit. It might be a different dosage of that drug. It really comes down to the standpoint that the halflife of medical knowledge is moving quickly. We all know that.

We know how fast science is moving, how fast medical information is changing. That change is skyrocketing and accelerating over time. Clearly, you have an FDA which, and appropriately to some extent, has to be very careful, has to rely on large clinical trials, and has not been as good historically in the past as we would like for it to be in terms of approving over time. That FDA cannot approve every single use of every single drug in the field of health and science which is moving at skyrocketing speed, accelerating speed.

An example, aspirin, has been used off-label for years to prevent heart attacks. People generally know today taking a baby aspirin today or an aspirin every other day is effective in preventing heart attacks in certain populations. But right now, if you read on the label, there are certain limitations as to the use of aspirin. It is not specified that aspirin can be used prophylactically to prevent heart attacks today.

Another example which reflects the importance of off-label or extra-label use in a world where science is moving very quickly is that of the use of tetracycline. When I was in medical school, even 10 years ago, the whole theory of ulcer disease was based on a component of acid. Acid clearly plays a very important role, but what we did not know—in fact when I first heard it myself when I was a resident, I said, ''No way; impossible.'' But what was figured out is that antibiotics can help cure ulcers because the etiology of ulcer disease, of certain types of ulcer disease, is based on a bacterium.

Well, we know that today. Yet tetracycline and the use of tetracycline, a very common antibiotic which is used for many other reasons, does not have an on-label use for the treatment of ulcers. Yet there are thousands of people right now taking tetracycline to treat their ulcer disease—that is an extra-label use, an off-label use—under the law, of course. With 90 percent of my oncology patients using off-label-use drugs, with 50 percent of my pediatric patients using off-label drugs, with tetracycline, physicians are allowed legally, of course, to use and prescribe drugs for off-label uses.

In addition to being a thoracic oncologist—and I will have to add that I was codirector of the thoracic, which is chest, oncology cancer treatment; and lung cancer is the No. 1 cause of cancer death in women today—that for the medical treatment of thoracic cancers, of lung cancer, well over 95 percent of the treatment is off-label today.

In my field of heart and lung transplant surgery, many of my patients are alive today, of the hundreds of patients whom I have transplanted, because of the off-label uses of FDA-approved drugs. Then, in my routine heart surgery practice, where I have put hundreds of mechanical valves in patients over the last several years, there is another great advantage of off-label drugs.

About 40 years ago, the first mechanical heart valves were put in to replace defective valves scarred by rheumatic heart disease. These mechanical valves are replaced routinely. This started in the early 1960's, about 40 years ago. But it was not until March 31, 1994, just 3 years ago, that the off-label use of Coumadin, the blood thinner which all these patients are on and have been on for the last 35 years, that it was ultimately approved for on-label use, according to FDA.

It has been clear in the literature and among my colleagues that Coumadin, this blood thinner, is not only important, but lifesaving for those who have received medical valves. So dissemination of information is important. It is important for physicians to be able to have the latest information, to have the free flow of information. Why? In order to best treat, using the latest techniques and the most effective therapy, the patients who come through their door that they treat in the hospital. Dissemination of information,

with appropriate balance and disclosure, will allow sharing of this type of information with physicians and with other people who can take advantage of it.

Let me just close with one further explanation about why it is important. We are talking about this information going to people who are trained to consider this information. Right now, there are barriers there, which means if I were a physician practicing in rural Tennessee, I am not likely to be going to Vanderbilt or the local academic health center and participating in conferences every week. If I am in rural Tennessee, where do I get my information? I get it from what I learned in medical school, but there is a problem with that because we already said the half-life of medical knowledge is shorter and shorter, with the great discoveries that we have today. I am most likely to read medical journals. Yes, there are many, many journals that it is important for me to read to keep in touch with. I could search the Internet. But to be honest with you, your typical physician is so busy today delivering care, it is very unlikely that they are going to sit down at a computer terminal in rural Tennessee and go to the Internet and get information.

In fact, last year, in testimony before the Labor Committee, Dr. Lindberg at the National Library of Medicine testified before the committee, and explained how vast this literature is out there. He was talking about MEDLINE, which is the primary medical database that is used, in which all of the peer-reviewed journals are placed on this computerized data base. He explained the challenge that physicians have today in the following way:

MEDLINE contains more than 8 million articles from 1966 to the present. It grows by some 400,000 records annually. If a conscientious doctor were to read two medical articles before retiring every night, he would have fallen 550 years behind in his reading at the end of the first year.

Now, in medicine, where one's health and one's life is in the hands of the physician, I don't see how people can argue about free and appropriate dissemination of information to best benefit that patient, to take care of you as an individual. Yet, there are barriers there. We, probably unintentionally, over time, have created barriers that now we need to take down, to allow the appropriate and balanced dissemination of information to be to the benefit of that physician who is going to be seeing my colleagues, their children and their spouses in the future. More information, I feel, is better, as long as it's balanced, peer-reviewed, and safeguards are built in to make sure that it is not used for promotion.

Mr. President, I will yield the floor soon. This is an issue that I really want to just underscore this day because it represents bipartisanship, working together with the distinguished colleagues on both sides of the aisle. It started from a bill that was introduced in the Senate by the Senator from Florida [Mr. MACK], and myself. It has been greatly improved. How? By sitting around the table with the administration, with the FDA, with colleagues on both sides of the aisle to the point that we, when we pass the overall bill, will be able to improve the health care of individuals across this country.

I feel this is one of the most important aspects of this bill. Again, I call on my colleagues on both sides of the aisle to come together so that we can bring up the underlying bill and pass it to the benefit of all Americans.

I yield the floor.

Mr. WYDEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I strongly urge my colleagues to join today in bipartisan support for this important piece of legislation. In doing so, I want to commend Chairman JEFFORDS, in particular, and Members on both sides of the aisle, because this bill, in my view, meets the central test for good FDA reform legislation. An FDA reform bill ought to keep the critical safety mission for the Food and Drug Administration, while at the same time encouraging innovation—innovation that is going to produce new therapies and save lives. This bill meets that twin test.

This bill is a result of, as several of our colleagues have noted, much debate and an extraordinary effort to build consensus. I am proud to have played some part in that effort as a Member of both the House of Representatives and the U.S. Senate, having introduced, more than 2 years ago, H.R. 1472, the FDA Modernization Act, which contains several of the key ingredients of the legislation before us today.

Mr. President, from the time we get up in the morning until the time we go to bed at night, we live, work, eat, and drink in a world of products that are affected by decisions made at the Food and Drug Administration. Perhaps no other Federal agency has such a broad impact in the daily lives of average Americans.

Food handling and commercial preparation often occurs under the agency's scrutiny. Over-the-counter drugs and nutritional supplements, from vitamins to aspirin, are also certified by the agency.

Life-saving drugs for treatment of cancer, autoimmune deficiency, and other dreaded diseases, are held to its rigorous approval standards.

Medical devices ranging from the very simple to the complex, from tongue depressors to computerized diagnostic equipment, all have to meet quality standards at the FDA.

These products that are overseen by the FDA are woven deeply into the fabric of our daily lives, and the agency's twin missions of certifying their safety and effectiveness is supported by the vast majority of Americans.

Yet, balancing those missions against the time and expense required by companies to navigate the FDA approval system has often been difficult and controversial. In the last Congress, radical transformation of the agency, even ending the agency as we know it and replacing it with a panel of private sector, expert entrepreneurs, became a goal of some.

At the very least, reforming the Food and Drug Administration at the beginning of the last Congress looked to be an exercise fraught with partisan political turmoil, and destined for ongoing gridlock.

But while there was focus on the extreme ends of the argument—those folks arguing for no changes against Members demanding wholesale dismemberment of the agency—a broad, bipartisan group of Members of Congress developed.

With the help of Vice President GORE's Reinventing Government Program, Members of Congress from both political parties developed practical, bipartisan solutions to the critical management issues that the FDA approval process presents.

I sought to mobilize this bipartisan movement with H.R. 1472, introduced in June 1995. Some in my party thought I had gone too far, too fast. But I am gratified that many of the elements of this legislation, strengthened in this legislation, are going to be considered by the Senate.

These include, first, a streamlining of approval systems for biotechnology product manufacturing. It is clear that the rules for biotechnology, so central to health care progress, have not kept up with the times. This legislation will allow biotechnology to move into the 21st century with a realistic framework of regulation.

The bill allows approval of important new breakthrough drugs on the basis of a single, clinically valid trial.

It creates a collaborative mechanism allowing applicants to confer constructively with the FDA at critical points in the approval process.

It sets reasonable, but strict, timeframes for the approval of decisionmaking.

It reduces the paperwork and reporting burden now facing so many small entrepreneurs when they make minor changes in the manufacturing process.

It establishes provisions for allowing third-party review of applications at the discretion of the Secretary.

It allows manufacturers to distribute scientifically valid information on uses for approved drugs and devices, which have not yet been certified by the Food and Drug Administration.

Each of those areas, Mr. President, was in the legislation that I introduced more than 2 years ago, and with the bipartisan efforts that have been made in this bill, each of them has been strengthened. I am especially pleased that Senators MACK, FRIST, DODD, BOXER, KENNEDY, and I could offer the provisions of this legislation relating

to the dissemination of information on off-label uses of approved products.

This provision will allow manufacturers to distribute scientifically and clinically valid information on such uses following a review by the Food and Drug Administration, including a decision that I proposed more than 2 years ago, which may require additional balancing material to be added to the packet.

Here is why that is important. Manufacturers with an approved drug for ovarian cancer may have important, but not yet conclusive, information from new trials that their drug also may reduce brain or breast cancers. That data, while perhaps not yet of a grade to meet supplemental labeling approval, may be critically important for an end-stage breast cancer patient whose doctor has exhausted all other treatments.

That doctor and that doctor's patient have the absolute right to that information. It is time for this policy of censorship at the Food and Drug Administration to end. I believe that, with the legislation that will come before the Senate, it will be possible for health care providers to get this critical information and do it in a way that protects the safety of all of our citizens.

This legislation is going to save lives, not sacrifice them. It is going to mean that more doctors and their patients will have meaningful access to life-saving information about drugs that treat dread diseases like HIV and cancer.

It will mean that biologic products will have a swifter passage through an approval process which no longer will require unnecessarily difficult demands with regard to the size of a startup manufacturing process.

It will mean that breakthrough drugs that offer relief or cures for deadly diseases, for which there is no approved therapy, are going to get to the market earlier on the basis of a specially expedited approval system.

Mr. President, legislation, indeed laws, are only words on paper. Mr. President, we must also have a new FDA Commissioner who is committed to the changes in S. 830, just as committed to those changes as former Commissioner David Kessler was committed to the war on teenage smoking.

This bill goes a long way to making sure that the Food and Drug Administration is prepared to meet the challenges of the 21st century. But we also need to make sure that at the FDA, at that agency, there is a new commitment at every level to carry out these changes.

I believe that it is possible to keep the mission of the Food and Drug Administration—that all-critical safety mission, a mission that Americans rely on literally from the time they get up in the morning until the time they go to bed at night—while still ensuring that there are opportunities for innovation in the development of cures for dread diseases.

Mr. President, I also want to conclude by thanking a member of my staff, Mr. Steve Jenning. For several years now, he has toiled on many of these provisions with Members of Congress on both the House side and the Senate side, to help bring about this legislation. He has, in my view, done yeoman work, and I want to make sure that the Senate knows about his efforts. I know my colleagues in the House are very much aware of him.

So we all look forward, on a bipartisan basis, to seeing S. 830 come to the floor. It is a bill that is going to make a difference in terms of saving lives. The Senate needs to pass it and needs to pass it this week.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first of all, I want to thank the Senator from Oregon for his support and for his very effective presentation. I know there are so many of us here who want to work together. In fact, just about everybody does. That is why it is of such concern to me that we now find ourselves in a position where we can't proceed. I know of the Senator's immense assistance in helping us in this matter, and I appreciate what he has said.

Mr. President, I think it would be wise at this point, while we are biding time in the hopes of being able to move forward, to answer the questions that many people have: Why are we here? What is the big deal? What is so important? Why are we anxious to get moving and to get this piece of legislation passed?

I would like to go through some of the problems that we have right now with the FDA because it is our lives and our health that are at stake here. The time delays that occur because of the various problems at the FDA that we are trying to correct mean that new therapies that would be essential to your life and health, proceed so slowly that many, many people are deprived of the hopes and dreams we all have of a good health and a good life.

Let me provide some examples. By law, FDA is required to review and act on applications for approval on drugs within 180 days. Now, that 180 days was not just pulled out of the air. That was looking at the normal processes you would be able to do it in 180 days. According to FDA's own budget justification for fiscal year 1998, it takes the agency an average of 12 months longer than the statute allows to complete this process. It takes, on average, a year and a half for a process that should take 6 months.

Since the 1960's to the 1990's, complete clinical trials, that is, the time required by FDA to show for efficacy of drugs, has increased from 2.5 to nearly 7 years. Between 1990 and 1995, the FDA average approval time, that is, the time after the clinical trials have been completed, was about 2.3 years.

Today, only 1 in 5,000 potential new medicines is ever approved by the FDA. According to a recently published study, from the beginning of the process to the end, it takes an average of 15 years and costs in the range of $500 million to bring a new drug to market.

Why does this process take so long? Before FDA even gets involved in the process, innovators spend an average of 6½ years in early research and preclinical testing in the laboratory and with animal studies. Long before human tests begin, a summary of all the preclinical results is submitted to the FDA. This document, known as the investigational new drug application, or IND, contains information on chemistry, manufacturing data, pharmacological test results, safety testing results and a plan for clinical testing in people.

If the FDA judges the potential benefits to humans to outweigh the risks involved, the stage is set for three phases of clinical trials to begin. Taken together, the three phases of clinical trials in human populations average about an additional 6 years.

Phase I clinical trials focus on safety. During about a 1-year period, very low doses of compound are administered to small groups of healthy volunteers. Gradually, they are increased to determine how the bodies react to the different levels.

Phase II clinical trials last about 2 years; that is, 2 additional years. They involve 100 and 300 patient volunteers, and focus on the compounds effectiveness. These are blinded trials that are held in hospitals around the country where they compare the innovator compound with a so called placebo—that is the control group is not given anything. The effect of the innovator drug is compared with effect on those who received the placebo. Three out of four prospective drugs drop out of the picture as a result of the data collected during these phase II trials.

Phase III trials involve one or more clinical trials where researchers aim to confirm the results of earlier tests in a larger population. Phase III lasts from 2 to 5 years and can involve between 3,000 and 150,000 patients in hundreds of hospitals and medical centers. These tests provide researchers with a huge database of information on the safety and efficacy of the drug candidate to satisfy FDA's regulatory requirements.

The amount of data required to file for the next new phase, new drug application, or NDA, is staggering. The application for new drugs typically runs to hundreds of thousands of pages in length. For example, in 1994, the NDA for a groundbreaking arthritis medication contained more than 1,000 volumes of documentation that weighed 3 tons. It included data from clinical tests in roughly 10,000 patients, some of whom had been taking new medication 5 years.

During the NDA review process—which can last an additional 2½ years, Government officials have extensive

contact with the company. They visit the research facilities and talk to the doctors and scientists involved in the research. In addition, FDA officials visit and approve the manufacturing facilities and review and approve all the labeling, packaging and marketing that will accompany the product.

Well, that is good and we want the FDA to be thorough, but things can be done more efficiently and more effectively. If we cannot reduce these times based on the consensus agreements in this bill—then a lot of people will lose the timely availability and the utilization of these breakthroughs.

What does this reducing of overall time mean for Americans? If we can reduce this overall time, it means quicker access to safe and effective lifesaving drugs.

I want to point out that the FDA, when it reviewed priority applications, has been able to make breakthroughs in AIDS and elsewhere by just being more efficient.

Also, for instance, to give you an example of review process delay, over 12 million type-2 diabetics had to wait almost 2 years for a new machine to be approved. Almost 2 million American women with breast cancer had to wait almost 2 years in excess of what should have been required for this review process.

So when that you have that kind of delay, you know you have to have reform, and that is why we are here. Some may argue that the long period of review and approval time is the price we pay for ensuring drug safety and efficacy. But that long delay does not hold true for all drugs. We know the FDA can significantly reduce its approval times because it has already done it. We have, for instance, with respect to the AIDS therapies, the so-called protease inhibiters that were approved in a matter of months. FDA can do more to ensure that they receive timely attention, and S. 830 will help FDA do so for all promising therapies. FDA is aware of this, and that is why they have been working to help simplify the law, simplify the process, simplify the procedures, so that we can get these drugs to market on time without in any way infringing upon the necessity to protect the health of our people.

So as we proceed, I will review these issues in a more definitive manner. But as we await removal of an objection to proceed, I just wanted to remind people that there are real, valid, deep concerns that we are facing here. Our goal is to make sure the health of our Nation can improve and that people will be able to have access to the innovative therapies that will benefit their lives.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

Mr. FRIST. Again, I would like to commend the chairman of the Labor and Human Resources Committee for the outstanding work he has done in shepherding through the committee and now, hopefully, later today bring to the floor an act which will modernize and strengthen the FDA and will be to the real benefit of all Americans to make sure that health care services are given in an expeditious way to the American people.

As I mentioned in my earlier comments in the Chamber, a central aspect of health care today is the dissemination of information to physicians, to health care providers so that both will know, understand and have access to and be able to use appropriately that information to serve their patients, the so-called off-label or extra-label provisions I introduced this morning, and I want to share once again my delight in the fact that in a bipartisan way, working with Senators KENNEDY, WYDEN, BOXER, MACK, myself, and the distinguished chairman, we have come together and worked with the administration and the FDA to address this very important issue of dissemination of information.

As I mentioned, off-label uses are really prominent in health care today. The American Medical Association estimates the off-label or extra-label use of drugs that have already been approved by the FDA to be in the range of 40 percent to 60 percent of all prescriptions. Of all prescriptions written today, 40 to 60 percent are estimated by the American Medical Association to be off-label, and there have been very few problems associated with this off-label appropriate use. In treating hospitalized children, it has been estimated that over 70 percent of the drugs are prescribed to be off-label, and that can vary anywhere from 60 to as high as 90 percent, and for diseases such as cancer the figure can be as high as 90 percent.

As a lung cancer surgeon—I mentioned earlier the treatment of lung cancer today—the medical treatment of lung cancer involves well over 80, more in the range of 90, percent of all medical treatment being off-label. And that is that the drugs already approved by the FDA are used either in a dosage or in a combination with other drugs that have not yet been approved or studied through the FDA process. That can be improved in lots of ways and that is part of the underlying bill, to strengthen the FDA by making the approval process more efficient. People ask me frequently, why aren't all uses of drugs, if they are really effective, if they are really valuable, if they really improve patient care, why aren't they on the label?

A goal of all of us, I think, is to get as many on the label as possible. But in answering that question, I first cite the American Medical Association's Council on Scientific Affairs, which met this spring to consider all of these issues and to make recommendations regarding information dissemination and what we call the supplemental approval process; that is, a drug has been approved for a specific indication at a specific dose and if it is discovered through medical science that a different dose or another medication is in order, why can't you get that in a supplemental way on the label. The AMA's Council on Scientific Affairs, in explaining why there are currently so many medically accepted, commonly used, unlabeled uses of FDA-approved drugs, states:

> The simple answer is that FDA-approved labeling does not necessarily reflect current medical practice.

In their comments, they go on to explain that manufacturers may not seek FDA approval for all useful indications for a whole range, a whole host of reasons, including:

> The expense of regulatory compliance may be greater than the eventual revenues expected—e.g. if patent protection for the drug product has expired or if the patient population protected by the new use is very small.

The point is, if you have a drug in your pharmaceutical company and you know it is good, yet it will benefit very few people in a population and you know it is going to cost you millions and millions of dollars and years and years of trying to put through these clinical trials, what incentive do you have when the benefit is to such a few number of patients out there? Thus, we need to lower that barrier, make the supplemental approval process for these extra-label or off-label uses easier, lower that barrier.

Patent protection. Once a manufacturer has invested a lot of money and time in clinical trials and meeting the regulatory requirements of the Food and Drug Administration, they are protected for a period of time through the patent, but once the patent expires, what then is their incentive to go out and get this off-label use put on the label when they have to go through so many hoops, through what all of us know is an inefficient process today?

The good news is that the underlying bill addresses the supplemental process. It links off-label use or dissemination of information about off-label use to a future application.

Now, the supplemental process—and what I am even more excited or equally excited about is it makes that supplemental process more efficient, with more incentives for the manufacturers to seek what is called a supplemental new drug application.

Going back to the AMA's Council on Scientific Affairs, they say:

> A sponsor also may not seek FDA approval because of difficulties in conducting controlled clinical trials. ([For example,] for ethical reasons, or due to the inability to recruit patients).

''Finally,'' and again I am quoting them:

> . . . even when a sponsor does elect to seek approval for a new indication, the regulatory approval process for the required [Supplemental New Drug Application] is expensive and may proceed very slowly.

In fact, they continue to explain a little bit later, that the past review

performance for SNDA's, Supplemental New Drug Applications, is

. . . unexpected because the SNDA should be much simpler to review than the original [New Drug Application], and suggests the FDA gave much lower priority to reviews of SNDAs.

The point is, we need to improve the underlying supplemental new drug application process and this bill does that as well. I am very hopeful that this bill can be brought to the floor because you can see the number of good things that are in this bill that will speed and make more efficient the overall approval process with safeguards built in that will protect the American people from dangerous drugs, the unnecessary side effects of drugs or devices.

The underlying bill, again pointing to the real advantages of getting this bill to the floor, includes additional incentives for manufacturers to seek supplemental labeling, including added exclusivity for those seeking pediatric labeling. Again, encouraging—and we know, if you look back historically, we as a nation have not done very well, in terms of aiming labeling for the pediatric population, a place where these drugs are so critical, are so crucial for our children, my children, your children. We need to do better there and this bill addresses that.

Also, the underlying bill requires that the FDA publish performance standards for the prompt review of supplemental applications. It requires the FDA issue final guidance to clarify the requirements and facilitate the submission of data to support the approval of the supplemental application. And it requires the FDA to designate someone in each FDA center who will be responsible for encouraging review of supplemental applications and who will work with sponsors to facilitate the development of—and to gather the data to support—these supplemental new drug applications. Moreover, the Secretary, as specified in the bill, will foster a collaboration between the Food and Drug Administration and the NIH, the National Institutes of Health, and the professional medical societies and the professional scientific societies, and others to identify published and unpublished studies that could support a SNDA, a supplemental new drug application. The point is to improve that communication, that working together. Finally, in the bill, the Secretary is required to encourage sponsors to submit SNDA's or conduct further research based on all of these studies.

Again, this drives home the point that the underlying value of this bill dictates that it be brought forward to the floor, that it be debated, that it ultimately be passed and taken to the American people—all of these provisions which I cited—to improve the FDA's commitment to the SNDA process, to improve the agency's communication with manufacturers regarding the requirements for SNDA's, and the requirements that in most cases the manufacturers submit approved clinical trial protocols and commit to filing a SNDA before disseminating scientific information about off-label uses—all will improve the number of supplemental indications pursued by manufacturers.

To be certain of the impact of all of these provisions, the dissemination provisions sunset after a completion of a study by the Institute of Medicine to review the scientific issues presented by this particular section, including whether the information provided to health care practitioners by both the manufacturer and by the Secretary is useful, the quality of such information, and the impact of dissemination of information on research in the area of new uses, indications, or dosages. Again, special emphasis in the bill is placed on rare diseases and is placed on pediatric indications.

Indeed, limiting information dissemination to off-label uses undergoing the research necessary to get it on label has been a real subject of negotiation and compromise in this bipartisan discussion with the FDA and the administration and representatives from Congress. However, the point is that we have done that. It is now ready to be brought to the floor, to be talked about among all of our colleagues if they so wish. Those negotiations and those compromises have been carried out. It is time now to bring that to the floor. We have worked to accommodate many other concerns of our fellow colleagues in the U.S. Senate, concerns among the FDA and other organizations. The provisions outlined in the amendment have changed a great deal from the original bill that was proposed by Senator MACK and myself during the 104th Congress, and it makes it a better bill, a stronger bill, one that I think will benefit all Americans.

In general, in the bill, manufacturers will be allowed to share peer-reviewed medical journal articles and medical textbooks about off-label uses with health care practitioners only if they have made that commitment to file for a supplemental new drug application within 6 months, or if the manufacturer submits the clinical trial protocol and the schedule for collecting the information for this new drug application, this supplemental new drug application. If those criteria are met, manufacturers will be allowed to share peer-reviewed medical journal articles and medical textbooks.

I have to comment on peer review because it is important. That means the types of materials that are submitted, that a manufacturer may submit to a physician—remember the physician already has 4 years of medical school, several years of residency, is trained to at least read that peer-reviewed article. If that peer-reviewed article is sent, that dissemination of information will facilitate, I believe, the overall care of patients—broadly.

In addition, the FDA will review whatever proposed information is to be sent out by a manufacturer to a physician. They will have 60 days to review that peer-reviewed article or that chapter out of a textbook. The manufacturer—and it is spelled out in the bill—must list the use, the indications—the indication, or the dosage provisions that are not on the label. The manufacturer must also disclose any financial interest. The manufacturer must also submit a bibliography of previous articles on the drug or the device. And, then, after all that submission, if the Secretary determines that more information is needed, she may require the manufacturer to disseminate other information in order to present an objective view. In other words, we are not allowing manufacturers to send out articles which have any sort of bias or conflict of interest. These are peer-reviewed articles with safeguards built in to make sure that there is not an undue bias.

The safeguards against abuse also ensure that the information is accurate; it is unbiased when it is presented to that practitioner. Manufacturers must inform the Secretary of any new developments about the off-label use, whether those developments are positive or whether they are negative. And, in turn, the Secretary may require that new information be disseminated to health care practitioners who previously received information on a new use. This really should go a long way to ensure that health care practitioner—the person who is in rural Tennessee—is fully informed, with peer-reviewed articles, cleared of any conflicts of interest, with the FDA having had 60 days to make sure that balance is there.

There are a number of benefits to this amendment. Patients will gain from better and safer health care because their physician will be more knowledgeable about potential treatments. That is the most important thing for a physician. Again, as I am in this body I want to keep coming back, again and again, to what is important to physicians and to our health care system. It is simply one thing and that is the patient; that the patient has access to the very best health care, the very best device to treat their cancer, to treat their underlying heart disease, to provide the patient with the very best possible care.

There will be a number of charges, and there have been in the past, about this freedom of information, allowing dissemination of extra-label information. One is—and we heard it last year and we built into the process, I think, very strong provisions to prevent this—but critics would say if you allow people to use drugs and devices off-label—remember, that's the standard of care right now—but if you allow information to be disseminated by a manufacturer, then what incentive does that manufacturer have to go out and jump the hurdles of a SNDA, the supplemental new drug application process?

Pharmaceutical companies are going to be committed to completing a SNDA in this bill. They have a greater incentive to continue research and clinical trials on their projects. The additional benefits of receiving approval for new indications include product reimbursement. Frequently you are not reimbursed for a medicine unless it is FDA approved. The incentive to get that approval is there if we have an appropriate barrier. Another is less product liability. Many people believe if it is on the label and you use that drug, that gives you some protection from product liability and therefore these manufacturers have an incentive to get that supplemental new drug application approved. Also, active promotion of the product for the new use.

I also heard in the debate last year before the committee this whole idea of what peer review is. It is misunderstood by people broadly, but the concept of peer review is that I, as an investigator, submit my data and my studies to the experts in the world who are not necessarily—who are not, in fact—at my institution, not a part of my research team. They are objective. There is no conflict of interest. They review the study, they review the protocol, they review how the study was carried out, and decide is this good science or is this bad science. And that is what peer review is. Typically, journals that are peer-reviewed have objective boards that look at this data and either put on their stamp of approval—they don't necessarily have to agree with everything, but they have to say it is good science and the study was conducted in an ethical and peer-reviewed manner.

So peer review is important. We have worked, again in a bipartisan way, in this bill, with the American Medical Association's Council on Scientific Affairs to agree on the definition of a quality peer-reviewed journal article in order to ensure that high scientific standards are guaranteed; if a manufacturer sends out an article, it has been peer reviewed. And we spell out in the bill that manufacturers will only be allowed to send out peer-reviewed articles from medical journals listed in the NIH, the National Institutes of Health, National Library of Medicine's Index Medicus. These medical journals must have an independent editorial board, they must use experts in the subject of the article, and must have a publicly stated conflict of interest policy. Again, building in, as much as possible, the concept of educated scientifically objective peer review.

Last, manufacturers will not be allowed to advertise the product. They will not be allowed to make oral presentations. They will not be allowed to send free samples to health care practitioners. In other words, sending a health care practitioner, a physician, an independently derived, scientifically significant peer-reviewed journal article is not promotion. As a physician, I know, reading a peer-reviewed article—you see a lot of peer-reviewed articles—does not necessarily change my prescribing habits. As a physician, I am trained through medical school and residency and my years of practice to assimilate that information, reject what I don't agree with or what I don't think is good science and use, if I think it is in the best interests of my patient, what is suggested.

In closing, let me simply say that I am disappointed that an objection has been made to bringing to the floor the large bill that will strengthen the FDA. It is important that we do so. It is important that we extend PDUFA, which is the approval process supported by the private sector, working hand in hand with the public sector, which has been of such huge benefit to patients. We should do so because we will be able to get better, improved therapies for the treatment of cancer, pediatric diseases, blood-borne diseases, to the American people in a more expeditious way, and that translates into saving lives.

We need to bring this bill to the floor now. We have bipartisan support. We have debated it. It was approved in a bipartisan way through the Labor and Human Resources Committee. If we do so, we will be doing a great service to the American people.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I, again, want to thank Doctor —Senator FRIST who is a cosponsor of this bill and has lent his incredible expertise to this effort. I especially thank him for his leadership, with Senators MACK, BOXER, and WYDEN, for their work in solving the off-labeling provision. Their collaboration shows the broad base of support this provision now has. Off-labeling was one of the most contentious provisions in the last Congress. To come up with a solution of that issue is a tremendous step forward. I want to talk a little bit, before I wind things up here, about the broad base of support we have.

Senator DEWINE, for instance, joined with Senator DODD in offering important amendments to establish incentives for the conduct of research into pediatric uses of existing and new drugs.

Senator HUTCHINSON had an amendment to establish a national framework for pharmacy compounding with respect to State regulations which allowed us to move forward on another very contentious and important issue.

I also want to praise and thank Senator MIKULSKI for being a cosponsor of this legislation, and the importance of her help on PDUFA, of which she was a primary sponsor. We all benefit from Senator MIKULSKI's determination to bring FDA into the 21st century, not just for the benefit of her own constituents, but for all of us.

I also would like to point out that we had contributions by Senator DODD in the area of patient databases. He worked very closely with Senator SNOWE and Senator FEINSTEIN. We are grateful for their leadership in these areas. Senator DODD has been a tremendous asset in helping to enact broad-based reform this year. He has been of steady, continual assistance to us.

Also, the tremendous difficulties that we had with third-party review provisions during the last Congress have undergone substantial revision since it was first debated. Senator COATS in particular has shown incredible leadership on this issue. This was a very difficult area and Senator COATS has been magnanimous in his willingness to spend many hours in bringing about consensus. I certainly appreciate his work.

Senator WELLSTONE's contributions to the area of reforming medical device reviews shows the breadth of the philosophical collaboration we had on these issues. Senator WELLSTONE introduced his own legislation to reform the medical devices approval process and many of his provisions are included in this bill.

Also, of course, Senator KENNEDY has been of incredible help, as he has been on so many issues. He has worked hard and I thank him for the number of hours that he and his staff put into this bill to make sure we arrived at a consensus.

I also thank Senator GREGG for working so hard on radio-pharmaceuticals, on streamlining the process for reviewing health claims based on Federal research, and on establishing uniformity in over-the-counter drugs and cosmetics. The latter issue—cosmetic uniformity—is still giving us some trouble.

But Senator GREGG has just been incredibly hard-working and effective with this bill in handling four different issues.

Also, the two amendments that Senator HARKIN had on the third-party review for medical devices and also his work in other areas has been a very great help and a demonstration of the broad philosophical support that we have and how we are working together to bring about a consensus, hopefully, before the end of the day on the remaining issues.

Mr. President, before I cease, I would like to take care of a couple of housekeeping matters here.

PROVIDING FOR THE USE OF THE CATAFALQUE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 123, which was received from the House and is agreed upon by both parties.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 123) providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court for the United States.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 123) was agreed to.

AUTHORIZING USE OF CAPITOL GROUNDS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 130, SEnate Concurrent Resolution 33.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 33) authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to; that 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 concurrent resolution (S. Con. Res. 33) was agreed to, as follows:

S. CON. RES. 33

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

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL SAFE KIDS CAMPAIGN SAFE KIDS BUCKLE UP SAFETY CHECK.

The National SAFE KIDS Campaign and its auxiliary may sponsor a public event on the Capitol Grounds on August 27 and August 28, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police.

(b) EXPENSES AND LIABILITIES.—The National SAFE KIDS Campaign and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National SAFE KIDS Campaign and its agents are authorized to erect upon the Capitol Grounds any stage, sound amplification devices, and other related structures and equipment required for the event authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any other reasonable arrangements as may be required to plan for or administer the event.

RECESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3 p.m.

There being no objection, at 1:37 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. COLLINS).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, there will now be a period of morning business. The first hour of morning business is under the control of the Democratic leader or his designee.

In my capacity as a Senator from the State of Maine, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE WITH CHINA

Mr. BAUCUS. Madam President, this week the United States Trade Representative will conduct a set of talks on China's accession to the World Trade Organization. Their results will have a great effect on our trade policy for years to come. So this afternoon I want to take a few minutes to discuss the reason these talks are important, the state of United States-China trade, and a strategy that can help improve the situation.

The reason these talks are important is simple. China is a big market, a big exporter, and a country with which we have a large and difficult trade agenda. By virtue of population, only India equals China as a potential export market. And China's economic growth, at nearly 10 percent a year throughout this decade, is unmatched in the world.

Much of this growth has come from trade. Twenty years ago, China barely participated in world trade. It is now the world's sixth largest trader and is now our third largest source of imports after Canada and Japan. If you count Hong Kong together with China, the figures are even more impressive.

But our American export performance to China is very poor. The Commerce Department reports $11.7 billion in goods exported in 1995, $12 billion in 1996, and on track for the same level this year. Adding exports of services, the total is about $2 billion larger, but the trends are no better.

By contrast, our exports to the rest of the world have grown by 18 percent since 1995. So despite China's size, despite China's economic growth, our export performance is weak and China's importance as an export market relative to other countries is rapidly declining.

We should be doing much better than this. There are two reasons for our weak performance. The first is that many of our own policies appear designed to cut our exports to China. And the second, larger problem, is Chinese protectionism.

We will start with the first point. Because while bringing down trade barriers takes a lot of work and hard negotiations, we can fix our own mistakes pretty easily. And let me offer three examples.

First, we bar trade promotion programs like the Trade Development Agency, OPIC, and sometimes the Eximbank from operating in China. The Senate took a good step forward by passing my amendment last week showing the Asian Environmental Partnership to work in China, but we have a very, very long way to go.

We refuse to sell nuclear powerplants to China. This is foolish enough when we see that France and Japan are pushing nuclear powerplant exports in our absence. And it is almost surreal when you consider that we are actually giving nuclear powerplants to North Korea.

We have an antiproliferation law that embargoes electronics exports if China sells missiles. That is, if China misbehaves, we sanction ourselves. This will not work. If we are serious about reducing the trade deficit, if we want a trade policy that creates jobs in America, we cannot routinely prevent ourselves from exporting.

That is part of the solution, but not the whole solution. Because while fixing our mistakes are important, structural economic issues and Chinese trade barriers do much more to cut our exports.

To date, we have used our own domestic trade law to solve our problems, section 301 and Special 301, to bring down trade barriers, the antidumping and countervailing duty laws to fight dumping and subsidies. This policy won some results, and if necessary we should continue using it into the future. But it is a slow and frustrating policy which addresses individual, specific problems rather than the full spectrum of trade barriers. We need a more comprehensive approach. And we have it in China's application to enter the World Trade Organization.

WTO rules address most of our China trade problems, from tariffs and quotas

to subsidies and distribution. If China accepts these rules, our trade future may be much brighter than the present. So I regard these discussions in Geneva as critically important and view China's entry to the WTO on commercially acceptable grounds as very much in our national interest.

But these talks come with risks. If we sign a bad agreement, whatever we miss will stay there a long time. In that case, we should never expect much from the China market. And we would set a dangerous precedent for other reforming communist countries from Russia to Ukraine to Vietnam which hope to enter the WTO.

To this point, China has not made acceptable offers. And if they will not do it this week, we need to be patient. We need to hold out for a good deal. And a good deal basically means four things.

First, it means market access. Today, Chinese tariffs rise to 120 percent for cars and 80 percent on beef. They must go down, way down. We need much less restrictive quotas, abolition of unscientific barriers to agricultural products, like the unfounded claims about ''TCK smut'' on our wheat, an end to unpublished quotas and regulations, no more unfair inspection rules, and an open market for services.

Second, we need an agreement by China to accept basic standards of trading behavior. Trade regulations must be the same in every port and province all across China. Intellectual property must be protected and technology transfer requirements outlawed. Restrictions on national treatment must go. The government must abandon policies requiring investors to export all or part of their product rather than selling it to the Chinese. And restrictions on trading rights must end.

Third, there are subsidies. We need clear and visible separation between ministries, officials, and public taxes on the one hand and private business on the other. And we need to preserve our safeguards against export subsidies and dumping. Our antidumping law has special rules that calculate dumping from noncompetitive economies. This is the right policy, given the present state of economic reform in China, and we need to keep it in place.

Fourth, results and enforcement. China, as a large partially reformed economy, presents questions the GATT and WTO have never encountered. So we ought to have some benchmarks to measure success, including objective measures of Chinese imports, and a prearranged system of consultation if we see things going wrong. And when problems arise, if they do, we must be ready to enforce our rights.

Of course, a good WTO accession works in both directions. And that brings me to the third part of a better China trade strategy.

As GATT and WTO members, we have always, as Americans, accepted one basic commitment; that is, MFN for all members, permanently and without conditions. If China agrees to a good WTO deal, the Chinese have the right to expect us to fulfill this commitment to them. It is good policy on the merits. It is also the fair and honorable thing to do.

The right trade policy toward China is clear. We must end restrictions on export promotion. We should bring down China's trade barriers through a fair WTO accession agreement, if we can, and through laws like Section 301, if China is not ready to make a good offer. When China does make a good offer, we should live up to our own responsibilities by making MFN status permanent. It can begin this week.

Thank you, Madam President.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that I be allowed to speak for as much time as I consume as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNIVERSAL SERVICE FUND

Mr. DORGAN. Madam President, it is Monday today, and somewhere deep in the bowels of this Capitol building, the budget people are meeting to finalize a budget agreement in something called the reconciliation bill, which deals with both spending and taxes. These are the budgeteers, the people that come from the Budget Committees, and they work on the budget; they know the budget. They deal in almost a foreign language, speaking to each other in a language that most Americans would not understand. Somewhere down in the recesses of this building, they are now meeting, finalizing two reconciliation bills—one on spending and one proposing tax cuts.

The issue that brings me to the floor today for a moment will also bring me to the floor tomorrow morning on an amendment that I have offered. It deals with something that most Americans will not recognize; it is called the universal service fund. Somewhere in this room, where these budgeteers are working, they have a hole in their budget plan. In other words, it doesn't quite add up. So when something doesn't quite add up, what do you do? Well, in this case you get a different adding machine. You can actually build an adding machine that adds it up the way you want. So they plug this hole with a plug number, and the plug number they use in their budget hole is called the universal service fund. I want to describe what it is and why what they are doing is fundamentally wrong and will lead us down the wrong path and cause a great deal of trouble for a lot of Americans.

We have something called the universal service fund in this country because we wanted to provide telephone service to all Americans at an affordable price. How do we do that? Well, it costs a substantial amount of money to provide telephone service for a very small town because you have to have the same infrastructure, and you have to spread the costs over very few telephones. I come from a town of 300 people, so I know what that is about. It is much different than the cost of providing a telephone in a city like New York, where you have literally hundreds of thousands, or millions of telephones, and you spread the fixed costs over millions of telephone instruments.

So we decided in this country we would offset the cost of telephone services for those very high cost areas, where it might otherwise cost people $50, $100, $200 a month to have a telephone. We would offset the cost to make it affordable for everybody by charging everybody a little bit that goes into a universal service fund, and that is used to drive down the telephone costs in the very small areas.

Why did we decide that was important as a country? Because the presence of every telephone makes every other telephone more valuable. If the folks in the big cities could never call people in small towns because the people in small towns found that telephone cost was too expensive and therefore they didn't have a telephone, the system would not work, would it? That is why we have the fund.

A year and a half ago the Congress passed the Telecommunications Act. It was the first time in nearly 60 years that Congress had reformulated the laws on telecommunications. The Congress also changed the universal service fund some. Now, this is not money that comes into the Government or goes out of the Government. It is a fund that is established that is administered and set up privately, or on a quasi-private basis at least.

What we have today is a new budget deal that is being put together in which the budgeteers are taking the universal service fund money—some of it—and bringing it into the Federal budget and then spending it out again and using it to manipulate their numbers to plug a $2 to $4 billion hole that will show up sometime in the year 2002.

If this sounds like foreign language to most Americans, I can understand that. But it won't sound like foreign language if the manipulation and misuse of the universal service fund means that, in the longer term, people in small areas, in small towns and rural areas, end up paying much higher monthly telephone bills because of it.

There is no excuse, no excuse at all, for people who are now negotiating today on this budget deal to be talking about manipulating or misusing the universal service fund. It doesn't belong to the Federal Government,

doesn't come into the Federal Treasury, and is not to be used or misused by the people who are putting this budget deal together.

Now, I raised this issue last week, and it doesn't mean a thing, apparently. You know, there are some people who apparently just can't hear. I think the budgeteers are in a soundproof room and don't hear. The Senator from Alaska, Senator STEVENS, has raised objections to this. Senator MCCAIN has raised objections to it. Senator HOLLINGS has raised objections to it. I have raised objections to it. Others on the floor of the Senate have raised objections. It doesn't seem to mean a thing. They just do their thing in this room. And the White House is negotiating with the Republican leadership in Congress. That is why the deal is being struck. Somehow there will be some immaculate conception announced from some room here in the Capitol in the coming hours, maybe later today, tomorrow, or Wednesday. There is no chance to get into that deal and pull something out that is as egregious a mistake or an abuse as this is, because then we will only have a certain number of hours, and we will be able to vote ''yes'' or ''no'' on the construct of this deal.

The reason I came to the floor is to say that if there are people who are putting this together and if they are in fact listening, listen carefully and listen closely: You are doing the wrong thing. You are making a mistake. This money doesn't belong to you. This money ought not to be used to plug a hole in the budget. If you are going to add something up, add it up honestly. If you come up short, find an honest way to cover the shortfall. Do not misuse or manipulate the universal service fund.

I saw on television once a program by a fellow named David Copperfield, a great illusionist, and he provided marvelous entertainment, creating these wonderful illusions for his television audience. Most people, like me, understood it was a trick. The wonderment was, how did they do that trick? I don't understand it. But with respect to illusions performed by Mr. Copperfield, I suppose everybody understands it's trickery.

Why don't we understand in Congress when we create an illusion like this in the budget, it is also trickery, and trickery doesn't belong in these budget agreements. It doesn't belong here, and they ought not bring to it the floor, using the universal service fund—or I should say misusing those funds.

We will vote on that tomorrow. I offered an amendment last week, which is scheduled for decision in the morning. We will, if we are not too late, send a message to the budgeteers: Do not do this. It is the wrong thing.

I said on Thursday that I recall at a motel in Minneapolis near the airport, they had a little sign where the manager parked. It was near the front door, so I suppose everybody wanted to park there. It said, ''manager's parking space.'' Then below it, it said, ''don't even think about parking here.'' I thought, wow, I bet no one thinks about parking there. That is what this Congress ought to say to the people negotiating these deals: Don't even think about doing something like this. It is not the right thing to do. It misuses funds that are not yours. Don't even think about it.

FAST-TRACK TRADE AUTHORITY

Mr. DORGAN. Madam President, because the Senate has very little business today, I wanted to come to the floor to talk about the universal service fund issue. But because we don't have much else to do, I need to unburden myself on a couple of other issues.

This deals with a subject discussed by my colleague from Montana, Senator BAUCUS, on the issue of trade. He was discussing one small issue with respect to China and the WTO. I want to talk about another issue that is going to be the subject of substantial debate in the month of September. When we get back from the August recess, which Congress will take, we are told that the administration will request from this Congress something called fast-track authority for trade negotiations.

Fast-track authority, again, is a term that doesn't mean much, perhaps, to most. Everything with fast seems to me to connote something that is kind of interesting. There is fast food, fast talk, fast track. It all kind of connotes doing something unusual, not taking time to prepare. Fast track means that somebody can go negotiate a trade agreement someplace, bring it back to Congress, and once they bring it to Congress nobody in Congress has the right to offer amendments. That is fast track. To me that is undemocratic. But it is called fast track.

We have negotiated several trade agreements under fast track. All of them have been abysmal failures, terrible failures. We were told that we should grant fast track authority once again so our trade negotiators can go abroad and negotiate new trade agreements with other countries.

Let me review for just a moment what this has gotten us, and why I and some others in this Chamber intend in September to come and aggressively oppose both the President and those in this Chamber who want to extend fast-track trade authority. We asked for fast-track trade authority for negotiating a trade agreement with Mexico, our neighbor to the south. Do you know that just before we negotiated a trade agreement with Mexico under fast track that we had a trade surplus with Mexico? In other words, our trade balance was to our favor—not much, but a trade surplus. So we negotiated a trade agreement with Mexico.

Guess what happens? Now we have an enormous trade deficit with Mexico. What has happened to American jobs? They go to Mexico.

Do you know that we import more cars from Mexico into the United States of America than the United States exports to all of the rest of the world? Think of that. We import more cars from Mexico to our country than we export to the rest of the world. We were told that if we would just do this trade deal with Mexico, all it would mean is that the products of low-skilled labor would come into this country from Mexico but certainly not high-skilled labor.

What comes from Mexico? Cars, car parts, electronics—exactly the opposite kinds of products given the assurances that we were given when the deal was done with Mexico. I didn't support the North American Free-Trade Agreement—this so-called free-trade agreement with Mexico. They attached a free-trade handle to this agreement. That is another name thing—free trade; free lunch. There is no free lunch. The fact is there is nothing free about free trade.

You would think our trade negotiators ought to be able to go out and negotiate a trade agreement that we would win from time to time. Why is it that our trade negotiators seem to lose every trade agreement that they enter into?

Then there is Canada. We had a free-trade agreement with Canada. Now the trade deficit with Canada has gotten much worse. We have a peculiar and difficult circumstance with our Canadian border up in the North Dakota area with the flood of unfairly subsidized Canadian grain coming south across our border.

How about Japan or China? We have massive trade deficits every single year with these countries. And the trade deficit doesn't diminish. It doesn't get smaller. It doesn't improve. These trade deficits are abiding deficits every single year.

What does it mean to our country when you have a long-term trade deficit? With China it has gone from $10 million up to $40 billion in a dozen years. As a result, our country has become a cash cow for China's hard currency needs. It is fundamentally unfair to our workers in our country, and it is unfair to our factories and our producers in our country.

People say, ''Well, but those of you who do not like these trade agreements, you just do not understand. You do not have the breadth and the ability to see across the horizon. You do not see the world view here.'' What we do see is this country's interests.

I am all for expanding our trade. I am all for fair trade. But I will be darned if we ought to stand in this country for a trade relationship—the one we have with Japan, the one we have with China, the one we have with Mexico, or Canada for that matter, and others—that allows our producers and our workers to be put in a position where they cannot compete against unfair trade.

We cannot and should not have to compete in any circumstance with any

country that produces a product using 14-year-old kids working 14 hours a day, being paid 14 cents an hour, and then ships their product to Toledo, Fargo, Denver, and San Francisco. Then we are told, ''You compete with that, America. You compete with that.'' We shouldn't have to compete with that.

When we put people in our factories, we have a child labor law. When we put people in our factories, we have a minimum wage. When our people work in our factories, we have air pollution laws against polluting air and against polluting water.

Then a producer says to us, ''Well, that is fine if you want to do that. If you want to protect children, pay a decent wage and protect your air and water, we will go elsewhere. We will produce elsewhere. We will produce in China, Sri Lanka, Bangladesh, and Mexico. We will produce elsewhere where we are not nearly as encumbered by the niceties of production such as child labor laws or minimum wages.'' We shouldn't have to put up with that.

The point I am making is this: Those who come to us in September and say, ''Give us fast-track trade authority so we can go out and negotiate new trade agreements,'' ought to understand that some of us believe that you ought to correct the old trade agreements you have first. You ought to correct the problems that are causing massive deficits with Mexico, massive trade deficits with China, and massive deficits with Japan.

I am not saying that we want to close our markets to them. Instead we need to be saying to them, ''When you want to buy things, then you buy from us.'' We say to China, ''If you have a $40 billion trade deficit with us, when you want to buy airplanes, you buy them from us. When you want to buy wheat, you come shop in this country.''

Instead, China shops around the world for wheat. When it needs airplanes, it says to one major American airplane company, ''By the way, we would like to buy your airplanes, but we want you to manufacture them in China.''

That doesn't work. It is not fair trade. It is not the way the trade system ought to work.

Those of us who feel that way in September are going to be here on the floor saying fast-track trade authority ought not be extended. What we ought to do to the extent that we have the energy is to fix the trade problems that now exist—yes, in NAFTA, in GATT, and in bilateral trade relationships with Japan and China and others. That is the job we should be doing. Congress has the responsibility to insist the administration does it, and Congress itself needs to be involved in doing it.

I know what will happen when we do that in September when the administration asks for fast-track authority and some of us stand up and say, ''Wait a second; we wonder whether this is in the interests of our country.'' We will have people immediately jump up and say, ''Yes, you people are against free trade. You are a bunch of xenophobic, isolationist stooges who simply don't understand this world now is a smaller world. We from day to day and minute to minute have trade relationships with each other all around the globe, and you don't understand that. You never have gotten it, and you don't get it now.'' We hear those discussions virtually always when we raise the question of trade.

On the other hand, I think maybe those who view us in such a cavalier way will have to deal with the insistence of some of us that we finally must as a country insist on fair trade relationships. Perhaps they will begin to understand these abiding and long-term trade deficits. Incidentally, the largest trade deficits in the history of our country are occurring now. We currently have the largest merchandise trade deficits in our history. Maybe they will come to understand that these trade deficits will retard this country's long-term economic growth and hurt this country and we must do something about them.

There is great anxiety in this Chamber—and has been for a long while—about the budget deficit. We have made enormous progress in reducing that budget deficit. But there has not been a whisper in this Chamber about suggesting we do something about the largest trade deficit in American history. That trade deficit relates to jobs, economic opportunities, and the future of this country as well. It is long past the time when we do something about it.

MEDICARE WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Madam President, I would like to make comments on one additional subject today, a subject that many of us are working on in both the Republican and Democratic caucuses, and one that is also very important to our country.

The inspector general about a week and a half ago in Health and Human Services released a report on the Medicare Program, and indicated to us in Congress and to the American people that they felt that as much as $17 billion to $23 billion a year is essentially wasted in the area of Medicare, for a range of reasons and a range of areas—waste, fraud, and abuse. They describe bills that were inappropriate, bills that were erroneous, services billed for that were never provided, and some fraud.

The reason that is an important report is that it follows on the heels of the Government Accounting Office, the inspector for the Congress, the GAO, which also had indicated that it felt somewhere in the neighborhood of $20 billion to $23 billion a year is wasted in the area of Medicare. By ''wasted,'' I mean waste, fraud, and abuse.

A good number of people have tried to tackle this subject at one time or another and with some limited success. The American people would look at Medicare and probably conclude that it was a very important program. I happen to be a supporter of Medicare. I think it was a very important program for this country to develop.

Prior to the 1960's, when this country developed the Medicare Program, far fewer than half of the American senior citizen population had any health insurance at all—and that was for obvious reasons. There are not insurance companies formed in this country to run around seeing if they can provide unlimited insurance to people who are reaching an age of retirement and where they are going to need more and more health care in older age. It is not the way insurance companies make money. Insurance companies search for that healthy 25-year-old who is not going to need any health care and sign them up to pay health insurance premiums. All of us know that. That is where insurance companies make money. Do you know of an insurance company that says, ''Our mission in life is to make a profit by searching out old folks and seeing if we can provide insurance to old folks''? I don't think so. That is not the way it works. In order to have health insurance for people at any age, they would have to charge so much that most people couldn't afford it. The result was that in 1955, 1960, 1962 fewer than half of America's senior citizens had any health care coverage at all.

We passed Medicare and made certain that the fear of reaching retirement age and not having health care coverage would be gone forever. Medicare guaranteed those citizens who reached that age—age 65—that they were going to have health insurance coverage. And it has been a marvelous program in many ways. After health care was provided for senior citizens in the early 1960's in the Medicare Program, 99 percent of the senior citizens in this country have coverage for health care—99 percent. That is a remarkable success.

Something else has happened in this intervening period, and it is also called success. People are living longer and living better. Medical breakthroughs extend life in a very significant way. One-hundred years ago at the turn of this century, if you were alive, you were expected on average to live to be 48 years of age. One century later, you have a reasonable expectancy to live to be 78 years of age—from 48 to 78 in one century. That is progress. These days, on average, you live to 77 or 78 years of age. You have a bad knee, replace the knee; a bad hip, replace the hip; cataracts, get surgery, and you can see again. Plug up your heart muscle for over 50 or 60 years, open the chest and unplug the heart muscle with open-heart surgery. I have been to meetings where people have stood up at a meeting and said, ''You know, I have a new knee. I have a new hip. I had cataract surgery and had some blockages removed with heart surgery,'' and then said, ''and we are sick of the Government spending money.''

Well, all of that cost money in Medicare. It is remarkable. It is breathtaking. It is wonderful that people live longer and medical breakthroughs allow them the opportunity to walk when they couldn't have previously walked and see when they couldn't have seen—and to do other things that give them a better life. But it is also very costly. It has costs with expanded Medicare payments, and all of us must understand that.

This program has grown largely because of success. The life span increases with breakthroughs in medical care. All of that spells more money in Medicare. We understand that. I think the American people accept that as a success story, except no one will believe it is a success story to have a program that has up to $20 billion a year of waste in the program. When the American people hear the stories that for a bottle of saline solution that you can go down to the drug store and buy for $1.03 and Medicare pays $7.90 for it, they have a right to say, ''What on Earth is going on here?'' Medicare will pay $211 for a home diabetes monitor used by diabetics to test their blood sugar levels. You can buy the same one not for $211 but for $39 at the local store; or the gauze pad that Medicare paid $2.33 for that you can buy for 23 cents. The American people have every right to say, ''What on Earth is going on? If you can't run a program, get a crowd in here that can run a program.'' Or, ''If the Congress can't pass the laws to make sure it is run the right way, then get somebody else to pass the laws to make sure it is run the right way.''

We ought to aggressively pursue fraud. When we see people committing fraud in Medicare, we ought to send them to jail, arrest them and prosecute them, and say, ''You commit fraud against the American people, your address is going to be your jail cell to the end of your term.'' When we see overbilling and overcharges, when we see administration that is not competent, we need to take action.

The inspector general report of a week and a half ago sends another warning to this Congress that we must take action to prevent this kind of Medicare waste, fraud, and abuse.

Mr. President, $20 billion a year is outrageous. If we are going to continue the support that is necessary for a Medicare Program that is important for this country, this Congress has to take action and take action soon.

There are some remedies in the reconciliation bill that will come to the floor this week but not enough. We must do much, much more. I know there are Republicans and Democrats in this Congress anxious to work together on this problem to hopefully prevent there from ever again being another GAO report or inspector general report that provides this kind of awful news about a Federal program that is so important to so many Americans.

Madam President, with that I conclude my remarks.

The PRESIDING OFFICER. Will the Senator withhold any suggestion of a quorum call for an announcement by the Presiding Officer?

Mr. DORGAN. Yes, of course.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under a previous order, the Senate just having received H.R. 2203, the energy and water appropriations bill, all after the enacting clause of the House bill is stricken and the text of S. 1004, as passed by the Senate, is inserted in lieu thereof. The Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees.

The PRESIDING OFFICER (Ms. COLLINS) appointed Mr. DOMENICI, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. REID of Nevada, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. KOHL, and Mr. DORGAN conferees on the part of the Senate.

The PRESIDING OFFICER. Under a previous order, the passage of S. 1004 is vitiated and the bill is indefinitely postponed.

Mr. DORGAN. Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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 (Mr. ALLARD). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 25, 1997, the Federal debt stood at $5,369,530,452,476.10. (Five trillion, three hundred sixty-nine billion, five hundred thirty million, four hundred fifty-two thousand, four hundred seventy-six dollars and ten cents).

One year ago, July 25, 1996, the Federal debt stood at $5,181,309,000,000 (Five trillion, one hundred eighty-one billion, three hundred ninety million).

Twenty-five years ago, July 25, 1972, the Federal debt stood at $434,583,000,000 (Four hundred thirty-four billion, five hundred eighty-three million) which reflects a debt increase of nearly $5 trillion—$4,934,967,452,476.10 (Four trillion, nine hundred thirty-four billion, nine hundred sixty-seven million, four hundred fifty-two thousand, four hundred seventy-six dollars and ten cents) during the past 25 years.

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, there will now be 1 hour for morning business under the control of the Senator from Georgia, [Mr. COVERDELL].

A BALANCED BUDGET ACT AND TAX RELIEF

Mr. COVERDELL. Mr. President, I have just returned from my home State and I can certify that the issue of a balanced budget act and tax relief is on the minds of a lot of Americans. Everywhere I went, whether it was stepping out for lunch or meeting with various groups, somebody would come up and say: Get this done. Hold firm. Stay the course.

America wants this to happen. America wants a balanced budget act to pass and be signed by the President. It will be the first one in nearly 30 years. That is hard to believe, that we have so abused our financial health that this will be the first balanced budget we will be passing in 30 years. And they want the tax relief. I don't think I have met a citizen that didn't, in some way, start calculating, like the young county commissioner I met who is a farmer and a full-time county commissioner, and he has two children. He said, ''If that measure passes, that's going to save my family $1,000, $500 per child.'' Or the elderly couple who are concerned about maybe selling their home and relocating, who are concerned about the capital gains tax that currently rests against that property. Or the family that talked about the onerous nature of death taxes in America, the kinds of decisions and pressures it puts on small businesses and family farms. They really do want this done. I hope, as I said last week, the President will set aside the partisan nature of this issue, and trying to one-up somebody else, and just get it done.

I was reading in today's Washington Post, it says:

> Congressional Republican leaders said last night they were on the verge of a final budget and tax agreement with the White House after making a major concession on the proposed $500-per-child family tax credit and dropping their insistence on ''indexing'' a reduction in the capital gains tax.

Or, in the New York Times, Monday, July 28:

> Budget Deal Down To ''Small Issues,'' Gingrich Declares. Spokesman for President Says Assessment Is Premature—Meetings Continue.

This is something that both the leaders of our House and Senate and President should really come forward on, get it done, and make a statement that we have, in a bipartisan way, produced major policy. I would revisit, once again, the fact that if the leadership of both parties in the Senate, the leadership of the Finance Committee, both parties, the leadership of the Budget Committee, both parties, if they all could find a balanced budget act and a tax relief act on which they could agree, it ought to send a pretty powerful message to the President and his administration. Remember that 73 Members of the Senate, a majority of both parties' conferences, voted for the Balanced Budget Act, and 80 of them voted for the Tax Relief Act.

I don't know what more proof you could have that these proposals are

well-founded, evenly distributed, and essentially fair. Perfect? No. That's not possible in this environment. But anything that can get that kind of support of the leadership, as I said, of both parties, that is a powerful statement and I hope the President would take note of it.

I would like to take just a few minutes and put these two major pieces of legislation in context. I think it would explain why somewhere between 60 and 75 percent of the American public wants this to happen. Let's just go back to the beginning of this decade, 1990. In 1990, under the Bush administration, a historically high tax increase was passed in August 1990. In round numbers, about $250 billion of new tax burden were put on American workers and their families. A lot of people feel that had much to do with President Bush being defeated in the following election, in 1992. I think there were a lot of issues involved, but many feel that was the turning point.

On top of that, his opponent, soon-to-be-President Clinton, was campaigning across the country that he was going to lower taxes, pointing to that tax increase of 1990. ''The middle class needs a break,'' he said. He was elected in 1992 and came to Washington as the new President. However, before he had moved into the White House, he had discarded that promise, and, by August 1993, in his first year in office, instead of lowering taxes on the middle class, he raised them. He raised taxes to an all-time—in an all-time historical—in the size of the tax increases, it was even larger than the previous one which occurred in the Bush administration. It was over $250 billion. So, between 1990 and 1993, the American workers and their families suddenly were carrying a half a trillion in new taxes, and they were paying the highest tax levels they had ever paid.

It is little wonder there is so much anxiety in middle America and their families. Even with the economy in reasonably good shape, the enthusiasm is less than wondrous. I decided about 2-years ago to take a look at that family. That family in Georgia, and I think this would be true in most of our States, earned about $40,000 a year in gross income. Typically, both parents work today, as you know. And when President Clinton came to Washington, they were only keeping about 53 percent of their paychecks. After they paid for State taxes, local taxes, and Federal taxes, cost of Government and their share of higher interest rates because of a $5.4 trillion national debt, they were keeping 53 cents on the dollar. Unfortunately, today they are only keeping 47 cents on the dollar. The decline in their disposable income marches on.

These families, in my view, have been pressed to the wall, and we have made it exceedingly difficult for these families to do what we have always depended on the American family to do, that is, educate, house, provide for health, transportation, get the country up in the morning and off to work and school, and prepare their families and children for stewardship when it is their time to lead. In a situation where they are paying more in taxes than housing, education, and food combined, we have a problem in America. If the forefathers were here and could see what we have been confiscating and taking out of the checking accounts, and taking away from those who earned their income, they would be stunned. They would think this was a violation of the essential premises upon which the Nation was founded, which included economic freedom.

Let me put this in another context. My mother and father, born in 1912 and 1916, kept 80 percent of their lifetime paychecks to do the things I mentioned a moment ago: raise the family—me and my sister—educate, house, provide for health and prepare for stewardship. My sister is 10 years younger than I. She will keep about 50 percent of her lifetime paycheck, and her daughter, my niece, who has just begun her career under the current scheme of things, will only keep about a third of her lifetime paychecks.

My niece is not going to be free, by the American definition I understand, if 70-plus percent of her paycheck is going somewhere else and she is left with a third of the money she earns to do her job in life. Her options have been severely constrained from those of her grandmother and grandfather. Those options that my dad and my mom had are the very things that made America what it is.

My dad began his career as a coal truck driver. Had he been born in the sphere of the Soviet bloc, I am convinced he would have died a coal truck driver. But, instead, he lived a life of entrepreneurial spirit and dreams and visions, creating businesses and jobs, the very things that economic freedom have done for our country. The genesis of all American glory is our freedom, and one of the cornerstones of that freedom is economic freedom, economic choices that families and workers in America can make that families and workers in many countries around the world could not.

Which brings me to the point I am trying to make about the importance of this tax relief proposal. Keep in mind what I said a moment ago. In 1990, $250 billion in new taxes were laid on the backs of American workers and families. In 1993, though promised tax relief, they got another $250 billion in taxes. So we now have, in 3 years, a half a trillion in new taxes. This proposal we are talking about is really only a first step. The net tax relief is $85 billion and you have to stand that against the $500 billion new tax burden.

It really only represents relief of about 20, 25 percent of the taxes that have been put on the backs of these people in the last 36 months.

In the last Congress, the new Republican majority tried to refund the President's tax increase. We sent the President a tax relief package, about $245 billion, but he vetoed it. So he kept that tax burden in place and on the back of every worker and every working family.

We have been through another election. We had a President who said the era of big Government is over. We had a Republican majority in the Senate and the House committed to reining in the size of Government, committed to balancing our budgets, committed to lowering taxes and, finally, the convergence of these two agree to a minimalist—what this is—a minimalist tax relief. But nevertheless, it is moving in the right direction. It is moving in the right direction, and it will be significant to millions of American families. I hope that it is but the first step and that a healthier economy would produce yet a new opportunity to lower the tax burden.

From my perspective, a worker in America ought to, at a minimum—at a minimum—keep two-thirds of their paycheck. Just two-thirds. It ought to be more. Getting to a position where they can keep two-thirds is a herculean task. They are currently keeping 47 to 50. On an average basis, that means this Congress, this President ought to be working to keep $8,000 per year—$8,000 per year—in the checking account of every average family across America.

Just think what those families could do with that resource in the context of education, health insurance, housing, recreation, savings. American families don't save anything. They can't save for the rainy day. They can't save for education upfront. They are having a hard time saving for retirement.

What can you save, Mr. President, after the Government has marched through your checking account and walked off with over half of it? Talk about freedom. I sort of look at it this way. If somebody marches through my checking account and takes over half of what I earn, they—it—has more to do with my life than I do. In family after family across our land, that is what is happening today, and that is why this tax relief proposal is on target and correct, and the President needs to come forward, meet, as is being endeavored here of the leadership of the Congress trying to meet him halfway—just like what happened between the Democrat and Republican leadership here in the Senate —and get this done. Get this done for those average checking accounts and start finding a way to get that $8,000 back into the average checking account of the average working family across our country.

There is one feature in the Senate proposal that we sent across to the House. We added it in the debate here. As you know, the President has called for $35 billion of the tax relief should be in tax advantages that occur against tuition and higher education and tax credits that occur for families who

have students in higher education. That is a huge piece of the $85 billion, I might add. He and his colleagues are arguing that this tax relief for families that have students in higher education is the most important component of it, in his mind.

There are some critics of that. I can support that, because it at least is leaving those dollars in the checking accounts of those families. I personally believe it should be broader based. I think if a family wants that tax relief to buy a new home, if a family wants that tax relief to deal with other problems—health—they ought to have the option. It ought not to be just tax relief only if you are a family that has a child confronting the cost of higher education. That is fine, too, but it ought to have been broader. But in the series of compromises with the President, we will probably come very close to honoring his request.

In my view, while cost of higher education is critical, the problem in American education is in grades 1 through 12. It is at the elementary level. It is in high school. Look at the data. Somewhere between 50 and 60 percent of the students coming to college this September will not be able to read proficiently.

Look at the comparison of our reading skills, our math skills, our science skills against the other industrialized nations. And I am talking about the students that are coming out of our elementary and secondary schools getting ready for college, and we don't look very well. Everybody knows it. We are at the bottom of the list time and time again. One through 10, we will be 10.

So I think the President's proposal was weak on the failure to address issues at the elementary level, and I offered an amendment, along with our colleagues, which said that the savings accounts that were created also for higher education, in the version that came from the Senate Finance Committee, said you could take after-tax dollars, up to $2,000, and put them in a savings account and the buildup would be tax-free.

So when you took it out to pay for costs of higher education, you would not pay taxes on the interest that had accrued. That is a good idea. But my amendment took it down to grade one and said you could use the buildup to pay for costs associated with elementary and high school. We said you could take it out for home schooling. We said you could take it out for transportation. We said that you could take it out for computers or tutoring. We said you could take it out for tuition. If you, the family, decided that you wanted your child to go to some other type of school, you could use these funds to help pay for that.

If you put the maximum contribution in, by the time the child was ready for first grade, you would have $15,000 in that account to help deal with decisions that were important to that family regarding education at the elementary level and high school level.

Mr. President, the administration has voiced concerns about this, and they are beyond me. What would be the logic of denying a family the opportunity to have this savings account and to draw on it for computers, home schooling, tutoring, transportation, or tuition? I find it most difficult to understand how we could object to that at the elementary and high school level.

Do we not have confidence in these parents that they can make decisions about how to improve the situation for their children at the level of education that is certifiably the most troubling in America, that is producing data that has every American across our land worried and bothered, that we are not competing at this level with students of the industrialized nations around the world? Why wouldn't we want to focus, why wouldn't we allow that tax credit to go into a savings account once it has been put in place, which you could also add to this savings account?

Mr. President, as I said, there have been objections raised regarding this very simple and, I think, straightforward and clean proposal. I am pleased to say that as of the hour of 4:30 on Monday, July 28, after a series of conferences, first between the Senate and the House to come to a congressional agreement, which has been done and that is important—the House and Senate have met and concurred and they have agreed that this position shaped by the Senate should be in the congressional proposal, and it is. I thank the conferees, and I thank the Speaker, in particular, for fighting to keep this proposal in the mix.

So we are now down to a point that the only opposition to this concept would be the President, who would be, I guess, saying it's not a good idea for families to be able to have savings accounts that accrue resources that would allow families to make prudent decisions about how to help students, their children, confront the one arena in American education that is so troubling, that is having so much difficulty, that is sending youngsters to college who are having trouble with the basic skills of reading and writing and arithmetic. The ABC's, the things that every student who is going to be successful in college, who is going to be successful in their career must know. We are not getting that job done. This is but a small step in allowing this kind of opportunity or this one more option, one more ability to deal with this troubling arena in American education.

So I am very hopeful, and I call on the President and his administration to agree to the education IRA to be used for a child's education, grades 1 through 12, and leave this in the tax relief package that we hope will ultimately be done and hopefully done this week.

What a great message to send America as it enters into the final month of the vacation summer to begin the aggressive era of the fall to say, ''We, the Congress and the President, came together and have secured a balanced budget the first time in 3 decades, and we, Congress and the President, have obtained a tax relief act first in a decade and a half.'' It would be a powerful message to send to our country and the world at this time.

I have a little bit more to say about that, but I see that we have been joined by the distinguished Senator from Washington. And I yield as much time as the Senator requires to comment on these subjects of balanced budgets and taxes.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we here in the Congress and the White House seem at this point to be on the verge of an agreement which will pay two magnificent dividends to the American people.

The first is the promise of a balanced budget, not just one time, not just on a touch-and-go basis, but perhaps with a sufficient number of reforms on spending policies so that we can reasonably expect a balanced budget for a considerable period of time in the future.

Even the promise of that balanced budget, Mr. President, a promise made 2 years ago by the first Republican Congress, has been largely responsible for interest rates, on average, to be 1½ percentage points lower than they were when that Congress came into being. For a middle-class family with an $80,000 mortgage and $15,000 automobile loan, that means $100 more a month for the family to use or to save or to spend on its own rather than on interest payments.

Beyond that, Mr. President, it means that the United States will have substantially ended the practice of spending money that it did not have year after year after year, borrowing that money and sending the bill to our children and to our grandchildren.

The second wonderful dividend which we seem about to present to the American people is tax relief. Just 4 years ago, perhaps to the month, we were here debating—and on this side of the aisle opposing unsuccessfully—what turned out to be the largest tax increase, measured in dollars, in the history of the United States.

Today, that debate, that idea is buried, if not forgotten. And we have changed the entire direction of the debate here from how much more can we spend and how much more can we tax to how can we limit the spending habits of the Government of the United States and what kind of dividend in the form of tax relief can we return to the American people.

We now talk about tax relief rather than about tax increases. The debate over what kind of tax relief, Mr. President, has obscured the profound nature

of the change in this debate. It is all too easy to forget that it has only been for the last 2 years that we have seriously been debating tax relief. My friend and colleague from Georgia just pointed out, quite accurately, that this will be the first tax relief for the American people in more than a decade and a half.

Mr. President, many may say that this tax relief proposal is modest. And modest it is. It is perhaps one-third as large as the 1993 tax increase. And so it is only a first step, at least as far as we here on this side of the aisle are concerned. But there will be very real tax relief for hard-working, middle-class citizens of the United States, families with children, very real tax relief from the burden of capital gains taxation, a form of tax relief which will certainly increase savings and investment and career opportunities for Americans today and for future generations of America as well, with tax relief in the field of estate taxation, a particularly vicious form of taxation that penalizes success, breaks up small businesses, requires farms to be sold and undercuts some of the most important bases upon which a successful American economy has been built.

No, Mr. President, since we began this campaign, this crusade with the new Republican Congress just a little bit more than 2 years ago, interest rates have declined, real hourly wages are moving up after 2 years of decline at the beginning of the first Clinton administration, millions of new jobs are in existence, unemployment is as low as it has been in decades.

Mr. President, it is appropriate to say that we are on the verge of success because we have been able to work together. We have listened to the demand that the American people made by their votes less than a year ago that a Republican Congress work with a Democratic President in order to see to it the budget was balanced and tax relief was made available to the American people.

We, on this side of the aisle, are delighted at our success in changing the nature of the debate from how much more Government shall we have and how much more shall we pay for it, to how can we discipline the Government's demand for money and how can we provide tax relief for the American people.

One success, however, Mr. President, I submit, has a real opportunity to lead to another. And so I trust that this quiet Monday will lead to a challenging week, and that by the end of the week a promise made more than 2 years ago on a balanced budget and tax relief for the American people will have been fulfilled.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Washington for his comments regarding these important topics.

At this time I yield up to 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, thank you very much.

And let me thank the Senator from Georgia for bringing us to the floor this afternoon to discuss what hopefully by the end of this week will be a bit of history. And I believe it will be the right kind of history, written by the House and the Senate and the White House, that deals with significant tax relief for the American taxpayer and some very major budget reform.

I have had the privilege of now serving in the Senate a good number of years and also in the U.S. House. And since the early 1980s, I became an outspoken advocate for a balanced budget. I watched as our debt and deficit grew, becoming increasingly alarmed that somehow we would pass on to our children and their children a legacy of debt that would be almost insurmountable, that could cripple the economy of this country and lead us down a road to economic deterioration and a second- or third-rate Nation.

Because of concern, shared by many here in the Congress, and by a growing number of American taxpayers, throughout the decade of the 1980s and into the early 1990s, we continued that drumbeat to where it is without question a majority sentiment among the American people today, such an overwhelming majority sentiment that in 1994 they changed the character of the U.S. Congress, and they significantly altered the attitude of a President who came to town not to balance the budget and not to give tax relief but to be able to do quite the opposite, to increase the Federal dominance over the American character, to raise taxes, and to continue a liberal Democratic legacy of an ever-increasingly larger Government taking an ever-increasingly larger chunk of the American worker's paycheck. Thanks to Americans, thanks to Republicans, thanks to conservatives, that message got altered.

Throughout the last several weeks, because of a budget proposal and a tax proposal put together by the Republican leadership and this President, voted on with the substantial bipartisan support of the U.S. Senate, the White House, the Finance Committees, the Budget Committees, along with the leadership, have been in internal negotiations to bring that about, again, reducing the overall size of Government, moving us toward a balanced budget, and for the first time in 16 years giving tax relief to the American people.

That agreement is not at hand yet, but we are told that that could well become the case this week. And I hope it is. I hope it gives to the American working family the kind of relief they deserve during a period when they are being taxed at the highest rate ever, that it gives to the American investor an opportunity to change the character of his or her investment to create even more jobs, to keep the economy even stronger than it is today for a longer and a more sustained period of time and that says to the less fortunate in our country, you too will benefit, you too will benefit by being able to keep more of your hard-earned dollars. And it says to those who are concerned about education, you can put a little more away to provide for that day when you will want to help your children gain a higher level of education so they can advance themselves in our society.

All of that is historic. We may, while serving here on a day-to-day, year-to-year basis, lose that perspective, but I do not think the American people will, because we are saying to them, we heard you, we heard you loudly and clearly. And while a marathon race is not won by a single lap around the track, or the Super Bowl is not won by a single victory at the beginning of the season, this is in itself a victory, a significant victory in that long march away from an ever-larger Government that takes more and more away from the average taxpayer, both in his or her earnings and in his or her freedoms.

So I hope that the work that has gone on the last 2 weeks, in fact, bears fruit. I am excited about the opportunity to debate these issues on the floor of the Senate this week and to vote by week's end on a historic budget package that continues to bring us toward a balanced budget and a historic tax package that offers tax relief to the average taxpayer again for the second time in 16 years.

So let me again thank the Senator from Georgia for his continued leadership on this issue, coming to the floor day after day to inform the American people about what we are about and what we are striving to achieve, oftentimes behind closed doors because of the nature of the kind of negotiations that have gone on, but must require ultimately in the end to be made public. So let me thank my colleague from Georgia.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Idaho for the contributions he has made, not only here today but throughout this Congress, with regard to balancing budgets and tax relief.

At this time I yield to the distinguished Senator from Texas for up to 10 minutes on the subject of the balanced budget and tax relief.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Georgia for wanting to talk about this very important issue, because, as we speak on the

floor here today, I hope that the negotiations are about to come to an end and we will give the American family the first tax break they have had in 16 years.

I think it is an incredible thing to say that we haven't had a real tax cut in this country for 16 years. As hard-working Americans have tried to improve their quality of life, it just seems like their expenses have gone up so much that we now find that the spouses are working more, sometimes just to pay taxes. That is not what we want in this country. We want spouses to have the option of staying home, if they want to, and not make them work because they can't make ends meet. If we are going to continue the American dream of increasing our quality of life with each generation, we are going to have to pare Government down, balance the budget, make sure that people are not paying any more taxes than we have to have to run a Government.

I think the time has come for us to take a leadership role. In fact, that is what Congress is trying to do. We came into power in this Congress, starting after the elections of 1994, with very clear goals: to make Government smaller; to let people keep more of the money they earn; to stop talking about money in Washington as if it belongs to us, but to understand that, no, it belongs to the people who work so hard to earn it, and let's let people have that money back to spend the way they would like to, rather than the way people in Washington dictate. These are the things that we came in to do.

We are very close. I hope we will be able to close this loop by the end of this week so that the people of America will be able to feel that they have more of the money they earn in their pocketbooks, rather than writing a check to the IRS in Washington.

Fifty years ago—just 50 years ago—Americans sent 2 cents of every dollar to Washington. Today, they send 25 cents of every dollar they earn to Washington, and that is just the Washington part. If you add their State and local taxes on top of that, most Americans pay 40 percent of what they earn; 40 cents of every dollar goes to the Government.

Now, Mr. President, I think that is wrong. I think that means Government is too big, and I think the time has come to do something about it. I hope the President will agree with us, agree with the leadership that Congress is providing on this issue and has been providing for the last 3 years, to try to correct the inequity in our tax laws.

The bill that we have passed in Congress, which we hope the President will sign, will give tax relief to Americans who are paying income taxes; if they have children, a $500 per child tax credit—not deduction, but credit. That is something that they will get right off the top—$500 per child. If you have two children, you would get $1,000 right off the top. That is going to cut most people's taxes in this country by a lot.

When I have asked my constituents in newspaper articles what they would like to see changed, No. 1 is death tax reform. Most people don't think that death taxes are American, because the American dream is that, if you work hard, you should be able to pass what you have accumulated on to your children to give them a little bit better start. That is the American dream. Why should people be taxed on money they have accumulated and already paid taxes on? Why should they be taxed again when they pass what they have worked so hard for to their children?

The worst thing is when their children have to sell part of the family farm, or all of it, just to pay inheritance taxes. That is not right, Mr. President, and we are trying to change that. In the agreement we are trying to get with the President, we would raise that inheritance tax credit to $1 million. We are going to try to keep people from having to sell assets that are not readily salable, because when you tell people that family farm is worth $500,000 or $1 million, but they can't earn enough to feed their family or to make life better for their family, it is very hard to tell them that they have inherited $1 million when it is land that is really unproductive. So we are trying to raise that, so that you will not have to sell equipment in a small business or a family farm that you could not possibly sell on the open market for $1 million.

So we are going to try to make a dent in that death tax. We are going to try to make it easier for people to sell their homes, which is most people's biggest asset, without having to pay the huge taxes that they now do. We are going to try to cut the capital gains tax to 20 percent.

Today, 41 percent of American families own stock. They own stock in a pension plan or a mutual fund. That is how they are investing for their retirement security. We want people to be able to have a capital gains tax cut so that if they need to sell a stock, they will not have to pay a 28-percent tax rate on the capital gain. In fact, more than 83 percent of capital gains are reported by households with less than $100,000 in income; 56 percent of capital gains are reported by families with less than $50,000 in income; nearly one-third of capital gains are reported by senior citizens. This will help the senior citizens, particularly those that are having a hard time getting by. If that senior citizen could sell their home or sell their stock without being penalized so heavily, it would give them a little bit better quality of life.

We are trying to give more help to people who want to save for their retirement futures with individual retirement accounts. A lot of people say an individual retirement account is not really a retirement plan. But I want to just give you one example, because I worked very hard for homemakers to be able to set aside $2,000 a year for their retirement security, and they can do that now. They are able to set aside $2,000 a year, just as those who work outside the home. I want people to know that if a couple starts, at the age of 25, setting aside $2,000 a year per person, by the time they are 65, they will have over $1 million in their retirement nest egg. That is a retirement plan. If a couple can just save $2,000 a year per person, starting at the age of 25, they can have $1 million for their retirement security. That is another reason that we want to do away with that death tax, because we want middle-income people to be able to save enough for real retirement security and not have it taxed away when they die, so that their children will not be able to have that little bit extra.

Our bill will even make IRA's better because it will make them deductible in most instances, and it will make it easier for people to set aside this $2,000 a year. So if we can do that, if we can have a better savings rate in this country, if we can make people more secure in their retirement, if we can give a capital gains tax cut and a death tax cut and $500 per child tax credit, not only will we have kept our promise to the American people, but we will have provided, for middle-income Americans who are working so hard to do better for their children, an opportunity in which they can say, yes, I can see the difference, I can see this tax relief. That is what we are working for in this Congress.

I hope the President will not stop us from giving tax relief to hard-working, middle-income Americans, because if he does, he will be making a great mistake for the prosperity of our country.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas for outlining the various important aspects of this proposed tax relief. At this point, I turn to my colleague from Michigan and yield him—how much time do I have remaining?

The PRESIDING OFFICER. The Senator has just over 4 minutes remaining.

Mr. COVERDELL. I yield the remainder of that time to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I may not use all of that time. I thank the Senator from Georgia. This is not the first time in which he has come to the floor and led a special order to discuss these issues that are now before us, which we hope will be resolved this week. I think it should be noted that, for the better part of the last 3 years, it has been with the leadership of the Senator from Georgia and the Senator from Texas who just spoke. Others have spoken today from the leadership on the Republican side, which has been advancing the cause of tax relief for the working families of our country.

As we come into the final stages of these negotiations, we are very optimistic that we will be able to realize

the objective that many of us came here to achieve: to finally bring an end to higher taxes in Washington and begin, finally, to roll back some of those taxes on the American people.

In recent years, the percentage of the Nation's income, our gross domestic product, consumed by Washington in the form of taxes has gone up and up and up. Indeed, today the percentage is virtually as high as it has ever been in the history of this country—as high as it was during World War II, as high as during Vietnam, as high as during the Depression, and as high as it has been during any of the sort of crises that you might expect to produce record levels of taxation. Today, in the absence of such crises, we nonetheless have had a tax rate reach 21 percent above the Nation's income.

So, Mr. President, the Republican efforts to reduce the tax burden are timely, they are needed, and they are on target. As the Senator from Texas just indicated, whether it is the spousal IRA or the family tax credit of $500 per child or the growth incentives to create jobs and opportunities, such as reducing the capital gains tax rate, the Republican tax plan that was passed in this Chamber by a 80–18 vote addresses the concerns of America's taxpayers in a targeted way that will produce both a chance for working families to keep more of what they earn and be able to do more for themselves, on the one hand, and an opportunity for those who create jobs and opportunities to create more such jobs, higher paying jobs, and more opportunities as we move into the next century.

So for all of those reasons, we are optimistic that our 3-year-long effort is about to pay dividends and that, by the end of this week, with a little bit more effort, we can bring this tax cut to the American people.

To all of those who have been in the leadership of this effort, I offer my thanks because, a few years ago, I don't think anybody in my constituency in Michigan would have expected they would see their taxes go down. This week, we have the best chance in decades—literally, 15 years—to see that occur. So I want to thank and congratulate the leaders on our side who have kept the pressure on. I hope that, by the end of the week, we will achieve our goals, and I hope we will go one step further and prevent any extraneous revenues generated by these tax cuts from being used for anything but more tax cuts or to reduce the national deficit.

We just saw, as the budget negotiations began, that the revenues to the Federal Government were exceeding that which had been projected by the budgeteers in recent years. We were bringing in over $225 billion beyond what had been projected just a few months ago. Well, I think the same is going to happen as a result of the tax cuts included in this budget resolution and in the tax bill we pass.

Mr. President, I think it is imperative that any additional revenues raised beyond that which we expect here in Washington ought to go back to the American people, either in the form of reducing the deficit or more tax cuts for the working families. If we do that, then we can make this tax bill extra special, Mr. President, by truly making it a long-term tax reduction plan for the American people.

Mr. President, I thank the Chair and yield the floor.

Mr. COVERDELL. Mr. President, is there any time remaining on our hour of control?

The PRESIDING OFFICER. All of the Senator's time has expired.

Mr. COVERDELL. In that case, 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. SHELBY. 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. SHELBY. What is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having come and gone, the Senate will now proceed to the consideration of S. 1048, which the clerk will please report.

The bill clerk read as follows:

A bill (S. 1048) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, I ask unanimous consent that the following list of individuals be given full floor privileges during the consideration of S. 1048: Wally Burnett, Joyce Rose, Reid Cavnar, George McDonald, Kathy Casey, Peter Rogoff, Michael Brennan, Liz O'Donoghue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the following list also be given floor privileges during consideration of S. 1048: Tom Young, Alan Brown, Carole Geagley, and Mitch Warren.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased this evening to present the fiscal year 1998 Department of Transportation and related agencies appropriations bill. The subcommittee's allocation was $12.157 billion in nondefense discretionary budget authority, and $36.893 billion in nondefense discretionary outlays.

The bill I am presenting today, along with my colleague from New Jersey, Senator LAUTENBERG, is within those allocations and is consistent with our determination to achieve a balanced budget. This bill will also contribute to a safer and more efficient transportation system in this country and therefore contribute to economic growth and a better quality of life for all Americans.

This bill provides $30.1 billion for investment in infrastructure that the public uses, that is, highways, transit, airports, and railroads. That represents an 8 percent increase over the administration's request.

The bill includes a Federal-aid highway obligation limitation of $21.8 billion for investment in our Nation's highways. This is a record high level. And $1.63 billion above the President's amended budget request. The actual distribution of that obligation authority among the States will depend on reauthorization of ISTEA, also known as the Intermodal Surface Transportation Efficiency Act of 1991, which has provided authorization of our Federal surface transportation programs for the past 6 years and which, as the Presiding Officer knows, expires at the end of this fiscal year.

This increase of almost $3 billion over the obligation limitation in place for this year will almost certainly mean more Federal highway spending for each of our States. I want to illustrate for Senators what this increase might mean for them even though I must caution my colleagues this evening that no one can predict now how highway funds will be distributed among the States next year.

I ask unanimous consent that this table comparing State-by-State distribution of highway obligation authority in the current fiscal year to the distribution of the highway obligation authority in our bill for the fiscal year 1998, assuming the same apportionments of contract authority among the States as this year, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ACTUAL FY 1997 OBLIGATION LIMITATION & ESTIMATED FY 1998 OBLIGATION LIMITATION

[In thousands of dollars]

State	Total FY 1997 obligation limitation[1]	Est. FY 1998 limitation based on FY 1997 actual apportionments	Delta
Alabama	342,557	396,091	53,535
Alaska	195,784	231,059	35,276
Arizona	244,117	285,850	41,733
Arkansas	205,115	244,592	39,477
California	1,513,221	1,801,124	287,903
Colorado	192,727	229,249	36,522
Connecticut	342,128	407,185	65,056
Delaware	74,967	89,241	14,274
Dist. of Col.	77,307	93,231	15,924
Florida	757,510	869,277	111,767
Georgia	560,549	620,305	59,756

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ACTUAL FY 1997 OBLIGATION LIMITATION & ESTIMATED FY 1998 OBLIGATION LIMITATION—Continued

[In thousands of dollars]

State	Total FY 1997 obligation limitation [1]	Est. FY 1998 limitation based on FY 1997 actual apportionments	Delta
Hawaii	117,861	140,413	22,552
Idaho	103,597	125,018	21,421
Illinois	638,487	759,358	120,871
Indiana	393,703	470,604	76,900
Iowa	191,366	227,597	36,232
Kansas	198,323	236,001	37,678
Kentucky	308,464	343,085	34,621
Louisiana	261,004	312,517	51,513
Maine	88,442	105,102	16,660
Maryland	261,931	306,085	44,154
Massachusetts	663,051	782,793	119,742
Michigan	510,281	610,265	99,984
Minnesota	239,327	278,865	39,539
Mississippi	201,721	241,881	40,160
Missouri	391,755	470,538	78,783
Montana	146,156	169,351	23,195
Nebraska	134,539	160,125	25,585
Nevada	101,072	120,184	19,112
New Hampshire	82,749	98,474	15,724
New Jersey	462,907	550,465	87,558
New Mexico	161,983	190,795	28,812
New York	1,010,508	1,202,370	191,862
North Carolina	447,701	532,817	85,116
North Dakota	98,670	117,360	18,690
Ohio	601,766	732,224	130,458
Oklahoma	258,618	309,756	51,138
Oregon	202,318	241,238	38,920
Pennsylvania	676,649	812,481	135,832
Rhode Island	80,354	92,228	11,874
South Carolina	273,300	314,160	40,860
South Dakota	107,686	128,097	20,411
Tennessee	375,667	451,035	75,368
Texas	1,204,819	1,404,097	199,278
Utah	122,674	144,653	21,979
Vermont	75,942	90,381	14,438
Virginia	390,933	464,221	73,288
Washington	312,109	369,628	57,519
West Virginia	153,425	182,354	28,929
Wisconsin	336,942	402,433	65,491
Wyoming	107,621	128,057	20,436
Puerto Rico	73,656	87,690	14,034
Subtotal	17,076,061	20,174,002	3,097,942
Administration	551,192	558,440	7,248
Federal Lands	440,000	440,000	0
Reserve	627,558	627,558	0
Total	18,694,811	21,800,000	3,105,190

[1] Does not include an estimated $264 million in bonus limitation yet to be distributed.

Mr. SHELBY. If our limitation becomes law by the end of September, the States will be apportioned an average of 18 percent more—18 percent more—highway obligation limitation for 1998 than they were apportioned at the beginning of last fiscal year. That is some improvement in the money.

In addition, we have included $300 million for Appalachian Development Highway System investment consistent with existing authorization. The Federal Government made a commitment to improve these highways which run through economically undeveloped areas in 13 of our States, and our bill helps to keep that commitment. This investment will pay off not only in economic development in areas that are in much need of it but also in lives saved since these highways in mountainous areas are often high-accident locations in our country.

As most Senators know, Federal investment in airport development has been declining in recent years, and the administration proposed a further cut for the coming year. Our committee could not agree with that proposal at a time when air travel is increasingly in demand and air safety is uppermost in the minds of travelers. We have included $1.7 billion for the airport improvement program.

Transit formula and discretionary accounts, including funding for Washington Metrorail construction, all of which are for capital investment in our bill, are funded at $4.56 billion, $311 million above fiscal year 1997.

The bill provides $273 million for continued improvements on Amtrak's Northeast corridor between Washington and Boston. For other Amtrak capital expenditures, the bill makes a contingent appropriation, Mr. President, of $641 million to be funded from the intercity passenger rail fund, which would be established by S. 949, the Revenue Reconciliation Act of 1997. The Amtrak capital appropriation in this bill will be triggered when a final reconciliation bill including the passenger rail fund is enacted into law and the transportation subcommittee's 602(b) allocation is adjusted upward to cover the additional appropriation.

Safety was a top priority as we developed this bill. It provides $5.376 billion for the FAA operations account, including funds for an increase of 235 aviation safety inspectors and 500 additional air traffic controllers. Our appropriations for FAA operations is 99.8 percent of the administration's request. The committee was able to fund the FAA's operation account at this level without imposing $300 million in new user fee taxes proposed in the administration's request.

The toll of deaths and injuries on our highways, we believe, is too high and our bill addresses that. It funds the National Highway Traffic Safety Administration Program at $333.5 million. That is a $33 million increase above the fiscal year 1997 enacted levels and slightly higher than the administration's request.

This bill provides $50.7 million for the National Transportation Safety Board, 8 percent above the President's request, to support the NTSB's investigatory mission and to expedite the development of safety recommendations.

The Coast Guard, as you know, Mr. President, also plays a critical role in the safe operation of our Nation's waterways. Its operations funding of $2.73 billion as provided in this bill is an increase of $112 million above fiscal year 1997. This level is consistent with the administration's request for operating expenses and will continue congressional support for a streamlined Coast Guard.

Coast Guard funding includes an increase of $53 million for antidrug activities, which are coordinated by the Office of National Drug Control Policy. The committee has provided the Commandant of the Coast Guard the discretion and the flexibility to manage this funding but has encouraged the Department to look at these activities as areas that would benefit from the development of performance measures.

The bill funds the Coast Guard's capital program at $412 million, an increase of $33 million above the administration's request. This provides the Coast Guard with the equipment, ships, and aircraft to complete their multiple missions. The Coast Guard's capital needs, especially for replacing aging vessels and facilities, will increase dramatically in the years ahead and the committee's recommendation focuses on those acquisition programs that can be accelerated now to provide room in the outyears to replace these assets.

I note for the benefit of the Senators from States that depend on the Saint Lawrence Seaway, that this bill assumes enactment of the administration's proposal to convert the Saint Lawrence Seaway Development Corporation to a performance-based organization and to move its financing from appropriated funds to an automatic annual performance-based payment. No funds are included in this bill for the Seaway Corporation, but if the legislative proposal fails, we will ensure in conference that the Seaway Corporation is funded.

The Senate has taken the lead in past years in promoting management reform at the Department of Transportation, especially at FAA. This bill continues that direction by refraining from micromanagement of the Department, even as we look for improved results. The committee report, for example, offers guidance to the Secretary of Transportation on improving on DOT's draft strategic plan which is required by the Government Performance and Results Act. It also avoids artificial caps on the efforts of the Department to act in a more businesslike way, but it directs the DOT Inspector General to study whether in fact DOT's new entrepreneurial service organization is provided cost-competitive, high-quality service.

But, even as we addressed infrastructure investment and safety in this bill, we have been very mindful of the priorities that Senators had for this bill. We receive more than 900 requests for projects and provisions to be included in this bill. We have reviewed those requests very closely and accommodated them to the extent that we could. In some cases, available funding was not sufficient to fund all requests, and we had to make some tough choices. But we have tried to be as fair as possible to all Senators on both sides of the aisle.

Many Senators wanted funds for highway projects of special interest to them in their States. This year, ISTEA reauthorization is providing a vehicle for special project funding, especially in the House where there is very active consideration of such funding. But I want to assure my colleagues this evening that I believe the Congress has at least as legitimate a role in designating funding for specific highway projects as it does in designating new transit projects that will be funded. I intend to review the situation after enactment of ISTEA reauthorization legislation and to work with my Senate and my House colleagues in the year

ahead to ensure that we have an opportunity to designate funding for highway projects of special interest to our States and to our communities.

I am proud, overall, of what we have been able to accomplish in this bill. It will benefit all Americans as it helps to improve transportation services in this country so that the economy and personal mobility are better served. I commend my colleague, the ranking Democrat on the committee and the former chairman on this committee, Senator LAUTENBERG, for all the hard work he has put in in this effort.

At this time I yield to the ranking member, Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, I want to say thank you to my colleague from Alabama, the chairman of the Subcommittee on Transportation of Appropriations, for the manner in which we have been able to work together to resolve problems on this bill. I support the leadership he has provided in getting us to this point where we are able to present the Transportation and related agencies appropriations bill for fiscal 1998. This bill was reported by the Appropriations Committee just this past Tuesday, a week ago.

I don't believe that we give sufficient importance to our investment in transportation infrastructure in this country. There is hardly a State, that I am aware of as I talk to my colleagues, that is satisfied with its ability to deal with congestion, its ability to move people and goods from place-to-place efficiently. But I will say this. In view of the sparseness of budget dollars, this bill went quite well. It is the culmination of a very long and arduous effort to reestablish transportation as a priority in our Federal budget.

As the senior Democrat on the Senate Budget Committee, I, along with Senator DOMENICI and several other members, spent a great deal of time and energy trying to ensure that transportation would be treated as we like to see it, as a priority under the budget resolution. That is where it all starts, the allocation of funds in the budget resolution to the various functions of Government.

Transportation was not one of the priorities that the administration brought to the table. It was a congressional priority. The Congress decided we needed more money for transportation, and we have succeeded in getting it. We are interested in a balanced transportation network. I think the bill now before the Senate does exactly that.

Our efforts on the budget resolution are well reflected in the sizable funding increases contained in this bill for critical transportation infrastructure programs. I want to thank the chairman of the Appropriations Committee, Senator STEVENS for the funding allocation he granted to this subcommittee. He is serving as chairman of the Appropriations Committee for the first time this year and he is doing an excellent job. He and Senator BYRD, the ranking Democrat, worked hard to grant the Transportation Subcommittee an allocation that was consistent with the priority that was placed on transportation when we did the budget resolution.

Mr. President, this bill has gone through a steady series of improvements as it moved through the process. In the view of this Senator, the bill that was presented to the subcommittee on July 15 just did not go far enough in reflecting the needs of all transportation modes as well as the needs of all regions of the country. The bill had very sizable increases for important national programs such as the Federal-aid highway obligation ceiling and airport grants. However, the bill also provided a freeze on formula funding for mass transit and included insufficient funding for Amtrak's operating subsidy. This funding shortfall in Amtrak could have rapidly brought about the bankruptcy of the railroad very early in the coming fiscal year.

There are very few countries that have, frankly, as insufficient intercity rail service as does the United States. When you look at the major developed countries of the world other than the United States, all of them, without a doubt, whether it be Japan's bullet train or the French TGV or trains in Germany or other parts of the world that zip along at 180 miles an hour—all of them depend on sizeable operating subsidies from the government.

I am not sure, nor is the chairman, whether everybody would want to get to Washington in an hour and a half from New York, but we at least ought to make it possible. We could certainly do that and save time waiting at airports. But we must continue to invest, in Amtrak to make that happen. They have new equipment ordered that will accelerate the pace at which passengers can go from Boston to Washington.

But we needed the cooperation of the chairman, Senator SHELBY, and we were able to work together to boost Amtrak's operating subsidy by $154 million above the level originally presented to the subcommittee. The funding level now stands at the level that was requested by the administration. We were also able to provide an additional $200 million in transit formula grants at full committee markup so the percentage boost for transit formula assistance would begin to approach the percentage increases provide for highway formula assistance and for airport grants.

What we are saying with these important adjustments is that we salute a balanced transportation system in this country that includes highways, includes aviation, includes rail, includes all of the modes of mass transit so we can have the kind of efficiency in our transportation system that we need.

These adjustments in the bill were made through careful negotiations between Chairman SHELBY and myself. They were made without the need for a rollcall vote in either the subcommittee or the full committee. That fact is indicative of the cooperation and fair-minded spirit that the chairman has brought to this bill.

With these changes now included in the transportation funding bill, I am pleased to recommend this bill to the entire Senate. It is a balanced bill that provides desperately needed funds to our States and communities to address the crushing problem of congestion in our cities and towns. As a matter of fact, in our region they are about to celebrate the initiation of another technological improvement in the collection of tolls. Some people do not support the rapid collection of tolls. They want to hang onto their money as long as possible. But the choice, Mr. President, is to sit in traffic for 15 minutes, 20 minutes, or a half hour at the toll gate. I drove, on Sunday, through one of what they call the easy pass tollgates. I want to tell you, it was a pleasure. They had a little thing on the windshield and when we got to the gate, up went the gate, down went my $4. But the fact of the matter is, it does improve the way we move ahead.

That is the kind of improvements that we need. We have to continue to present technological innovation to improve the way our highways, our airports, and our railroads function.

So, I think it is fair to say that this funding will accelerate our efforts to address improvements in our transportation infrastructure, which is deteriorating faster, frankly, than we can replace it. The bill will also provide critically needed funding, as you heard from the chairman, to maintain safety in all our transportation modes. I want to point out, there is still one significant hole in this bill, and that is the funding for Amtrak's capital account. Those are the investments necessary to build the infrastructure, buy the equipment, update the rail signals, to upgrade the trackage that we have down there. We need more investment in the capital account so that we can operate more efficiently.

The bill does not include any funding for Amtrak's capital needs because we believe the chairman of the Finance Committee, Senator ROTH, is currently seeking to provide for these needs through the reconciliation process. I know the chairman and I have a commitment that this is going to be taking place. I would only point out Senator SHELBY's decision not to put any more capital funding in this bill was because he, as I said earlier, believed that Senator ROTH was going to take care of it in the finance package. I hope that that ultimately gets to be the case, because that would provide Amtrak with a stable source of funding to address their capital needs over a period of several years, get that railroad up to the level that it ought to be in a country as great as ours.

Last, Mr. President, I commend my colleague and friend, Senator SHELBY,

for his excellent work in his first year as chairman of this subcommittee. He quickly gained a great deal of knowledge about how the committee functions.

I offered to take over the chairmanship temporarily to show him how, but he said, no, he would take care of it. We worked together, with our fine staff—the names of whom Senator SHELBY mentioned—to get it done.

When it comes to the distribution of funds for the Member-specific projects, those projects they put forward as being critical in nature to their States, Senator SHELBY has been fairminded in his allocation of funds. He sought to accommodate Members' priorities to the best of the subcommittee's ability, and he has continued to operate that way.

I must say, I tip my hat to the fact that he is determined and has shown in this first chairmanship year that he can deal in a bipartisan fashion, and everybody got along. We occasionally had to face up to some tough discussions, but we always did it in an amicable way and we got a good bill.

That has been the tradition with the Transportation Subcommittee, and that is do it in a bipartisan way. The American people don't want to see us bickering. They want to see us getting things done. They want to see us function as we are supposed to function. Disagree, if you will, make the points you have to make, but get the job done. I think it is fair to say that the Appropriations Committee, on which both of us have sat for some time, is maintaining almost a revolutionary pace in terms of getting the job done this year, and I am proud to be part of it and proud to work with my colleagues on the committee.

With that, Mr. President, I hope we can move this bill with expediency. I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1022

(Purpose: To direct a transit fare study)

Mr. SHELBY. Mr. President, I send to the desk an amendment offered on behalf of the Senators from New York, Senator D'AMATO and Senator MOYNIHAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. D'AMATO, for himself and Mr. MOYNIHAN, proposes an amendment numbered 1022.

Mr. SHELBY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Out of the funds made available under this Act to the New York Metropolitan Transportation Authority through the Federal Transit Administration, the New York Metropolitan Transportation Authority shall perform a study to ascertain the costs and benefits of instituting an integrated fare system for commuters who use both the Metro North Railroad or the Long Island Rail Road and New York City subway or bus systems. This study shall examine creative proposals for improving the flow of passengers between city transit systems and commuter rail systems, including free transfers, discounts, congestion-pricing, and other positive inducements. The study also must include estimates of potential benefits to the environment, to energy conservation and to revenue enhancement through increased commuter rail and transit ridership, as well as other tangible benefits. A report describing the results of this study shall be submitted to the Senate Appropriations Committee within 45 days of enactment of this Act.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, I see the distinguished manager of the legislation, Senator SHELBY, here. And I would like to take this opportunity to engage in a brief colloquy with the distinguished Senator from Alabama.

Mr. SHELBY. I will be glad to comply.

Mr. CHAFEE. I want to start off, Mr. President, by saying to Senator SHELBY that I am very pleased that this legislation has come to the Senate floor. I would like to take this opportunity to briefly discuss a project of great importance to my home State of Rhode Island.

Included within S. 1048 is $10 million for the Rhode Island freight rail development project commonly known as the Third Track. I would like to express my gratitude to the subcommittee chairman, the manager of the bill, Senator SHELBY, who has agreed to include this funding in his subcommittee's bill. And I see the distinguished ranking member of the committee, and I would also like to express my thanks to him likewise for support of this legislation.

Earlier this year Senator SHELBY was kind enough to take time to listen to Rhode Island's Governor, Lincoln Almond, Senator REED from Rhode Island, and myself as we outlined the benefits of the Third Track project. And, Mr. President, I would like to take this opportunity to say that Senator REED has been very interested and very supportive of all efforts in connection with this Third Track.

The Third Track is a $120 million project that will upgrade 22 miles of rail line between Quonset Point-Davisville, and Central Falls, RI. It is needed to accommodate two impending changes that are occurring on this rail line: First, the increased passenger rail traffic and more passenger trains that will result from Amtrak's New Haven-Boston electrification project—that is the first problem that has arisen—and, secondly, the larger freight cars that will operate along the line.

The Third Track represents a tremendous potential for economic growth and job creation in Rhode Island. It plays a vital role in the State's development of the Quonset-Davisville Industrial Park and making that into a premier commerce park and international cargo point.

Mr. President, let us take a brief look at recent developments associated with this Third Track. In just the past year, some 19 new tenants and four others have expanded their operations and have invested over $16 million and brought 500 new jobs to the Quonset-Davisville Industrial Park.

It is conservatively estimated that development of the port and of the park will yield in excess of 15,000 good-paying jobs to Rhode Island. The Third Track is a key element in what is not surprisingly one of our State's most promising economic development projects.

To date, Congress has appropriated $13 million for the Third Track. Another $42 million is budgeted over the next 4 years, including the $10 million within the bill before the Senate today.

Rhode Island's voters, on their part, in order to fulfill the State's 50–50 funding matching requirement, passed a bond referendum last November allocating $50 million to this Third Track. I might say, Mr. President, a $50 million bond issue is a substantial one for our small State of little fewer than a million people.

The Third Track represents great hope for economic growth in Rhode Island at a time when our manufacturing job base continues to erode.

I again thank Chairman SHELBY for his support and also thank the distinguished ranking member of the committee, Senator LAUTENBERG, for his support, and urge my colleagues to vote in favor of this bill.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I would like to respond to that.

First of all, I want to acknowledge the work of the distinguished senior Senator from Rhode Island, Senator CHAFEE, in bringing to my attention—and also to Senator LAUTENBERG's attention—the needs of his State in dealing with this economic development project.

I did have the opportunity, at Senator CHAFEE's request, to meet with Senator CHAFEE, the Governor, and the junior Senator, Senator REED, regarding this project. I also met with Senator CHAFEE on numerous occasions as we talked about, ''Would funding for this project be included in the bill?'' I assured him that it would, and for a good reason.

This is a sound project for the people of Rhode Island. We investigated it on

the committee and found that it makes a lot of sense. And as Senator CHAFEE has pointed out, the people of Rhode Island are also putting up a lot of money through a bond issue of $50 million. And $50 million is a lot of money for a State of around 1 million. And I want to acknowledge his work in this regard and say that we are pleased that we have been successful in identifying resources for this project. And I believe it is going to be very, very positive for the State of Rhode Island.

I look forward to working with the distinguished Senator from Rhode Island in the future.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I am pleased also, Mr. President, to support this project. And I have reviewed the plans several times over these last couple of years. It increases the ability of that port to function and to expedite the movement of freight from the port into the main line system. Otherwise, there are some problems with heights and of the cars that can pass underneath the bridges, so it needs some work. And we hope that Rhode Island will get this completed.

We all know that essential to our economic development is the capacity to get people and goods to and from the business opportunities that either exist or want to be developed. So this one sounds like a pretty good idea.

Senator SHELBY said it. He said we have heard from Senator CHAFEE periodically, regularly. We have heard from the Governor of the State who, if I remember, is about 6' 4'', something of that nature. They made sure they brought him in. We got the message, Mr. President. Senator REED was also involved. So it is a unified delegation. And they are working hard to get it done. And we want to help wherever we can.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Again, I do want to thank the two distinguished managers of the legislation, the bill. The chairman of the subcommittee, Senator SHELBY, has been very, very helpful, and as I indicated, very responsive. And we are very appreciative. And likewise, Senator LAUTENBERG, as mentioned, we have—I have to be careful in my use of words. I was going to say ''pestered'' him, but we have implored him or spent a good deal of time pointing out the virtues of this project. And the way they both have responded makes us very grateful.

And I say to Senator SHELBY, I want to thank you for your kind remarks and the work you have done on this, and Senator LAUTENBERG likewise.

So, if nobody else seeks the floor——

Mr. SHELBY. Mr. President, if I could add a few more comments to the remarks made by the distinguished Senator from Rhode Island. The Senator from Rhode Island is a distinguished veteran of the Senate. He has been here and has made his presence felt. He chairs a very important committee in the Senate—the Environment and Public Works Committee. I have had the privilege and the pleasure of working with him on a number of issues both on and off this committee. I can tell you, he has been the catalyst for the money for Rhode Island here in the Senate. Let us set the record straight. Thank you.

Mr. LAUTENBERG. Mr. President, we can't let this opportunity go without saying that we know that the Senator from Rhode Island is very much engaged in discussions of ISTEA. And New Jersey likes ISTEA.

Mr. SHELBY. Absolutely.

Mr. LAUTENBERG. We like it in the summer and we like it in the winter. We want to help the State of Rhode Island, the important State that it is despite its tiny size. My State is only a wisp larger, and we have about eight times the number of people. But we know that the good Senator from Rhode Island will remember Alabama and New Jersey and how we all work together to get things done. Thank you.

Mr. CHAFEE. Mr. President, this is getting more and more expensive. So if nobody else seeks the floor at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise today in support of the Transportation appropriations bill and to engage in a colloquy with the distinguished chairman of the Appropriations subcommittee, Senator SHELBY, about the ability of the State of Maine to use funding from this legislation to conduct a National Environmental Protection Act study for improving the travel corridor from Houlton to Fort Kent, ME.

Under S. 1048, as approved by the Senate Appropriations Committee, the State of Maine is expected to receive a much-needed increase of almost $17 million for vital highway programs. This will bring the total for the next fiscal year to approximately $105 million. This additional funding—the $17 million—will enable the Maine Department of Transportation to fund a number of high-priority transportation projects, including the NEPA study, which will help my State tremendously.

I want to commend both the chairman and the ranking minority member of the subcommittee for their hard work and leadership in ensuring that significant transportation funding increases are available, at a time when setting priorities for scarce tax dollars has never been more challenging. For large rural States like my home State of Maine, the funding in this legislation provides the money necessary to build, repair, maintain, and improve our roads, which are absolutely essential to expanding our economy and to providing our citizens with better job opportunities into the 21st century.

In fact, in Maine, studies have shown that approximately 80 percent of all economic development has occurred within 10 miles of our interstate highway. Consequently, it is not surprising that economic activity in central and northern Aroostook County, where I am from, which is not served by the Interstate Highway System, has lagged far behind those areas of the State with access to the four-lane interstate.

Earlier this year, the State of Maine completed an initial feasibility study that evaluated several different options for improving the travel corridor between Houlton and Fort Kent, a distance of roughly 125 miles. The initial study was funded by Congress with an appropriation of $800,000 about 3 years ago.

Now, the State is prepared to take the next step in this process, which is to conduct a NEPA study on the various options. This study will, among other things, analyze the traffic demand for preliminary design engineering, assess the noise and air quality impact, develop and review alternatives within the corridor, update the construction cost analysis, and prepare an environmental impact statement.

The need for this funding, Mr. President, is crystal clear. Upgrading the transportation infrastructure in Aroostook County, the largest county in my State, is essential to strengthening its economy. For example, in order to compete effectively, Aroostook County potato farmers and lumber industries need to improve their ability to transport goods efficiently from northern Maine to their markets.

Upgrading the transportation system will also spur new economic development and business investment. The tourism industry, particularly snowmobiling, has absolutely exploded in recent years. But if it is to continue to grow, this promising industry needs an improved road system to bring more snowmobilers to Aroostook County.

Similarly, the people of Aroostook County are moving forward in their efforts to redevelop the site of the former Loring Air Force Base in Limestone, ME. An enhanced highway system is absolutely vital to their ability to attract new economic investment that can best utilize the base's outstanding facilities and help to replace the thousands of jobs that were lost when the base closed.

Proceeding with this additional study at this time will help us determine how best to improve the travel corridor, and it ultimately will make it easier for northern Maine to compete for new business investments, to find

new market opportunities for agricultural, manufactured, and timber-related products, and to produce increased tourism opportunities, as well.

I just want to take this opportunity to confirm with the chairman of the subcommittee my understanding that the State of Maine, which has included this project as part of its 20-year statewide transportation plan, can use a portion of the roughly $17 million in higher Federal highway funding from this legislation to pursue and conduct the NEPA study.

Mr. President, at this point, I will yield the floor to the chairman of the subcommittee so that he may respond to my inquiry.

Mr. SHELBY. Mr. President, Senator COLLINS has been in touch with our subcommittee throughout the year as we prepared the 1998 Transportation appropriation bill. She has talked to us more than once. In particular, the Senator from Maine has made clear that securing available sources of funding for the NEPA study is a very high priority for her and the people in the northern part of her State of Maine. The Senator has also been a strong supporter of higher funding in fiscal year 1998 to meet other necessary transportation priorities on behalf of the State of Maine as well.

Mr. President, I want to take this opportunity to confirm the inquiry of the Senator and to reiterate that the State of Maine is clearly able to use highway funds provided in this act, subject to ISTEA reauthorization, to conduct a NEPA study. I believe that the Senator from Maine has made a compelling case for moving ahead with this study and, in fact, I believe that the NEPA study would be a good use of a portion of Maine's highway funding.

Mr. President, Senator COLLINS has made it very clear to the subcommittee how important improving the travel corridor in northern Maine is, and I share her view that this NEPA study would be a very high priority for funding in 1998.

Ms. COLLINS. Mr. President, I thank the chairman for his assurances and express my gratitude and thanks to him and his staff for their assistance in this matter.

I also want to again applaud his efforts to ensure that we have adequate funding for our transportation infrastructure, which is so vital to this Nation's prosperity.

Thank you, Mr. President.

Mr. SHELBY. 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. SHELBY. 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. SHELBY. Mr. President, I ask unanimous consent that the following be the only first-degree amendments in order to S. 1048 other than the pending amendments, and that they be subject to relevant second-degree amendments. I send the list to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The list is as follows:

Bob Smith: Section 127 of title 23.
Hollings: Relevant.
Hollings: Relevant.
Graham: Transit.
Daschle/Johnson: Relevant.

MANAGERS PACKAGE

Shelby amendment.
Lautenberg amendment.
Durbin: Relevant.
Graham/Levin Sense-of-Senate: Relevant.
Byrd: Relevant.
Stevens: Relevant.
Kerrey: Relevant.
Boxer: Railroad.
Chafee: Relevant.
Chafee: Relevant.
Warner: Relevant.
Warner: Relevant.
Specter: Relevant.
Enzi: Relevant.
Enzi: Relevant.
Mack: ISTEA reauthorization.
Abraham: Relevant.
D'Amato: Relevant.
Frist: Relevant.
Gorton: Relevant.
Bond: Relevant.
Brownback: Relevant.
Moseley-Braun: Motorcycle helmets.

Mr. SHELBY. Mr. President, I further ask that when all of the above amendments have been disposed of, S. 1048 be advanced to third reading and the Senate immediately turn to H.R. 2169, the House companion bill, all after the enacting clause be stricken and the text of S. 1048, as amended, be inserted, H.R. 2169 be immediately advanced to third reading, and the Senate proceed to vote on passage, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Finally, I ask that following the vote on passage of the transportation appropriations bill, the Senate insist on its amendments, request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and S. 1048 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I further ask unanimous consent that the Senate resume consideration of S. 1048 immediately following the stacked votes at 2:15 on Tuesday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SHELBY. For the information of all Senators, the managers intend to remain in session until all amendments are offered and debated with respect to the Transportation bill. Therefore, Members should expect final disposition of the Transportations appropriations bill on Wednesday morning.

Mr. LAUTENBERG. Mr. President, if I may say to my colleague, the chairman, I will just take the floor for a couple minutes and say that we have now been here 2 hours. It was the understanding when we left last week that the Transportation Subcommittee's bill would be up this evening with an opportunity to offer amendments and consider the business of the bill. We have had hardly a response.

I do not have to lecture my colleagues, certainly, but this is the last week before we adjourn for August and get home to do the things we have to do with our constituents. I hope we can help move the process along. We ask our colleagues to join in to get the business of the people done, to get those amendments up here as quickly as we can tomorrow.

We intend—and I discussed this with Senator SHELBY—to be here long enough to get the work done, but we cannot do it unless people offer their amendments and take advantage of the opportunity to make those suggestions that they think improve the bill.

So I send out this plea, Mr. President, probably to those who are just turning off their TV sets around the Capitol and say that we hope you will remember the bill will be open again tomorrow after the votes which are now listed and that we can get to work on passing the appropriations bill for 1998, one that we can send over to the House and get a conference on. We are moving along at a very good pace with our appropriations bills for next year, and we ought to continue to help that pace, get done, and let the people across the country know the appropriate investments are going to be made in the things that are included in this bill.

With that simple admonition, Mr. President, I yield the floor.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent at this time there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties, a withdrawal, and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''THE POLICY ON PROTECTION OF NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACK''—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

Pursuant to section 1061 of the National Defense Authorization Act for Fiscal Year 1997, attached is a report, with attachments, covering Policy on Protection of National Information Infrastructure Against Strategic Attack.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997.*

MESSAGES FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2303. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Inspector General's Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2304. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, a report under the Inspector General's Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2305. A communication from the Chairman and General Counsel, U.S. Government National Labor Relations Board, transmitting, pursuant to law, a report for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2306. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the period ending March 31, 1997; to the Committee on Governmental Affairs.

EC–2307. A communication from the Secretary of Energy, transmitting, pursuant to law, sixteen reports to the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2308. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, a report relative to the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2309. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled ''Correction of Implementation Plans'' (FRL5847–8, 5848–4, 5844–3) received on June 23, 1997; to the Committee on Environment and Public Works.

EC–2310. A communication from the Regulatory Policy Official, National Archives and Records Administration, transmitting, pursuant to law, a report of a rule relative to Reproduction Fee Schedule (RIN3095–AA71), received on June 17, 1997; to the Committee on Governmental Affairs.

EC–2311. A communication from the Regulatory Policy Official, National Archives and Records Administration, transmitting, pursuant to law, a report of a rule entitled ''Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives'' (RIN3095–AA55), received on June 17, 1997; to the Committee on Governmental Affairs.

EC–2312. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the period of October 1, 1996 to March 31, 1997; to the Committee on Governmental Affairs.

EC–2313. A communication from the Inspector General, U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2314. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled ''Homelessness Assistance and Management Reform Act of 1997''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2315. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, five rules entitled ''HOME Investment Partnership Program'' (FR–3962), received on June 23, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2316. A communication from the Director, U.S. Office of Personnel Management, transmitting, a draft of proposed legislation relative to judicial review to protect the merit system; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH of Oregon:

S. 1072. A bill to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself, Mr. MACK, Mr. HELMS, and Mr. GRAHAM):

S. 1073. A bill to withhold United States assistance for programs for projects of the International Atomic Energy Agency in Cuba, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD:

S. 1074. A bill to amend title IV of the Social Security Act to reform child support enforcement procedures; to the Committee on Finance.

S. 1075. A bill to provide for demonstration projects to establish or improve a system of assured minimum child support payments; to the Committee on Finance.

By Mr. MACK (for himself, Mr. GRAHAM, and Mr. KENNEDY) (by request):

S. 1076. A bill to provide relief to certain aliens who would otherwise be subject to removal from the United States; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 1077. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. SPECTER (for himself, Mr. ROCKEFELLER, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRAHAM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KEMPTHORNE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MACK, Mr. MCCAIN, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROTH, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, and Mr. THURMOND):

S.J. Res. 36. A joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S. Con. Res. 44. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself, Mr. MACK, Mr. HELMS, and Mr. GRAHAM):

S. 1073. A bill to withhold United States assistance for programs for projects of the International Atomic Energy Agency in Cuba, and for other purposes; to the Committee on Foreign Relations.

THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) ACCOUNTABILITY AND SAFETY ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today to join with my colleagues, Senators MACK, HELMS, and GRAHAM, in introducing the International Atomic Energy Agency [IAEA] Accountability and Safety Act of 1997.

This legislation will withhold from the International Atomic Energy Agency [IAEA] a proportional share of United States assistance for programs or projects of that Agency in Cuba. It seeks to discourage the IAEA from technical assistance programs or projects that would contribute to the maintenance or completion of the Juragua Nuclear Power Plant near

Cienfuegos, Cuba and/or to nuclear research or experiments at the Pedro Pi Nuclear Research Center.

Our legislation makes clear to Cuba and to the international community that the United States considers the existence of nuclear facilities under the control of a government on the list of terrorist countries that has not ratified the fundamental agreements on the nonproliferation of nuclear weapons a threat to the national security of the United States. As such, the United States seeks to discourage all other governments and international agencies from assisting the efforts of the Cuban Government to maintain or complete the Juragua Plant or to advance nuclear research at the Pedro Pi facility.

United States funds would be made available to the IAEA to discontinue, dismantle, or conduct safety inspections of nuclear facilities and related materials in Cuba, or to inspect or undertake similar activities designed to prevent the development of nuclear weapons by Cuba.

The withholding of funds from the IAEA would be obviated if: Cuba ratifies the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco); negotiates full-scope safeguards of the IAEA within two years of ratifying; and adopts internationally accepted nuclear safety standards.

The legislation also requests reports on the activities of the IAEA in Cuba.

By Mr. DODD:

S. 1074. A bill to amend title IV of the Social Security Act to reform child support enforcement procedures; to the Committee on Finance.

S. 1075. A bill to provide for demonstration projects to establish or improve a system of assured minimum child support payments; to the Committee on Finance.

CHILD SUPPORT LEGISLATION

Mr. DODD. Mr. President, today I'm introducing two pieces of legislation intended to address the ongoing and utter failure of our Nation's child support efforts.

Last week, the General Accounting Office released a long-awaited report on efforts to collect child support throughout the country. It paints a picture of a broken child support system:

One where four out of five parents legally required to pay child support simply ignore court orders to do so; one where nearly three in four custodial parents—and their children—who receive no child support live in poverty (as of 1991); and one where a staggering $34 billion in child support payments remain uncollected.

The current system of child support is not just a failure by the States to collect money. It's a nationwide failure to care for America's children.

Imagine what parents could do for their kids with these billions in unpaid child support obligations. Currently, Congress and the President are engaged in a heated debate over how to provide health insurance to the 10½ million kids who don't currently have it. We might not be having that debate if the child support system was working.

Imagine how much better parents could prepare their children to get the right start in life. With each passing day, we are learning about how incredibly important the first years, months, even days of life are to a child's future well-being. Most importantly, they need what money can't buy: Love, affection, and attention—preferably by two parents rather than one. But they also need wholesome food, a clean and safe neighborhood, child care that nurtures rather than warehouses, and early learning that stretches young minds. Yet, nearly two in three—64 percent—of children under the age of 6 who live only with their mothers live in poverty.

For two decades, the Federal Government has tried to help States crack down on deadbeat parents. For two decades they have, by and large, failed to get the job done. It's time now to try a different approach.

In 1975, we established the child support enforcement program, which paid the majority of the administrative and operating costs incurred by States in enforcing child support rules.

In 1980, we passed legislation to help States pay to computerize child support orders.

In 1988, we passed a law requiring States to establish computer registries, and committed $2.6 billion to the effort.

We set a deadline of 1995 for implementation and certification of those registries. But only a handful of States met that deadline.

So in 1995, we extended the deadline 2 years, to October 1, 1997. Yet, at this moment, only 15 States have met the requirements of certification. And GAO predicts many will not meet them by October 1—a result of mismanagement, interagency squabbles, and a failure to accurately assess the cost and complexity of computerizing child support enforcement.

Note that Connecticut at the moment is conditionally certified. That's a nice way of saying that it's close to meeting the requirements of certification, but not there yet. And while there has been some improvement in enforcement efforts, overall our State's performance is weak by any standard. Some $663 million in child support obligations remain unpaid and uncollected. The child support payment rate in our State—the percentage of payments that are on time and in full—is only 16 percent. That's below the national average.

My legislation will do several things.

First, and most importantly, it will federalize the child support system. It will make paying child support as much of an obligation as paying taxes. Instead of 50 or more entities struggling to create a coherent system of collection, we'll have one collector: the IRS. People may not like the IRS—but that's partly because it gets the job done. This bill creates a new child support enforcement division within the IRS, and allows the IRS to use its normal tax collection methods to collect child support. My legislation would also allow the use of Federal courts to enforce child support orders—which will immensely help track deadbeat parents across State lines. And it preserves the role of States in determining paternity and establishing child support orders in the first place.

Second, this legislation tries a new approach to help States do a better job in child support enforcement. It's an approach that a number of States have tried with considerable success. It's called child support assurance. The bill I introduce today would provide demonstration grants to three, four, or five States. Those States would in turn guarantee child support payments each month to children and custodial parents. When this approach was tried in New York, a number of positive developments occurred. First, children got the support they needed. Second, welfare payments dropped. Third, New York could devote more resources to enforcing child support orders because it had to worry less about caring for parents and kids who weren't receiving child support payments. Overall, New York saved $10 for every $1 it invested in this program.

Last week's GAO report demonstrates that it's time for our Nation to take a new approach in efforts to enforce child support obligations. This legislation can work. And now is the time to try it.

Mr. President, I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1074

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child Support Reform Act of 1997''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—NATIONAL CHILD SUPPORT GUIDELINES COMMISSION
Sec. 101. National Child Support Guidelines Commission.
TITLE II—CENTRALIZED CHILD SUPPORT ENFORCEMENT
Sec. 201. Establishment of the Office of the Assistant Commissioner for Centralized Child Support Enforcement.
Sec. 202. Use of Federal Case Registry of Child Support Orders and National Directory of New Hires.
Sec. 203. Division of Enforcement.
Sec. 204. State plan requirements.
Sec. 205. Definitions.
TITLE III—EFFECTIVE DATES
Sec. 301. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an increasing number of children are raised in families with only one parent present, usually the mother, and these families are 5 times as likely to be poor as 2-parent families;

(2) the failure of noncustodial parents to pay their fair share of child support is a major contributor to poverty among single-parent families;

(3) in 1990, there was a $33,700,000,000 gap between the amount of child support that was received and the amount that could have been collected;

(4) in 1991, the aggregate child support income deficit was $5,800,000,000;

(5) as of spring 1992, only 54 percent, or 6,200,000, of custodial parents received awards of child support, and of the 6,200,000 custodial parents awarded child support, 5,300,000 were supposed to receive child support payments in 1991;

(6) of the custodial parents described in paragraph (5), approximately ½ of the parents due child support received full payment and the remaining ½ were divided equally between those receiving partial payment (24 percent) and those receiving nothing (25 percent);

(7) as a result of the situation described in paragraphs (5) and (6), increasing numbers of families are turning to the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) for assistance, accounting for an over 40 percent increase in the caseload under that program during the 1991 to 1995 period;

(8) during the 1991 to 1995 period, the percentage of cases under the title IV-D child support program in which a collection was made declined from 19.3 percent to 18.9 percent;

(9) the Internal Revenue Service has improved its performance in making collections in cases referred to it by the title IV-D child support program, moving from successfully intercepting Federal income tax refunds in 992,000 cases in 1992 to successfully intercepting Federal income tax refunds in 1,200,000 cases in 1996;

(10) in cases under the title IV-D child support program in which a collection is made, approximately ⅓ of such cases are cases where some or all of the collection is a result of a Federal tax refund intercept;

(11) in 1995, the average amount collected for families in which the Internal Revenue Service made a collection through the Federal tax refund intercept method was $827 for families receiving Aid to Families with Dependent Children and $847 for other families; and

(12) State-by-State child support guidelines have resulted in orders that vary significantly from State to State, resulting in low awards and inequities for children.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide for the review of various State child support guidelines to determine how custodial parents and children are served by such guidelines;

(2) increase the economic security of children, improve the enforcement of child support awards through a more centralized, efficient system; and

(3) improve the enforcement of child support orders by placing responsibility for enforcement in the Internal Revenue Service.

TITLE I—NATIONAL CHILD SUPPORT GUIDELINES COMMISSION

SEC. 101. NATIONAL CHILD SUPPORT GUIDELINES COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''National Child Support Guidelines Commission'' (in this section referred to as the ''Commission'').

(b) GENERAL DUTIES.—The Commission shall study and evaluate the various child support guidelines currently in use by the States, identify the benefits and deficiencies of such guidelines in providing adequate support for children, and recommend any needed improvements.

(c) MATTERS FOR CONSIDERATION BY THE COMMISSION.—In making the recommendations concerning guidelines required under subsection (b), the Commission shall consider—

(1) matters generally applicable to all support orders, including—

(A) the relationship between the guideline amounts and the actual costs of raising children; and

(B) how to define income and under what circumstances income should be imputed;

(2) the appropriate treatment of cases in which either or both parents have financial obligations to more than 1 family, including the effect (if any) to be given to—

(A) the income of either parent's spouse; and

(B) the financial responsibilities of either parent for other children or stepchildren;

(3) the appropriate treatment of expenses for child care (including care of the children of either parent, and work-related or job-training-related child care);

(4) the appropriate treatment of expenses for health care (including uninsured health care) and other extraordinary expenses for children with special needs;

(5) the appropriate duration of support by 1 or both parents, including

(A) support (including shared support) for post-secondary or vocational education; and

(B) support for disabled adult children;

(6) procedures to automatically adjust child support orders periodically to address changed economic circumstances, including changes in the consumer price index or either parent's income and expenses in particular cases; and

(7) whether, or to what extent, support levels should be adjusted in cases in which custody is shared or in which the noncustodial parent has extended visitation rights.

(d) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 12 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1998, of which—

(i) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate, and 1 shall be appointed by the ranking minority member of the Committee;

(ii) 2 shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives, and 1 shall be appointed by the ranking minority member of the Committee; and

(iii) 6 shall be appointed by the Secretary of Health and Human Services.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall have expertise and experience in the evaluation and development of child support guidelines. At least 1 member shall represent advocacy groups for custodial parents, at least 1 member shall represent advocacy groups for noncustodial parents, and at least 1 member shall be the director of a State program under part D of title IV of the Social Security Act.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(f) REPORT.—Not later than 2 years after the appointment of members, the Commission shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a final assessment of how States, through various child support guideline models, are serving custodial parents and children.

(g) TERMINATION.—The Commission shall terminate 6 months after the submission of the report described in subsection (e).

TITLE II—CENTRALIZED CHILD SUPPORT ENFORCEMENT

SEC. 201. ESTABLISHMENT OF THE OFFICE OF THE ASSISTANT COMMISSIONER FOR CENTRALIZED CHILD SUPPORT ENFORCEMENT.

(a) IN GENERAL.—For purposes of locating absent parents and facilitating the enforcement of child support obligations, the Secretary of the Treasury shall establish within the Internal Revenue Service an Office of the Assistant Commissioner for Centralized Child Support Enforcement which shall establish not later than October 1, 1997, a Division of Enforcement for the purpose of carrying out the duties described in section 203.

(b) COORDINATION.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services shall issue regulations for the coordination of activities among the Office of the Assistant Commissioner for Centralized Child Support Enforcement, the Assistant Secretary for Children and Families, and the States, to facilitate the purposes of this title.

SEC. 202. USE OF FEDERAL CASE REGISTRY OF CHILD SUPPORT ORDERS AND NATIONAL DIRECTORY OF NEW HIRES.

Section 453(j)(2) of the Social Security Act (42 U.S.C. 653(j)(2)) is amended to read as follows:

''(2) INFORMATION COMPARISONS.—

''(A) IN GENERAL.—For the purpose of locating individuals in a paternity establishment case or a case involving the establishment, modification, or enforcement of a support order, the Secretary shall—

''(i) compare information in the National Directory of New Hires against information in the support case abstracts in the Federal Case Registry of Child Support Orders not less often than every 2 business days; and

''(ii) within 2 business days after such a comparison reveals a match with respect to an individual, report the information to the Division of Enforcement for centralized enforcement.

''(B) CASES REFERRED TO DIVISION OF ENFORCEMENT.—If a case is referred to the Division of Enforcement by the Secretary under subparagraph (A)(ii), the Division of Enforcement shall—

''(i) notify the custodial and noncustodial parents of such referral,

''(ii) direct the employer to remit all child support payments to the Internal Revenue Service;

''(iii) receive all child support payments made pursuant to the case;

''(iv) record such payments; and

''(v) promptly disburse the funds—

''(I) if there is an assignment of rights under section 408(a)(3), in accordance with section 457, and

''(II) in all other cases, to the custodial parent.''.

SEC. 203. DIVISION OF ENFORCEMENT.

(a) IN GENERAL.—With respect to the Division of Enforcement, the duties described in this section are as follows:

(1) Enforce all child support orders referred to the Division of Enforcement—

(A) under section 453(j)(2)(A)(ii) of the Social Security Act (42 U.S.C. 653(j)(2)(A)(ii));

(B) by the State in accordance with section 454(35) of such Act (42 U.S.C. 654(35)); and

(C) under section 452(b) of such Act (42 U.S.C. 652(b)).

(2) Enforce a child support order in accordance with the terms of the abstract contained in the Federal Case Registry of Child Support Orders or the modified terms of such an order upon notification of such modifications by the Secretary of Health and Human Services.

(3) Enforce medical support provisions of any child support order using any means available under State or Federal law.

(4) Receive and process requests for a Federal income tax refund intercept made in accordance with section 464 of the Social Security Act (42 U.S.C. 664).

(b) FAILURE TO PAY AMOUNT OWING.—With respect to any child support order being enforced by the Division of Enforcement, if an individual fails to pay the full amount required to be paid on or before the due date for such payment, the Office of the Assistant Commissioner for Centralized Child Support Enforcement, through the Division of Enforcement, may assess and collect the unpaid amount in the same manner, with the same powers, and subject to the same limitations applicable to a tax imposed by subtitle C of the Internal Revenue Code of 1986 the collection of which would be jeopardized by delay.

(c) USE OF FEDERAL COURTS.—The Office of the Assistant Commissioner for Centralized Child Support Enforcement, through the Division of Enforcement, may utilize the courts of the United States to enforce child support orders against absent parents upon a finding that—

(1) the order is being enforced by the Division of Enforcement; and

(2) utilization of such courts is a reasonable method of enforcing the child support order.

(d) CONFORMING AMENDMENTS.—

(1) Section 452(a)(8) (42 U.S.C. 652(a)(8)) is repealed.

(2) Section 452(c) (42 U.S.C. 652(c)) is repealed.

SEC. 204. STATE PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 454 of the Social Security Act (42 U.S.C. 654) is amended by striking ''and'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ''; and'', and by inserting after paragraph (33) the following new paragraph:

''(34) provide that the State will cooperate with the Office of the Assistant Commissioner for Centralized Child Support Enforcement to facilitate the exchange of information regarding child support cases and the enforcement of orders by the Commissioner.''.

(b) CONFORMING AMENDMENT.—Section 455(b) of the Social Security Act (42 U.S.C. 655(b)) is amended by striking ''454(34)'' and inserting ''454(33)''.

SEC. 205. DEFINITIONS.

Any term used in this title which is also used in part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) shall have the meaning given such term by such part.

TITLE III—EFFECTIVE DATES

SEC. 301. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act or subsection (b), the amendments made by this Act take effect on the date of enactment of this Act.

(b) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

S. 1075

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 ''Child Support Assurance Act of 1997''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Increasingly, children are raised in families with only 1 parent present, usually the mother, and these single-parent families are 5 times as likely to be poor as 2-parent families.

(2) The failure of noncustodial parents to pay their fair share of child support is a significant contributor to poverty among single-parent families.

(3) In 1990, there was a $33,700,000,000 gap between the amount of child support that was received and the amount that could have been collected.

(4) In 1991, the aggregate child support income deficit was $5,800,000,000.

(5) As of spring 1992, only 54 percent, or 6,200,000, of custodial parents received awards of child support. Of the 6,200,000 custodial parents awarded child support, 5,300,000 were supposed to receive child support payments in 1991. Approximately ½ of the parents due child support received full payment; the remaining ½ were divided equally between those receiving partial payment (24 percent) and those receiving nothing (25 percent).

(6) Custodial parents who are poor are much more likely to receive no child support. Of the 3,700,000 custodial parents who were poor in 1991, over ¾ received no child support. Only 34 percent of poor custodial parents had child support awards and were supposed to receive child support payments in 1991. Of those parents, only 40 percent received full payment, 29 percent received partial payment, and 32 percent received nothing.

(7) The percentage of poor women who were awarded child support in 1991, 39 percent, was significantly lower than the 65 percent award rate for nonpoor women.

(8) Families fare better with child support than without that support. In 1991, 43 percent of custodial parents who did not have child support orders were poor.

(9) In 1991, the average total money income of custodial parents receiving child support due was 21 percent higher than that received by parents who did not receive child support due and was 45 percent higher than that received by custodial parents with no child support award at all.

(b) PURPOSES.—The purposes of this Act are to enable participating States to establish child support assurance systems in order to improve the economic circumstances of children who do not receive a minimum level of child support in a given month from the noncustodial parents of such children, to strengthen the establishment and enforcement of child support awards, and to promote work by custodial and noncustodial parents.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD.—The term ''child'' means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by law.

(2) ELIGIBLE CHILD.—The term ''eligible child'' means a child—

(A) who is not currently receiving cash assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) who meets the eligibility requirements established by the State for participation in a project administered under this section; and

(C) who is the subject of a support order, as defined in section 453(p) of the Social Security Act (42 U.S.C. 653(p)), or for which good cause exists, as determined by the appropriate State agency under section 454(29)(A) of such Act (42 U.S.C. 654(29)(A)), for not having or pursuing a support order.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) DEMONSTRATIONS AUTHORIZED.—The Secretary shall make grants to not less than 3 and not more than 5 States to conduct demonstration projects for the purpose of establishing or improving a system of an assured minimum child support payment to an eligible child in accordance with this section.

(b) APPLICATION AND SELECTION.—

(1) APPLICATION REQUIREMENTS.—An application for a grant under this section shall be submitted by the Chief Executive Officer of a State and shall—

(A) contain a description of the proposed child support assurance project to be established, implemented, or improved using amounts provided under this section, including the level of the assured minimum child support payment to be provided and the agencies that will be involved;

(B) specify whether the project will be carried out throughout the State or in limited areas of the State;

(C) specify the level of income, if any, at which a recipient or applicant will be ineligible for an assured minimum child support payment under the project;

(D) estimate the number of children who will be eligible for assured minimum child support payments under the project;

(E) contain a description of the work requirements, if any, for noncustodial parents whose children are participating in the project;

(F) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive fiscal years beginning with fiscal year 1998; and

(G) contain such other information as the Secretary may require by regulation.

(2) SELECTION CRITERIA.—The Secretary shall consider geographic diversity in the selection of States to conduct a demonstration project under this section, and any other criteria that the Secretary determines will contribute to the achievement of the purposes of this Act.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project that is designed to provide a minimum monthly child support payment for each eligible child participating

in the project to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) TREATMENT OF CHILD SUPPORT PAYMENT.—Any assured minimum child support payment received by an individual under this Act shall be considered child support for purposes of determining the treatment of such payment under—

(1) the Internal Revenue Code of 1986; and

(2) any eligibility requirements for any means-tested program of assistance.

(e) DURATION.—A demonstration project conducted under this section shall commence on October 1, 1997, and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in compliance with the terms of the application approved by the Secretary under this section.

(f) EVALUATIONS AND REPORTS.—

(1) STATE EVALUATIONS.—

(A) IN GENERAL.—Each State administering a demonstration project under this section shall—

(i) provide for evaluation of the project, meeting such conditions and standards as the Secretary may require; and

(ii) submit to the Secretary reports, at the times and in the formats as the Secretary may require, and containing any information (in addition to the information required under subparagraph (B)) as the Secretary may require.

(B) REQUIRED INFORMATION.—A report submitted under subparagraph (A)(ii) shall include information on and analysis of the effect of the project with respect to—

(i) the amount of child support collected for project recipients;

(ii) the economic circumstances and work efforts of custodial parents;

(iii) the work efforts of noncustodial parents;

(iv) the rate of compliance by noncustodial parents with support orders;

(v) project recipients' need for assistance under means-tested assistance programs other than the project administered under this section; and

(vi) any other matters that the Secretary may specify.

(C) METHODOLOGY.—Information required under this paragraph shall be collected through the use of scientifically acceptable sampling methods.

(2) REPORTS TO CONGRESS.—The Secretary shall, on the basis of reports received from States administering projects under this section, submit interim reports, and, not later than 6 months after the conclusion of all projects administered under this section, a final report to Congress. A report submitted under this paragraph shall contain an assessment of the effectiveness of the State projects administered under this section and any recommendations for legislative action that the Secretary considers appropriate.

(g) FUNDING LIMITS; PRO RATA REDUCTIONS OF STATE MATCHING.—

(1) FUNDS AVAILABLE.—There shall be available to the Secretary, from amounts made available to carry out part D of title IV of the Social Security Act, for purposes of carrying out demonstration projects under this section, amounts not to exceed—

(A) $27,000,000 for fiscal year 1998;

(B) $55,000,000 for fiscal year 1999; and

(C) $70,000,000 for each of fiscal years 2000 through 2003.

(2) PRO RATA REDUCTIONS.—The Secretary shall make pro rata reductions in the amounts otherwise payable to States under this section as necessary to comply with the funding limitation specified in paragraph (1).

SEC. 5. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR TANF RECIPIENTS.

Section 466(a)(10) of the Social Security Act (42 U.S.C. 666(a)(10)) is amended—

(1) in subparagraph (A)(i), by striking ''or, if there is an assignment under part A, upon the request of the State agency under the State plan or of either parent,''; and

(2) by adding at the end the following:

''(D) MANDATORY 3–YEAR REVIEW FOR PART A ASSIGNMENTS.—Procedures under which the State shall conduct the review under subparagraph (A) and make any appropriate adjustments under such subparagraph not less than every 3 years in the case of an assignment under part A.''.

By Mr. MACK (for himself, Mr. GRAHAM, and Mr. KENNEDY) (by request):

S. 1076. A bill to provide relief to certain aliens who would otherwise be subject to removal from the United States; to the Committee on the Judiciary.

THE IMMIGRATION REFORM TRANSITION ACT OF 1997

Mr. MACK. Mr. President, today I join my friends Senator GRAHAM and Senator KENNEDY in introducing a bill which would ease the transition into implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRAIRA] for certain Central American immigrants. This legislation, which has been requested by President Clinton, is designed to ensure that those immigrants who were in the administrative pipeline at the time IIRAIRA took effect will have their cases decided under the set of rules in place before enactment of IIRAIRA. This legislation will by no means grant amnesty to anyone; it will ensure that each individual will have their application for suspension of deportation given full and fair consideration.

This legislation is a matter of freedom, justice, human rights and fundamental fairness. During consideration of IIRAIRA, I maintained that those immigrants who were already in this country should not have the rules changed on them midstream. Many Central American immigrants have planted deep roots in the United States and are valued members of their communities. They should be free from the fear of deportation without a full consideration of their request for suspension of that deportation under the set of rules in place at the time that they applied.

Ten years ago, in the mountains of Nicaragua, I spoke to thousands of young men who were fighting for freedom. I told them then that we would not forget them, and I tell them now that we will not forget them.

I urge the Senate's expedient consideration and passage of this legislation.

Mr. GRAHAM. Mr. President, today I am honored to join my colleague and friend Senator CONNIE MACK in introducing the Immigration Reform Transition Act of 1997.

This is a bipartisan, humane solution to concerns that were raised by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Thousands of families, hard-working, law-abiding, taxpaying individuals who had followed every rule and regulation up to the passage of the immigration bill last year now live in fear of deportation.

Working together, and working swiftly, Congress has the opportunity to correct this injustice.

The families that we are helping came to our Nation in the 1980's. Our own Government encouraged them to flee the Communist regimes and civil unrest of Central America at that time.

Our Nation's foreign policy gave them a safe haven; our Immigration Service allowed for their work authorization and they settled in to our American society.

Ten or fifteen years later, these families have homes here. They have U.S. citizen children. They have jobs; they pay taxes, and they make tremendous contributions to our local communities.

The Illegal Immigration and Immigrant Responsibility Act of 1996 severely restricted the avenues of relief that were traditionally available to aliens who have resided in the United States on a long-term basis.

Then, on February 20 of this year, the Board of Immigration Appeals interpreted a section of the immigration bill as applying, in all essence, retroactively.

Forty thousand Nicaraguans in Miami alone who, under the old law, would have qualified for suspension of deportation, would now be deportable because of Board's decision.

Families would be torn apart. Close-knit communities would evaporate. Businesses would suffer. In my heart, I don't believe this was the intent of Congress when the immigration bill was passed last year.

Janet Reno made an important step toward fairness and justice on July 11, when she agreed to review the Board of Immigration Appeal's decision. I supported her action, and appreciate her help in finding a humane and reasonable solution to these concerns.

In her July 11 press release, the Attorney General informed Congress that legislative action would be necessary to fully resolve this specific issue.

I am pleased to work with her, and my Senate colleagues, today to take the first step in accomplishing our legislative goal.

This legislation is crafted very narrowly. It recognizes the special circumstances in which Nicaraguans, and other Central Americans, came to the United States during a specific period of time—when they were fleeing the unrest created by the Communist governments of the era.

It allows this specific group of individuals and families to complete the process that they may have started 10 or 15 years ago—and importantly—to complete the process under the same set of rules that they started with.

Critics may say that we are undoing the immigration bill of last year. We are not. The 4000-per-year cap on suspensions of deportation is still intact, we are just not applying it to this specific group of individuals.

The stronger standards to qualify or suspension of deportation still remain current law. We are just allowing this group to go through the process without changing the rules in midstream.

Also important: this is not an amnesty bill. Each request will be decided on a case by case basis. If someone has been of bad moral character, they will not qualify. If someone has not been here the required amount of time, they will not qualify.

We are saying that those who played by the rules will have a fair opportunity to have their case heard by an immigration judge.

I welcome comments from the broader community on this legislation, and look forward to the opportunity to work with the Senate Judiciary Committee and Immigration Subcommittee to ensure its future success.

I ask my Senate colleagues to join with me today in this bipartisan effort to ensure fairness to hard working families.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator MACK and Senator GRAHAM in introducing the Immigration Reform Transition Act of 1997 proposed by President Clinton.

Without this legislation, thousands of Central American refugee families who fled death squads and persecution in their native lands would be forced to return. Republican and Democratic administrations alike promised them repeatedly that they will get their day in court to make their claims before an immigration judge to remain in the United States.

But last year's immigration law turned its back on that commitment and closed the door on these families. This legislation reinstates the promise and guarantees these families the day in court they deserve.

Virtually all of these families fled to the United States in the 1980's from El Salvador, Nicaragua, or Guatemala. Many were targeted by death squads and faced persecution at the hands of rogue militias. They came to America to seek safe haven and freedom for themselves and their children.

The Reagan administration, the Bush administration, and the Clinton administration assured them that they could apply to remain permanently in the United States under our immigration laws. If they have lived here for at least 7 years and are of good moral character, and if a return to Central America will be an unusual hardship, they are allowed to remain.

Last year's immigration law eliminated this opportunity for these families by changing the standard for humanitarian relief.

President Clinton has promised to find a fair and reasonable solution for these families, and the administration will use its authority to help as many of them as possible. But Congress must do its part too, by enacting this corrective legislation.

These families are law-abiding, taxpaying members of communities in all parts of America. Their children have grown up here. In fact, many of their children were born here and are U.S. citizens by birth. They deserve this chance.

Mr. President, it is my hope not only that we can move on this legislation—and move quickly—but also that certain issues can be addressed as the Senate considers it. In particular, I believe that the limitations on judicial review contained in the administration's bill are both unnecessary and unwise. There are already substantial limitations on judicial review contained in last year's immigration law that would also apply in this instance. We should not add to them in this legislation. Instead, we should ensure that, if mistakes are made, the courts can correct them.

Again, I commend the administration for this important initiative and am pleased to join Senator MACK and Senator GRAHAM in cosponsoring the legislation.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 1077. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN GAMING REGULATORY ACT AMENDMENTS ACT OF 1997

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator INOUYE, is sponsoring the Indian Gaming Regulatory Act Amendments Act of 1997. I want to associate myself with Senator INOUYE'S, remarks regarding this legislation and the issue of Indian gaming. I commend Senator INOUYE for his outstanding leadership over the years on this complex issue. This legislation is intended to stimulate discussion in the Congress and among the tribes on this important issue.

The bill I am introducing today would provide for a major overhaul of the Indian Gaming Regulatory Act of 1988. It will provide for minimum Federal standards in the regulation and licensing of class II and class III gaming as well as all of the contractors, suppliers, and industries associated with such gaming. This will be accomplished through the Federal Indian Gaming Regulator Commission which will be funded through assessments on Indian gaming revenues and fees imposed on license applicants. The bill also provides a new process for the negotiation of class III compacts which authorizes the Secretary of the Interior to negotiate compacts with Indian tribes in those instances where a State chooses not to participate in compact negotiations or where an Indian tribe and a State cannot reach an agreement on a compact. This process is consistent with recent Federal court decisions.

In addition, the bill is consistent with the 1987 decision of the U.S. Supreme Court in the case of California versus Cabazon Band of Mission Indians in that it neither expands nor further restricts the scope of Indian gaming. The laws of each State would continue to be the basis for determining what gaming activities may be available to an Indian tribe located in that State.

Since the enactment of the Indian Gaming Regulatory Act in 1988, there has been a dramatic increase in the amount of gaming activity among the Indian tribes. Indian gaming is now estimated to yield gross revenues of about $6 billion per year and net revenues are estimated at $750 million. There are about 160 class II bingo and card games in operation and over 145 tribal/State compacts governing class III gaming in 2 States. Indian gaming comprises about 3 percent of all gaming in the United States. Gaming activities operated by State governments comprises about 36 percent of all gaming, and the private sector accounts for the balance of the gaming activity in the Nation.

Indian gaming has become the largest source of economic activity for some Indian tribes. Annual revenues derived from Indian agricultural resources have been estimated at $550 million and have historically been the leading source of income for Indian tribes and individuals. Annual revenues from oil, gas, and minerals are about $230 million and Indian forestry revenue are estimated at $61 million. Gaming revenues now equal or exceed all of the revenues derived from Indian natural resources. In addition, Indian gaming has generated tens of thousands of new jobs for Indians and non-Indians. On many reservations, gaming has meant the end of unemployment rates of 90 to 100 percent and the beginning of an era of full employment.

Under the Indian Gaming Regulatory Act of 1988, Indian tribes are required to expend the profits from gaming activities to fund tribal government operations or programs and to promote tribal economic development. Profits may only be distributed directly to the members of an Indian tribe under a plan which has been approved by the Secretary of the Interior. Only a few such plans have been approved. Virtually all of the proceeds from Indian gaming activities are used to fund the social services, education, and health needs of the Indian tribes. Schools, health facilities, roads and other vital infrastructure are being built by the Indian tribes with the proceeds from Indian gaming.

In the years before enactment of the 1988 act, and even since its enactment, we have heard concerns about the possibility of organized criminal elements penetrating Indian gaming. Both the Department of Justice and the FBI have repeatedly testified before the Committee on Indian Affairs and have indicated that there is not any substantial criminal activity of any kind

associated with Indian gaming. Some of our colleagues have suggested that no one would know if there is criminal activity because not enough people are looking for it. I believe that this point of view overlooks the fact the act provides for a very substantial regulatory and law enforcement role by the States and Indian tribes in class III gaming and by the Federal Government in class II gaming. The record clearly shows that in the few instances of known criminal activity in class III gaming, the Indian tribes have discovered the activity and have sought Federal assistance in law enforcement.

Nevertheless, the record before the Committee on Indian Affairs also shows that the absence of minimum Federal standards for the regulation and licensing of Indian gaming has allowed a void to develop which will become more and more attractive to criminal elements as Indian gaming continues to generate increased revenues. The legislation I am introducing today provides for the development of strict minimum Federal standards based on the recommendations of Federal, State and tribal officials. While Indian tribes or States, or both, will continue to exercise primary regulatory authority, their regulatory standards must meet or exceed the minimum Federal standards. In the event that the Federal Indian Gaming Regulatory determines that the minimum Federal standards are not being met, then the Commission may directly regulate the gaming activity until such time as Federal standards are met. In addition, the Commission is vested with authority to issue and revoke licenses as well as to impose civil fines, close Indian gaming facilities or seek enforcement of the act through the Federal courts.

One of the areas which has caused the greatest controversy under the current law relates to what has come to be known as the scope of gaming. A related issue is the refusal of some States to enter into negotiations for a class III compact and their assertion of sovereign immunity under the 11th amendment to the Constitution when an Indian tribe seeks judicial relief as provided by the act. The bill I am introducing incorporates the explicit standards of the Cabazon decision to guide all parties in determining the permissible gaming activities under the laws of any State. State laws will continue to govern this issue. I have not proposed the preemption of the gaming laws of any State. In most States, the issue of scope of gaming has now been settled through negotiation or litigation. In a few States this issue remains unresolved, but appears headed toward resolution by the courts.

In the course of our work on the gaming issue in the two previous Congresses, Senators CAMPBELL, INOUYE and I advanced various formal and informal proposals for Federal legislation to resolve the scope of gaming issue. In addition, proposals were developed by State and Tribal officials. However, we were never able to develop a consensus on any one proposal. While the Committee on Indian Affairs remains open to suggestions on this issue, it is apparent that obtaining a consensus may not be possible. This may be an area of the law best left to resolution through the courts.

Mr. President, I am sure that we may find many ways to improve this legislation as it moves through the Senate. However, I believe that it provides a good foundation for our further consideration of this important issue. This legislation is essentially the same as the bill that was reported favorably for the Committee on Indian Affairs during the last Congress by a vote of 14 to 2. I want to emphasize that this bill is intended to stimulate discussion. I am looking forward to hearing from all interested parties with regard to their constructive suggestions for ways to improve the bill and move it forward. 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. 1077

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 ''Indian Gaming Regulatory Act Amendments Act of 1997''.

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) by striking the first section and inserting the following new section:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Indian Gaming Regulatory Act'.

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Congressional findings.
''Sec. 3. Purposes.
''Sec. 4. Definitions.
''Sec. 5. Establishment of the Federal Indian Gaming Regulatory Commission.
''Sec. 6. Powers of the Chairperson.
''Sec. 7. Powers and authority of the Commission.
''Sec. 8. Regulatory framework.
''Sec. 9. Advisory Committee on Minimum Regulatory Requirements and Licensing Standards.
''Sec. 10. Licensing.
''Sec. 11. Requirements for the conduct of class I and class II gaming on Indian lands.
''Sec. 12. Class III gaming on Indian lands.
''Sec. 13. Review of contracts.
''Sec. 14. Review of existing contracts; interim authority.
''Sec. 15. Civil penalties.
''Sec. 16. Judicial review.
''Sec. 17. Commission funding.
''Sec. 18. Authorization of appropriations.
''Sec. 19. Application of the Internal Revenue Code of 1986.
''Sec. 20. Gaming on lands acquired after October 17, 1988.
''Sec. 21. Dissemination of information.
''Sec. 22. Severability.
''Sec. 23. Criminal penalties.
''Sec. 24. Conforming amendment.'';

(2) by striking sections 2 and 3 and inserting the following new sections:

''SEC. 2. CONGRESSIONAL FINDINGS.

''Congress finds that—

''(1) Indian tribes are—

''(A) engaged in the operation of gaming activities on Indian lands as a means of generating tribal governmental revenue; and

''(B) licensing the activities described in subparagraph (A);

''(2) clear Federal standards and regulations for the conduct of gaming on Indian lands will assist tribal governments in assuring the integrity of gaming activities conducted on Indian lands;

''(3) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong Indian tribal governments;

''(4) while Indian tribes have the right to regulate the operation of gaming activities on Indian lands, if those gaming activities are—

''(A) not specifically prohibited by Federal law; and

''(B) conducted within a State that as a matter of public policy permits those gaming activities,

Congress has the authority to regulate the privilege of doing business with Indian tribes in Indian country (as that term is defined in section 1151 of title 18, United States Code);

''(5) systems for the regulation of gaming activities on Indian lands should meet or exceed federally established minimum regulatory requirements;

''(6) the operation of gaming activities on Indian lands has had a significant impact on commerce with foreign nations, among the several States and with the Indian tribes; and

''(7) the Constitution vests Congress with the powers to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes, and this Act is enacted in the exercise of those powers.

''SEC. 3. PURPOSES.

''The purposes of this Act are—

''(1) to ensure the right of Indian tribes to conduct gaming activities on Indian lands in a manner consistent with the decision of the Supreme Court in California et al. v. Cabazon Band of Mission Indians et al. (480 U.S. 202, 107 S. Ct. 1083, 94 L. Ed. 2d 244 (1987)), involving the Cabazon and Morongo bands of Mission Indians;

''(2) to provide a statutory basis for the conduct of gaming activities on Indian lands as a means of promoting tribal economic development, tribal self-sufficiency, and strong Indian tribal governments;

''(3) to provide a statutory basis for the regulation of gaming activities on Indian lands by an Indian tribe that is adequate to shield those activities from organized crime and other corrupting influences, to ensure that an Indian tribal government is the primary beneficiary of the operation of gaming activities, and to ensure that gaming is conducted fairly and honestly by both the operator and players; and

''(4) to declare that the establishment of independent Federal regulatory authority for the conduct of gaming activities on Indian lands and the establishment of Federal minimum regulatory requirements for the conduct of gaming activities on Indian lands are necessary to protect that gaming.'';

(3) in section 4—

(A) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(B) by striking paragraphs (1) through (6) and inserting the following new paragraphs:

''(1) APPLICANT.—The term 'applicant' means any person who applies for a license pursuant to this Act, including any person who applies for a renewal of a license.

''(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Advisory Committee on Minimum Regulatory Requirements and Licensing Standards established under section 9(a).

''(3) ATTORNEY GENERAL.—The term 'Attorney General' means the Attorney General of the United States.

''(4) CHAIRPERSON.—The term 'Chairperson' means the Chairperson of the Federal Indian Gaming Regulatory Commission established under section 5.

''(5) CLASS I GAMING.—The term 'class I gaming' means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.'';

(C) by striking paragraphs (9) and (10); and

(D) by adding after paragraph (7) (as redesignated by subparagraph (A) of this paragraph) the following new paragraphs:

''(8) COMMISSION.—The term 'Commission' means the Federal Indian Gaming Regulatory Commission established under section 5.

''(9) COMPACT.—The term 'compact' means an agreement relating to the operation of class III gaming on Indian lands that is entered into pursuant to this Act.

''(10) GAMING OPERATION.—The term 'gaming operation' means an entity that conducts class II or class III gaming on Indian lands.

''(11) GAMING-RELATED CONTRACT.—The term 'gaming-related contract' means—

''(A) any agreement for an amount of more than $50,000 per year under which an Indian tribe or an agent of any Indian tribe procures gaming materials, supplies, equipment, or services that are used in the conduct of a class II or class III gaming activity; or

''(B) any agreement or contract that provides for financing of an amount more than $50,000 per year for the construction or rehabilitation of any facility in which a gaming activity is to be conducted.

''(12) GAMING-RELATED CONTRACTOR.—The term 'gaming-related contractor' means any person who enters into a gaming-related contract with an Indian tribe or an agent of an Indian tribe, including any person with a financial interest in such contract.

''(13) GAMING SERVICE INDUSTRY.—The term 'gaming service industry' means any form of enterprise that provides goods or services that are used in conjunction with any class II or class III gaming activity, in any case in which—

''(A) the proposed agreement between the enterprise and a class II or class III gaming operation, or the aggregate of such agreements is for an amount of not less than $100,000 per year; or

''(B) the amount of business conducted by such enterprise with any such gaming operation in the 1-year period preceding the effective date of the proposed agreement between the enterprise and a class II or class III gaming operation was not less than $250,000.

''(14) INDIAN LANDS.—The term 'Indian lands' means—

''(A) all lands within the limits of any Indian reservation; and

''(B) any lands—

''(i) the title to which is held in trust by the United States for the benefit of any Indian tribe; or

''(ii)(I) the title to which is—

''(aa) held by an Indian tribe subject to a restriction by the United States against alienation;

''(bb) held in trust by the United States for the benefit of an individual Indian; or

''(cc) held by an individual subject to restriction by the United States against alienation; and

''(II) over which an Indian tribe exercises governmental power.

''(15) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians that—

''(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians; and

''(B) is recognized as possessing powers of self-government.

''(16) KEY EMPLOYEE.—The term 'key employee' means any individual employed in a gaming operation licensed pursuant to this Act in a supervisory capacity or empowered to make any discretionary decision with regard to the gaming operation, including any pit boss, shift boss, credit executive, cashier supervisor, gaming facility manager or assistant manager, or manager or supervisor of security employees.

''(17) MANAGEMENT CONTRACT.—The term 'management contract' means any contract or collateral agreement between an Indian tribe and a contractor, if such contract or agreement provides for the management of all or part of a gaming operation.

''(18) MANAGEMENT CONTRACTOR.—The term 'management contractor' means any person entering into a management contract with an Indian tribe or an agent of the Indian tribe for the management of a gaming operation, including any person with a financial interest in that contract.

''(19) MATERIAL CONTROL.—The term 'material control' means the exercise of authority or supervision or the power to make or cause to be made any discretionary decision with regard to matters which have a substantial effect on the financial or management aspects of a gaming operation.

''(20) NET REVENUES.—The term 'net revenues' means the gross revenues of an Indian gaming activity reduced by the sum of—

''(A) any amounts paid out or paid for as prizes; and

''(B) the total operating expenses associated with the gaming activity, excluding management fees.

''(21) PERSON.—The term 'person' means an individual, firm, corporation, association, organization, partnership, trust, consortium, joint venture, or entity.

''(22) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) by striking sections 5 through 19 and inserting the following new sections:

''SEC. 5. ESTABLISHMENT OF THE FEDERAL INDIAN GAMING REGULATORY COMMISSION.

''(a) ESTABLISHMENT.—There is established as an independent agency of the United States, a Commission to be known as the Federal Indian Gaming Regulatory Commission. Such Commission shall be an independent establishment, as defined in section 104 of title 5, United States Code.

''(b) COMPOSITION OF THE COMMISSION.—

''(1) IN GENERAL.—The Commission shall be composed of 3 full-time members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) CITIZENSHIP OF MEMBERS.—Each member of the Commission shall be a citizen of the United States.

''(3) REQUIREMENTS FOR MEMBERS.—No member of the Commission may—

''(A) pursue any other business or occupation or hold any other office;

''(B) be actively engaged in or, other than through distribution of gaming revenues as a member of an Indian tribe, have any pecuniary interest in gaming activities;

''(C) other than through distribution of gaming revenues as a member of an Indian tribe, have any pecuniary interest in any business or organization that holds a gaming license under this Act or that does business with any person or organization licensed under this Act;

''(D) have been convicted of a felony or gaming offense; or

''(E) have any pecuniary interest in, or management responsibility for, any gaming-related contract or any other contract approved pursuant to this Act.

''(4) POLITICAL AFFILIATION.—Not more than 2 members of the Commission shall be members of the same political party. In making appointments to the Commission, the President shall appoint members of different political parties, to the extent practicable.

''(5) ADDITIONAL QUALIFICATIONS.—

''(A) IN GENERAL.—The Commission shall be composed of the most qualified individuals available. In making appointments to the Commission, the President shall give special reference to the training and experience of individuals in the fields of corporate finance, accounting, auditing, and investigation or law enforcement.

''(B) TRIBAL GOVERNMENT EXPERIENCE.—Not less than 2 members of the Commission shall be individuals with extensive experience or expertise in tribal government.

''(6) BACKGROUND INVESTIGATIONS.—The Attorney General shall conduct a background investigation concerning any individual under consideration for appointment to the Commission, with particular regard to the financial stability, integrity, responsibility, and reputation for good character, honesty, and integrity of the nominee.

''(c) CHAIRPERSON.—The President shall select a Chairperson from among the members appointed to the Commission.

''(d) VICE CHAIRPERSON.—The Commission shall select, by majority vote, 1 of the members of the Commission to serve as Vice Chairperson. The Vice Chairperson shall—

''(1) serve as Chairperson of the Commission in the absence of the Chairperson; and

''(2) exercise such other powers as may be delegated by the Chairperson.

''(e) TERMS OF OFFICE.—

''(1) IN GENERAL.—Each member of the Commission shall hold office for a term of 5 years.

''(2) INITIAL APPOINTMENTS.—Initial appointments to the Commission shall be made for the following terms:

''(A) The Chairperson shall be appointed for a term of 5 years.

''(B) One member shall be appointed for a term of 4 years.

''(C) One member shall be appointed for a term of 3 years.

''(3) LIMITATION.—No member shall serve for more than 2 terms of 5 years each.

''(f) VACANCIES.—

''(1) IN GENERAL.—Each individual appointed by the President to serve as Chairperson and each member of the Commission shall, unless removed for cause under paragraph (2), serve in the capacity for which such individual is appointed until the expiration of the term of such individual or until a successor is duly appointed and qualified.

''(2) REMOVAL FROM OFFICE.—The Chairperson or any member of the Commission may only be removed from office before the expiration of the term of office by the President for neglect of duty, malfeasance in office, or for other good cause shown.

''(3) TERM TO FILL VACANCIES.—The term of any member appointed to fill a vacancy on the Commission shall be for the unexpired term of the member.

''(g) QUORUM.—Two members of the Commission shall constitute a quorum.

''(h) MEETINGS.—

''(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission.

''(2) MAJORITY OF MEMBERS DETERMINE ACTION.—A majority of the members of the Commission shall determine any action of the Commission.

''(i) COMPENSATION.—

''(1) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to that of level IV of the Executive Schedule under section 5316 of title 5, United States Code.

''(2) OTHER MEMBERS.—Each member of the Commission (other than the Chairperson) shall be paid at a rate equal to that of level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(3) TRAVEL.—All members of the Commission shall be reimbursed in accordance with title 5, United States Code, for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

''(j) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

''SEC. 6. POWERS OF THE CHAIRPERSON.

''(a) CHIEF EXECUTIVE OFFICER.—The Chairperson shall serve as the chief executive officer of the Commission.

''(b) ADMINISTRATION OF THE COMMISSION.—

''(1) IN GENERAL.—Subject to subsection (c), the Chairperson—

''(A) shall employ and supervise such personnel as the Chairperson considers to be necessary to carry out the functions of the Commission, and assign work among such personnel;

''(B) shall appoint a General Counsel to the Commission, who shall be paid at the annual rate of basic pay payable for ES–6 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code;

''(C) shall appoint and supervise other staff of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service;

''(D) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for ES–6 of the Senior Executive Service Schedule;

''(E) may request the head of any Federal agency to detail any personnel of such agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act, unless otherwise prohibited by law;

''(F) shall use and expend Federal funds and funds collected pursuant to section 17; and

''(G) may contract for the services of such other professional, technical, and operational personnel and consultants as may be necessary for the performance of the Commission's responsibilities under this Act.

''(2) COMPENSATION OF STAFF.—The staff referred to in paragraph (1)(C) shall be paid without regard to the provisions of chapter 51 and subchapters III and VIII of chapter 53 of title 5, United States Code, relating to classification and General Schedule and Senior Executive Service Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for ES–5 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code.

''(c) APPLICABLE POLICIES.—In carrying out any of the functions under this section, the Chairperson shall be governed by the general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

''SEC. 7. POWERS AND AUTHORITY OF THE COMMISSION.

''(a) GENERAL POWERS.—

''(1) IN GENERAL.—The Commission shall have the power to—

''(A) approve the annual budget of the Commission;

''(B) promulgate regulations to carry out this Act;

''(C) establish a rate of fees and assessments, as provided in section 17;

''(D) conduct investigations, including background investigations;

''(E) issue a temporary order closing the operation of gaming activities;

''(F) after a hearing, make permanent a temporary order closing the operation of gaming activities, as provided in section 15;

''(G) grant, deny, limit, condition, restrict, revoke, or suspend any license issued under any licensing authority conferred upon the Commission pursuant to this Act or fine any person licensed pursuant to this Act for violation of any of the conditions of licensure under this Act;

''(H) inspect and examine all premises in which class II or class III gaming is conducted on Indian lands;

''(I) demand access to and inspect, examine, photocopy, and audit all papers, books, and records of class II and class III gaming activities conducted on Indian lands and any other matters necessary to carry out the duties of the Commission under this Act;

''(J) use the United States mails in the same manner and under the same conditions as any department or agency of the United States;

''(K) procure supplies, services, and property by contract in accordance with applicable Federal laws;

''(L) enter into contracts with Federal, State, tribal, and private entities for activities necessary to the discharge of the duties of the Commission;

''(M) serve or cause to be served, process or notices of the Commission in a manner provided for by the Commission or in a manner provided for the service of process and notice in civil actions in accordance with the applicable rules of a tribal, State, or Federal court;

''(N) propound written interrogatories and appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories, and require testimony under oath;

''(O) conduct all administrative hearings pertaining to civil violations of this Act (including any civil violation of a regulation promulgated under this Act);

''(P) collect all fees and assessments authorized by this Act and the regulations promulgated pursuant to this Act;

''(Q) assess penalties for violations of the provisions of this Act and the regulations promulgated pursuant to this Act;

''(R) provide training and technical assistance to Indian tribes with respect to all aspects of the conduct and regulation of gaming activities;

''(S) monitor and, as specifically authorized by this Act, regulate class II and class III gaming;

''(T) establish precertification criteria that apply to management contractors and other persons having material control over a gaming operation;

''(U) approve all management and gaming-related contracts; and

''(V) in addition to the authorities otherwise specified in this Act, delegate, by published order or rule, any of the functions of the Commission (including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting on the part of the Commission concerning any work, business, or matter) to a division of the Commission, an individual member of the Commission, an administrative law judge, or an employee of the Commission.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the delegation of the function of rulemaking, as described in subchapter II of chapter 5 of title 5, United States Code, with respect to general rules (as distinguished from rules of particular applicability), or the promulgation of any other rule.

''(b) RIGHT TO REVIEW DELEGATED FUNCTIONS.—

''(1) IN GENERAL.—With respect to the delegation of any of the functions of the Commission, the Commission shall retain a discretionary right to review the action of any division of the Commission, individual member of the Commission, administrative law judge, or employee of the Commission, upon the initiative of the Commission.

''(2) VOTE NEEDED FOR REVIEW.—The vote of 1 member of the Commission shall be sufficient to bring an action referred to in paragraph (1) before the Commission for review, and the Commission shall ratify, revise, or reject the action under review not later than the last day of the applicable period specified in regulations promulgated by the Commission.

''(3) FAILURE TO CONDUCT REVIEW.—If the Commission declines to exercise the right to a review described in paragraph (1) or fails to exercise that right within the applicable period specified in regulations promulgated by the Commission, the action of any such division of the Commission, individual member of the Commission, administrative law judge, or employee, shall, for all purposes, including any appeal or review of such action, be deemed an action of the Commission.

''(c) MINIMUM REQUIREMENTS.—Pursuant to the procedures described in section 9(d), after receiving recommendations from the Advisory Committee, the Commission shall establish minimum Federal standards—

''(1) for background investigations, licensing of persons, and licensing of gaming operations associated with the conduct or regulation of class II and class III gaming on Indian lands by tribal governments; and

''(2) for the operation of class II and class III gaming activities on Indian lands, including—

''(A) surveillance and security personnel and systems capable of monitoring all gaming activities, including the conduct of games, cashiers' cages, change booths, count rooms, movements of cash and chips, entrances and exits to gaming facilities, and other critical areas of any gaming facility;

''(B) procedures for the protection of the integrity of the rules for the play of games and controls related to such rules;

''(C) credit and debit collection controls;

''(D) controls over gambling devices and equipment; and

''(E) accounting and auditing.

''(d) COMMISSION ACCESS TO INFORMATION.—

''(1) IN GENERAL.—The Commission may secure from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Unless otherwise prohibited by law, upon request of the Chairperson, the head of such department or agency shall furnish such information to the Commission.

''(2) INFORMATION TRANSFER.—The Commission may secure from any law enforcement agency or gaming regulatory agency of any State, Indian tribe, or foreign nation information necessary to enable the Commission to carry out this Act. Unless otherwise prohibited by law, upon request of the Chairperson, the head of any State or tribal law

enforcement agency shall furnish such information to the Commission.

''(3) PRIVILEGED INFORMATION.—Notwithstanding sections 552 and 552a of title 5, United States Code, the Commission shall protect from disclosure information provided by Federal, State, tribal, or international law enforcement or gaming regulatory agencies.

''(4) LAW ENFORCEMENT AGENCY.—For purposes of this subsection, the Commission shall be considered to be a law enforcement agency.

''(e) INVESTIGATIONS AND ACTIONS.—

''(1) IN GENERAL.—

''(A) POSSIBLE VIOLATIONS.—The Commission may, at the discretion of the Commission, and as specifically authorized by this Act, conduct such investigations as the Commission considers necessary to determine whether any person has violated, is violating, or is conspiring to violate any provision of this Act (including any rule or regulation promulgated under this Act). The Commission may require or permit any person to file with the Commission a statement in writing, under oath, or otherwise as the Commission may determine, concerning all relevant facts and circumstances regarding the matter under investigation by the Commission pursuant to this subsection.

''(B) ADMINISTRATIVE INVESTIGATIONS.—The Commission may, at the discretion of the Commission, and as specifically authorized by this Act, investigate such facts, conditions, practices, or matters as the Commission considers necessary or proper to aid in—

''(i) the enforcement of any provision of this Act;

''(ii) prescribing rules and regulations under this Act; or

''(iii) securing information to serve as a basis for recommending further legislation concerning the matters to which this Act relates.

''(2) ADMINISTRATIVE AUTHORITIES.—

''(A) IN GENERAL.—For the purpose of any investigation or any other proceeding conducted under this Act, any member of the Commission or any officer designated by the Commission is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission considers relevant or material to the inquiry. The attendance of such witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing.

''(B) REQUIRING APPEARANCES OR TESTIMONY.—In case of contumacy by, or refusal to obey any subpoena issued to, any person, the Commission may invoke the jurisdiction of any court of the United States within the jurisdiction of which an investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records.

''(C) COURT ORDERS.—Any court described in subparagraph (B) may issue an order requiring such person to appear before the Commission or member of the Commission or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by such court as a contempt of such court.

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—If the Commission determines that any person is engaged, has engaged, or is conspiring to engage, in any act or practice constituting a violation of any provision of this Act (including any rule or regulation promulgated under this Act), the Commission may—

''(i) bring an action in the appropriate district court of the United States or the United States District Court for the District of Columbia to enjoin such act or practice, and upon a proper showing, the court shall grant, without bond, a permanent or temporary injunction or restraining order; or

''(ii) transmit such evidence as may be available concerning such act or practice as may constitute a violation of any Federal criminal law to the Attorney General, who may institute the necessary criminal or civil proceedings.

''(B) STATUTORY CONSTRUCTION.—

''(i) IN GENERAL.—The authority of the Commission to conduct investigations and take actions under subparagraph (A) may not be construed to affect in any way the authority of any other agency or department of the United States to carry out statutory responsibilities of such agency or department.

''(ii) EFFECT OF TRANSMITTAL BY THE COMMISSION.—The transmittal by the Commission of evidence pursuant to subparagraph (A)(ii) may not be construed to constitute a condition precedent with respect to any action taken by any department or agency referred to in clause (i).

''(4) WRITS, INJUNCTIONS, AND ORDERS.—Upon application of the Commission, each district court of the United States shall have jurisdiction to issue writs of mandamus, injunctions, and orders commanding any person to comply with the provisions of this Act (including any rule or regulation promulgated under this Act).

''SEC. 8. REGULATORY FRAMEWORK.

''(a) CLASS II GAMING.—For class II gaming, Indian tribes shall retain the exclusive right of those tribes to, if the exercise of that right is made in a manner that meets or exceeds minimum Federal standards established by the Commission pursuant to section 7(c)—

''(1) monitor and regulate such gaming; and

''(2) conduct background investigations and issue licenses to persons who are required to obtain a license under section 10(a).

''(b) CLASS III GAMING CONDUCTED UNDER A COMPACT.—For class III gaming conducted under the authority of a compact entered into pursuant to section 12, an Indian tribe or a State, or both, as provided in a compact or by tribal ordinance or resolution, shall, in a manner that meets or exceeds minimum Federal standards established by the Commission pursuant to section 7(c)—

''(1) monitor and regulate gaming;

''(2) conduct background investigations and issue licenses to persons who are required to obtain a license pursuant to section 10(a); and

''(3) establish and regulate internal control systems.

''(c) VIOLATIONS OF MINIMUM FEDERAL STANDARDS.—

''(1) CLASS II GAMING.—

''(A) IN GENERAL.—In any case in which an Indian tribe that regulates or conducts class II gaming on Indian lands substantially fails to meet or enforce minimum Federal standards for that gaming, after providing the Indian tribe notice and reasonable opportunity to cure violations and to be heard, and after the exhaustion of other authorized remedies and sanctions, the Commission shall have the authority to conduct background investigations, issue licenses, and establish and regulate internal control systems relating to class II gaming conducted by the Indian tribe.

''(B) EXERCISE OF EXCLUSIVE AUTHORITY.—The Commission may excercise exclusive authority in carrying out the activities specified in subparagraph (A) until such time as the regulatory and internal control systems of the Indian tribe meet or exceed the minimum Federal standards concerning regulatory, licensing, or internal control requirements established by the Commission for that gaming.

''(2) CLASS III GAMING.—In any case in which an Indian tribe or a State (or both) that regulates class III gaming on Indian lands fails to meet or enforce minimum Federal standards for class III gaming, after providing notice and reasonable opportunity to cure violations and be heard, and after the exhaustion of other authorized remedies and sanctions, the Commission shall have the authority to conduct background investigations, issue licenses, and establish and regulate internal control systems relating to class III gaming conducted by the Indian tribe. That authority of the Commission may be exclusive until such time as the regulatory or internal control systems of the Indian tribe or the State (or both) meet or exceed the minimum Federal regulatory, licensing, or internal control requirements established by the Commission for that gaming.

''SEC. 9. ADVISORY COMMITTEE ON MINIMUM REGULATORY REQUIREMENTS AND LICENSING STANDARDS.

''(a) ESTABLISHMENT.—The President shall establish an advisory committee to be known as the 'Advisory Committee on Minimum Regulatory Requirements and Licensing Standards'.

''(b) MEMBERS.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of 8 members who shall be appointed by the President not later than 120 days after the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997, of which—

''(A) 3 members, selected from a list of recommendations submitted to the President by the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate and the Chairperson and ranking minority member of the Subcommittee on Native American and Insular Affairs of the Committee on Resources of the House of Representatives, shall be members of, and represent, Indian tribal governments involved in gaming covered under this Act;

''(B) 3 members, selected from a list of recommendations submitted to the President by the Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives, shall represent State governments involved in gaming covered under this Act, and shall have experience as State gaming regulators; and

''(C) 2 members shall each be an employee of the Department of Justice.

''(2) VACANCIES.—Any vacancy on the Advisory Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(c) RECOMMENDATIONS FOR MINIMUM FEDERAL STANDARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date on which all initial members of the Advisory Committee have been appointed under subsection (b), the Advisory Committee shall develop and submit to the entities referred to in paragraph (2) recommendations for minimum Federal standards relating to background investigations, internal control systems, and licensing standards (as described in section 7(c)).

''(2) RECIPIENTS OF RECOMMENDATIONS.—The Advisory Committee shall submit the recommendations described in paragraph (1) to the Committee on Indian Affairs of the Senate, the Subcommittee on Native American and Insular Affairs of the Committee on Resources of the House of Representatives,

the Commission, and to each federally recognized Indian tribe.

''(3) FACTORS FOR CONSIDERATION.—The minimum Federal standards recommended or established pursuant to this section may be developed taking into account for industry standards existing at the time of the development of the standards. The Advisory Committee, and the Commission in promulgating standards pursuant to subsection (d), shall, in addition to considering any other factor that the Commission considers to be appropriate, consider—

''(A) the unique nature of tribal gaming as compared to non-Indian commercial, governmental, and charitable gaming;

''(B) the broad variations in the scope and size of tribal gaming activity;

''(C) the inherent sovereign right of Indian tribes to regulate their own affairs; and

''(D) the findings and purposes set forth in sections 2 and 3.

''(d) REGULATIONS.—Upon receipt of the recommendations of the Advisory Committee, the Commission shall hold public hearings on the recommendations. After the conclusion of the hearings, the Commission shall promulgate regulations establishing minimum Federal regulatory requirements and licensing standards.

''(e) TRAVEL.—Each member of the Advisory Committee who is appointed under subparagraph (A) or (B) of subsection (b)(1) and who is not an officer or employee of the Federal Government or a government of a State shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Advisory Committee while away from the home or the regular place of business of that member, in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) TERMINATION.—The Advisory Committee shall cease to exist on the date that is 10 days after the date on which the Advisory Committee submits the recommendations under subsection (c).

''(g) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—All activities of the Advisory Committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

''SEC. 10. LICENSING.

''(a) IN GENERAL.—A license issued under this Act shall be required of—

''(1) a gaming operation;

''(2) a key employee of a gaming operation;

''(3) a management contractor or gaming-related contractor;

''(4) a gaming service industry; or

''(5) a person who has material control, either directly or indirectly, over a licensed gaming operation.

''(b) CERTAIN LICENSES FOR MANAGEMENT CONTRACTORS AND GAMING OPERATIONS.—Notwithstanding any other provision of law relating to licenses issued by an Indian tribe or a State (or both) pursuant to this Act, the Commission may require licenses of—

''(1) management contractors; and

''(2) gaming operations.

''(c) GAMING OPERATION LICENSE.—

''(1) IN GENERAL.—No gaming operation shall operate unless all required licenses and approvals for the gaming operation have been obtained in accordance with this Act.

''(2) WRITTEN AGREEMENTS.—

''(A) FILING.—Prior to the operation of any gaming facility or activity, each management contract for the gaming operation shall be in writing and filed with the Commission pursuant to section 13.

''(B) EXPRESS APPROVAL REQUIRED.—No management contract referred to in subparagraph (A) shall be effective unless the Commission expressly approves the management contract.

''(C) REQUIREMENT OF ADDITIONAL PROVISIONS.—The Commission may require that a management contract referred to in subparagraph (A) include any provisions that are reasonably necessary to meet the requirements of this Act.

''(D) INELIGIBILITY OR EXEMPTION.—The Commission may, with respect to an applicant who does not have the ability to exercise any significant control over a licensed gaming operation—

''(i) determine that applicant to be ineligible to hold a license; or

''(ii) exempt that applicant from being required to hold a license.

''(d) DENIAL OF LICENSE.—The Commission, in the exercise of the specific licensure power conferred upon the Commission by this Act, shall deny a license to any applicant who is disqualified on the basis of a failure to meet any of the minimum Federal standards promulgated by the Commission pursuant to section 7(c).

''(e) APPLICATION FOR LICENSE.—

''(1) IN GENERAL.—Upon the filing of the materials specified in paragraph (2), the Commission shall conduct an investigation into the qualifications of an applicant. The Commission may conduct a nonpublic hearing on such investigation concerning the qualifications of the applicant in accordance with regulations promulgated by the Commission.

''(2) FILING OF MATERIALS.—The Commission shall carry out paragraph (1) upon the filing of—

''(A) an application for a license that the Commission is specifically authorized to issue pursuant to this Act; and

''(B) such supplemental information as the Commission may require.

''(3) TIMING OF HEARINGS AND INVESTIGATIONS AND FINAL ACTION.—

''(A) DEADLINE FOR HEARINGS AND INVESTIGATIONS.—Not later than 90 days after receiving the materials described in paragraph (2), the Commission shall complete the investigation described in paragraph (1) and any hearings associated with the investigation conducted pursuant to that paragraph.

''(B) DEADLINE FOR FINAL ACTION.—Not later than 10 days after the date specified in subparagraph (A), the Commission shall take final action to grant or deny a license to the applicant.

''(4) DENIALS.—

''(A) IN GENERAL.—The Commission may disapprove an application submitted to the Commission under this section and deny a license to the applicant.

''(B) ORDER OF DENIAL.—If the Commission denies a license to an applicant under subparagraph (A), the Commission shall prepare an order denying such license. In addition, if an applicant requests a statement of the reasons for the denial, the Commission shall prepare such statement and provide the statement to the applicant. The statement shall include specific findings of fact.

''(5) ISSUANCE OF LICENSES.—If the Commission is satisfied that an applicant is qualified to receive a license, the Commission shall issue a license to the applicant upon tender of—

''(A) all license fees and assessments as required by this Act (including any rule or regulation promulgated under this Act); and

''(B) such bonds as the Commission may require for the faithful performance of all requirements imposed by this Act (including any rule or regulation promulgated under this Act).

''(6) BONDS.—

''(A) AMOUNTS.—The Commission shall, by rules of uniform application, fix the amount of each bond that the Commission requires under this section in such amount as the Commission considers appropriate.

''(B) USE OF BONDS.—The bonds furnished to the Commission under this paragraph may be applied by the Commission to the payment of any unpaid liability of the licensee under this Act.

''(C) TERMS.—Each bond required in accordance with this section shall be furnished—

''(i) in cash or negotiable securities;

''(ii) by a surety bond guaranteed by a satisfactory guarantor; or

''(iii) by an irrevocable letter of credit issued by a banking institution acceptable to the Commission.

''(D) TREATMENT OF PRINCIPAL AND INCOME.—If a bond is furnished under this paragraph in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the Commission, but any income shall inure to the benefit of the licensee.

''(f) RENEWAL OF LICENSE.—

''(1) IN GENERAL.—

''(A) RENEWALS.—Subject to the power of the Commission to deny, revoke, or suspend licenses, any license issued under this section and in force shall be renewed by the Commission for the next succeeding license period upon proper application for renewal and payment of license fees and assessments, as required by applicable law (including any rule or regulation promulgated under this Act).

''(B) RENEWAL TERM.—Subject to subparagraph (C), the term of a renewal period for a license issued under this section shall be for a period of not more than—

''(i) 2 years, for each of the first 2 renewal periods succeeding the initial issuance of a license pursuant to subsection (e); and

''(ii) 3 years, for each succeeding renewal period.

''(C) REOPENING HEARINGS.—The Commission may reopen licensing hearings at any time after the Commission has issued or renewed a license.

''(2) TRANSITION.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Commission shall, for the purpose of facilitating the administration of this Act, renew a license for an activity covered under subsection (a) that is held by a person on the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997 for a renewal period of 18 months.

''(B) ACTION BEFORE EXPIRATION.—The Commission shall act upon a timely filed license renewal application prior to the date of expiration of the then current license.

''(3) FILING REQUIREMENT.—Each application for renewal shall be filed with the Commission not later than 90 days prior to the expiration of the then current license, and shall be accompanied by full payment of all license fees and assessments that are required by law to be paid to the Commission.

''(4) RENEWAL CERTIFICATE.—Upon renewal of a license, the Commission shall issue an appropriate renewal certificate, validating device, or sticker, which shall be attached to the license.

''(g) HEARINGS.—

''(1) IN GENERAL.—The Commission shall establish procedures for the conduct of hearings associated with licensing, including procedures for issuing, denying, limiting, conditioning, restricting, revoking, or suspending any such license.

''(2) ACTION BY COMMISSION.—Following a hearing conducted for any of the purposes authorized in this section, the Commission shall—

''(A) render a decision of the Commission;

''(B) issue an order; and

''(C) serve the decision referred to in subparagraph (A) and order referred to in subparagraph (B) upon the affected parties.

''(3) REHEARING.—

''(A) IN GENERAL.—The Commission may, upon a motion made not later than 10 days after the service of a decision and order, order a rehearing before the Commission on such terms and conditions as the Commission considers just and proper if the Commission finds cause to believe that the decision and order should be reconsidered in view of the legal, policy, or factual matters that are—

''(i) advanced by the party that makes the motion; or

''(ii) raised by the Commission on a motion made by the Commission.

''(B) ACTION AFTER REHEARING.—Following a rehearing conducted by the Commission, the Commission shall—

''(i) render a decision of the Commission;

''(ii) issue an order; and

''(iii) serve such decision and order upon the affected parties.

''(C) FINAL AGENCY ACTION.—A decision and order made by the Commission under paragraph (2) (if no motion for a rehearing is made by the date specified in subparagraph (A)), or a decision and order made by the Commission upon rehearing shall constitute final agency action for purposes of judicial review.

''(4) JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction to review the licensing decisions and orders of the Commission.

''(h) LICENSE REGISTRY.—The Commission shall—

''(1) maintain a registry of all licenses that are granted or denied pursuant to this Act; and

''(2) make the information contained in the registry available to Indian tribes to assist the licensure and regulatory activities of Indian tribes.

''SEC. 11. REQUIREMENTS FOR THE CONDUCT OF CLASS I AND CLASS II GAMING ON INDIAN LANDS.

''(a) CLASS I GAMING.—Class I gaming on Indian lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

''(b) CLASS II GAMING.—

''(1) IN GENERAL.—Any class II gaming on Indian lands shall be within the jurisdiction of the Indian tribes, but shall be subject to the provisions of this Act.

''(2) LEGAL ACTIVITIES.—An Indian tribe may engage in, and license and regulate, class II gaming on Indian lands within the jurisdiction of such tribe, if—

''(A) that Indian gaming is located within a State that permits that gaming for any purpose by any person; and

''(B) the class II gaming operation meets or exceeds the requirements of sections 7(c) and 10.

''(3) REQUIREMENTS FOR CLASS II GAMING OPERATIONS.—

''(A) IN GENERAL.—The Commission shall ensure that, with regard to any class II gaming operation on Indian lands—

''(i) a separate license is issued by the Indian tribe for each place, facility, or location on Indian lands at which class II gaming is conducted;

''(ii) the Indian tribe has or will have the sole proprietary interest and responsibility for the conduct of any class II gaming activity, unless the conditions of clause (ix) apply;

''(iii) the net revenues from any class II gaming activity are used only—

''(I) to fund tribal government operations or programs;

''(II) to provide for the general welfare of the Indian tribe and the members of the Indian tribe;

''(III) to promote tribal economic development;

''(IV) to donate to charitable organizations;

''(V) to assist in funding operations of local government agencies;

''(VI) to comply with the provisions of section 17; or

''(VIII) to make per capita payments to members of the Indian tribe pursuant to clause (viii);

''(iv) the Indian tribe provides to the Commission annual outside audit reports of the class II gaming operation of the Indian tribe, which may be encompassed within existing independent tribal audit systems;

''(v) each contract for supplies, services, or concessions for a contract amount equal to more than $50,000 per year, other than a contract for professional legal or accounting services, relating to such gaming is subject to such independent audit reports and any audit conducted by the Commission;

''(vi) the construction and maintenance of a class II gaming facility and the operation of class II gaming are conducted in a manner that adequately protects the environment and public health and safety;

''(vii) there is instituted an adequate system that—

''(I) ensures that—

''(aa) background investigations are conducted on primary management officials, key employees, and persons having material control, either directly or indirectly, in a licensed class II gaming operation, and gaming-related contractors associated with a licensed class II gaming operation; and

''(bb) oversight of the officials referred to in item (aa) and the management by those officials is conducted on an ongoing basis; and

''(II) includes—

''(aa) tribal licenses for persons involved in class II gaming operations, issued in accordance with sections 7(c) and 10;

''(bb) a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment or licensure; and

''(cc) notification by the Indian tribe to the Commission of the results of a background investigation conducted under item (bb) before the issuance of any such license;

''(viii) net revenues from any class II gaming activities conducted or licensed by any Indian tribal government are used to make per capita payments to members of the Indian tribe only if—

''(I) the Indian tribe has prepared a plan to allocate revenues to uses authorized by clause (iii);

''(II) the Secretary determines that the plan is adequate, particularly with respect to uses described in subclause (I) or (III) of clause (iii);

''(III) the interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved;

''(IV) the per capita payments to minors and other legally incompetent persons are disbursed to the parents or legal guardians of the minors or legally incompetent persons referred to in subclause (III) in such amounts as may be necessary for the health, education, or welfare of each such minor or legally incompetent person under a plan approved by the Secretary and the governing body of the Indian tribe; and

''(V) the per capita payments are subject to Federal income taxation and Indian tribes withhold such taxes when such payments are made;

''(ix) a separate license is issued by the Indian tribe for any class II gaming operation owned by any person or entity other than the Indian tribe and conducted on Indian lands, that includes—

''(I) requirements set forth in clauses (v) through (vii) (other than the requirements of clause (vii)(II)(cc)), and (x); and

''(II) requirements that are at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State within which such Indian lands are located; and

''(x) no person or entity, other than the Indian tribe, is eligible to receive a tribal license for a class II gaming operation conducted on Indian lands within the jurisdiction of the Indian tribe if that person or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State.

''(B) TRANSITION.—

''(i) IN GENERAL.—Clauses (ii), (iii), and (ix) of subparagraph (A) shall not bar the continued operation of a class II gaming operation described in clause (ix) of that subparagraph that was operating on September 1, 1986, if—

''(I) that gaming operation is licensed and regulated by an Indian tribe;

''(II) income to the Indian tribe from such gaming is used only for the purposes described in subparagraph (A)(iii);

''(III) not less than 60 percent of the net revenues from such gaming operation is income to the licensing Indian tribe; and

''(IV) the owner of that gaming operation pays an appropriate assessment to the Commission pursuant to section 17 for the regulation of that gaming.

''(ii) LIMITATIONS ON EXEMPTION.—The exemption from application provided under clause (i) may not be transferred to any person or entity and shall remain in effect only during such period as the gaming operation remains within the same nature and scope as that gaming operation was actually operated on October 17, 1988.

''(C) LIST.—The Commission shall—

''(i) maintain a list of each gaming operation that is subject to subparagraph (B); and

''(ii) publish such list in the Federal Register.

''(c) PETITION FOR CERTIFICATE OF SELF-REGULATION.—

''(1) IN GENERAL.—Any Indian tribe that operates, directly or with a management contract, a class II gaming activity may petition the Commission for a certificate of self-regulation if that Indian tribe—

''(A) has continuously conducted such activity for a period of not less than 3 years, including a period of not less than 1 year that begins after the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997; and

''(B) has otherwise complied with the provisions of this Act.

''(2) ISSUANCE OF CERTIFICATE OF SELF-REGULATION.—The Commission shall issue a certificate of self-regulation under this subsection if the Commission determines, on the basis of available information, and after a hearing if requested by the Indian tribe, that the Indian tribe has—

''(A) conducted its gaming activity in a manner which has—

''(i) resulted in an effective and honest accounting of all revenues;

''(ii) resulted in a reputation for safe, fair, and honest operation of the activity; and

''(iii) been generally free of evidence of criminal or dishonest activity;

''(B) adopted and implemented adequate systems for—

''(i) accounting for all revenues from the gaming activity;

''(ii) investigation, licensing, and monitoring of all employees of the gaming activity; and

''(iii) investigation, enforcement, and prosecution of violations of its gaming ordinance and regulations;

''(C) conducted the operation on a fiscally and economically sound basis; and

''(D) paid all fees and assessments that the tribe is required to pay to the Commission under this Act.

''(3) EFFECT OF CERTIFICATE OF SELF-REGULATION.—During the period in which a certificate of self-regulation issued under this subsection is in effect with respect to a gaming activity conducted by an Indian tribe—

''(A) the Indian tribe shall—

''(i) submit an annual independent audit report required under subsection (b)(3)(A)(iv); and

''(ii) submit to the Commission a complete résumé of each employee hired and licensed by the Indian tribe subsequent to the issuance of a certificate of self-regulation; and

''(B) the Commission may not assess a fee under section 17 on gaming operated by the Indian tribe pursuant to paragraph (1) in excess of ¼ of 1 percent of the net revenue from that activity.

''(4) RESCISSION.—The Commission may, for just cause and after a reasonable opportunity for a hearing, rescind a certificate of self-regulation issued under this subsection by majority vote of the members of the Commission.

''(d) LICENSE REVOCATION.—If, after the issuance of any license by an Indian tribe under this section, the Indian tribe receives reliable information from the Commission indicating that a licensee does not meet any standard established under section 7(c) or 10, or any other applicable regulation promulgated under this Act, the Indian tribe—

''(1) shall immediately suspend that license; and

''(2) after providing notice, holding a hearing, and making findings of fact under procedures established pursuant to applicable tribal law, may revoke that license.

''SEC. 12. CLASS III GAMING ON INDIAN LANDS.

''(a) REQUIREMENTS FOR THE CONDUCT OF CLASS III GAMING ON INDIAN LANDS.—

''(1) IN GENERAL.—Class III gaming activities shall be lawful on Indian lands only if those activities are—

''(A) authorized by—

''(i) a compact that—

''(I) is approved pursuant to tribal law by the governing body of the Indian tribe having jurisdiction over those lands;

''(II) meets the requirements of section 11(b)(3) for the conduct of class II gaming; and

''(III) is approved by the Secretary under paragraph (4); or

''(ii) the Secretary under procedures prescribed by the Secretary under paragraph (3)(B)(vii);

''(B) located in a State that permits that gaming for any purpose by any person; and

''(C) conducted in conformance with—

''(i) a compact that—

''(I) is in effect; and

''(II) is entered into by an Indian tribe and a State and approved by the Secretary under paragraph (4); or

''(ii) procedures prescribed by the Secretary under paragraph (3)(B)(vii).

''(2) COMPACT NEGOTIATIONS.—

''(A) IN GENERAL.—Any Indian tribe having jurisdiction over the Indian lands upon which a class III gaming activity is being conducted, or is to be conducted, shall request the State in which those lands are located to enter into negotiations for the purpose of entering into a compact governing the conduct of gaming activities. Upon receiving such a request, the State shall negotiate with the Indian tribe in good faith to enter into such a compact.

''(B) APPROVAL BY THE SECRETARY.—Any State and any Indian tribe may enter into a compact governing class III gaming activities on the Indian lands of the Indian tribe, but that compact shall take effect only when notice of approval by the Secretary of that compact has been published by the Secretary in the Federal Register.

''(3) ACTIONS.—

''(A) IN GENERAL.—The United States district courts shall have jurisdiction over—

''(i) any cause of action initiated by an Indian tribe arising from the failure of a State to enter into negotiations with the Indian tribe for the purpose of entering into a compact under paragraph (2) or to conduct such negotiations in good faith;

''(ii) any cause of action initiated by a State or Indian tribe to enjoin a class III gaming activity located on Indian lands and conducted in violation of any compact entered into under paragraph (2) that is in effect; and

''(iii) any cause of action initiated by the Secretary to enforce the procedures prescribed under subparagraph (B)(vii).

''(B) PROCEDURES.—

''(i) IN GENERAL.—An Indian tribe may initiate a cause of action described in subparagraph (A)(i) only after the expiration of the 180-day period beginning on the date on which the Indian tribe requests the State to enter into negotiations under paragraph (2)(A).

''(ii) BURDEN OF PROOF.—In any action described in subparagraph (A)(i), upon introduction of evidence by an Indian tribe that—

''(I) a compact has not been entered into under paragraph (2); and

''(II) the State did not respond to the request of the Indian tribe to negotiate such a compact or did not respond to such request in good faith,

the burden of proof shall be upon the State to prove that the State has negotiated with the Indian tribe in good faith to conclude a compact governing the conduct of gaming activities.

''(iii) FAILURE TO NEGOTIATE.—If, in any action described in subparagraph (A)(i), the court finds that the State has failed to negotiate in good faith with the Indian tribe to conclude a compact governing the conduct of gaming activities, the court shall order the State and the Indian tribe to conclude such a compact within a 60-day period beginning on the date of that order. In determining in such an action whether a State has negotiated in good faith, the court—

''(I) may take into account the public interest, public safety, criminality, financial integrity, and adverse economic impacts on existing gaming activities; and

''(II) shall consider any demand by the State for direct taxation of the Indian tribe or of any Indian lands as evidence that the State has not negotiated in good faith.

''(iv) PROCEDURE IN THE EVENT OF FAILURE TO CONCLUDE A COMPACT.—If a State and an Indian tribe fail to conclude a compact governing the conduct of gaming activities on the Indian lands subject to the jurisdiction of such Indian tribe within the 60-day period provided in the order of a court issued under clause (iii), the Indian tribe and the State shall each submit to a mediator appointed by the court a proposed compact that represents the last best offer of the Indian tribe and the State for a compact. The mediator shall select from the 2 proposed compacts the proposed compact that best comports with—

''(I) the terms of this Act;

''(II) any other applicable Federal law; and

''(III) the findings and order of the court.

''(v) SUBMISSION OF COMPACT TO STATE AND INDIAN TRIBE.—The mediator appointed under clause (iv) shall submit to the State and the Indian tribe the proposed compact selected by the mediator under clause (iv).

''(vi) CONSENT OF STATE.—If a State consents to a proposed compact submitted to the State under clause (v) during the 60-day period beginning on the date on which the proposed compact is submitted to the State under clause (v), the proposed compact shall be treated as a compact entered into under paragraph (2).

''(vii) FAILURE OF STATE TO CONSENT.—If the State does not consent during the 60-day period described in clause (vi) to a proposed compact submitted by a mediator under clause (v), the mediator shall notify the Secretary and the Secretary shall prescribe, in consultation with the Indian tribe, procedures—

''(I) that are consistent with the proposed compact selected by the mediator under clause (iv), the provisions of this Act, and the applicable provisions of the laws of the State; and

''(II) under which class III gaming may be conducted on the Indian lands over which the Indian tribe has jurisdiction.

''(4) APPROVAL BY SECRETARY.—

''(A) IN GENERAL.—The Secretary is authorized to approve any compact entered into between an Indian tribe and a State governing gaming on Indian lands of such Indian tribe.

''(B) DISAPPROVAL BY SECRETARY.—The Secretary may disapprove a compact described in subparagraph (A) only if such compact violates—

''(i) any provision of this Act;

''(ii) any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands; or

''(iii) the trust obligation of the United States to Indians.

''(C) FAILURE OF THE SECRETARY TO TAKE FINAL ACTION.—If the Secretary does not approve or disapprove a compact described in subparagraph (A) before the expiration of the 45-day period beginning on the date on which the compact is submitted to the Secretary for approval, the compact shall be considered to have been approved by the Secretary, but only to the extent the compact is consistent with the provisions of this Act.

''(D) PUBLICATION OF NOTICE.—The Secretary shall publish in the Federal Register notice of any compact that is approved, or considered to have been approved, under this paragraph.

''(E) EFFECT OF PUBLICATION OF COMPACT.—Except for an appeal conducted under subchapter II of chapter 5 of title 5, United States Code, by an Indian tribe or by a State associated with the publication of the compact, the publication of a compact pursuant to subparagraph (D) or subsection (c)(4) that permits a form of class III gaming shall, for purposes of this Act, be conclusive evidence that such class III gaming is an activity subject to negotiations under the laws of the State where the gaming is to be conducted, in any matter under consideration by the Commission or a Federal court.

''(F) EFFECTIVE DATE OF COMPACT.—A compact shall become effective upon the publication of the compact in the Federal Register by the Secretary.

''(G) DUTIES OF COMMISSION.—Consistent with the provisions of sections 7(c), 8, and 10, the Commission shall monitor and, if specifically authorized, regulate and license class III gaming with respect to any compact that is published in the Federal Register.

''(5) PROVISIONS OF COMPACTS.—

''(A) IN GENERAL.—A compact negotiated under this subsection may include provisions relating to—

''(i) the application of the criminal and civil laws (including any rule or regulation) of the Indian tribe or the State that are directly related to, and necessary for, the licensing and regulation of such activity in a manner consistent with sections 7(c), 8, and 10;

''(ii) the allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of such laws (including any rule or regulation);

''(iii) the assessment by the State of the costs associated with such activities in such amounts as are necessary to defray the costs of regulating such activity;

''(iv) taxation by the Indian tribe of such activity in amounts comparable to amounts assessed by the State for comparable activities;

''(v) remedies for breach of compact provisions;

''(vi) standards for the operation of such activity and maintenance of the gaming facility, including licensing, in a manner consistent with sections 7(c), 8, and 10; and

''(vii) any other subject that is directly related to the operation of gaming activities and the impact of gaming on tribal, State, and local governments.

''(B) STATUTORY CONSTRUCTION WITH RESPECT TO ASSESSMENTS.—Except for any assessments for services agreed to by an Indian tribe in compact negotiations, nothing in this section may be construed as conferring upon a State or any political subdivision thereof the authority to impose any tax, fee, charge, or other assessment upon an Indian tribe, an Indian gaming operation or the value generated by the gaming operation, or any person or entity authorized by an Indian tribe to engage in a class III gaming activity in conformance with this Act.

''(6) STATUTORY CONSTRUCTION WITH RESPECT TO CERTAIN RIGHTS OF INDIAN TRIBES.—Nothing in this subsection impairs the right of an Indian tribe to regulate class III gaming on the Indian lands of the Indian tribe concurrently with a State and the Commission, except to the extent that such regulation is inconsistent with, or less stringent than, this Act or any laws (including any rule or regulation) made applicable by any compact entered into by the Indian tribe under this subsection that is in effect.

''(7) EXEMPTION.—The provisions of sections 2 and 5 of the Act of January 2, 1951 (commonly referred to as the 'Gambling Devices Transportation Act') (64 Stat. 1134, chapter 1194, 15 U.S.C. 1172 and 1175) shall not apply to any class II gaming activity or any gaming activity conducted pursuant to a compact entered into after the date of enactment of this Act or conducted pursuant to procedures prescribed by the Secretary under this Act, but in no event shall this paragraph be construed as invalidating any exemption from section 2 or 5 of the Act of January 2, 1951, for any compact entered into prior to the date of enactment of this Act or any procedures for conducting a gaming activity prescribed by the Secretary prior to such date of enactment.

''(b) JURISDICTION OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.—The United States District Court for the District of Columbia shall have jurisdiction over any action initiated by the Secretary, the Commission, a State, or an Indian tribe to enforce any provision of a compact under subsection (a) that is in effect or to enjoin a class III gaming activity located on Indian lands and conducted in violation of such compact that is in effect and that was entered into under subsection (a).

''(c) REVOCATION OF ORDINANCE.—

''(1) IN GENERAL.—The governing body of an Indian tribe, in its sole discretion, may adopt an ordinance or resolution revoking any prior ordinance or resolution that authorized class III gaming on the Indian lands of the Indian tribe. Such revocation shall render class III gaming illegal on the Indian lands of such Indian tribe.

''(2) PUBLICATION OF REVOCATION.—An Indian tribe shall submit any revocation ordinance or resolution described in paragraph (1) to the Commission. Not later than 90 days after the date on which the Commission receives such ordinance or resolution, the Commission shall publish such ordinance or resolution in the Federal Register. The revocation provided by such ordinance or resolution shall take effect on the date of such publication.

''(3) CONDITIONAL OPERATION.—Notwithstanding any other provision of this subsection—

''(A) any person or entity operating a class III gaming activity pursuant to this subsection on the date on which an ordinance or resolution described in paragraph (1) that revokes authorization for such class III gaming activity is published in the Federal Register may, during the 1-year period beginning on the date on which such revocation, ordinance, or resolution is published under paragraph (2), continue to operate such activity in conformance with an applicable compact approved or issued under subsection (a) that is in effect; and

''(B) any civil action that arises before, and any crime that is committed before, the expiration of such 1-year period shall not be affected by such revocation ordinance, or resolution.

''(d) CERTAIN CLASS III GAMING ACTIVITIES.—

''(1) COMPACTS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE INDIAN GAMING REGULATORY ACT AMENDMENTS ACT OF 1997.—

''(A) IN GENERAL.—Subject to subparagraph (B), class III gaming activities that are authorized under a compact approved, or procedures prescribed, by the Secretary under the authority of this Act prior to the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997 shall, during such period as the compact is in effect, remain lawful for the purposes of this Act, notwithstanding the Indian Gaming Regulatory Act Amendments Act of 1997 and the amendments made by such Act or any change in State law enacted after the approval or issuance of the compact.

''(B) COMPACT OR PROCEDURES SUBJECT TO MINIMUM REGULATORY STANDARDS.—Subparagraph (A) shall apply to a compact or procedures described in that subparagraph on the condition that any class III gaming activity conducted under the compact or procedures shall be subject to all Federal minimum regulatory standards established under this Act and the regulations promulgated under this Act.

''(2) COMPACT ENTERED INTO AFTER THE DATE OF ENACTMENT OF THE INDIAN GAMING REGULATORY ACT AMENDMENTS ACT OF 1997.—Any compact entered into under subsection (a) after the date specified in paragraph (1) shall remain lawful for the purposes of this Act, notwithstanding any change in State law enacted after the approval or issuance of the compact.

''SEC. 13. REVIEW OF CONTRACTS.

''(a) CONTRACTS INCLUDED.—The Commission shall, in accordance with this section, review and approve or disapprove—

''(1) any management contract for the operation and management of any gaming activity that an Indian tribe may engage in under this Act; and

''(2) unless licensed by an Indian tribe consistent with the minimum Federal standards adopted pursuant to section 7(c), any gaming-related contract.

''(b) MANAGEMENT CONTRACT REQUIREMENTS.—The Commission shall approve any management contract between an Indian tribe and a person licensed by an Indian tribe or the Commission that is entered into pursuant to this Act only if the Commission determines that the contract provides for—

''(1) adequate accounting procedures that are maintained, and verifiable financial reports that are prepared, by or for the governing body of the Indian tribe on a monthly basis;

''(2) access to the daily gaming operations by appropriate officials of the Indian tribe who shall have the right to verify the daily gross revenues and income derived from any gaming activity;

''(3) a minimum guaranteed payment to the Indian tribe that has preference over the retirement of any development and construction costs;

''(4) an agreed upon ceiling for the repayment of any development and construction costs;

''(5) a contract term of not to exceed 5 years, except that, upon the request of an Indian tribe, the Commission may authorize a contract term that exceeds 5 years but does not exceed 7 years if the Commission is satisfied that the capital investment required, and the income projections for, the particular gaming activity require the additional time; and

''(6) grounds and mechanisms for the termination of the contract, but any such termination shall not require the approval of the Commission.

''(c) MANAGEMENT FEE BASED ON PERCENTAGE OF NET REVENUES.—

''(1) PERCENTAGE FEE.—The Commission may approve a management contract that provides for a fee that is based on a percentage of the net revenues of a tribal gaming activity if the Commission determines that such percentage fee is reasonable, taking into consideration surrounding circumstances.

''(2) FEE AMOUNT.—Except as provided in paragraph (3), a fee described in paragraph (1) shall not exceed an amount equal to 30 percent of the net revenues described in such paragraph.

''(3) EXCEPTION.—Upon the request of an Indian tribe, if the Commission is satisfied that the capital investment required, and income projections for, a tribal gaming activity, necessitate a fee in excess of the amount specified in paragraph (2), the Commission may approve a management contract that provides for a fee described in paragraph (1) in an amount in excess of the amount specified in paragraph (2), but not to exceed 40 percent of the net revenues described in paragraph (1).

''(d) GAMING-RELATED CONTRACT REQUIREMENTS.—The Commission shall approve a gaming-related contract covered under subsection (a)(2) that is entered into pursuant to this Act only if the Commission determines that the contract provides for—

''(1) grounds and mechanisms for termination of the contract, but such termination shall not require the approval of the Commission; and

''(2) such other provisions as the Commission may be empowered to impose by this Act.

''(e) TIME PERIOD FOR REVIEW.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date on which a management contract or other gaming-related contract is submitted to the Commission for approval, the Commission shall approve or disapprove such contract on the merits of the contract. The Commission may extend the 90-day period

for an additional period of not more than 45 days if the Commission notifies the Indian tribe in writing of the reason for the extension of the period. The Indian tribe may bring an action in the United States District Court for the District of Columbia to compel action by the Commission if a contract has not been approved or disapproved by the termination date of an applicable period under this subsection.

''(2) EFFECT OF FAILURE OF COMMISSION TO ACT ON CERTAIN GAMING-RELATED CONTRACTS.—Any gaming-related contract for an amount less than or equal to $100,000 that is submitted to the Commission pursuant to paragraph (1) by a person who holds a valid license that is in effect under this Act shall be deemed to be approved, if by the date that is 90 days after the contract is submitted to the Commission, the Commission fails to approve or disapprove the contract.

''(f) CONTRACT MODIFICATIONS AND VOID CONTRACTS.—The Commission, after providing notice and a hearing on the record—

''(1) shall have the authority to require appropriate contract modifications to ensure compliance with the provisions of this Act; and

''(2) may void any contract regulated by the Commission under this Act if the Commission determines that any provision of this Act has been violated by the terms of the contract.

''(g) INTERESTS IN REAL PROPERTY.—No contract regulated by this Act may transfer or, in any other manner, convey any interest in land or other real property, unless specific statutory authority exists, all necessary approvals for such transfer or conveyance have been obtained, and such transfer or conveyance is clearly specified in the contract.

''(h) AUTHORITY OF THE SECRETARY.—The authority of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) shall not extend to any contract or agreement that is regulated pursuant to this Act.

''(i) DISAPPROVAL OF CONTRACTS.—The Commission may not approve a contract if the Commission determines that—

''(1) any person having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, any individual who serves on the board of directors of such corporation, and any of the stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock—

''(A) is an elected member of the governing body of the Indian tribe which is a party to the contract;

''(B) has been convicted of any felony or gaming offense;

''(C) has knowingly and willfully provided materially important false statements or information to the Commission or the Indian tribe pursuant to this Act or has refused to respond to questions propounded by the Commission; or

''(D) has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

''(2) the contractor—

''(A) has unduly interfered or influenced for its gain or advantage any decision or process of tribal government relating to the gaming activity; or

''(B) has attempted to interfere or influence a decision pursuant to subparagraph (A);

''(3) the contractor has deliberately or substantially failed to comply with the terms of the contract; or

''(4) a trustee, exercising the skill and diligence that a trustee is commonly held to, would not approve the contract.

''SEC. 14. REVIEW OF EXISTING CONTRACTS; INTERIM AUTHORITY.

''(a) REVIEW OF EXISTING CONTRACTS.—

''(1) IN GENERAL.—At any time after the Commission is sworn in and has promulgated regulations for the implementation of this Act, the Commission shall notify each Indian tribe and management contractor who, prior to the enactment of the Indian Gaming Regulatory Act Amendments Act of 1997, entered into a management contract that was approved by the Secretary, that the Indian tribe is required to submit to the Commission such contract, including all collateral agreements relating to the gaming activity, for review by the Commission not later than 60 days after such notification. Any such contract shall be valid under this Act, unless the contract is disapproved by the Commission under this section.

''(2) REVIEW.—

''(A) IN GENERAL.—Not later than 180 days after the submission of a management contract, including all collateral agreements, to the Commission pursuant to this section, the Commission shall review the contract to determine whether the contract meets the requirements of section 13 and was entered into in accordance with the procedures under such section.

''(B) APPROVAL OF CONTRACT.—The Commission shall approve a management contract submitted for review under subsection (a) if the Commission determines that—

''(i) the management contract meets the requirements of section 13; and

''(ii) the management contractor has obtained all of the licenses that the contractor is required to obtain under this Act.

''(C) NOTIFICATION OF NECESSARY MODIFICATIONS.—If the Commission determines that a contract submitted under this section does not meet the requirements of section 13—

''(i) the Commission shall provide the parties to such contract written notification of the necessary modifications; and

''(ii) the parties referred to in clause (i) shall have 180 days after the date on which such notification is provided to make the modifications.

''(b) INTERIM AUTHORITY OF THE NATIONAL INDIAN GAMING COMMISSION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Chairman and the associate members of the National Indian Gaming Commission who are holding office on the day before the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997 shall exercise the authorities described in paragraph (2) until such time as all of the initial members of the Federal Indian Gaming Regulatory Commission are sworn into office.

''(2) AUTHORITIES.—Until the date specified in paragraph (1), the Chairman and the associate members of the National Indian Gaming Commission referred to in that paragraph shall exercise those authorities vested in the Federal Indian Gaming Regulatory Commission by this Act (other than the authority specified in section 7(a)(1)(A) and any other authority directly related to the administration of the Federal Indian Gaming Regulatory Commission as an independent establishment, as defined in section 104 of title 5, United States Code).

''(3) REGULATIONS.—Until such time as the Commission promulgates revised regulations after the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997, the regulations promulgated under this Act, as in effect on the day before the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997, shall apply.

''SEC. 15. CIVIL PENALTIES.

''(a) AMOUNT.—Any person who commits any act or causes to be done any act that violates any provision of this Act or any rule or regulation promulgated under this Act, or who fails to carry out any act or causes the failure to carry out any act that is required by any such provision of law shall be subject to a civil penalty in an amount equal to not more than $50,000 per day for each such violation.

''(b) ASSESSMENT AND COLLECTION.—

''(1) IN GENERAL.—Each civil penalty assessed under this section shall be assessed by the Commission and collected in a civil action brought by the Attorney General on behalf of the United States. Before the Commission refers civil penalty claims to the Attorney General, the Commission may compromise the civil penalty after affording the person charged with a violation referred to in subsection (a), an opportunity to present views and evidence in support of such action by the Commission to establish that the alleged violation did not occur.

''(2) PENALTY AMOUNT.—In determining the amount of a civil penalty assessed under this section, the Commission shall take into account—

''(A) the nature, circumstances, extent, and gravity of the violation committed;

''(B) with respect to the person found to have committed such violation, the degree of culpability, any history of prior violations, ability to pay, the effect on ability to continue to do business; and

''(C) such other matters as justice may require.

''(c) TEMPORARY CLOSURES.—

''(1) IN GENERAL.—The Commission may order the temporary closure of all or part of an Indian gaming operation for a substantial violation of any provision of law referred to in subsection (a).

''(2) HEARING ON ORDER OF TEMPORARY CLOSURE.—

''(A) IN GENERAL.—Not later than 30 days after the issuance of an order of temporary closure, the Indian tribe or the individual owner of a gaming operation shall have the right to request a hearing on the record before the Commission to determine whether such order should be made permanent or dissolved.

''(B) DEADLINES RELATING TO HEARING.—Not later than 30 days after a request for a hearing is made under subparagraph (A), the Commission shall conduct such hearing. Not later than 30 days after the termination of the hearing, the Commission shall render a final decision on the closure.

''SEC. 16. JUDICIAL REVIEW.

''A decision made by the Commission pursuant to section 7, 8, 10, 13, 14, or 15 shall constitute a final agency decision for purposes of appeal to the United States District Court for the District of Columbia pursuant to chapter 7 of title 5, United States Code.

''SEC. 17. COMMISSION FUNDING.

''(a) ANNUAL FEES.—

''(1) IN GENERAL.—The Commission shall establish a schedule of fees to be paid to the Commission annually by gaming operations for each class II and class III gaming activity that is regulated by this Act.

''(2) LIMITATION ON FEE RATES.—

''(A) IN GENERAL.—For each gaming operation regulated under this Act, the rate of the fees imposed under the schedule established under paragraph (1) shall not exceed 2 percent of the net revenues of that gaming operation.

''(B) TOTAL AMOUNT OF FEES.—The total amount of all fees imposed during any fiscal

year under the schedule established under paragraph (1) shall be equal to not more than $25,000,000.

''(3) ANNUAL FEE RATE.—The Commission, by a vote of a majority of the members of the Commission, shall annually adopt the rate of the fees authorized by this section. Those fees shall be payable to the Commission on a monthly basis.

''(4) ADJUSTMENT OF FEES.—The fees imposed upon a gaming operation may be reduced by the Commission to take into account any regulatory functions that are performed by an Indian tribe, or the Indian tribe and a State, pursuant to regulations promulgated by the Commission.

''(5) CONSEQUENCES OF FAILURE TO PAY FEES.—Failure to pay the fees imposed under the schedule established under paragraph (1) shall, subject to regulations promulgated by the Commission, be grounds for revocation of the approval of the Commission of any license required under this Act for the operation of gaming activities.

''(6) SURPLUS FUNDS.—To the extent that revenues derived from fees imposed under the schedule established under paragraph (1) exceed the limitation in paragraph (2)(B) or are not expended or committed at the close of any fiscal year, those surplus funds shall be credited to each gaming activity that is the subject of the fees on a pro rata basis against those fees imposed for the succeeding year.

''(b) REIMBURSEMENT OF COSTS.—The Commission may assess any applicant, except the governing body of an Indian tribe, for any license required pursuant to this Act. That assessment shall be an amount equal to the actual costs of conducting all reviews and investigations necessary for the Commission to determine whether a license should be granted or denied to the applicant.

''(c) ANNUAL BUDGET.—

''(1) IN GENERAL.—For the first full fiscal year beginning after the date of enactment of the Indian Gaming Regulatory Act Amendments Act of 1997, and each fiscal year thereafter, the Commission shall adopt an annual budget for the expenses and operation of the Commission.

''(2) REQUEST FOR APPROPRIATIONS.—The budget of the Commission may include a request for appropriations authorized under section 18.

''(3) SUBMISSION TO CONGRESS.—Notwithstanding any other provision of law, a request for appropriations made pursuant to paragraph (2) shall be submitted by the Commission directly to Congress beginning with the request for the first full fiscal year beginning after the date of enactment of this Act, and shall include the proposed annual budget of the Commission and the estimated revenues to be derived from fees.

''SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

''Subject to section 17, there are authorized to be appropriated $5,000,000 to provide for the operation of the Commission for each of fiscal years 1998, 1999, and 2000, to remain available until expended.

''SEC. 19. APPLICATION OF THE INTERNAL REVENUE CODE OF 1986.

''(a) IN GENERAL.—The provisions of the Internal Revenue Code of 1986 (including sections 1441, 3402(q), 6041, and chapter 35 of such Code) concerning the reporting and withholding of taxes with respect to the winnings from gaming or wagering operations shall apply to Indian gaming operations conducted pursuant to this Act in the same manner as such provisions apply to State gaming and wagering operations. Any exemptions under those provisions to States with respect to taxation of that gaming or wagering operation shall be allowed to Indian tribes.

''(b) EXEMPTION.—The provisions of section 6050I of the Internal Revenue Code of 1986 shall apply to an Indian gaming establishment that is not designated by the Secretary of the Treasury as a financial institution pursuant to chapter 53 of title 31, United States Code.

''(c) STATUTORY CONSTRUCTION.—This section shall apply notwithstanding any other provision of law enacted before, on, or after, the date of enactment of this Act unless such other provision of law specifically cites this subsection.

''(d) ACCESS TO INFORMATION BY STATE AND TRIBAL GOVERNMENTS.—Subject to section 7(d), upon the request of a State or the governing body of an Indian tribe, the Commission shall make available any law enforcement information that the Commission has obtained pursuant to such section, unless otherwise prohibited by law, in order to enable the State or the Indian tribe to carry out its responsibilities under this Act or any compact approved by the Secretary.''; and

(5) by striking section 20(d).

SEC. 3. CONFORMING AMENDMENTS.

(a) TITLE 10.—Section 2323a(e)(1) of title 10, United States Code, is amended by striking ''section 4(4) of the Indian Gaming Regulatory Act (102 Stat. 2468; 25 U.S.C. 2703(4))'' and inserting ''section 4(14) of the Indian Gaming Regulatory Act''.

(b) TITLE 18.—Title 18, United States Code, is amended—

(1) in section 1166—

(A) in subsection (c), by striking ''a Tribal-State compact approved by the Secretary of the Interior under section 11(d)(8) of the Indian Gaming Regulatory Act that is in effect'' and inserting ''a compact approved by the Secretary of the Interior under section 12(a) of the Indian Gaming Regulatory Act that is in effect or pursuant to procedures prescribed by the Secretary of the Interior under section 12(a)(3)(B)(iii) of such Act''; and

(B) in subsection (d), by striking ''a Tribal-State compact approved by the Secretary of the Interior under section 11(d)(8) of the Indian Gaming Regulatory Act'' and inserting ''a compact approved by the Secretary of the Interior under section 12(a) of the Indian Gaming Regulatory Act or pursuant to procedures prescribed by the Secretary of the Interior under section 12(a)(3)(B)(iii) of such Act,'';

(2) in section 1167, by striking ''pursuant to an ordinance or resolution approved by the National Indian Gaming Commission'' each place it appears; and

(3) in section 1168, by striking ''pursuant to an ordinance or resolution approved by the National Indian Gaming Commission,'' each place it appears.

(c) INTERNAL REVENUE CODE OF 1986.—Section 168(j)(4)(A)(iv) of the Internal Revenue Code of 1986 is amended by striking ''Indian Regulatory Act'' and inserting ''Indian Gaming Regulatory Act''.

(d) TITLE 28.—Title 28, United States Code, is amended—

(1) in section 3701(2)—

(A) by striking ''section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))'' and inserting ''section 4(15) of the Indian Gaming Regulatory Act''; and

(B) by striking ''section 4(4) of such Act (25 U.S.C. 2703(4))'' and inserting ''section 4(14) of such Act''; and

(2) in section 3704(b), by striking ''section 4(4) of the Indian Gaming Regulatory Act'' and inserting ''section 4(14) of the Indian Gaming Regulatory Act''.

Mr. INOUYE. Mr. President, I rise today to join my distinguished colleague, Senator JOHN MCCAIN, as a cosponsor of legislation to amend the Indian Gaming Regulatory Act of 1988.

It is my understanding that this measure is substantially identical in most respects to the bill, S. 487, that was reported by the Committee on Indian Affairs in the last session of the Congress.

Mr. President, over the years, in our various capacities as Members, chairman, and vice chairman of the Committee on Indian Affairs, Senator MCCAIN and I have worked together on the complex and challenging issues which have typically loomed large on the horizons of Indian gaming.

We have learned, from sometimes bitter experience, that in this arena, one most definitely cannot satisfy even some of the people some of the time—but we have continued to explore a range of solutions that might hold the potential for finding acceptance amongst the relevant parties in interest.

Mr. President, it is my hope that in the days ahead, the chairman of the Indian Affairs Committee and I will be able to introduce a measure to amend the Indian Gaming Regulatory Act that will build upon this initiative, and the work that the Indian Affairs Committee has been engaged in—over the last 7 months.

We are in the process of updating some of the provisions of the 1988 act—as well as identifying areas that may require a whole new approach.

In the interim, of this we can be certain—there will be much discussion and a renewed round of debate on the merits of the measure that is being introduced today—but I commend my colleague for his continuing commitment to Indian country, and his efforts to address some of the more challenging issues of our times.

By Mr. SPECTER (for himself, Mr. ROCKEFELLER, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRAHAM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KEMPTHORNE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MACK, Mr. MCCAIN, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REID, Mr. ROTH, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, and Mr. THURMOND):

S.J. Res. 36. A joint resolution to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans' Affairs.

LEGISLATION TO CONFER STATUS AS AN HONORARY VETERAN OF THE U.S. ARMED FORCES TO LESLIE TOWNES (BOB) HOPE

Mr. SPECTER. Mr. President, it is with a particular sense of privilege that I introduce legislation today to confer the status of honorary veteran of the U.S. Armed Forces to Leslie Townes (Bob) Hope. If any person in this country merits such an unprecedented honor—and Mr. President, it is my understanding that no person has ever before been conferred the status of honorary veteran—surely, it is Bob Hope.

Bob Hope's contributions to this Nation—and, particularly, to its soldiers, sailors, marines, and airmen—are well known to all of our citizens. Less well known to many is the fact that Bob Hope is a naturalized U.S. citizen, having emigrated to this country from England when Bob was just a boy. I am the son of a naturalized American—an immigrant who walked across Europe with barely a ruble in his pocket so that he could make his way to this country. So I know first hand that a person of humble origins can scale the heights of this country. Few, though, have scaled the heights that Bob Hope has scaled.

When I say Bob Hope has scaled the heights, I am not referring to his success as an actor, a comedian, or businessman—though his success in all three areas has been considerable. When I say Bob Hope has scaled the heights, I am thinking of his place in the hearts of his adopted countrymen.

Who in this country is more beloved by a broader spectrum of his fellow citizens than Bob Hope—people of all ages, races, religions, and beliefs? Perhaps, none more than Bob Hope. For the past 50 years, this country's fighting men and women could count on Bob Hope to lift their spirits and morale when they faced the prospect of making the ultimate sacrifice. In World War II, in Korea, in Vietnam and, most recently, in the Persian Gulf, Bob Hope and his troupe were there to entertain the troops. More importantly, they were there to remind our fighting men and women that they were not forgotten, that their suffering was appreciated. Bob Hope was always with the troops—especially during the holidays—enduring hardship, and often significant physical danger, so that he might encourage those facing greater hardship and danger. Three generations of veterans will never forget how much he cared.

Those three generations of veterans wonder how they might properly recognize Bob Hope. He is already a recipient of the Nation's highest civilian decorations, the Congressional Gold Medal and the Presidential Medal of Freedom. President Carter hosted a White House reception in honor of his 75th birthday. President Clinton bestowed upon him the Medal of the Arts. He has received more than 50 honorary doctorates, and innumerable awards from civic, social, and veterans organizations. But Bob Hope cannot say that he is a veteran—in my mind, one of the most honorable appellations one can carry. This legislation will remedy that.

I ask that all of my colleagues join me in supporting legislation to designate Bob Hope an honorary veteran. And I thank the former Commandant of the U.S. Marine Corps and the current president of the USO, Gen. Carl Mundy, for spearheading this effort.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 36

Whereas the United States has never before conferred status as an honorary veteran of the United States Armed Forces on an individual, and such status is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas the lifetime of accomplishments and service of Leslie Townes (Bob) Hope on behalf of United States military servicemembers fully justifies the conferring of such status;

Whereas Leslie Townes (Bob) Hope is himself not a veteran, having attempted to enlist in the Armed Forces to serve his country during World War II, but being informed that the greatest service he could provide the Nation was as a civilian entertainer for the troops;

Whereas during World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf War and throughout the Cold War, Bob Hope traveled to visit and entertain millions of United States servicemembers in numerous countries, on ships at sea, and in combat zones ashore;

Whereas Bob Hope has been awarded the Congressional Gold Medal, the Presidential Medal of Freedom, the Distinguished Service Medal of each of the branches of the Armed Forces, and more than 100 citations and awards from national veterans service organizations and civic and humanitarian organizations; and

Whereas Bob Hope has given unselfishly of his time for over a half century to be with United States servicemembers on foreign shores, working tirelessly to bring a spirit of humor and cheer to millions of servicemembers during their loneliest moments, and thereby extending for the American people a touch of home away from home: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) extends its gratitude, on behalf of the American people, to Leslie Townes (Bob) Hope for his lifetime of accomplishments and service on behalf of United States military servicemembers; and

(2) confers upon Leslie Townes (Bob) Hope the status of an honorary veteran of the United States Armed Forces.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. TORRICELLI, his name was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 173

At the request of Mr. DEWINE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 621

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 621, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philipines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 648

At the request of Mr. GORTON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 763

At the request of Mr. HELMS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 763, a bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 830

At the request of Mr. JEFFORDS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 830, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 831

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule

promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 859

At the request of Mr. KYL, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 932

At the request of Mr. GRAMM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 932, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a National Advisory and Implementation Board on Imported Fire Ant Control, Management, and Eradication and, in conjunction with the Board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes.

S. 1056

At the request of Mr. BURNS, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1056, a bill to provide for farm-related exemptions from certain hazardous materials transporation requirements.

S. 1067

At the request of Mr. KERRY, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

SENATE CONCURRENT RESOLUTION 44—RELATIVE TO A POSTAGE STAMP

Mr. LAUTENBERG (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 44

Whereas the Jewish War Veterans of the United States of America, an organization of patriotic Americans dedicated to highlighting the role of Jews in the United States Armed Forces, celebrated 100 years of patriotic service to the Nation on March 15, 1996;

Whereas thousands of Jews have proudly served the Nation in times of war;

Whereas thousands of Jews have died in combat while serving in the United States Armed Forces;

Whereas, in World War II alone, Jews received more than 52,000 awards for outstanding service in the United States Armed Forces, including the Medal of Honor, the Air Medal, the Silver Star, and the Purple Heart;

Whereas, in World War II alone, over 11,000 Jews died in combat while serving in the United States Armed Forces;

Whereas members of the Jewish War Veterans of the United States of America have volunteered over 10,000,000 hours at veterans' hospitals; and

Whereas honoring the sacrifices of Jewish veterans is an important component of recognizing the strong and patriotic role Jews have played in the United States Armed Forces: Now, therefore, be it

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

(1) a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; and

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a postage stamp be issued.

Mr. LAUTENBERG. Mr. President, today I am submitting legislation expressing the sense of Congress that the Postal Service should issue a postage stamp should be issued to commemorate the 100th anniversary of the Jewish War Veterans of the United States of America. I am pleased to be joined by my distinguished colleague from Pennsylvania and chairman of the Committee on Veterans' Affairs, Senator SPECTER.

The Jewish War Veterans of the United States was founded in 1896, earning it the distinction of being the oldest veterans organization in the United States. The goal of its founders was to counter criticism in some of the major national publications of the day that suggested that Jewish Americans were unpatriotic and had not served in the Civil War. Not only did many Jews serve with distinction in the Civil War, but thousands have honorably served their country in subsequent military conflicts. More than 250,000 Jews served in World War I. During World War II, approximately 11,000 Jews were killed and 40,000 were wounded.

Today, the Jewish War Veterans organization continues its mission of fighting anti-Semitism, promoting religious tolerance and defending the first amendment. Moreover, through its National Museum of American Jewish Military History and other activities, it educates the public about the contributions Jews have made to the defense of our Nation. The organization also serves a vital role of advocating on behalf of adequate treatment of all war veterans.

My legislation is identical to legislation submitted to the 103d Congress. Senate Concurrent Resolution 60, which I was proud to cosponsor along with 62 of my colleagues. This legislation overwhelmingly passed the Senate on August 11, 1994. Unfortunately, despite the Senate's wishes, the Postal Service has refused to issue a commemorative stamp honoring this worthy organization. Thus, I believe that it is time to reaffirm the Senate's position of this important matter. I urge my colleagues to join in cosponsoring this legislation.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

D'AMATO (AND MOYNIHAN) AMENDMENT NO. 1022

Mr. SHELBY (for Mr. D'AMATO, for himself and Mr. MOYNIHAN) proposed an amendment to the bill, S. 1048, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

Out of the funds made available under this Act to the New York Metropolitan Transportation Authority through the Federal Transit Administration, the New York Metropolitan Transportation Authority shall perform a study to ascertain the costs and benefits of instituting an integrated fare system for commuters who use both the Metro North Railroad or the Long Island Rail Road and New York City subway or bus systems. This study shall examine creative proposals for improving the flow of passengers between city transit systems and commuter rail systems, including free transfers, discounts, congestion-pricing and other positive inducements. The study also must include estimates of potential benefits to the environment, to energy conservation and to revenue enhancement through increased commuter rail and transit ridership, as well as other tangible benefits. A report describing the results of this study shall be submitted to the Senate Appropriations Committee within 45 days of enactment of this Act.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 1023

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 1048, supra; as follows:

On page 51, after line 25, add the following:

SEC. 3 . FEDERAL VEHICLE WEIGHT LIMITATIONS.

No funds made available under this Act shall be used to levy penalties on the States of New Hampshire and Maine based on noncompliance with Federal vehicle weight limitations under section 127 of title 23, United States Code, prior to the date of enactment of an Act extending funding for programs established under that title.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, July 29, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is improving educational opportunities for low-income children. For further information, please call the committee, 202/224–5375.

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 Wednesday, July 30 and Thursday, July 31, 1997 at 2:30 p.m. each day to hold a business meeting on the status of the investigation into the contested Senate election in Louisiana.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224–3448.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, September 4, 1997, at 9 a.m., in SR–328A. The purpose of this hearing is to examine rural and agricultural credit issues.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Monday, July 28, at 2 p.m. for a nomination hearing on George Omas to be Commissioner, Postal Rate Commission, and Janice Lachance, to be Deputy Director, Office of Personnel Management.

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 Special Investigation to meet on Monday, July 28, at 4:30 p.m. for a closed hearing on campaign finance related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on July 28, 1997 at 1 p.m. for the purpose of a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. COVERDELL. The Subcommittee on Technology, Terrorism, and Government Information, of the Senate Committee on the Judiciary, will hold a hearing on Monday, July 28, 1997, at 9:30 a.m. in room 226 of the Senate Dirksen Office Building, on ''The Atlanta Olympics Bombing and the FBI Interrogation of Richard Jewell.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Monday, July 28, 1997, at 2 P.M. to hold a hearing in room 226, Senate Dirksen Building, on: ''S. 474, the Internet Gambling Prohibition Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE LATE SEUVA'AI MERE TUIASOSOPO-BETHAM

• Mr. INOUYE. Mr. President, it was a sad day in our Nation's history, and more significantly, to its southernmost territory in the South Pacific, the islands of Tutuila and Manu'a known also as American Samoa, when a grand lady, a woman of great courage, a longtime educator, passed away peacefully in Honolulu, HI, on June 13, 1997. She was the late Hon. Seuva'ai Mere Tuiasosopo-Betham, former associate judge of the high court of American Samoa and former director of the American Samoa Department of Education. She was 65 years of age.

''Mere'' as she was popularly known, was born to the late High Chief Orator Mariota Tiumalu Tuiasosopo I of Vatia who was one of the signatories of the Deed of Cession between the islands of Tutuila and Manu'a and the United States of America in 1900. Her mother was the late Venise Pulefa'asisina-Tuiasosopo of the village of Amanave. During the islands' naval administration in 1950, Mere graduated as the only female out of 16 students in the first graduating class of the Amerika Samoa High School. High Chief Orator Tuiasosopo, a staunch educator and an influential person in Mere's life, who firmly believed in the vast opportunities offered by the new mother country, encouraged his daughter to study abroad. She attended Geneva College in Pennsylvania and experienced the lessons of life to persevere and be disciplined while thousands of miles away from her home in the South Pacific.

After becoming one of the first Samoans ever to successfully complete college in 1954 and earning her teaching credentials, Mere returned to Samoa upon her parents wishes and delved into education, becoming one of the first teachers in the American Samoan educational system. Over four decades, Mere dedicated her life to the teaching of Samoan students. She began as a classroom teacher, then an adviser, a vice principal, a principal, and eventually rose to the prestigious position of assistant director of the Department of Education at a time when very few Samoans held administrative positions in government and the territory's chief executive was still appointed by the Secretary of Interior. In 1978, when American Samoa elected its first Samoan Governor, Mere was appointed as the first Samoan female to hold a cabinet office serving as director of the Education Department.

Since the inception of formal education in American Samoa, Mere's name has been synonymous with its development. She initiated the local capacity building concept that involved efforts for staff development and the bilingual/bicultural education which consolidated the best in both Samoan and Western curricula. Her local capacity building grew out of the need to upgrade the total teaching force in American Samoa which was nearly 90 percent Samoan. She once said, that,

> . . . for every child to be able to learn well, he must be taught well . . . our people are our greatest and only valuable natural resource, it is imperative that we invest heavily in their development at all levels. In doing so, we invest in our country's future stability, growth, health and security.

Inherent in Mere's insistence on local capacity building was her conviction that the only way citizens in a developing country like Samoa can ensure their survival amidst the influxes of the Western world, was to remain the masters of their land and development, and continue to reaffirm confidence in their ability to determine their own destiny. It is also the mechanism, she believed, the Samoan culture and American democracy could merge enabling Samoans to continue to live in peace and harmony.

Mere's conceptualization, development, and materialization of the bilingual/bicultural educational system of American Samoa was an innovative approach to reconcile the fervent desire of Samoans to maintain their identity as a cultural entity while educating their people to meet the demands of the Western world. She held this notion for nearly 40 years and firmly ingrained it in all of her students, many of whom attest to the immense influence this great Samoan lady has had in their lives.

Mrs. Betham received numerous awards as a leading educator in the Pacific. She received the Samoan Educator of the Year award presented to her by former U.S. Secretary of Education, Dr. Terrell H. Bell. He thanked her for her efforts to improve educational opportunities in the Pacific Basin saying, ''Progress in education (reform) depends most of all on the activities of leaders in each of our states and territories, and your example to the people of American Samoa has been bright * * *''

In 1991, Mere was appointed to the all-male high court of American Samoa which included seven Samoan associate judges who dealt mainly with land and ''matai'' [chieftain] title laws. Her wisdom and knowledge of the ''fa'a-Samoa'' [Samoan culture] was fiercely sought by many of the territory's leaders to help preserve the integrity and uniqueness of their Samoan heritage at the same time dispensing American justice. As part of the criteria of being an associate judge, Mere was initiated into her village's ''Nu'u o Ali'i,'' the council of chiefs, traditionally all-male in most Samoan villages. She was bestowed the Talking Chief title ''Seuva'ai,'' descriptive of one surging

forward with determination but cognizant of her native surroundings and what the benefits will be to everyone.

Mere epitomized the true legacy of an educator, who throughout her lifetime set precedents for Samoan people and especially for Pacific island women, teaching by example. As her island home developed under the guidance of the United States of America for almost a century now, she never forgot her role as an educated Samoan to maintain her indigenous culture.

Judge Betham is survived by her husband of over 40 years, James ''Rusty'' M. Betham, five of her six children, five grandchildren, her 83-year-old mother-in-law, a number of brothers and sisters, and a large extended family in her native Samoa and the world over. She will be missed by all those who knew and loved her.●

THOMAS BROS. GRASS, LTD.

● Mr. FRIST. Mr. President, I rise today to commend Thomas Bros. Grass, Ltd., being named Entrepreneur of the Year by the Dallas Business Journal. Thomas Bros. began in the 1970's, with 10 acres of undeveloped land and a dream. E.A. Thomas and his four sons Ike, Mark, Mike, and Emory, took those 10 acres and started a small business with the desire to produce a wide variety of quality sod for golf courses, athletic fields, and residential properties. Over the years, that small sod farm has blossomed into a successful 2,000-acre family-owned business, with sod operations in three States.

While their headquarters are located in Texas, Thomas Bros. has two sod farms in my home State of Tennessee. The farms in Taft and Nashville have not only strengthened the economies of these communities, they have brought with them the Thomas family spirit of teamwork and community well-being. Not only are they well established as experts in sod production and installation, they have achieved a reputation for quality and efficient service. That reputation makes them standouts in their field, and has earned the family work in major arenas throughout the country, like the Cotton Bowl in Dallas and the Kansas City Chiefs football club.

Mr. President, Thomas Bros.' team approach and home grown commitment to customer satisfaction has certainly benefited the State of Tennessee and is worthy of this recognition as Entrepreneur of the Year. I congratulate them and wish them continued success in future endeavors.●

REAUTHORIZING THE PRESCRIPTION DRUG USER FEE PROGRAM AND CERTAIN FOOD AND DRUG ADMINISTRATION REFORMS

● Mr. WYDEN. Mr. President, I strongly urge my colleagues to support S. 830, the FDA Modernization and Accountability Act.

This bill deserves support for one primary reason. It preserves the FDA's essential mission of validating the safety and effectiveness of new drugs and medical devices, while encouraging innovation and the commercialization of new, life-saving therapies.

This bill is the result of much debate, and tremendous consensus building over the last two Congresses. I'm proud to have played some part in this as a Member of both the House and the Senate, having introduced more than 2 years ago H.R. 1472, the FDA Modernization Act of 1995, which contains several of the key ingredients of the legislation before us today.

From the time we get up in the morning until the time we go to bed at night, we live, work, eat, and drink in a world of products affected by FDA decisionmaking.

Perhaps no other Federal agency has such a broad impact in the daily lives of average Americans.

Food handling and commercial preparation often occurs under the agency's scrutiny. Over-the-counter drugs and nutritional supplements, from vitamins to aspirin, also are certified by the agency.

Life-saving drugs for treatment of cancer, autoimmune deficiency, and other dread diseases are held to its rigorous approval standards.

Medical devices ranging from the simple to the complex, from tongue depressors to computerized diagnostic equipment, must meet FDA quality standards.

These products overseen by the FDA are woven deeply into the fabric of our daily lives, and the agency's twin missions of certifying their safety and effectiveness is supported by the vast majority of Americans.

Yet, balancing those missions against the time and expense required by manufacturers to navigate the FDA approval system has been difficult and controversial. In the last Congress, radical transformation of the agency, even ending the agency as we know it and replacing it with a panel of private-sector, expert entrepreneurs, became a goal of some.

At the very least, reforming the FDA at the beginning of the 104th Congress looked to be an exercise fraught with partisan political turmoil, and destined for gridlock.

But while there was focus on the extreme ends of the argument, those folks arguing for no changes against members demanding wholesale dismemberment of the agency, a broader, bipartisan middle developed.

And with the help of Vice President's GORE's Reinventing Government Program, Members of Congress from both political parties developed practical, bipartisan solutions to the critical process and management problems in the FDA approval process.

I sought to mobilize this bipartisan movement with H.R. 1472 introduced in June 1995. Some in my own party thought I had gone to far, too fast, But I am gratified that many of the elements of that legislation have been retained and strengthened in the legislation and managers amendment we expect to have before us this week.

These include: It streamlines approval systems for biotechnology product manufacturing; it allows approval of important, new breakthrough drugs on the basis of a single, clinically valid trial; it creates a collaborative mechanism allowing applicants to confer constructively with the FDA at critical points in the approval process; it sets reasonable but strict timeframes for approval decisionmaking; it reduces the paperwork and reporting burden now facing manufacturers when they make minor changes in their manufacturing process; it establishes provisions for allowing third-party review of applications at the discretion of the Secretary; and it allows manufacturers to distribute scientifically valid information on uses for approved drugs and devices which may not yet be certified by the FDA.

I am especially pleased that Senators MACK, FRIST, DODD, BOXER, KENNEDY, and I could offer the provisions of this legislation relating to the dissemination of information on off-label uses of approved products.

This provision will allow manufacturers to distribute scientifically and clinically valid information on such uses following a review by the FDA, including a decision by the agency which may require additional balancing material be added to the packet.

Here's why that's important: Manufacturers with an approved drug for ovarian cancer may have important, but not yet conclusive information from new trials that their drug also may reduce brain or breast cancers. That data, while perhaps not yet of a grade to meet supplemental labeling approval, may be important for an end-stage breast cancer patient whose doctor has exhausted all other treatments.

That doctor, and her patient, has the absolute right to that information.

This legislation will save lives, not sacrifice them.

It will mean that more doctors and their patients will have meaningful access to life-saving information about drugs that treat dread diseases like AIDS and cancer.

It will mean that biologic products will have a swifter passage through an approval process which no longer will require unnecessarily difficult demands with regard to the size of a start-up manufacturing process.

It will mean that break-through drugs which offer relief from, or curses of deadly disease for which there is no approved therapy will get into the marketplace earlier, on the basis of a special expedited approval system.

But legislation, indeed laws, are only words on paper.

Mr. President, we must also have a new FDA Commissioner who is as committed to these changes as former Commissioner David Kessler was committed to the war on teenage smoking.

The pharmaceutical industry is a robust, risk-taking, technology-driven

business. But by measure of total U.S. employment growth in this industry is stalling out. While sales by U.S.-based concerns continue to increase, more of the industry's manufacturing—its jobs—is migrating overseas. Part of the reason is rising domestic development costs. According to Tufts University, the average development time for a new drug is now up to 7 years. And the cost of such developments now figures out at something close to $360 million per product. We shouldn't kid ourselves about who foots the bill for these high development and approval costs—it's the consumer, and it comes via the extraordinary high prices we pay on drugs which can spell the literal difference between life and death.

S. 830 significantly reforms that regime, recognizing that we all—government, industry, and consumers—have a real stake in cutting the explosive costs of bringing new medical products to the marketplace, and in making available break-through, life-saving therapies more quickly, and at a lower price.

Along with these important reforms, S. 380 also reauthorizes for 5 years the Prescription Drug User Fee Act, a very successful program that has helped swiftly approve scores of new life-saving therapies.

Let me also point out that while this bill makes substantial and far-reaching improvements, it distinctly moderates last year's reform effort.

So-called hammers that would have caused the agency to lose jurisdiction over the approval process if tight decision-making deadlines were not met have been eliminated.

Also missing is last year's provision requiring the agency to approve products previously approved in Europe.

My colleagues should understand that this bill is the result of efforts to reach a true common ground on many tough issues. Many more issues were gray, than they were black or white. Extremists on neither side of the debate can claim an advantage, or a victory.

The real victory, I believe, will be realized by the American consumer.●

ORDERS FOR TUESDAY, JULY 29, 1997

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Tuesday, July 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period for the transaction of morning business until the hour of 11:30 a.m. with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator LOTT or his designee, 45 minutes; Senator DASCHLE or his designee, 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I also ask unanimous consent that at 11:30 a.m. the Senate resume consideration of S. 1022, the Commerce, Justice, State appropriations bill, with Senator WELLSTONE being recognized as permitted under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I further ask unanimous consent that from 12:30 p.m. to 2:15 p.m. the Senate recess for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I ask unanimous consent that the votes relative to S. 1022 scheduled to begin at 9:30 a.m. now begin at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SHELBY. For the information of all Senators, tomorrow the Senate will be in a period of morning business until the hour of 11:30 a.m. By previous order, at 11:30 a.m., the Senate will resume consideration of S. 1022, the Commerce, Justice, State appropriations bill. Under the order, Senator WELLSTONE will be recognized to debate these two amendments to the bill. Also, as under the previous order, at 2:15 p.m., following the weekly policy luncheons, the Senate will proceed to a series of votes on the remaining amendments in order to S. 1022, the State, Justice, Commerce appropriations bill, including final passage.

Also, by previous consent, following those votes at 2:15 p.m., the Senate will resume the Transportation appropriations bill. Therefore, additional votes could occur.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SHELBY. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Tuesday, July 29, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 28, 1997:

DEPARTMENT OF ENERGY

JOHN C. ANGELL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS), VICE DERRICK L. FORRISTER, RESIGNED.

DEPARTMENT OF EDUCATION

MARSHALL S. SMITH, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE MADELEINE KUNIN.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 28, 1997, withdrawing from further Senate consideration the following nomination:

NATIONAL INSTITUTE OF BUILDING SCIENCES

NIRANJAN S. SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1998, VICE JOHN H. MILLER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 1997.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. FORBES. Mr. Speaker, on Thursday, July 17, 1997, I appreciated being granted an excused absence due to a serious illness in my family. Due to that absence, I missed several rollcall votes.

Had I not been unavoidably absent on June 11, I would have voted in the following manner pertaining to H.R. 2160, the Agriculture Appropriations Act: ''Aye'' on rollcall vote No. 285, a motion for the Committee to rise; ''no'' on rollcall vote No. 284, a motion for the Committee to rise; ''no'' on rollcall vote No. 283, a motion for the Committee to rise; ''aye'' on rollcall vote No. 282, a motion to table the motion to reconsider the vote; ''aye'' on rollcall vote No. 281, a motion to resolve into Committee of the Whole House on the State of the Union.

NATO ENLARGEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from July 1997 entitled ''NATO Enlargement.''

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

NATO ENLARGEMENT

At an early July summit in Madrid, President Clinton and leaders from the 16 member states of the North Atlantic Treaty Organization (NATO) invited the Czech Republic, Hungary, and Poland to enter talks to join the Alliance. The goal is to complete negotiations in 1997 and treaty ratification by 1999, so that these three countries can join in time for NATO's 50th anniversary.

A decision to forge a new system of international security by enlarging NATO has been long in coming—but came as no surprise. NATO established a program of cooperation with former Warsaw Pact countries in 1994, the Partnership for Peace, and President Clinton made clear at that time that the question was when—not if—NATO would expand. NATO outlined a strategy for enlargement in a 1995 report, and announced in 1996 that invitations would be extended to new members in 1997. Two months ago, Presidents Clinton and Yeltsin signed the NATO-Russia Founding Act. This document spells out future relations between NATO and Russia, sets up a Joint Council for regular consultation, and seeks to ally Russia's concerns about enlargement. The Founding Act paved the way for Madrid, where there were some differences between the U.S. and its allies about those not invited to join NATO (Romania and Slovenia)—but no suspense about the three invited.

The spotlight on enlargement now shifts to parliaments and public opinion. So far, the U.S. debate on NATO enlargement has been a narrow one, attracting little interest outside of ethnic communities. The President's task now is to persuade the American people that it is in our national interest to defend the countries of Central Europe.

From my perspective, there are five major questions about NATO enlargement—commitments, costs, relations with Russia, what happens to countries not invited to join, and the impact of enlargement on the Alliance itself.

Commitments.—Twice in this century Europe exploded into world wars because of events in Central Europe. The United States intervened in 1917 and 1941 to protect its vital interests on the European continent, and formed NATO in 1949 to protect western Europe against the Soviet threat. The question now is whether countries in Central Europe should have the same security guarantee as current NATO members. This guarantee, which requires NATO allies to treat an armed attack against one as an attack against all, would come at a time when U.S. troop levels in Europe have been cut from 300,000 to 100,000 in the past six years. The threat to peace in Europe today is remote, but NATO enlargement means a pledge to intervene in tomorrow's unforeseen crises. The bet is that the promise of sending NATO troops to defend countries in Central Europe will make it unnecessary to do so.

Cost estimates of NATO enlargement vary widely, from $5 billion to $125 billion. The Pentagon's own estimate is $27 to $35 billion spread over 13 years, with a U.S. share of up to $2 billion. There is reason for skepticism about all cost estimates, because military budgets across Europe have been declining. The three countries invited to join NATO spend a total of $4 billion annually on defense, or less than Belgium spends. Current NATO members see little threat, and most are under pressure to cut spending to meet budget targets for European Monetary Union. If Europe won't pay, the U.S. Congress also will be reluctant to pay. More burdensharing disputes with Europe are likely.

Relations with Russia.—Opponents of a larger NATO stress that expansion will provide hostile reaction from Russia, creating a new line of division across Europe. Russia opposes enlargement, but has acquiesced in its initial stages. It remains to be seen how enlargement will impact on key U.S. interests in Russia's ratification of the START II nuclear arms reduction treaty and the Chemical Weapons Convention, or the future of reform in Russia. Much of the success of NATO enlargement will depend on how the U.S. manages relations with Russia.

Those Not Invited To Join.—Twelve countries emerging from communism applied to join NATO, and only three got what they wanted in Madrid. The challenge ahead for NATO is to enhance military and political cooperation with non-members. The Alliance has also made clear that the door is open to future members. No one knows how far NATO enlargement will go, but the first wave will not be the last. The toughest question here will be the Baltic States.

Impact of Enlargement on the Alliance.—There is a tension between keeping NATO's door open, and keeping the Alliance functional. NATO decisions require unanimity, and so far the Alliance has been able to function well on the basis of consensus. It is an open question whether this round, or future rounds of enlargement, will affect the cohesion and integrity of the Alliance and its decision-making process.

CONCLUSIONS

NATO enlargement is going to happen. I still have many questions about it, and we have not had sufficient debate or consideration of its impact. Yet the risks of proceeding with NATO enlargement are less than the risk of not going forward. Sixteen governments cannot take a decision of this magnitude and then reverse course. The alternative to expansion—freezing NATO in its cold war membership—also carries risks of irrelevance or even dissolution.

NATO enlargement can increase the security of all of Europe, and decrease the chances of future wars. NATO enlargement certainly will assure new democracies in Central Europe and reinforce their democratic reforms. If done right, it can bring Russia into a cooperative relationship with Europe. The President needs to answer questions and address lingering doubts. If he articulates the case forcefully, the President can win the support of the American public—and the advice and consent of the Senate—for NATO enlargement.

A RESOLUTION TO PROMOTE THE VIRTUES OF OUR NATION'S YOUTH

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. CLEMENT. Mr. Speaker, I rise today to join Representatives DUNCAN, ETHERIDGE, HALL of Ohio, and WOLF in introducing House Concurrent Resolution 127.

Traditionally, colleges and universities were founded on the premise of developing intellectual minds and moral character. Today, colleges and universities continue to play a vital role in these areas. Some of these institutions have been applauded for their success in fostering high moral values. However, we must not rest until all schools place proper focus on character.

Parents should be the primary developers of character in our Nation's children, but the role of education in character-building becomes increasingly important with every divorce, drug deal, juvenile crime, and teen-age pregnancy, which continue to undermine our Nation's moral code. The fact is, most Americans support the teaching of core values and basic morals such as trustworthiness, respect for self and others, responsibility, fairness, compassion, and citizenship. It is time for Congress to encourage these activities in our Nation's schools.

I would like to thank the John Templeton Foundation for its leadership and efforts on the subject of character-building in education across our Nation. The foundation has been a leading proponent of this issue since 1989,

when it began sponsoring the ''Honor Roll for Character-Building Colleges'' guide book. This annual publication recognizes superior character-development in post-secondary institutions. I am grateful for the foundation's voice on this pressing issue.

Our children will shape our future. Society must work to ensure that their moral foundation does not crumble. I call on all people who care about our future to promote the virtues of our Nation's youth and support this resolution.

COMMENDING SHERWOOD KERKER ON HIS UNIQUE CONTRIBUTIONS TO LABOR JOURNALISM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of Sherwood Kerker's retirement from the St. Louis/Southern Illinois Labor Tribune.

The editor of the *Labor Tribune* has received several awards from the International Labor Communications Association for journalistic excellence, and is acknowledged for 40 years of loyalty in serving the members and families of the trade union movement throughout the Greater St. Louis/Southern Illinois Region.

Publisher Edward M. Finkelstein and the staff of the *Labor Tribune* will honor Sherwood Kerker at a ''We Love You Sherwood'' retirement luncheon to be held in St. Louis, MO, on August 28, 1997. I ask my colleagues to join me in commending Sherwood Kerker's unique contributions to labor journalism.

THE NEW MEXICO STATEHOOD AND ENABLING ACT OF 1997

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. SCHIFF. Mr. Speaker, I would like to thank my colleagues on both sides of the aisle, as well as in the other body, for passage of S. 430 the New Mexico Statehood and Enabling Act of 1997.

This bill, introduced and supported by the entire New Mexico delegation, approves the changes made to the State constitution by the voters of New Mexico on November 6, 1996, which are specific to the New Mexico Land Grant Permanent Fund—established by the enabling act of 1910.

With these changes in place, New Mexico will be able to safeguard against the eroding effects of inflation to ensure that the fund will be able to help us meet tomorrow's educational needs.

This fund, which has grown to be the third largest educational endowment in the world, now comprises almost 14 percent of our State budget, and is a critical part of a better future for our children. So again, Mr. Speaker, I'd like to take this opportunity to thank my colleagues for their support.

A TRIBUTE TO CHARLES M. SPRAFKA

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a stellar public servant who passed away recently.

Charles M. Sprafka, a native of Detroit Lakes, MN, and the associate Hennepin County administrator for human resources, died on June 24 following a long and courageous battle with pancreatic cancer.

Mr. Speaker, Chuck's career in public service was varied and characterized by the pursuit of excellence in every way. The people of my home county in Minnesota were well served by his stewardship and great desire to help people in their time of need.

President John F. Kennedy in his inaugural address on January 20, 1961, just outside this Chamber, declared: ''Ask not what your country can do for you—ask what you can do for your country.'' Chuck Sprafka did a great deal for his country, Mr. Speaker, and today I want to celebrate a dedicated public servant's inspiring commitment to his country and the people of Hennepin County he served so well.

Chuck Sprafka was named Hennepin County personnel director in 1984. In 1994, he was named associate county administrator for human resources, which made him a member of the Hennepin County administration's executive team.

Mr. Speaker, Chuck's record in public service was exemplary. In 1995, he was named recipient of the Twin Cities Personnel Association's ''Award of Excellence.'' In May of this year, Hennepin County created an employee recognition award in his name.

His fellow workers in Hennepin County called Chuck The Rock. That's because, whenever there was a great challenge to be overcome, everyone turned to Chuck. His pioneering efforts produced a program called Quality Partnership Initiatives, a new county approach to improving the quality of service.

Quality is the theme that comes first to mind when you summarize the career of Chuck Sprafka for he truly represented the best in public service.

Mr. Speaker, Chuck was also very active in a numerous community and professional organizations, including the Industrial Relations Center Advisory Council, Minnesota Chapter of the International Personnel Management Association, and the national and Minnesota Public Employer Labor Relations Associations. He was also a member of the Human Resources Executive Council.

Chuck was a great high school athlete at Detroit Lakes High School, one of the best skaters in that school's history. He loved the outdoors, and was an avid sportsman. After receiving a bachelor's degree in mathematics and chemistry from Bemidji State University in 1968, he had a successful career in the business world. He then returned to school and earned a master's degree in industrial relations from the University of Minnesota in 1972, after which he went to work for Hennepin County, Minnesota's most populous county and one of the largest employers in the state. During his tenure at the county, he did graduate work in public administration at Harvard University.

Above all, Mr. Speaker, Chuck Sprafka was a dedicated and loving husband and father. As his lifelong friend Jon Boisclair put it, ''Chuck's family meant the world to him, and he loved them dearly.'' Chuck will forever be missed by his loving wife, Jeannie, and his children, Collette, Rachelle, and Nicholas.

Mr. Speaker, Chuck Sprafka stood for all that's right with America, and his legacy will live on in the hearts and minds of all who were fortunate enough to know him.

ENVIRONMENTAL SLEIGHT OF HAND IN REPUBLICANS' BUDGET DEAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. MILLER of California. Mr. Speaker, once again the Republican leadership of the Congress has demonstrated its very strong hostility to policies to promote a strong environmental policy for this country.

I am sure that every Member of this House remembers that when the budget agreement was signed by the congressional leadership and President Clinton, it included at the President's insistence sufficient funding to acquire lands threatened with ruinous development that would present severe dangers to California's ancient redwood forest and to our first national park, Yellowstone. These development plans could result in the cutting of some of the most significant trees in North America—one of the very last ancient stands—and in the locating of a massive mine just upstream of Yellowstone Park.

Now, we included in the budget agreement sufficient moneys to acquire these lands, and then to provide additional acquisitions from the Land and Water Conservation Fund. As you know, some $900 million each year comes into that fund from offshore oil and gas development on Federal lands, and that money by law is to be used for land acquisition. Instead, the Congress has refused to appropriate sufficient funding to keep up with the need to protect our national resources, and a $12 billion surplus has developed in the fund.

The President thought he had struck a deal with the Republican leadership to provide $65 million for the New World Mine lands, and another $250 million for the Headwaters redwood grove, and then an additional $295 million for other long-awaited acquisitions. That was an important part of the budget deal. And, frankly, I would have thought that a party whose environmental reputation is as justifiably low as the Republican Party's would have honored its commitment and its promise.

But instead, the Republicans have reneged on their agreement and, in the midst of the summer when tens of millions of Americans are enjoying our parks and other public lands, the Republicans in Congress have repudiated their commitment. The House bill provides no funding for these high priority park purchases, and the Senate bill is hardly better, adding additional, unnecessary bureaucratic steps that everyone knows will doom the funding.

I hope the public understands this Republican sleight of hand that clarifies once again that leadership's utter indifference to our national parks and other public lands. And I

would like to enter into the RECORD an editorial from today's New York Times that correctly challenges the Republicans in Congress for their failure to keep their promises on environmental protection.

ENVIRONMENTAL PROMISES TO KEEP

As part of their budget agreement with President Clinton last May, Republican leaders in Congress pledged to provide funds to protect several particularly vulnerable pieces of the American landscape from further degradation. They would give Mr. Clinton enough money to carry forward the largest environmental rescue operation ever undertaken—the restoration of Florida's Everglades. They would also approve generous funds for Federal land acquisition that would allow Mr. Clinton to purchase a potentially ruinous gold mining operation near Yellowstone National Park and to acquire California's Headwaters Redwood Grove from a private lumber company.

So far, Congress has not lived up to its end of the bargain. This puts a special obligation on senior Republicans like the Senate majority leader, Trent Lott, and Senator Pete Domenici, who helped negotiate the budget deal, to remind their colleagues that their party may suffer if they break good-faith commitments. It also means that the Administration cannot relax its vigil. Indeed, Mr. Clinton might think about threatening to veto any spending bills that do not contain the promised funds—a weapon he used to good effect in the last Congress when Republican conservatives tried to dynamite the country's basic environmental laws.

The Yellowstone and Headwaters projects are especially at risk. The House has refused to provide a penny of the $700 million in extra money promised for land acquisitions, including $65 million for the mine and $250 million for the redwoods. The Senate appropriations committee approved the $700 million but then added a caveat that could doom the Yellowstone and Headwaters purchases. The purchases cannot be consummated, it said, until Congress passes separate legislation specifically authorizing them. That would throw the matter back to the Senate's Energy and Natural Resources Committee, which is full of people eager to deny the President an environmental triumph.

The truth is that no separate authorizing legislation is required. The Interior Department and the Forest Service, which would carry out the deals, have pre-existing authority to make the acquisitions as long as the money is there. Mr. Lott and Mr. Domenici must see this mischievous and unnecessary language for what it is—an opening for anticonservationist Republicans to torpedo Mr. Clinton—and make sure it is removed when the bill comes to a floor vote.

The news about the Everglades is much better, at least so far. The appropriations committees in both houses have provided full funding for the Interior Department's Everglades Restoration Fund—a $100 million program aimed primarily at creating buffer zones between the Everglades and two of its greatest threats, the agricultural regions to the north and the exploding urban populations to the east. This is only a small down payment on the Federal share of a restoration effort that may eventually cost $3 billion to $5 billion. But it is an important start.

At the same time, however, both the Senate and House have denied the Administration more than half the $120 million it requested for restoration projects to be undertaken by the Army Corps of Engineers in South Florida. The corps plans a massive replumbing project aimed at replicating the historic flow of clean water from Lake Okeechobee southward to the Everglades and Florida Bay. This is a vital part of the overall scheme and for that reason was specifically promised in the budget agreement. To honor their word, Mr. Lott, Mr. Domenici and their counterparts on the House side. should make sure that these funds are restored.

The Republicans keep saying that they want to spruce up their environmental credentials. Breaking pledges on matters of transcendent interest to environmentalists is not the way to go about it.

A TRIBUTE TO THE CITY OF HIGHLAND

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. LEWIS of California. Mr. Speaker, I am proud to bring to your attention ''Ten Years of Success'', an anniversary celebration for the proud city of Highland, CA. On November 24, 1997, many people will be preparing to give thanks and commemorate our Nation's history of the day of Thanksgiving. The cold autumn air will bring in another different reason for the people of Highland to celebrate, as they will reach a great milestone in their own history, and ring in 10 years of existence as a city.

Do you believe in miracles?

The community and citizens of Highland certainly do. Many people, especially the so-called experts, warned in 1987 against incorporation of the community because they believed the proposed city was financially infeasible and would be bankrupt within the first 2 years of existence. I am more than pleased to report that the experts were wrong and the city of Highland is flourishing and growing with intensity. More importantly, the city is in relatively sound fiscal condition.

The future of the city of Highland, along with the successful maintenance of its fiscal approach, looks bright. If the past is any indication of the future, those who believe in the miracle and call the city of Highland home will be able to do so for many more years to come. May the next 10 years be even better than the past for the citizens of this great community.

Mr. Speaker, I ask that you join me, our colleagues, and the many proud people who call the city of Highland their home, in recognizing a decade of success. This November all of us will recognize that miracles never cease to flourish in the city of Highland.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 298 and 299 on July 22, I would have voted ''yea.'' In addition, I would have voted ''nay'' on rollcall vote 319 and ''yea'' on rollcall vote 320 which occurred on July 24.

HONORING JEAN WILLIAMSON'S DEDICATION TO VOLUNTEER NURSING

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize a remarkable woman. Jean Williamson has been a nurse at the Clearwater Free Clinic in Clearwater, FL, for 5 years. The clinic provides critical health services to many of my constituents in the ninth congressional district who otherwise would be unable to afford them. In fact, the clinic was able to treat over 7,000 patients last year alone—and that number is expected to rise this year.

In 1996, Jean earned the title ''Volunteer of the Year,'' for her tireless efforts on behalf of the patients she serves. Perhaps not surprisingly, she is again likely to receive this accolade.

This year, Jean gave up her summer to serve as the interim executive director of the clinic. She was compelled to do so after the previous director resigned to take a national office. This selfless act has permitted the clinic's board to carefully search for the right replacement and has made the transition period far smoother than it otherwise would have been.

However, I believe the greatest tributes come not from the words of outsiders, but from those who work closely with Jean. One of her colleagues described her as, ''one of the most dedicated and conscientious volunteers anywhere . . . she has set an example few can follow.'' It was because of people like Jean that Congress recently passed H.R. 911, legislation to protect volunteers from frivolous lawsuits which arise out of their service. I am pleased to have been a cosponsor of this important bill to protect people like the volunteers of the Clearwater Free Clinic.

Mr. Speaker, in an age when volunteerism has declined, I would like very much to congratulate Jean for her unselfish and outstanding work at the Clearwater Free Clinic. She serves as a shining example for other volunteers around the country. I would ask that our colleagues join me in wishing her continued success with her work at the clinic and, indeed, with all of her future endeavors.

IN MEMORY OF U.S. DISTRICT JUDGE NORMAN BLACK OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. BENTSEN. Mr. Speaker, on behalf of my Houston colleague Mr. GENE GREEN and myself, I rise to honor the memory of a valued and respected member of the Federal judiciary and a constituent, Senior U.S. District Judge Norman W. Black, and chief judge emeritus of the southern district of Texas, who passed away on July 23, 1997. As much as the community of Houston loved and respected Judge Black, his family has suffered an even greater loss.

Judge Black was an institution in Houston, a city he truly loved. He was born and raised in Houston, attending the city's public schools before attending the University of Texas for his bachelor and law degrees. He was an active citizen of the Houston community, a member of several civic and professional organizations including the Houston Philosophical Society, Congregation Beth Israel, and many, many more. His legacy of good work will be missed.

Judge Black was recommended to the bench by my uncle, Senator Lloyd Bentsen, and appointed by President Carter in 1979. He had previously served as a Federal magistrate in Houston for 3 years and had practiced law before that. He stepped down from his post of chief judge of the southern district last December, as required, upon turning 65. But he remained active, maintaining senior status in order to remain on the bench to handle his own cases and fill in as needed for other judges around the district.

Judge Black will be remembered not only for his position, but for the manner in which he served. He was a Texas gentleman, presiding on the bench as an even-tempered and courteous man of justice. He was one of the best-liked jurists on the Federal bench. He consistently received the highest ratings in the Houston Bar Association's annual poll. He will be remembered for his legal mind as well as his duty to the people he served. he had the compassion and understanding to recognize how his decisions impacted the lives of real people. He was, indeed, one of our very best.

Judge Black revered the law and recognized its importance. As an instructor at the University of Houston Law School and an adjunct professor at South Texas School of Law, he taught students to show respect and dignity for the law. He criticized ''Rambo-type'' attorneys who fought endlessly over minor points and impugned the integrity of their colleagues, calling them bad role models for young lawyers. He always recalled that when he began practicing law in the 1950's, young lawyers strove to be more like ''Perry Mason''—polite, dignified and dedicated to serving their client.

Judge Black was more than just a great judge; he was also a great Texan, a loyal friend, a devoted husband, father, and grandfather. We offer our sincere condolences to his wife, Berne, his two daughters, Elizabeth Berry of Houston and Diane Smith of Austin, and his entire family. We feel their loss as we mourn the passing of Judge Norman Black.

JOHN BRADEMAS ADDRESSES CYPRUS ISSUE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. HAMILTON. Mr. Speaker, for the first time in a long while there is reason for guarded optimism in Cyprus.

A few weeks ago Cyprus President Clerides and Turkish Cypriot Leader Ruff Denktash met in New York under the auspices of the United Nations. Another round of face-to-face talks, the first in over 2 years, is planned for later this summer.

The Clinton administration's appointment of Richard Holbrooke as U.S. Special Envoy for Cyprus is the best signal yet that the administration intends to give high priority this year to a settlement in Cyprus and moving Greek-Turkish relations forward.

It has always been my firm belief that only high-level and sustained United States attention will convince all parties to try to resolve the Cyprus issue.

In this context, I believe that Members will read with interest an excellent speech on ''The Cyprus Problem: U.S. Foreign Policy and the Role of Congress'' by our distinguished former colleague in the House of Representatives, Dr. John Brademas.

I ask that a portion Dr. Brademas' cogent remarks, delivered in London, England, on July 10, 1997, be inserted in the CONGRESSIONAL RECORD. The address follows:

''THE CYPRUS PROBLEM: US FOREIGN POLICY & THE ROLE OF CONGRESS''

(By Dr. John Brademas)

THE ROLE OF CONGRESS

Before I address myself to the issue of Cyprus, I must say a word about certain fundamental factors that characterize the American form of government. You may all be familiar with them but I assure you that many Americans are not.

First, we have a separation of powers constitution; second, our parties are decentralized, that is to say, by comparison with parties in a parliamentary system, undisciplined.

People know the phrase, ''separation of powers,'' but too few understand its meaning. Some think that in the American system, Congress exists to do whatever a president wants it to do. But this is not the way the Founding Fathers intended the government of the United States to work and, you must all be aware, that in both domestic and foreign policy, Congress has in recent decades reasserted the separation of powers principle.

Another factor complicates matters: Presidents and Congresses are elected separately, by different constituencies and for different periods of service. The President, each Senator—there are 100—and each member of the House of Representatives—there are 435—has his own mandate and sense of responsibility to the people.

In our system, as distinguished from yours, the chief executive is not chosen from the legislative majority and, indeed, often does not even belong to the party controlling Congress. This is, of course, precisely the situation today with a Democrat in the White House and Republicans in control of both the Senate and House of Representatives.

THE AMERICAN WAY OF GOVERNING

So the American way of governing was not designed for peaceful coexistence between the executive and legislative branches. The result has been a process, over two centuries long, of conflict and accommodation, dispute and detente—and this is the case even when, as I shall illustrate with Cyprus, the president and both bodies of Congress are controlled by the same party.

Although service on the Education and Labor Committee meant that most of my legislative energies were directed to domestic concerns, I continued my interest of student days in foreign policy. As Majority Whip of the House of Representatives, I joined Speaker Thomas P. ''Tip'' O'Neill, Senate Majority Leader Robert Byrd and other Congressional leaders for breakfast at the White House every other week with President Carter, Vice President Mondale and the president's top aides to discuss the entire range of issues facing the president and Congress, including foreign affairs.

Yet it was during the administration of President Lyndon Johnson that I became personally engaged in a foreign policy question: I made clear my strong objection to the military junta in Greece that came to power in 1967. Although then the only Member of Congress of Greek origin (and a Democrat), I testified against the Administration's request for United States military aid to Greece which, I reminded the House Foreign Affairs Committee, was a member of the North Atlantic Treaty Organization. The NATO Charter was created to defend nations that adhere to democracy, freedom and the rule of law; the military dictatorship ruling Greece, I asserted, supports none of these principles. The United States should, therefore, not provide Greece military assistance. During the years of the junta, I refused to visit Greece or to set foot in the Greek Embassy in Washington.

INVASION OF CYPRUS

In 1974, however, I found myself deeply involved in American policy toward Greece. In July of that year, the colonels engineered an unsuccessful coup against the President of Cyprus, Archbishop Makarios. Although the coup precipitated the fall of the military regime and triggered the restoration of democracy in Greece, it was also the pretext for an invasion by Turkish military forces of Cyprus. The initial invasion, in July, was followed, in August, by Attila II, a massive intervention of 40,000 Turkish troops.

Because the Turkish forces were equipped with weapons supplied by the United States, Turkey's government was in direct violation of US legal prohibitions on the use of American arms for other than defensive purposes. And because American law mandated an immediate termination of arms transfers to any country using them for aggressive purposes, I led a small delegation of Congressmen to call on Secretary of State Kissinger to protest the Turkish action and insist that he enforce the law, i.e., order an immediate end to further shipments of American arms to Turkey. Kissinger apparently did not take us seriously and neither he nor President Gerald R. Ford took any action in response to our admonition.

TURKISH ARMS EMBARGO

Consequently, several of us in Congress, notably the late Congressman Benjamin S. Rosenthal of New York, then Congressman Paul S. Sarbanes of Maryland and I in the House of Representatives and Senator Thomas Eagleton of Missouri led a successful effort in late 1974 to impose, by Congressional action, an arms embargo on Turkey. We were strongly supported not only by other Democrats but by a number of leading Republicans.

In this unusual episode, my colleagues and I had active allies outside Congress. Not only did we, understandably, have the help of Greek American and Armenian American persons and groups across the country but also of many others who shared our commitment to the rule of law. The reasons my colleagues and I prevailed were straightforward: We were better organized politically both within Congress and in the country at large and we had a superior case, both legally and morally. It was this combination of factors that brought what was a remarkable victory.

THE CURRENT SITUATION

President Clinton's appointment last month as his Special Envoy for Cyprus of Richard Holbrooke, architect of the Dayton Accords and a diplomat of wide experience, is, I believe, a significant indication of the priority the President and Secretary of State Madeleine Albright have assigned to Cyprus.

Indeed, last month, before talks in Washington with Cypriot Foreign Minister

Ioannis Kasoulides, Secretary Albright said, ''In our meeting today . . . I will assure the Minister of America's interest in seeing the people of Cyprus achieve a lasting settlement to the intercommunal dispute on their island. There could be no more dramatic a demonstration of that commitment than the President's decision to name Ambassador Richard Holbrooke as our special emissary to promote the Cyprus settlement. . . .'' She continued: '' . . . What we see is the unification of Cyprus. We believe that the division of the island is unacceptable. . . . [We] continue to support the establishment of a bizonal, bi-communal federation. We will do everything we can to bring the process forward.''

POTENTIAL FOR A CYPRUS SETTLEMENT

Now, given the impasse of a near quarter century and in light of the current instability of the Turkish political scene, I think it would be a mistake to expect a breakthrough in the short term. Holbrooke himself has said, ''This is going to be a long haul. It's not going to be a short, intense negotiation like Dayton was.''

As you know, Ambassador Holbrooke has said he would not ''do anything specific'' until after this week's UN-sponsored talks between President Clerides and Mr. Denktash.

I add that the distinguished British diplomat who has been working on the issue, Sir David Hannay, welcomes Ambassador Holbrooke's intervention as does the US Congress, which has been concerned with the lack of progress on Cyprus.

And if there is agreement between the Executive Branch and Congress on the need to intensify efforts for a settlement on Cyprus, there is also, especially in the House of Representatives, bipartisan agreement. The International Relations Committee of the House, chaired by Ben Gilman, Republican of New York, joined by the senior Democrat on the Committee, Lee Hamilton of Indiana, on June 25 favorably reported their resolution urging ''a United States initiative seeking a just and peaceful resolution of the situation on Cyprus.'' The measure includes a call for ''the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities.''

ELEMENTS OF A SETTLEMENT

As we meet tonight during the week of the Clerides-Denktash talks, I believe I can best contribute to a discussion of the Cyprus issue by telling you what, on the basis of my conversations in recent weeks with a number of persons, some in government and some not but all at senior levels and from the various countries concerned, seem to be factors fundamental, 23 years after the events of the summer of 1974, both to understanding the Cyprus problem and to forging a viable, realistic and just settlement of it.

Many in this room are far more knowledgeable than I about Cyprus and, of course, are free to disagree with me on any or all of these points, some matters of fact, others normative.

1. Greek-Turkish Relations

First, I would assert that a normalization of relations between Greece and Turkey depends upon a resolution of the issue of Cyprus. Indeed, a senior Turkish diplomat made this same point to me a few months ago even as I heard this view echoed in Istanbul in May during a Carnegie Endowment for International Peace Forum. The Forum, composed of seven Greeks, seven Turks and seven Americans, of whom I am one, involves academic, business and political leaders from all three countries, including two former Greek and two former Turkish foreign ministers and senior retired military officers from the two countries.

At a dinner one night in Istanbul, a leading Turkish business figure asked me what I thought was the most important action to improve Greek-Turkish relations. I replied, ''Cyprus.'' He said, ''I agree. And what you [Americans] must do is help us [Turks] get out graciously and without humiliation.''

I must tell you that it is my impression—reinforced by the comments of others—that the forces in Turkey pressing most vigorously for moderation, modernization and democracy there and for better relations with Greece are these top Turkish businessmen. We must encourage them.

2. Turkey's National Interest

Second, Turkish political and military leaders must be persuaded that resolving the Cyprus question is in the national interest of Turkey. I certainly think that is true.

In economic terms, for example, Ankara's officially acknowledged aid to Turkish-occupied Cyprus this year totals $250 million, not including the cost of keeping 35,000 Turkish troops there.

Here I would offer another argument for this proposition: Turkish armed forces on the island are now considerable, of such size and nature that to protect them adds further to the security commitments of Turkish military commanders. It is a burden that Turkish leaders have taken on themselves, and one must ask, from a Turkish point of view, is it a wise one?

But much more important than economic reasons, there is a powerful political rationale for Turkey to move, at long last, toward a Cyprus settlement. Consider the present situation in Turkey. Beleaguered by economic troubles, pressures from the military, hostility between Islamists and secularists, widespread criticism on human rights and dealing with the Kurds, thoughtful Turkish leaders know that the occupation of Cyprus is not only a continuing financial burden but a huge obstacle to Turkish ambitions for stronger ties with Europe.

Even this week the new government led by Melsut Yilmaz declared, in a statement of its hope for eventual membership in the European Union, ''Turkey will ensure its rightful place in the new Europe that is being drawn up.'' Yet it must be clear that even putting aside demands from the European Parliament concerning democracy and human rights, so long as the Cyprus question goes unresolved, Turkish membership in the EU is not possible.

Here I note the recent statements of Greek Foreign Minister Pangalos and Undersecretary Kranidiotis that if political objections can be overcome, Greece has no philosophical or dogmatic objection to Turkish accession to the European Union. This posture, coupled with Greek removal of a veto on Turkish participation in the Customs Union with the EU, means that the Greeks are saying, ''We're not the obstacle to Turkish entry into Europe.'' Yet if membership in the European Union is not on the immediate horizon, enhancement of the relationship with the EU can be a significant incentive for a Turkey that seeks to be in Europe.

3. Cyprus and the European Union

Third, another basic ingredient in the search for a solution, the prospect of membership by Cyprus in the EU, was described by Holbrooke as the ''the biggest new factor in the 30-year stalemate.''

With the commitment of the Council of Ministers of the EU in 1995, following approval of the Customs Union with Turkey, to start negotiations with the Republic of Cyprus on its accession to the EU within six months of the end of the Intergovernmental Conference (just concluded in Amsterdam), no longer is Cyprus to be held hostage for membership to Ankara. Certainly neither the Turkish government nor Mr. Denktash should be allowed to block accession by Cyprus, and the United States should continue to support Cyprus membership.

In light of Turkish objections to accession by Cyprus to the EU, incentives to both Turks and Turkish Cypriots to greater involvement in Europe should vigorously be explored.

4. Security on Cyprus

Fourth, the matter of security—for both Greek and Turkish Cypriots—is obviously among the factors indispensable to a solution. For it seems to me that in any settlement acceptable to both sides and to Greece and Turkey, there must be, following departure of foreign troops, provisions for a multinational peacekeeping force to assure such security for all Cypriots.

Such a force might well be a NATO operation for NATO is, aside from the UN, of course, the one organization where Greece and Turkey are on the same level. From my perspective, it would be wise for such a force to include troops from the United States as well as other members of NATO. Even a modest commitment of US forces would represent a powerful demonstration of the seriousness with which American leaders of both parties in both the Administration and Congress regard the importance of defusing what Dick Holbrooke has rightly described as ''a time bomb.''

5. A United Cyprus

Fifth, I turn to the matter of the constitutional arrangements for a united Cyprus.

The United Nations, the European Union, the United States and the Republic of Cyprus are all agreed that there must be on the island a bizonal, bicommunal federation, with a single sovereignty.

I remind you here of successive Security Council resolutions, including Resolution 1092, adopted on December 23, 1996, which declares that any settlement, ''must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities . . . in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession. . . .''

The goal now will be to negotiate an agreement that provides for such a single sovereign state within which Greek Cypriots will accord a significant degree of self-government to Turkish Cypriots who, in turn, must agree to territorial compromises that will enable them to share in the economic growth that both reunification and membership in the EU would entail. After all, everyone is aware that there is a huge gap in per capita annual income between Greek Cypriots—$12,000—and the North—$4,000.

The challenge here must be to take into account the fears and apprehensions of both Greek and Turkish Cypriots so that both communities will feel they are dealt with fairly.

I observe, by way of suggesting an example of the tone or attitude that one hopes would characterize a federation that can command the support of both communities on the island and both Greece and Turkey, that the proposal of my friend Costa Carras for cross-voting should be given serious consideration. Rather than voting only for candidates of their own community as before, Greek Cypriots and Turkish Cypriots would vote twice, all citizens casting ballots in the elections of both communities. In this way, candidates and legislators from each community would for the first time acquire a stake in appealing to the other.

Let me add that a significant result of accession to the EU by a united Cyprus would be that Turkish Cypriots would then be part of a Cypriot delegation to Brussels, one way of ensuring that Cyprus would not be hostile to Turkey.

Now, I believe most of us would agree that it is unlikely—one never says ''never''—that there will be a sudden accord on an issue that for so long has eluded resolution by so many. Moreover, a breakthrough is probably not possible until after the elections in Cyprus in February. Nonetheless, it is important to begin laying the groundwork now, and UN Secretary General Kofi Annan's talks with Clerides and Denktash are part of this process as Sir David Hannay observed in a thoughtful essay in yesterday's International Herald Tribune (''At Long Last, Cyprus Should Seize the Chance to Heal Itself''). For we must build bridges today for action next spring.

NORMALIZING GREEK-TURKISH RELATIONS

With the end of the Cold War has come the possibility of resolution of many long-simmering conflicts. As we observe in the Middle East and Northern Ireland, however, not to speak of the on-going drama in the former Yugoslavia, it is not easy. Nonetheless, the rest of the world is moving toward solving difficult problems. The North Koreans have agreed to four-power talks aimed at formally ending the Korean War. The Indians and Pakistanis are discussing Kashmir. Formerly Communist states are being brought into NATO. China may be beginning to communicate with the United States in more rational terms.

Surely it is time for Greece and Turkey to normalize their relationship even as did France and Germany under de Gaulle and Adenauer, thereby paving the way to progress for both.

The report that this past Tuesday (July 8), Greece and Turkey, in what the Financial Times described as ''the biggest breakthrough in their strained relations for a decade . . . pledged to respect one another's sovereign rights and renounce the use of force in dealing with each other'' is solid evidence of what the FT also called ''strong pressure from the US.'' The statement by Greek Prime Minister Constantine Simitis and Turkish President Suleyman Demirel, the consequence of Secretary Albright's determined efforts, concluded the FT, ''set a favourable tone for the high-level talks over the future of Cyprus which start near New York today.''

And surely, I reiterate, key to the relationship between Greece and Turkey is Cyprus. Settlement, during the year ahead, of an issue over two decades old would obviously be a major triumph for US foreign policy, for Europe, for Greece, and, most important, for all the people of Cyprus.

A CENTER FOR DEMOCRACY AND RECONCILIATION IN SOUTHEASTERN EUROPE

Now, if I have not exhausted you, I must tell you briefly of one other development that I believe relates directly to what I have been saying but goes still farther.

My own involvement in this effort is spurred in large part by my chairing the National Endowment for Democracy.

The National Endowment for Democracy, or NED, as we call it, is one of the principal vehicles through which American Presidents, Senators and Representatives of both political parties seek to promote free, open and democratic societies. Founded in 1983 by a Republican president, Ronald Reagan, and a Democratic Congress, the National Endowment for Democracy is a nonpartisan, nongovernmental organization that, through grants to private entities in other countries, champions, like your Westminster Foundation, the institutions of democracy. NED grants are made to organizations dedicated to promoting the rule of law, free and fair elections, a free press, human rights and the other components of a genuinely democratic culture.

A planning group for the center

The project of which I want to say a particular word is the Center for Democracy and Reconciliation in Southeastern Europe, which my colleagues and I hope to establish beginning in early 1998.

In cooperation with my friend known to many of you, Costa Carras, a businessman and historian of much wisdom and a deep sense of public responsibility, and Matthew Nimetz, a distinguished lawyer who served as Counselor and Under Secretary of State during the Carter Administration and as President Clinton's Special Envoy in the 1994–1995 mediation between Greece and the Former Yugoslav Republic of Macedonia (FYROM), I convened last year a group to draw up plans to create what we called a Center for Democracy and Reconciliation in Southeastern Europe.

Following earlier discussions of the idea of such a center at conferences in Thessaloniki; Washington, D.C.; New York City; and at Ditchley Park, our group met last November in Lyon. The Planning Group, chaired by Ambassador Nimetz, is composed of persons from Southeastern Europe, Western Europe and the United Staets, nearly all of whom have expert knowledge of the region as well as experience in business and government. Unlike other organizations active in the Balkans, the Center will be directed by a board a majority of whose members are from the region itself. That people from Greece, Turkey, Romania, FYROM, Serbia and elsewhere are joining to establish the Center will give it credibility and relevance that US or West European based organizations cannot attain.

Mission of the center

The Center will devote attention to the fields of education and market institutions as well as to the practices of a pluralist democratic society, such as a strong and independent judiciary, free and responsible media, vigorous nongovernmental organizations, and effective and accountable central administrations—with active parliamentary institutions—and local governments.

We anticipate that the Center will have its administrative headquarters in Thessaloniki, Greece, which has excellent transportation and communication facilities, making it easily accessible throughout the region. The Center will eventually sponsor programs in all the countries of Southeastern Europe, including Cyprus, where a program on governance is planned, and Turkey, where a program on environmental issues will be established. The Center's programs are intended to be multinational in scope, bringing together participants from the several countries of the region.

The purpose of the Center's multinational approach is to foster greater interchange and understanding among the peoples of the area and to develop networks among individuals and groups committed to the democratic and peaceful development of Southeastern Europe.

Programs of the center

First, we intend to forge links with other nongovernmental organizations (NGOs) in the region to cooperate on specific projects and in some cases will establish offices in other countries to focus on a particular issue or theme. More broadly, the Center can be a forum to champion NGOs as essential components of a civil society, particularly important, of course, in Southeastern Europe where such organizations are relatively new phenomena, especially in former state-controlled societies.

We want also to support development of a lively, responsible and independent press, again free of state control.

The Center plans to support projects on the writing of school textbooks and improving pedagogy at all levels in the countries of Southeastern Europe.

The Center will also address concerns of parliamentary and local governments and we hope to sponsor exchanges of parliamentarians.

Economic development clearly offers opportunities for regional cooperation and interchange. Independent business associations can be an integral part of a vibrant civil society.

Environmental challenges also open doors for cooperative endeavors throughout the region. Indeed, while in Istanbul last month, Matthew Nimetz and I called on His Holiness, Bartholomew, the Ecumenical Patriarch of Constantinople, who told us that he will shortly be leading an effort to deal with environmental problems in the Black Sea, an initiative that will involve Turkish government officials and business leaders as well.

CONCLUSION

I have told you of my own involvement in Cyprus as a Member of the United States Congress and of my continuing interest in improving relations between Greece and Turkey.

I have offered a list of what seems to me to be some of the factors essential to success in the on-going search for a just and enduring settlement of a problem—the tragedy of a divided Cyprus—that should affront the consciences of all who live in civilized, democratic societies.

I have expressed gratification that the United States is now moving toward much more intensive involvement in the issue.

And I have told you of an effort, in the form of the Center for Democracy and Reconciliation in Southeastern Europe, that although modest at the outset, can, in time, in a troubled part of the world, sow seeds of hope rather than despair.

How splendid it would be if, even before the start of the next millennium, we can see a united Republic of Cyprus, in which all its citizens enjoy the fruits of freedom, democracy and the rule of law!

THE 39TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. SOLOMON. Mr. Speaker, it is with a deep sense of personal conviction and pride that I submit for the RECORD an authoritative proclamation on Captive Nations Week, the 39th Observance, based on Public Law 86–90 and reflected in proclamations and observances of States and cities across our Nation this past third full week of July, 20–26.

In personal conviction, I am fully convinced that P.L. 86–90—which is uniquely vindicated by the historic changes these past 8 years in Central/East Europe, Central Asia, Africa, and Central America—will be completely vindicated as freedom forces in the world's democracies concentrate on the remaining captive nations under Communist party dictatorships in the People's Republic of China, Vietnam, Laos, North Korea, and Cuba. Unresolved issues

also remain in the Russian Federation, to mention Chechenia as only one example.

In humble pride, it is a source of satisfaction that I have been playing a role in this nearby 40-year tradition begun by the 86th Congress and President Eisenhower and indelibly imprinted in our history by President Reagan and the ''evil empire'' concept. In short, for our own well-being and peace, a tradition of America's dedication to expressive freedom, democracy, free market economy, human rights, national independence, and the surcease of empires and imperial ''spheres of influence''.

Definitely certain that all who commemorated this 39th observance share these convictions and civic pride, I deem it an honor to submit the proclamation and the list of its distinguished supporters:

CAPTIVE NATIONS WEEK PROCLAMATION

Whereas, the Captive Nations Week Resolution, which Congress passed in 1959 and President Eisenhower signed into Public Law 86–90, has been proclaimed by every president since, with identical support by Governors and Mayors across our Nation; and

Whereas, reflecting the foresight of that Congress and supports, Public Law 86–90 has been uniquely vindicated by the demise of the Soviet Union and the liberation of the most captive nations in Central and East Europe, Central Asia, Africa, and Central America; and

Whereas, in the total picture and for our national interest, it is imperative to recognize the reality of numerous other captive nations still remaining under totalitarian, communist party dictatorship and the residual Russian Federation structure of imperial control: among others, Mainland China, North Korea, Vietnam, Cuba, Idel-Ural (Tatarstan), Chechenia, the Far Eastern Republic; and

Whereas, like the former USSR and with a long record of massive human rights violations, the People's Republic of China is in essence an empire under communist party rule, consisting of the Chinese, Tibetan, divided Turkestan, and Inner Mongolian captive nations; and

Whereas, with its own unresolved cases of non-Russian and Siberyak self determination drivers, the Russian Federation, centered in Moscow, continues to strive imperially for a ''sphere of influence'' in eastern Europe, causing former captive nations like Poland, Lithuania, geopolitical strategic Ukraine, and others to seek their preserved independence and full integration in a free Europe through our assistance in the forms of NATO, aid, and investment; and

Whereas, in the true spirit that crucial foreign issues are not foreign to our world leadership, economic well-being, and even American lives, Congress by unanimous vote passed P.L. 86–90, establishing the third full week in July each year as ''Captive Nations Week,'' and inviting our people to observe in that true spirit the week with appropriate prayers, ceremonies, and activities in support of the just aspirations of the still remaining captive nations and the preservation of the freedom of the former captive nations,

Received as of today, July 25, 1997 the following Governors and Mayors have issued proclamations of the week: The Hon. Paris N. Glendening of Maryland; The Hon. Fife Symington of Arizona; The Hon. Christine Todd Whitman of New Jersey; The Hon. John Engler of Michigan; The Hon. George Allen of Virginia; The Hon. Tommy Thompson of Wisconsin; The Hon. Frank O'Bannon of Indiana; The Hon. Frank Keating of Oklahoma; The Hon. Lawton Chiles of Florida; The Hon. Terry E. Brandstad of Iowa; The Hon. Bob Miller of Nevada; The Hon. Lincoln Almond of Rhode Island; The Hon. Mel Carnahan of Missouri; The Hon. Gary E. Johnson of New Mexico; the Hon. Pete Wilson of California; The Hon. Zell Miller of Georgia; The Hon. William Weld of Massachusetts; The Hon. Tom Ridge of Pennsylvania and the Mayors; Rudolph Giuliani of New York; Richard Reardon of Los Angeles; and Edward Rendell of Philadelphia.

CUTS IN MEDICARE

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. DEFAZIO. Mr. Speaker, hundreds of my constituents have contacted me about the severe cuts in Medicare reimbursement for home oxygen therapy. As the House and Senate conferees deliberate over the extent of these cuts, I would like them to consider the lives of seniors receiving home oxygen services. The following letter was given to me by Laurie Keiper of Springfield, OR.

TO CONGRESS AND THE SENATE OF THE UNITED STATES: I am an oxygen home therapy patient on 3–4 liters, 24 hours each day. I am a wife of a research vessel boatswain mate who is not home every night. He is gone most of the summer and fall.

I am a care giver also, taking care of my grandson, most of his 14 years. He will be starting 9th grade in the fall.

Without oxygen, I can not take care of my grandson, do for my family, or take care of myself. Instead you will pay more for child care, hospital and for nursing facility care. Most likely my 5 years of life expectancy will be shortened to 2 to 3 years or less. Oxygen is 1 percent of the total medicare budget. If you cut it by 40 percent what will it cost you?

40 percent increase in hospital stays.

40 percent increase in dependent payments, especially without parental guidance look at all the options—drugs, alcohol, runaways etc.

40 percent increase in home health and/or nursing facility payments.

40 percent increase in death benefit burial payments.

It does not seem fiscally prudent to make this cut. Look for fake bills, bad doctors, people who aren't supposed to be on Medicare. When someone says they question a bill—follow up on it. Cut cost that way!

LAURIE KEIPER.

TRIBUTE TO THE U.S.S. ''INDIANAPOLIS''

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Ms. CARSON. Mr. Speaker, I would like to take a brief moment to personally pay tribute to those who served so selflessly aboard the U.S.S. *Indianapolis.* A reunion was held in Indianapolis this weekend for those veterans who served on the U.S.S. *Indianapolis,* a heavy cruiser sunk by enemy torpedo on July 30, 1945.

My pride and admiration, for the service of these men know no bounds.

I am proud to report that I have been honored with appointment to the Veterans' Affairs Committee of Congress, an opportunity to be of special service to those who sacrificed so much for our Nation. In that work I find regular occasion to remember and to admire our citizen veterans and to help secure to them full measure of our Nation's respect for their contributions in time of peace and in the horror that is war.

I am prouder still to join my voice with those who spoke to honor the men who served with such valor aboard the U.S.S. *Indianapolis*—those with us still and those lost in the Pacific vastness somewhere west of Guam. For their service and sacrifice in the highest tradition of our country, our respect must be eternal.

MEDICARE REFORM PROPOSAL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. PACKARD. Mr. Speaker, this year Congress is faced with one of its toughest challenges yet. A program that for three decades has helped pay the medical bills for America's senior citizens is in drastic need of reform. Credited with alleviating the problem of the uninsured senior citizens and reducing the health problems of the disabled, Medicare is now in need of a major overhaul if it is to continue providing for seniors.

We are working hard to ensure that Medicare remains viable for present and future beneficiaries. By addressing the impending bankruptcy of this program now, we will be able to strengthen and improve it while expanding benefits for all participants. Through a combination of savings and structural reforms, the Republican plan to reform our health care program will extend the solvency of the Medicare trust fund for at least 10 years.

The House Medicare proposal increases the choices available to Medicare beneficiaries, so that they can select from among the same kinds of health plan options that are available to the rest of the population. The plan calls for new systems of payment to address the problems in areas where the growth in costs is unsustainable. Finally, our proposal achieves savings by restraining future increases in costs, while also providing important new preventive care benefits.

I am proud of the progress we have made toward reforming Medicare. I firmly believe that Medicare can be preserved, protected, and improved without jeopardizing health care for the most vulnerable populations, and I am confident that together we can make this goal a reality.

IN MEMORY OF WILLIAM N. KEMP

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. GREEN. Mr. Speaker, I rise today to honor the memory of William N. Kemp, who passed away on July 15, 1997, in Houston, TX. Dr. Kemp was a self-employed optometrist for 41 years in the North Shore area of Houston and was the founder of the firm Drs. Kemp and Peterson, Optometrist. He was past president of both the Harris County Optometric Society and the Texas Optometric Association.

Dr. William Kemp was born August 21, 1925, in Wharton, TX, where he lived until entering the Navy for 3 years of service during World War II. He attended Texas A&I University in Kingsville for 3 years and was graduated from the Illinois College of Optometry in Chicago. Upon graduation, he moved to the North Shore area of Houston and was active in the community for many years, especially in the Lions International.

Dr. Kemp was active in politics where he served as president of the North Shore Democrats and skillfully represented Houston alongside with Congresswoman Barbara Jordan at the Democratic National Convention in Chicago in 1968. In 1972, Dr. Kemp was elected to the Texas State Board of Education, district 8, where he served for 11 years.

Dr. Kemp is survived by his wife of 41 years, Kathryn Lourene Kemp; three sons, Paul Davis Kemp, George William Kemp, and Robert Harris Kemp; two granddaughters, Kimberley Shae Kemp and Toni Louise Kemp; and one grandson, Matthew W. Kemp.

William Kemp will be remembered as a leader in his community whose ideas reached far and wide. His genuine enthusiasm for his community prompted people of all ages to become interested and involved in improving their community. Because I experienced Dr. Kemp's vitality and wisdom firsthand, I have no doubt that this tireless role model made Houston, TX, a richer place to live.

As friends and family reflect on his lifetime of contribution, it is only fitting that we also pay tribute to this great man and good friend.

THE PASSING OF A HERO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. CONYERS. Mr. Speaker, on Thursday, July 24 a great constitutional scholar and advocate of social justice passed away. Supreme Court Justice William J. Brennan, Jr. served the highest branch of our judicial system from 1956 until 1990. His scholarship was at the forefront of an intellectual and moral frontier that began in the pre-civil-rights era.

Justice Brennan shaped our law and touched our lives in countless ways. In the area of voting rights he authored Baker versus Carr, 1962, which was one of the cornerstone of voting rights case law. It lead to one-person one-vote reapportionment cases. On the issue of affirmative action he authored Metro Broadcasting versus the Federal Communications Commission, 1990, which upheld two affirmative action programs aimed at increasing African-American ownership of radio and television stations. In Texas versus Johnson, 1989, Brennan declared, ''If there is a bedrock principle underlying the first amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.'' And continuing in his tradition of protecting the most vulnerable, in Goldberg versus Kelly, 1970, he established that it was a violation of the 14th amendment's guarantee of due process under law for a State to cut off a welfare recipient's benefit without a hearing.

Mr. Speaker, I rise today to honor this great drum major for justice of the 20th century. I submit for the CONGRESSIONAL RECORD two articles from the Washington Post which I believe capture some of the spirit and letter of his contributions to our great system of justice.

[From the Washington Post, July 25, 1997]

THE BIGGEST HEART IN THE BUILDING

(By Joan Biskupic)

Supreme Court Justice William J. Brennan Jr. was remembered yesterday as a bulwark of liberal activism whose effects on America is so great—and his personality so compelling—that even those who disagreed with his views said much of his legacy will endure.

Brennan ''played a major role in shaping American constitutional law,'' said conservative Chief Justice William H. Rehnquist. ''He was also a warm-hearted colleague to those of us who served with him.''

''He had the biggest heart of anyone in the building'' said Thurgood Marshall Jr., son of the late justice. ''Justice Brennan was not just my father's closest and dearest partner, but his hero in the pursuit of equality and justice.''

Marshall, President Clinton's Cabinet secretary, said his father and Brennan could not have been more different as people, given the backgrounds from which they emerged. ''But they both believed fervently in the very same ideals.''

News of Brennan's death, coming shortly after noon yesterday, spread quickly among former colleagues and friends. He was known for the force of his opinions—more than 1,000—that embodied the notion that the federal courts should actively seek to right society's wrongs. He was venerated yesterday for his persuasive approach and good humor, and for a charisma that will help him be remembered for generations.

''There are few people who are truly extraordinary and we don't always know the reasons why they rise above the rest of us. But he did,'' U.S. appeals court judge Richard S. Arnold of Little Rock, who was a law clerk to Brennan in 1960, said yesterday. ''His chief characteristics were kindness and love—to everybody.''

Brennan, who retired from the court in 1990 and initially kept up professional and personal contacts, had been in poor health in recent months. He died at a nursing home in Arlington, where he had been rehabilitating after he broke his hip in November.

A court spokeswoman said Brennan's body would lie in state from 10:30 a.m. until 10 p.m. Monday at the Supreme Court Building. His funeral is set for 10 a.m. Tuesday at St. Mathews Catholic Church in the District.

All quarters of government reacted to word of Brennan's death. Clinton, who said Brennan's devotion to the Bill of Rights inspired millions of Americans and countless young law students, including myself,'' ordered flags flown at half-staff at government buildings, military facilities and U.S. embassies worldwide.

In addition to Rehnquist, three other of Brennan's former court colleagues issued statements of admiration yesterday.

Justice John Paul Stevens, who sat with Brennan for 15 years and shared some of his liberal views , said, ''The blend of wisdom, humor, love and learning that Justice Brennan shared with his colleagues—indeed with all those privileged to know him—was truly unique. He was a great man and a warm friend.''

''Justice Brennan's death means the passing of an era in the history of the Supreme Court,'' Justice Sandra Day O'Connor said. ''In addition to the remarkable legal legacy he left behind, he left a legacy of friendship and good will wherever he went.''

Justice Anthony M. Kennedy said, ''Justice Brennan was one of the great friends of freedom, freedom for those who have it and freedom for those who yet must seek it.''

Justice Antonin Scalia, who strongly disagreed with Brennan's liberal approach, nonetheless once called Brennan ''probably the most influential justice of the century'' and ''the intellectual leader of the movement that really changed, fundamentally, the court's approach toward the Constitution.''

Joshua E. Rosenkranz, a 1987–88 clerk who is now executive director of the Brennan Center for Justice at New York University, said, ''I would be willing to bet that there is not a single person in our nation who hasn't been touched by Justice Brennan's legacy, whether they know it or not.''

Attorney General Janet Reno said she was sad to hear Brennan had died and added: ''Justice Brennan stood up for people who had no choice. He devoted his long, rich life to helping the American justice system live up to its ideals. He made a difference, and he will be remembered always by all Americans who prize the rule of law.''

JUSTICE BRENNAN, VOICE OF COURT'S SOCIAL REVOLUTION, DIES

Former Supreme Court Justice William J. Brennan Jr., the progressive voice of the modern court and a justice unequaled for his influence on American life, died yesterday. He was 91.

During his 34 years on the court, Brennan pushed his colleagues to take on a variety of social issues and was widely recognized as the chief strategist behind the court's civil rights revolution.

He was the architect of rulings that expanded rights of racial minorities and women; led to reapportionment of voting districts guaranteeing the ideal of ''one person, one vote,'' and enhanced First Amendment freedom for newspapers and other media.

A slight man with a ready Irish grin, Brennan was recognized across the political spectrum not only for his legal mastery but as a defender of individual liberty and a voice of civility. Poor health forced his retirement from the court in 1990.

''He was a remarkable human being, one of the finest and most influential jurists in our nation's history,'' President Clinton said yesterday upon learning of Brennan's death. ''The force of his ideas, the strength of his leadership and his character have safeguarded freedom and widened the circle of equality for every single one of us.''

Justice David H. Souter has said of the man he succeeded on the court: ''One can agree with the Brennan opinions and one may disagree with them, but their collective influence is an enormously powerful defining force in the contemporary life of this republic.''

What distinguished Brennan was his ability to forcefully articulate a liberal vision of judging. It was a vision that found the essential meaning of the Constitution not in the past but in contemporary life, prized individual rights beyond what was explicitly written in the text, and compelled him to reach out to right perceived wrongs. He called the Constitution ''a sparkling vision of the supreme dignity of every individual,'' and employed it as a tool of racial equality and social justice.

''The genius of the Constitution rests not in any static meaning it may have had in a world that is dead and gone,'' he wrote in an essay published in 1997, ''but in the adaptability of its great principles to cope with current problems and present needs.''

In the confines of the court's conference room and chambers, Brennan was renowned for his cunning and persistence, and relentlessness in winning votes for his side. If a justice initially turned him down, Brennan

would begin with gentle persuasion, then offer grounds for compromise, then pull out all the stops to try to win another vote. If he lost, he would pursue the justice in the hope he would win on an issue the next time around.

In a May 1995 tribute to Brennan to inaugurate the Brennan Center for Justice at New York University School of Law, former appeals judge Abner J. Mikva defined ''a Brennanist'' as ''one who influences his colleagues beyond measure.'' Retired Justice Harry A. Blackmun said Brennan operated in ''quiet but firm tones.''

Brennan was appointed to the court by President Dwight D. Eisenhower in 1956, three years after Earl Warren became chief justice. And Brennan's unmatched ability to build consensus made him a central figure in the Warren Court and a key participant in its most celebrated decisions.

He is considered the primary writer of the 1958 Cooper v. Aaron decision that forced school officials to accelerate classroom integration in the face of mass resistance.

Brennan also was the author of a 1962 decision that permitted federal courts for the first time to hear constitutional challenges to a state's distribution of voters, a ruling that brought new fairness to the sharing of political power between rural and urban America. He broadly interpreted the Constitution's guarantee of due process for criminal defendants, in cases, for example, that protected state defendants against self-incrimination and gave prisoners greater access to federal courts to challenge convictions. ''In a civilized society,'' he wrote in the latter, ''government must always be accountable to the judiciary for a man's imprisonment.''

He led the majority to bolster the right of free speech, including a 1964 opinion that requires public figures who sue for libel to prove ''actual malice'' on the part of the media.

To the consternation of his conservative critics, Brennan was not afraid to cross boundaries into areas previously considered off-limits for federal courts. ''Our task,'' Brennan once said, ''is to interpret and apply the Constitution faithfully to the wisdom and understanding of the Founding Fathers. But often it is impossible to make a constitutional decision without basing certain findings on data drawn from the social sciences, from history, geography, economics and the like.''

When Warren was succeeded as chief justice by Warren E. Burger and then William H. Rehnquist, the court began to move gradually to the right, and many of the rulings from the Warren era were reversed. But several Brennan decisions endured. Among the most important is Baker v. Carr, a 1962 opinion that gave federal courts the power to ensure the fairness of voting districts, reshaped politics and broadened participation in democracy.

Even as he found himself increasingly on the losing side in the 1980s, Brennan remained on good terms with his fellow justices. ''Brennan brought to the work of the court a personal warmth and friendliness which prevented disagreements about the law from marring the good personal relations among the justices,'' Rehnquist once wrote.

The chief justice also remarked after Brennan had retired that ''the enduring legacy of Justice Brennan—the high value which he placed on claims of individual constitutional rights asserted against the authority of majoritarian self-government—is in no danger of being forgotten or disregarded simply because he has left the bench.''

Georgetown University law professor Mark V. Tushnet, who has read through the private papers of several former justices, said Brennan's winning personal style added tremendously to his effectiveness. ''If you look at the tone with which people responded to his suggestions for changing an opinion, Brennan made it easy. He was friendly and had a tone of accommodation.''

A minor stroke and related poor health forced Brennan to retire suddenly in 1990, but he remained active in liberal causes. In 1994, a national anti-death penalty project was begun in his name. A year later, he was the inspiration for a free speech award given periodically by the Thomas Jefferson Center for the Protection of Free Expression in Charlottesville, Va.

Brennan said he hoped to continue effecting change and affecting lives.

''Justice Brennen has an abiding belief in the power of thoughts, thoughtful words and good will to reach understanding and solutions that more contentious methods cannot,'' Vernon E. Jordan, Jr., the civil rights leader and Washington lawyer, said in 1995 when a group of Brennan's admirers dedicated the Brennan Center.

Brennan was born in Newark on April 25, 1906, the second-oldest of eight children of Irish immigrant parents. His father worked as a laborer in a brewery and became a union leader and local politician.

Brennan was an honors student at the University of Pennsylvania's Wharton School of Finance and received a scholarship to Harvard Law School. Upon graduation in 1931, he joined a Newark law firm, Pitney, Hardin & Skinner, practicing there until he entered the Army in 1942. While in the military, he handled labor disputes on the staff of the undersecretary of war.

He returned to his law firm and began specializing in labor law, representing several large manufacturing enterprises, before being appointed to the New Jersey bench. In 1949 Republican Gov. Alfred E. Driscoll named him to the state superior court. Three years later, Driscoll elevated him to the New Jersey Supreme Court, and Brennan became a reliable lieutenant to Chief Justice Arthur Vanderbilt.

Brennan's nomination to the high court apparently came as a surprise. Then U.S. Attorney General Herbert Brownell Jr. telephoned him late one afternoon in his New Jersey chambers and asked that he meet Eisenhower at the White House the next day.

Brennan thought nothing of the request and even stopped at Union Station for a hot dog to bide his time, according to Robert M. O'Neil, who would become one of Brennan's first law clerks. ''He didn't expect to get dinner at the White House,'' O'Neil said.

University of Virginia law professor John C. Jeffries Jr. wrote in his biography of Brennan's colleague, Lewis F. Powell Jr. that Brennan's shot at the high court was owed to chance.

''In 1956 the chief justice of New Jersey, Arthur Vanderbilt, was scheduled to give the keynote address at a large Washington conference on the problem of overburdened courts. Two days before the meeting, Vanderbilt fell ill, and Brennan went in his place. His speech impressed U.S. Attorney General Herbert Brownell, who, when a Supreme Court vacancy opened four months later, contemplated the electoral advantages to President Eisenhower of appointing Irish Catholic Democrat from the Northeast and recommended Brennan.''

Brennan later said no one in the Eisenhower administration asked him a single question about his politics or judicial philosophy. And indeed, Eisenhower's choice for the high court marked the third time Brennan had been appointed or elevated to a court by a Republican official. The ability to bridge differences would distinguish his early career on the high court.

Brennan succeeded Justice Sherman Minton, who was retiring because of failing health, and initially received a recess appointment on Oct. 16, 1956. He was confirmed by the Senate March 19, 1957 on a voice vote. The only audible dissent came from Sen. Joseph R. McCarthy (R–Wis.), who said he was convinced that Brennan was ''hostile'' to congressional investigations of communism.

Brennan had given a speech in 1954 in which he said ''there are some practices in the contemporary American scene which are reminiscent of Salem witch hunts.''

Brennan was 50 at the time of his appointment, the youngest member of a court that included William D. Douglas, Hugo L. Black and Felix Frankfurter. In 1962 Frankfurter who taught Brennan at Harvard and was a strong advocate of limiting judicial power, told Look magazine: ''I taught my students to think for themselves, but sometimes I think that Bill Brennan carries it too far.''

Brennan formed an immediate relationship with Warren, becoming a close ally and developing the legal justifications for the decisions that would result in a social revolution.

The Warren Court broadly interpreted the Constitution to provide greater protections for individual rights. It demanded, for example, that states abide by most of the provisions of the Bill of Rights, a document originally interpreted to safeguard individuals only from the hand of the federal government. Essentially a political actor of the era, the court actively addressed society's problems, accelerating the civil rights movement, bringing fairness to reapportionment and reforming police practices.

When he saw a litigant in need, Brennan's litmus test for offering legal protection was whether anything in the Bill of Rights explicitly prevented him from doing so. He favored the individual and put the burden on the government to show that something in the Constitution disallowed protection. (The opposite, ''judicial restraint'' approach asks whether anything in the Constitution or in the court's precedents explicitly permits it to extend protection to an individual.)

Brennan and the other Warren-era judges crossed boundaries into areas previously considered off-limits for the federal courts. Before 1962, for example, the question of whether legislative voting districts were drawn fairly was considered a ''political question,'' that is, the business of elected officials, not judges. But Brennan said the fairness question was constitutional, not political. Warren would later call the ruling in Baker v. Carr the ''most important'' of his time on the court. The decision broke rural America's lock on political power and gave urban voters equal representation to fulfill the principle of one person, one vote, as articulated in later voting rights cases.

Brennan also led the court in increasing protections against sex discrimination, writing in 1972, ''distinctions between the sexes often have the effect of invidiously relegating the entire class of females to inferior legal status without regard to the actual capabilities of its individual members.''

SPEECH RULINGS OFTEN ENGENDERED POLITICAL OUTRAGE

He had argued that laws treating men differently from women could be justified only by a compelling governmental interest—the strictest constitutional test for a law. He failed to win a majority of his colleagues to that standard but eventually succeeded in getting them to agree to an ''intermediate'' standard of scrutiny still in place. Until these rulings, states could, and did, treat women differently from men in a variety of ways, imposing different requirements for everything from beer drinking to alimony.

In another area of equal rights, Brennan was a strong advocate of affirmative action. In the 1979 United Steelworkers of America v. Weber, he wrote for the court that federal anti-discrimination law does not bar employers from adopting race-based affirmative action programs to boost the number of blacks in the work force and management.

In 1990, his last term, Brennan was the author of a decision upholding Congress's preferential treatment of blacks and other racial minorities in awarding broadcast licenses.

The court said the affirmative action program was justified by Congress's interest in broadcast diversity. The case, Metro Broadcasting Inc. v. Federal Communications Commission, was overturned in 1995 as the court increased its scrutiny of federal affirmative action programs.

When the court invalidated state death penalty laws in 1972 in Furman v. Georgia, Brennan wrote, ''Death is an unusually severe and degrading punishment; there is a strong probability that it is inflicted arbitrarily.'' A court should determine ''whether a punishment comports with human dignity. Death, quite simply, does not.''

Four years later, when a majority reinstated the death penalty with a requirement for safeguards on its imposition. Brennan and his colleague and judicial soul mater, Justice Thurgood Marshall, dissented. Toward the end of their tenures on the court (Marshall retired in 1991 and died in 1993), they were alone in opposition to capital punishment as cruel and unusual punishment.

One of Brennan's best-known opinions is his 1964 New York Times v. Sullivan, which made it harder for public officials to sue the media.

In it, he referred to ''a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.''

Like many of his path-breaking opinions, Brennan's free speech decisions often engendered political outrage. Such was the case for his majority opinions in 1989 and 1990 decisions striking down bans on flag burning. Said Brennan, ''the government may not prohibit expression simply because it disagrees with the message.''

In the area of religion, Brennan favored a high wall of separation between church and state. Appeals Judge Richard Arnold of Little Rock, Ark., who as a young lawyer clerked for Brennan, once summed up Brennan's view: ''In short, religion is too important to be co-opted by the state for political or governmental ends. . . . As Justice Brennan understands, public and ostentatious piety can be the enemy of true religion.''

Brennan was the author of a 1987 decision, Edward v. Aguillard, that invalidated a Louisiana requirement that any public school teacher who taught evolution also teach ''creation science.'' In the related area concerning the free exercise of religion, Brennan penned a majority opinion in 1963 that only a compelling state interest could justify limitations on religious liberty. Rehnquist, who was often on the opposite side of Brennan, wrote after he retired that ''Brennan's abilities as a judicial craftsman, and his willingness to accept 'half a loaf' if that were necessary to obtain a court opinion, played a large part in translating what had at first been dissenting views into established jurisprudence.''

Brennan first married in 1928 to Marjorie Leonard. They had two sons and a daughter. Marjorie Brennan died of cancer in 1982 after a lengthy illness. The following year, Brennan married Mary Fowler, his secretary of more than 20 years. They announced the news of their wedding to the rest of the court with a memorandum that said: ''Mary Fowler and I were married yesterday and we have gone to Bermuda.''

In addition to his wife, he is survived by his three children, William J. III, Hugh Leonard, and Nancy, and grandchildren.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 29, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 30

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the regulation of international satellites.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
To hold hearings on S. 1059, to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System.
SD–406

Indian Affairs
Business meeting, to mark up S. 569, to amend the Indian Child Welfare Act of 1978 to provide for retention by an Indian tribe of exclusive jurisdiction over child custody proceedings involving Indian children and other related requirements; to be followed by an oversight hearing on the Bureau of Indian Affairs Special Trustee's strategic plan to reform the management of Indian trust funds.
SD–106

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Services and Technology Subcommittee
To resume hearings to review information processing challenges of the Year 200 for certain financial institutions.
SD–538

Foreign Relations
Business meeting, to consider the Agreement between the Government of the United States and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), S. Con. Res. 39, expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors, and pending nominations.
SD–419

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To resume hearings to examine certain issues with regard to the proposed Global Tobacco Settlement which will mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America.
SD–226

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to review the management and operations of concession programs within the National Park System.
SD–366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

2:30 p.m.
Rules and Administration
Business meeting, to consider the status of the investigation into the contested Senate election in Louisiana.
SR–301

JULY 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.
SR–332

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 268, to regulate flights over national parks.
SR–253

Energy and Natural Resources
To hold oversight hearings to examine the organizational structure, staffing, and budget of the Forest Service for the Alaska region.
SD–366

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 1026, authorizing funds for the Export-Import Bank of the United States.
SD–538

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to review annual refugee admissions.
SD–226

2:30 p.m.
Rules and Administration
Business meeting, to consider the status of the investigation into the contested Senate election in Louisiana.
SR–301

AUGUST 1

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for July.
1334 Longworth Building

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to review the operation of the FBI crime laboratory.
SD–226

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the negative impact of bankruptcy on local education funding.
SD–226

POSTPONEMENTS

JULY 29

10:00 a.m.
Judiciary
To hold hearings to examine the copyright infringement liability of on-line and Internet service providers.
SD–226

Daily Digest

HIGHLIGHTS

Senate passed Energy and Water Appropriations, 1998.

The House passed H.R. 2209, Legislative Branch Appropriations Act

The House passed 12 measures on motions to suspend the rules.

Senate

Chamber Action

Routine Proceedings, pages S8161–S8206

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 1072–1077, S.J. Res. 36, and S. Con. Res. 44. **Page S8186**

Measures Passed:

Authorizing Use of Catafalque: Senate agreed to H. Con. Res. 123, providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States. **Pages S8170–71**

Authorizing Use of Capitol Grounds: Senate agreed to S. Con. Res. 33, authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up. **Page S8171**

Energy/Water Appropriations, 1998: Pursuant to the order of July 15, 1997, Senate passed H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1004, Senate companion measure, as passed by the Senate, Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Domenici, Cochran, Gorton, McConnell, Bennett, Burns, Craig, Stevens, Reid, Byrd, Hollings, Murray, Kohl, and Dorgan. **Page S8175**

Subsequently, passage of S. 1004 was vitiated and the bill was indefinitely postponed. **Page S8175**

Transportation Appropriations, 1998: Senate began consideration of S. 1048, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows: **Pages S8180–85**

Pending:

Shelby (for D'Amato/Moynihan) Amendment No. 1022, to direct a transit fare study in the New York City metropolitan area. **Pages S8183–85**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Tuesday, July 29, 1997. **Page S8185**

A further consent agreement was reached providing that upon disposition of all amendments to S. 1048, Senate proceed to a vote on final passage of H.R. 2169, House companion measure, that all after the enacting clause be stricken and the text of S. 1048, as amended, be inserted in lieu thereof, the Senate insist on its amendment, the chair be authorized to appoint conferees on the part of the Senate, and S. 1048 be placed back on the Senate calendar. **Page S8185**

Commerce, Justice, State, the Judiciary Appropriations, 1998—Agreement: A unanimous-consent agreement was reached providing for further consideration of S. 1022, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and amendments pending thereto, on Tuesday, July 29, 1997, with a vote on final passage to occur thereon. **Page S8206**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled "The Policy on Protection of National Information Infrastructure Against Strategic Attack"; referred to the Committee on Armed Services. (PM–56). **Page S8186**

Nominations Received: Senate received the following nominations: John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Marshall S. Smith, of California, to be Deputy Secretary of Education. **Page S8206**

Nomination withdrawn: Senate received notification of the withdrawal of the following nomination:

Niranjan S. Shah, of Illinois, to be a Member of the Board of Directors of the National Institute of Building Sciences, which was sent to the Senate on January 9, 1997. **Page S8206**

Messages From the President: **Pages S8185–86**

Messages From the House: **Page S8186**

Communications: **Page S8186**

Statements on Introduced Bills: **Pages S8186–S8202**

Additional Cosponsors: **Pages S8202–03**

Amendments Submitted: **Page S8203**

Notices of Hearings: **Pages S8203–04**

Authority for Committees: **Page S8204**

Additional Statements: **Pages S8204–06**

Adjournment: Senate convened at 12 noon, and adjourned at 7:01 p.m., until 10 a.m., on Tuesday, July 29, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8206.)

Committee Meetings

(Committees not listed did not meet)

CAMPAIGN FINANCING

Committee on Governmental Affairs: Committee met in closed session to discuss certain issues with regard to the committee's special investigation on campaign financing.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission, and Janice R. Lachance, of Virginia, to be Deputy Director of the Office of Personnel Management, after the nominees testified and answered questions in their own behalf. Mr. Omas was introduced by Senator Lott and former Representative Edward J. Derwinski, and Ms. Lachance was introduced by Senator Robb.

OLYMPICS BOMBING INCIDENT

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine federal law enforcement efforts with regard to the investigation of the circumstances surrounding the interview of Richard Jewell in connection with the July 27, 1996 bombing at Centennial Olympic Park in Atlanta, after receiving testimony from Louis J. Freeh, Director, Federal Bureau of Investigation, and Michael E. Shaheen Jr., Counsel, Office of Professional Responsibility, both of the Department of Justice.

INTERNET GAMBLING PROHIBITION ACT

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings on S. 474, to enforce regulations prohibiting the interstate or foreign transmission of gambling information against certain computer service providers, after receiving testimony from Senator Bryan; Wisconsin Attorney General James E. Doyle, Madison; Jeff Pash, National Football League, New York, New York; Ann Geer, National Coalition Against Gambling Expansion, Washington, D.C.; and Anthony Cabot, Lionel Sawyer & Collins, Las Vegas, Nevada.

MEDICARE REFORM: HOME HEALTH CARE

Special Committee on Aging: Committee concluded hearings on Medicare reform proposals, focusing on methods to identify and reduce the amount of fraud, waste, and abuse in the home health care system, after receiving testimony from George F. Grob, Deputy Inspector General, Department of Health and Human Services; Leslie G. Aronovitz, Manager, General Accounting Office; Mary L. Ellis, Wellmark, Inc., Des Moines, Iowa; Bobby P. Jindal, Louisiana Department of Health and Hospitals, Baton Rouge; and an incarcerated witness.

House of Representatives

Chamber Action

Bills Introduced: 3 public bills, H.R. 2278–2280; 3 resolutions, H. Con. Res. 127–128 and H. Res. 200, were introduced. Page H5916

Reports Filed: Reports were filed today as follows:

H.R. 1596, to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges (H. Rept. 105–208);

H.R. 1855, to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries, amended (H. Rept. 105–209);

H.R. 29, to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ronald H. Brown Federal Building'' (H. Rept. 105–210);

H.R. 824, to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the ''Howard T. Markey National Courts Building'' (H. Rept. 105–211);

H.R. 1851, to designate the United States courthouse located at 200 South Washington Street in Alexandria, Virginia, as the ''Martin V. B. Bostetter, Jr. United States Courthouse'' (H. Rept. 105–212);

H. Res. 198, providing for consideration of H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998 (H. Rept. 105–213); and

H. Res. 199, providing for consideration of H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–214).

Pages H5915–16

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gutknecht to act as Speaker pro tempore for today. Page H5829

Suspensions: The House agreed to suspend the rules and pass the following measures:

Herring and Mackerel Fishing Moratorium: H.R. 1855, amended, to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; Pages H5832–34

New Mexico Trust Funds: 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 which distributions are made from those funds—clearing the measure for the President; Pages H5834–36

Aggression by Canadian Fishermen: H. Con. Res. 124, amended, expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific Salmon Fishery; Pages H5836–38

SAFE KIDS Campaign: H. Con. Res. 98, authorizing the use of the Capitol grounds for the Safe Kids Buckle Up Car Seat Safety Check; Pages H5838–40

Assault upon the Democratically Elected Government of Cambodia: H. Res. 195, amended, concerning the crisis in Cambodia; Pages H5840–43

Death on the High Seas Act: H.R. 2005, amended, to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents. Agreed to amend the title; Pages H5843–45

Democratic People's Republic of Korea and Republic of Korea: H. Con. Res. 74, amended, concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea; Pages H5845–47

Republic of Congo: H. Res. 175, amended, expressing concern over the outbreak of violence in the Republic of Congo and the resulting threat to scheduled elections and constitutional government in that country; Pages H5847–48

Bankruptcy Judgeship Act: H.R. 1596, to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges; Pages H5848–54

Employees at Ft. Campbell, Kentucky, Columbia River Hydroelectric Facilities, and Missouri River Hydroelectric Facilities: H.R. 1953, to clarify State authority to tax compensation paid to certain employees; Pages H5854–57

Private Security Officer Quality Assurance Act: H.R. 103, to expedite State reviews of criminal records of applicants for private security officer employment; and Pages H5857–60

Elimination of Special Transition Rule For Certain Children: H.R. 1109, to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States. Subsequently, S. 670, a similar Senate-passed bill, was passed, clearing the measure for the President; and H.R. 1109 was laid on the table. Pages H5864–65

Suspensions—Votes Postponed: The House completed debate on motions to suspend the rules and pass the following measures upon which votes were postponed:

Violent Crimes by Repeat Offenders: H. Con. Res. 75, expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committee by repeat offenders and criminals serving abbreviated sentences; and **Pages H5860–64**

Expanded War Crimes Act of 1997: H.R. 1348, amended, to amend title 18, United States Code, relating to war crimes. **Pages H5865–68**

Foreign Relations Authorization Act: The House disagreed to the Senate amendment to H.R. 1757, to consolidate international affairs agencies and to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and requested a conference. **Page H5868**

Appointed as conferees for consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference: Representatives Gilman, Goodling, Leach, Hyde, Bereuter, Smith of New Jersey, Hamilton, Gejdenson, Lantos, and Berman; and for consideration of title XXI of the House bill, and modifications committed to conference: Representatives Gilman, Hyde, Smith of New Jersey, Hamilton, and Gejdenson. **Page H5868**

Legislative Branch Appropriations: By a yea and nay vote of 214 yeas to 203 nays, Roll No. 335, the House passed H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998. **Pages H5868–95**

By a yea and nay vote of 198 yeas to 220 nays, Roll No. 334, rejected the Gejdenson motion to recommit the bill to the Committee on Appropriations with instructions to report it back to the House with an amendment to ensure that all funds in the bill to support the Reserve Fund providing for the hiring of additional committee staff and other related expenses pursuant to clause 5(a) of rule XI are deleted. **Pages H5893–95**

Agreed To:

The Davis of Virginia amendment that allows the Chief Administrative Officer of the House to donate surplus computer equipment to public elementary and secondary schools of the District of Columbia; and **Pages H5884–85**

The Roemer amendment that requires unexpended office funds in the Salaries and Expenses—Members' Representational Allowances account to be returned to the U.S. Treasury at the end of each fiscal year for deficit reduction. **Pages H5890–91**

Rejected:

The Fazio amendment that sought to reduce funding for the Joint Committee on Taxation by $283,000 for five additional staff members (rejected by a recorded vote of 199 ayes to 213 noes, Roll No. 332); and **Pages H5885–89, H5892**

The Klug amendment that sought to reduce the Government Printing Office workyears by 350 (a recorded vote of 170 ayes to 242 noes, Roll No. 333). **Pages H5889–90, H5892–93**

Agreed to H. Res. 197, the rule providing for consideration of the bill on July 25. **Pages H5783–93**

DOD Authorization Act Conference Modification: The Chair announced the following modification to the conference appointment of July 25 to H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999: Representative McKeon is added to the panel from the Committee on National Security to follow Representative Bartlett; and the first proviso to the panel from the Committee on Resources is stricken. **Page H5895**

Presidential Message: Read a message from the President wherein he transmitted his report covering the policy on the Protection of the National Information Infrastructure Against Strategic Attack—referred to the Committee on National Security. **Page H5895**

Senate Messages: Message received from the Senate today appears on page H5829.

Referrals: S. 833, to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse''; S. 1000, to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''; and S. 1043, to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse'' were referred to the Committee on Transportation and Infrastructure. S. Con. Res. 43, urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup was referred to the Committee on Ways and Means. **Page H5913**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5917–19.

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings

of the House today and appear on pages H5892, H5892–93, H5894–95, and H5895. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 11:30 p.m.

Committee Meetings

ENERGY DEPARTMENT WASTE-SITE CLEAN-UP CONTRACTS

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on the Department of Energy's Implementation of Contract Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9. Testimony was heard from Victor S. Rezendes, Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, GAO; Randall F. Smith, Director, Office of Environmental Cleanup for Region 10, EPA; and Kathleen E. Trever, Coordinator-Manager, INEEL Oversight Program, Division of Environmental Quality, State of Idaho.

Hearings continue tomorrow.

DEFENSE APPROPRIATIONS

Committee on Rules: The committee granted, by voice vote, an open rule on H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives points of order against consideration of the bill for failure to comply with clause 2(I)(6) of rule XI (the 3-day requirement for availability of the report), clause 7 of rule XXI (the 3-day requirement for availability of printed hearings on appropriations bills), or section 306 of the Congressional Budget Act of 1974 (prohibiting consideration of bills containing matters within the jurisdiction of the Committee on the Budget which have not been reported by the Budget Committee). The rule waives points of order against provisions in the bill which do not comply with clause 2 of rule XXI (prohibiting unauthorized appropriations and legislation on general appropriations bills) and clause 6 of rule XXI (prohibiting transfers of unobligated balances). The rule provides for priority in recognition for those amendments that are pre-printed in the Congressional Record. The rule provides that the chairman of the Committee of the Whole may postpone votes on any amendment and that the chairman may reduce voting time on postponed questions to 5 minutes, provided that the voting time on the first in a series of questions is not less than 15 minutes. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Young of Florida, Smith of New Jersey, and Murtha.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Rules: The committee granted, by voice vote, an open rule on H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule waives clause 6 (prohibiting reappropriations in an appropriations bill) of rule XXI against provisions in the bill and clause 2 of rule XXI (prohibiting unauthorized and legislative provisions in an appropriations bill) against provisions in the bill except as otherwise specified in the rule. The rule makes in order only those amendments printed in the report of the Committee on Rules which may only be offered by the Member designated, shall be considered as read, shall not be subject to amendment except as specified in the report and except pro forma amendments offered for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments are waived. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule waives clause 2(e) of rule XXI (prohibiting non-emergency amendments to be offered to a bill containing an emergency designation under the Budget Act) against amendments to the bill. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Porter, Hyde, Goodling, Istook, Manzullo, Riggs, Obey, and Lowey.

COMPUTER SECURITY ENHANCEMENT ACT

Committee on Science: Subcommittee on Technology approved for full Committee action amended H.R. 1903, Computer Security Enhancement Act of 1997.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D790)*

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. Signed July 24, 1997. (P.L. 105–29)

H.R. 1901, to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission. Signed July 25, 1997. (P.L. 105–30)

H.R. 2018, to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York. Signed July 25, 1997. (P.L. 105–31)

COMMITTEE MEETINGS FOR TUESDAY, JULY 29, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104–127) on price and income volatility, and the proper role of the Federal government to manage volatility and protect the integrity of agricultural markets, 9 a.m., SR–332.

Committee on Banking, Housing, and Urban Affairs, to hold hearings to examine automatic teller machine (ATM) surcharges and fees, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, to hold hearings on proposed legislation relating to the Global Tobacco settlement litigation, 10:30 a.m., SD–G50.

Committee on Energy and Natural Resources, to hold hearings on S. 967, to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska natives and rural residents, and S. 1015, to provide for the exchange of lands within Admiralty Island National Monument, 9:30 a.m., SD–366.

Committee on Foreign Relations, to hold hearings on the nominations of Richard Dale Kauzlarich, of Virginia, to be Ambassador to the Republic of Bosnia and Herzegovina, James W. Pardew, Jr., of Virginia, for the rank of Ambassador during his tenure of service as U.S. Special Representative for Military Stabilization in the Balkans, Anne Marie Sigmund, of the District of Columbia, to be Ambassador to the Kyrgyz Republic, Keith C. Smith, of California, to be Ambassador to the Republic of Lithuania, Daniel V. Speckhard, of Wisconsin, to be Ambassador to the Republic of Belarus, Philip Lader, of South Carolina, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, and Felix George Rohatyn, of New York, to be Ambassador to France, 10 a.m., SD–419.

Committee on Governmental Affairs, to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to resume hearings to examine issues with regard to the constitutional role of federal judges to decide cases and controversies, focusing on the problem and impact of judicial activism, whereby federal judges' decisions are based on policy preferences, 2 p.m., SD–226.

Committee on Labor and Human Resources, to hold hearings to examine the status of educational opportunities for low-income children, 9:30 a.m., SD–430.

Select Committee on Intelligence, closed briefing on intelligence matters, 2 p.m., SH–219.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E1545 in today's Record.

House

Committee on Appropriations, to consider the Treasury, Postal Service, and General Government appropriations for fiscal year 1998, 8:30 p.m., 2359 Rayburn.

Committee on Banking and Financial Services, oversight hearing on Government Performance And Results Act, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Oversight and Investigations, to continue hearings on the Department of Energy's Implementation of Contract Reform: Problems with the Fixed-Price Contract to Clean Up Pit 9, 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Video Competition: The Status of Competition Among Video Delivery Systems, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Postsecondary Education, Training and Life-Long Learning, to continue hearings on H.R. 6, the Higher Education Amendments of 1998, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, oversight hearing of Metropolitan Statistical Areas, 9:30 a.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, oversight hearing of Statistical Proposals, 2:00 p.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on the EPA's rulemaking on National Ambient Air Quality Standards for Particular Matter and Ozone, 10 a.m., 2226 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, hearing on Reserve Component issues resulting from the Quadrennial Defense Review, 2:00 p.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Water and Power, hearing on H.R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; and to mark up the following bills: H.R. 2007, and H.R. 134, to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain water storage project, 2:00 p.m., 1324 Longworth.

Committee on Science, to mark up the following bills: H.R. 1903, Computer Security Enhancement Act of 1997: H.R. 922, Human Cloning Research Prohibition Act of 1997; and H.R. 2249, to reauthorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1997 for fiscal years 1998 and 1999, 1 p.m., 2318 Rayburn.

Joint Meetings

Conferees, on H.R. 1757, to consolidate international affairs agencies and to authorize appropriations for the Department of State and related agencies for the fiscal years 1998 and 1999, 10:30 a.m., S–116, Capitol.

Next Meeting of the SENATE

10 a.m., Tuesday, July 29

Senate Chamber

Program for Tuesday: After the recognition of certain Senators for speeches and the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will resume consideration of S. 1022, Commerce, Justice, State Appropriations, 1998, with a vote on final passage to occur thereon, and resume consideration of S. 1048, Transportation Appropriations, 1998.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 29

House Chamber

Program for Tuesday: Consideration of H.R. 2266, Department of Defense Appropriations Act for FY 1998 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

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