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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MILLER of Florida].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 16, 1997.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

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 gentlewoman from California [Ms. PELOSI] for 5 minutes.

FAMILIAS LATINAS EN LOS ESTADOS UNIDOS

Ms. PELOSI. Mr. Speaker, yesterday began Hispanic heritage month. And for that reason and many others, I am very privileged to read a letter from Familias Latinas to the President and Mrs. Clinton.

The following letter is the product of a radio program called Buenos Días California on KIQI AM in San Francisco. The hosts of the show, Carlos de Marty and Marcos Gutierrez, asked, "What would you say in a letter to the

Clinton family?" The suggestions from the Spanish listening audience were recorded and a letter written as follows:

DEAR PRESIDENT AND MRS. CLINTON: Congratulations to you and your daughter on selecting Stanford University for her formal education. This means you will be in our State more often since you will want to keep your family together. And that, Mr. President, is the reason for this letter, family unity.

The people who have signed this letter believe that the Latino family in the United States lives in an atmosphere of fear, paranoia, frustration, uncertainty and despair which is detrimental to our community and may eventually have negative effects on the community at large. We want to communicate our feelings and request action now. Our family unit is under a great deal of pressure from propositions and laws which have flourished under your presidency. Among these are Propositions 187, 209 and the latest, a proposition to do away with bilingual classes. We are having a difficult time understanding why you have not been as supportive of us, as we were of you during the last two presidential elections.

Let us look at the specific elements which are hurting our family unit starting from the elderly and working down to our children. Our non-citizen grandparents live in fear of losing their benefits even though they spent a lifetime contributing to the collective wealth of our country, not only in taxes paid, but in hard work done for little pay which allowed the country to flourish. Some of our parents are being deported, even though they have established roots in this country.

You will be leaving your daughter at Stanford for four years in a friendly atmosphere. Imagine having to destroy your family because of immigration rules. Imagine having to leave your children in this country because you are being deported. We must remember that a lot of the men and women being deported now to Central America, came to the United States in defense of democracy, under the hardship of civil war. Citizenship should not be used as a wedge between family members.

Many of us in the Latino family live in a cycle of poverty which forces both parents to work more than eight hours a day. This results in long hours of loneliness for our children. A lot of times we cannot afford to get

good care for them. We are sure that because of your busy schedule there were times when you left your daughter alone, but never under inadequate care.

On the educational front, many non-Latino students get preferential treatment because of their parents' connections to educational institutions. Our children don't. In the recent past our students had affirmative action. Now they don't.

On the drug front, it is hard to imagine that the Nation which can focus on little rocks in far away planets, cannot see the enormous amount of drugs coming into our communities. Instead of sensible help, your government has allowed the construction of a sophisticated, profit-oriented prison system which sits waiting for our children.

All these elements, working steadily and daily, have taken their toll on our family unit. We are sure, Mr. President and Mrs. Clinton, this is not what you want. With these signatures, we are declaring our collectively dissatisfaction with the racist, anti-immigrant and anti-Latino atmosphere which has been allowed to prevail for too long. We need your administration's support for our tradition of family unity. We come to this land, as your ancestors did, to find a better way of life, to build community and loyalty to a wonderful country like the United States.

As far as our past, we believe that the Latino community has contributed to the progress of the United States in times of peace, and specifically with our blood in times of war. We know the length of the list of the Latinos who made the ultimate sacrifice for our country. These contributions should have earned for us a more active participation in our country's internal affairs and specifically in the future negotiations and plans between the United States and Latin America.

We recommend that you accommodate more Latinos within your sphere of power so that perhaps you could see our plight under a different light. Many of us feel that as descendants of the original inhabitants of parts of the United States, specifically as described in the Guadalupe-Hidalgo Treaty, we deserve better treatment.

We feel that your role as a leader is to strengthen the Nation's points of agreement, not its differences. We believe that you, Mr. President, have a responsibility to act as a catalyst to rid the xenophobic attitudes

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

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



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which have been allowed to enter our Nation's mainstream. We ask that you undertake a rigorous campaign to establish yourself as a leader who will not tolerate anti-immigrant and anti-affirmative action attitudes.

We also ask for our Government's support for a Latino U.S.A. summit in Washington, D.C. to discuss the issues which concern our families in this country. We also want full participation in the President's Initiative on Race. We are sure that the items which we have outlined can be addressed through communication and mutual respect.

Signed, Familias Latinas en los Estados Unidos.

Mr. Speaker, may I add that a letter has gone from members of the Hispanic Caucus in the House of Representatives to the President asking him to receive the enclosed letter, and with it there will be over 30,000 signatures.

TRIBUTE TO FLORIDA SHERIFFS YOUTH RANCHES

Mr. STEARNS. Mr. Speaker, many people come to the floor to complain about things or complain about how things are done. But this morning, Mr. Speaker, I am glad to share a success story with my colleagues about the outstanding efforts of a dedicated group in my home State of Florida. I am talking about those involved with the Florida Sheriffs Youth Ranches.

The Florida Sheriffs Youth Ranches, Inc., is celebrating 40 years of making a difference in the lives of our State and of our young people. Over 30,000 boys and girls have benefited from the guidance and care provided by this organization over the past four decades.

Although created to serve Florida's 67 counties, the Florida Sheriffs Youth Ranches had its genesis in Texas, the result of a trip by two Florida sheriffs in 1955. Sheriff Don McLeod of my home county, Marion County, and Sheriff Ed Blackburn, Jr., of Hillsborough County were in Texas to pick up two fugitives from Florida. While talking with a local deputy, they heard about a nearby camp for needy and neglected boys. They learned that a former wrestler had started the camp with four boys salvaged from the local slums and how this caring individual turned their lives around by providing a home, support, and discipline.

The next day they took charge of their prisoners for the drive back to Florida. One was a young man 18 years old and badly injured, and the other a 17-year-old girl who was 5 months pregnant, two young people who, without proper guidance, got into big, big trouble. The two sheriffs decided that if a former wrestler could make a difference, then certainly law officers working together could repair damaged lives. After all, they knew full well that the youthful victims of neglect, abuse, and indifference too often take to crime.

Sheriffs McLeod and Blackburn presented their idea to the Florida Sheriffs Association. Later that year the Association persuaded the Elks Club of

Suwanee County and a local businessman to donate 140 acres on the banks of the Suwanee River for the ranch. With loans from area banks and contributions to the Association, they began building the Florida Sheriffs Boys Ranch.

Financial contributions, donations of materials, and volunteers helped build the first camp, and four boys moved into the facility in January 1959. Thirteen years later, the Sheriffs opened a camp for girls. And in 1976, a coed facility was built to reunite siblings.

I would like to take note of the support provided by such individuals as Sheriff John P. Hall, Sr., who served as the first treasurer of the Youth Ranches and was sheriff of Clay County, in my congressional district, for a record 36 years. I also commend his children, J.P. Hall, Jr., and Dena Mae Lemen, for continuing their devoted services to the Youth Ranches. These folks are also in my congressional districts.

Mr. Speaker, today there are six camps operated by the Florida Sheriffs Youth Ranches. The goal of these ranches is quite simple: to prevent juvenile delinquency and develop lawful, productive citizens through a broad range of family centered services. They use the basics, tried and true traditional values, to mend broken spirits and lives.

The success of this program is found in the simple values embraced by most Americans today, basic family values that, when abandoned, lead to anguish and despair. By building character and instilling the concept of service and self-sacrifice, these young people learn the importance of community. Add in study, faith and hard work, and we have the ingredients for a future generation of outstanding citizens.

The Florida Sheriffs Youth Ranches are a product of a vision for building a better future for Florida's children, a vision which has flourished with the generous support of Florida's citizens.

It is easy, Mr. Speaker, to look to the Government to solve the problems within our society. However, if we want results, we need to look to ourselves and communities for these solutions. There are many examples of this truth, and I commend the Florida Sheriffs Youth Ranches for making the difference in the lives of 30,000 troubled Florida youths. Thank you for 40 years of service to Florida and Florida's youth.

I also commend J.P. Hall, Jr., and Dena Mae Lemen for coming up here and sharing this 40-year anniversary here in Congress, and I wish them another 40 years or more of success.

TIME FOR ACTION ON CAMPAIGN FINANCE REFORM

Mr. DOGGETT. Mr. Speaker, each day that this Congress has been in action, and not very complete action since we began in September, there have been Members of this House who

have come to the floor and have raised the issue of campaign finance, because we realize that unless the House acts within the next month on the issue of campaign finance, that there may be more headlines of people complaining about campaign finance but absolutely nothing will be done to remedy the problems before the 1998 elections. The time for action is now.

As I was home in Austin, TX, this weekend visiting with people, I was reminded again of how much Americans are concerned with the way that their government is operating and with the fact that the cost of these campaigns just seems to go up geometrically with each election. And I came across a book down there in Austin that would suggest that even our children can understand what is at stake with reference to this race for campaign dollars. It is called "The Money Tree" by Sarah Stewart.

It is a book about gardening really, a woman named Ms. McGillicuddy who is quite a gardener, and one day a strange new tree begins to form in her garden. She is not really sure what it is. But before she knows it, it is doing something that maybe all of us have dreamed about at one time or another. The leaves are coming out as long, green hundred-dollar bills.

At first she is pretty happy about the idea that she has got a money tree growing in her yard. She continues to cultivate it, along with doing her other work. But soon she finds that she has many new friends, and it seems like everyone in the area is coming to look at the money tree and to borrow a ladder and interfere with all of her normal work as a gardener, a housekeeper, and someone who takes care of the animals and does other things in her area. She cannot get any of her ordinary work done because people are over there trying to grab those hundred-dollar bills off her money tree.

Finally, after a long time, she decides that maybe she is better off without the money tree, and she chops it down and converts it into firewood. This is a story our children might understand, and a story that people who observe their Congress might also understand. We have Members of Congress and any serious candidate for Congress out trying to find the money tree just about every day of the year, every year, year in, year out.

□ 1045

Some of those who have experience with gardening and cultivating on a larger scale, like the tobacco companies in this country, seem to have mastered the money tree and its influence over Members of Congress pretty well. They are the top soft money contributors of dollars that are largely unregulated and uncontrolled and which have a truly corrupting influence on the operation of this Congress. That is why many of us are coming out day in, day out now and saying, put a ban on soft money, cut down the soft money tree,

as Ms. McGillicuddy did, and make this Congress a place that more folks can be proud of instead of simply cynical about.

Indeed, members of the freshman class, our newest Members of this Congress, under the able leadership of the gentleman from Maine [Mr. ALLEN], but including both Republicans and Democrats, have come together with a proposal to ban soft money and to make certain other modest reforms in our system. Yet their proposal, though it has been discussed briefly on this floor, has never come forward for full debate because Speaker GINGRICH refuses to schedule any proposal on campaign finance at a time that it might really make a difference for the next election.

To understand why he will not schedule this proposal, one need only look at his comments over time. A few months after he had shaken hands with President Clinton and promised bipartisan campaign finance reform, he had this to say in a committee of this Congress:

"One of the greatest myths of modern politics is that campaigns are too expensive. The political process, in fact, is underfunded; it is not overfunded."

I think the people that are out there tending to their families, tending to their gardens across America, and looking at this Congress with periodic interruptions for 30-second TV spots do not share the Speaker's enthusiasm for spending more and more money on our elections. They want honest, bipartisan reform. We call on Speaker GINGRICH again this morning to give us that by scheduling campaign finance reform and a ban on soft money immediately.

END BAN ON NEEDLE EXCHANGE

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized during morning hour debates for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, on Thursday this House voted for an amendment that would ban the use of Federal funds for needle exchange programs, programs that have been proven to reduce the transmission of HIV, the virus which causes AIDS, programs which without question save lives, and which have never been shown to increase the use of injectable or other drugs. In fact, what has been shown is that persons using these programs are more likely to enter treatment when treatment is available.

I realize, Mr. Speaker, that it was recently reported that AIDS is no longer the leading cause of death for Americans between the ages of 25 and 44. While that may be true for European-Americans, it is definitely not true for my patients in the African-American community or other minorities. Women are still disproportionately affected, and in most of these cases, the

transmission is related to intravenous drug use.

Health experts have said that the greatest threat to our public health are legislative bodies such as this. Last Thursday, we may have proved this statement true again.

As a physician who has taken care of patients with AIDS and who has taken care of patients who are addicted to drugs, I look to our colleagues in the conference committee to do the right thing and delete this amendment out of the final legislation. Choose life, my colleagues. Choose life.

IN THE NAME OF OUR CHILDREN'S HEALTH

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

Mr. MCGOVERN. Mr. Speaker, I have taken to this well many times before to speak about the steps that my home State of Massachusetts has taken to guarantee that no child goes without proper health care. This is not a recent phenomenon. Massachusetts has long been a national leader on the issue of children's health.

Some 70 years ago, President Calvin Coolidge, a Massachusetts native, declared the first Monday in October as National Child Health Day. While an issue as important as children's health certainly merits our Nation's full attention, past generations have unfortunately let this day fall from our national calendar. With the help of my Republican colleague, the gentleman from Illinois [Mr. PORTER], and through the hard work of the American Health Foundation, I am proud to declare that Child Health Day is once again getting the attention that it deserves.

Mr. Speaker, no single issue has the potential to impact the future of the United States more than the health of our kids. This issue goes to the heart of our ability to compete globally and will profoundly impact America's ability to lead the world in the 21st century. As President Coolidge stated in his proclamation back in 1928:

The protection and development of the health of the children of today are fundamental necessities to the future progress and welfare of the Nation.

We know that children without adequate health care will cost our Nation dearly if we fail to act now. These children, many of whom come from hard-working families, often fail to excel in schools for reasons that are wholly preventable. No child in America should suffer academically because they cannot afford proper eyeglasses. No child in America should suffer permanent hearing loss because they cannot afford to have an ear infection treated. As a Nation that seeks to compete in an increasingly global economy, we simply cannot afford to have preventable ill-

nesses keep our young people from reaching their fullest potential.

There is a rather simple solution to the challenge of keeping kids healthy, and that is preventative care. A dollar spent on immunizations saves \$10 later in a child's life, yet some 25 percent of our Nation's 2-year-olds go without immunizations. Every year 400,000 children go without the medicines their doctors have prescribed because they are uninsured or their parents simply cannot afford to pay for these prescriptions. This simply must change.

But even children with adequate health care coverage should become active participants in Child Health Day. Too many of our Nation's youth suffer from poor nutrition, bad oral hygiene or failure to exercise. And thousands of young people each year become victims of substance abuse, including drugs, alcohol, and tobacco. These are health risks that cross all socioeconomic lines and habits that will only worsen in time.

Mr. Speaker, we can act decisively on each of these important health issues. Back home in Massachusetts I have taken several steps to bring the full weight of volunteers, community leaders, nonprofit groups and State and local government officials to bear on many of the negative trends I have mentioned. On October 6, National Child Health Day, Massachusetts will proudly unveil the first and only State report card on children's health, quantifying our Commonwealth's strengths and weaknesses. I am also inviting hundreds of people throughout Massachusetts to attend a forum on November 1 which will seek to find long-term solutions to the challenges that we identify.

On Thursday of this week, the gentleman from Illinois [Mr. PORTER] and I will hold a bipartisan luncheon here in the Capitol to build support for National Child Health Day next month. I encourage all Members who would like to hold Child Health Day events in their districts to attend. Together we can reach across political, social, and cultural boundaries to help prepare our children for healthy and successful lives.

RECESS

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

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

Remind us always, O gracious God, of those deeds we can do to be Your people and celebrate the good works of life in our world, our Nation, and our communities. May we not only be involved with our own personal needs so that we neglect our concern for the other people that You have created, all the people that You have created, and for whom You share Your love and blessings. May we not only look to our own private relationship with You but the shared blessings and opportunities that You have given to us. May Your good benediction, O God, that is new every morning and with us all the day long, be with us this day and every day, we pray. Amen.

THE JOURNAL

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

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

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

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on this matter are postponed.

The point of no quorum is considered is withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to fifteen 1-minutes on each side.

H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

(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, the American people have been well served by the 105th Congress. This Republican Congress has created a balanced budget, given tax relief to millions of Americans, and allowed small businesses and companies to create thousands of new jobs. All this was done because the American people wanted it and, Mr. Speaker, they deserved it.

However, before adjournment Congress may consider a bill that the American people do not want, a bill that does not reflect their consolidated voice or best interests. That bill I am referring to is H.R. 1270, the Nuclear Waste Policy Act of 1997.

Residents in cities like New York, Los Angeles, Chicago, Houston, Dallas and many others certainly do not want to put their children and loved ones at severe risk because their elected officials voted to ship toxic nuclear waste through their neighborhoods and communities.

Fellow colleagues, one mishap is all it would take to ravage one of these cities or even your community. Let us not mar the monumental accomplishments of this Congress by voting on a truly dangerous and ill-conceived bill. Vote "no" on H.R. 1270.

KIKI DE LA GARZA U.S. BORDER STATION

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

Mr. HINOJOSA. Mr. Speaker, today we will be considering under suspension of the rules a measure to name the U.S. border station located in Pharr, TX, after my esteemed predecessor, the Honorable Kika de la Garza.

This is indeed a fitting tribute for an individual whom many of us here in this Chamber have had the pleasure and privilege of working with. He is a man who has dedicated his life to public service, who has been an international ambassador for American agriculture, and who is known throughout all of Texas and the Nation simply as "Kika."

This is a man who has made an illustrious institution all the more distinguished by his countenance, his acumen, and his devotion to doing what it takes to get the job done. No one deserves this honor more, and I want to take this opportunity to say from my heart, "Congratulations, Kika, for your decades of outstanding work on behalf of the citizens of the 15th District in Texas."

PERSONAL RESPONSIBILITY, A CONCEPT AMERICANS CAN AGREE ON

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

Mr. HUTCHINSON. Mr. Speaker, recently in my Sunday newspaper, I saw a fascinating article in the USA Week-

end section that was entitled "What Americans Agree On." USA Weekend took a poll over the July 4th holiday and found out that 95 percent of Americans agree that freedom must be tempered with personal responsibility. Ninety-five percent, Mr. Speaker.

Now leaving aside the poll numbers, it is common sense that personal responsibility is vital to the American conception of freedom. But what if children come from homes in which blaming others for our shortcomings is a way of life? How will such children learn the basic American value of freedom in the context of personal responsibility?

The answer is education. The problem is that too many schools are failing to teach what nearly all Americans agree on that is fundamental to our freedom. Personal responsibility, a concept shared by all Americans, is where education reformers should talk more about when thinking about educating our Nation's children.

IRS AUDITS PAULA JONES

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

Mr. TRAFICANT. Mr. Speaker, just days after Paula Jones rejected a settlement and her lawyers deserted her, the IRS has slammed Paula Jones with an audit. Now, if that does not seem strange, check this out: Paula Jones has no income. Paula's husband makes \$37,000. They do not own a home. They rent. They have two children and only own one car.

Now tell me, Mr. Speaker, how many families of such meager means get audited? The IRS says, "Wait a minute. The IRS did not target Paula Jones." The IRS says, "We have nothing to do with the White House, and the IRS never has political targets."

Beam me up, Mr. Speaker. Let us tell it like it is. The IRS did not just target Paula Jones. The IRS is nuking Paula Jones because of the sensitive politics involved. I say Congress should target the IRS and straighten those bunch of henchmen out.

WHAT DOES CAMPAIGN FINANCE REFORM MEAN?

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

Mr. TIAHRT. Mr. Speaker, Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." And the Supreme Court agreed in what is called the Beck agreement. They did not call it sinful or tyrannical. They called it illegal.

What is it? It is the involuntary spending of union workers' hard-earned money, their union dues, for opinions in which they disbelieve. The workers

have to fund political contributions and candidates they do not support. The administration, by Executive order, refuses to enforce the Beck decision.

So when we hear the term "campaign reform," it means making the Beck decision law; it means removing this injustice that Thomas Jefferson called sinful and tyrannical, it means freeing up the workers of this country.

CONSIDER CAMPAIGN FINANCE REFORM THIS YEAR

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

Mr. SNYDER. Mr. Speaker, on June 11, 1995, the President and Speaker of the House, in a very famous photo of shaking hands, committed themselves to campaign finance reform. It has been over 2 years later. We have had 85 bills filed. There have been no hearings on campaign finance reform. There have been no bills passed.

The President will support campaign finance reform, Mr. Speaker. This House and the House leadership needs to step forward and let this body consider campaign finance reform this year. My own preference is the freshmen bipartisan bill, the Hutchinson-Allen bill. There are other good bills out there, but they will get nowhere without hearings and without being brought to the floor of this House. We need to do our job this year on campaign finance reform.

FOLLOW MINNESOTA'S LEAD IN EDUCATION

(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, I rise today to congratulate my Governor, Arne Carlson, of Minnesota. Back in Minnesota we are very proud of our schools and we are very proud of our students. Many people listen to Garrison Keiler when he talks about Lake Wobegone, and sometimes we talk about the Lake Wobegone syndrome.

In fact, we do believe our women are strong, our men are good looking, and our children are above average. And there is reason to believe that. If we look at the numbers, Minnesota students rank second in graduation rate. On the ACT test, we once again ranked in second place in all of the United States in 1996. But that is the good news.

The bad news is, in some of the tests that we have been giving our students in the last several years on basic skills, Minnesota students are not doing as well as they should. In reading, for example, we asked students to read a few newspaper articles, then answer some questions, and only 59 percent of the students passed that test.

That is why Governor Carlson, together with the legislature, began a

process this year of real reform of our schools, and that was built around choices and giving parents more empowerment. It is tax credits. It is empowering parents with more deductibility for educational expenses.

We in Washington ought to do the same. In fact, they say back in Minnesota, either lead, follow, or get out of the way. In terms of education reform, we ought to follow the lead of Governor Carlson and other brave Governors who are empowering parents to get better education for their kids.

NATIONAL STUDENT TESTING IS NOT THE ANSWER

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

Mr. COOK. Mr. Speaker, the latest great idea from the administration to improve education is national testing. After all, who could be against a proposal that will make it easier to see how your school is doing and make it easier to compare your children against the performance of students nationwide?

I guess my first reaction is that we do not need a national test to discover that a school with fourth graders who do not read has a big problem. We do not need a national test to figure out that something is terribly wrong when kids graduate from high school feeling just wonderful about themselves but are unable to write a coherent paragraph.

The bottom line is, we do not need a national test to determine that our schools are failing us and failing the communities which support them. It is as if the other side actually believes that the same schools that do not enforce standards now will suddenly do so if Washington comes up with a new test.

If academic rigor is absent in our schools now, call it a hunch, but I am guessing that rigor will be absent in our schools after the latest national test is created.

□ 1215

SCHOOL CHOICE

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

Mr. WELDON of Florida. Mr. Speaker, my question is, Would a plan to make it easier for parents to save for their children's college education be a good thing or a bad thing? What if their children took that money and used it to go to a private university like Harvard? Would that be a threat to public universities like the University of Michigan or the University of Virginia? Or would that make schools like the University of Michigan and the University of Virginia try even harder to compete for students that might otherwise go to Harvard?

If allowing parents to send their kids to Harvard is not a threat to public universities, why would making it a little easier for parents to send their kids to private schools be a threat to public schools at the elementary and secondary level? Could it be that many parents would vote with their feet and take their kids out of bad public schools and put them in private schools? That would force bad schools to clean up their act or shut down, which is exactly the point.

CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker, another week has gone by in Washington, and still the Republican leadership has not scheduled a vote on campaign finance reform. Delay has always been the strategy of those who are opposed to curbing the influence of special interest money. We cannot accept delay any longer.

My colleagues and I are demanding that Speaker GINGRICH schedule a vote to ban soft money, the huge unregulated contributions to both political parties that have corrupted our political process in Congress. But the Speaker's response is there is not time, or the Speaker's response is what we need is more money in our election system. That is wrong.

Tomorrow afternoon the Republicans hope to leave work early in the day to travel to New York City to hold a massive fund raiser. Apparently there is enough time in the congressional schedule to leave early and fly to New York on private jets to raise money, but there is not enough time to schedule a vote on campaign finance reform and to ban soft money. This is unacceptable, Mr. Speaker, to me, to my colleagues, and to the majority of the American people.

CAMPAIGN FINANCE IN CURRENT LAW

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute.)

Mrs. CHENOWETH. Mr. Speaker, most children have tried the tactic we are now seeing from the other side regarding the White House scandals and campaign finance reform. If you catch a child with his hands in the cookie jar, sometimes he tries to change the subject on that which they are doing, and if they cannot successfully change the subject, then they get angry.

Most parents see right through what their child is trying to do to escape punishment for disobeying their parents. Fortunately, thank goodness, most Americans are able to see through the hypocrisy of Democrats who claim to want to ban soft money, the very same people who have raised illegal fund raising from foreign sources to an art form.

Current law, I know that the other side is not very concerned about current law, especially last year, in last year's campaign, but current law does not require full disclosure. If it had during 1996, we would have known what the millions of dollars in soft money raised from foreign sources were that was actually returned because of their criminal behavior.

EDUCATION SAVINGS ACCOUNTS

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, making education affordable, whether at the college level or at the primary and secondary level, has to be one of the primary concerns of Congress. Our Republican tax bill adopted this year contained provisions that provided real tax relief for families that were paying tuition. But unfortunately, at the end of the conference with the administration, the administration demanded that key provisions be stripped out or that the bill would be vetoed.

Specifically the Clinton administration opposed tax relief for prepaid tuition plans like we have in Pennsylvania and tax relief in the form of a parent and student savings account plus, which would provide up to \$2,000 a year for an education savings account with the buildup of interest to be tax free.

Mr. Speaker, I strongly support the legislation introduced by Speaker GINGRICH in the House and Senator COVERDELL in the Senate to create an education savings account to make education affordable and make the American dream more accessible.

Mr. President, please realize this issue is not going to go away. We will not go away until working families and students get the tax relief they deserve. We are going to push this issue this year.

DISPENSING WITH CALL OF PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. LAHOOD). This is the day for the call of the Private Calendar.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 2 p.m. today.

JOHN N. GRIESEMER POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to designate the U.S. Post Office building located at Bennett and Kansas Avenue in Springfield, MO, as the "John N. Griesemer Post Office Building," as amended.

The Clerk read as follows:

H.R. 1254

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

SECTION 1. DESIGNATION.

The United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, shall be known and designated as the "John N. Griesemer Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "John N. Griesemer Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1254 was introduced by the gentleman from Missouri [Mr. BLUNT] on April 29. This legislation, as has been noted, designates the U.S. Post Office located at Bennett and Kansas Avenue in Springfield, MO, as the "John N. Griesemer Post Office Building". The amendment at the desk, Mr. Speaker, corrects the address of the building to 1919 West Bennett Street. The exact assignment of the street address was not known when the bill was originally drafted.

Mr. Speaker, in accordance with the policy of the Committee on Government Reform and Oversight, the bill is cosponsored by the entire House delegation of the State of the sponsoring Member, the State of Missouri. The measure was before the Subcommittee on Postal Service on June 5 and was approved, as amended, by all the subcommittee members.

Mr. Speaker, the legislation obviously honors John N. Griesemer, who was born in Mount Vernon, MO, and, as I am sure we will hear later from the sponsor of the bill, amassed a long and very admirable record in civic and public duties. Most particularly of interest to the subcommittee and to myself, Mr. Speaker, the gentleman was, in 1984, named by President Reagan to serve on the U.S. Postal Board of Governors. He was elected chairman of the Board in 1987 and 1988 and served for 3 years as the Board's vice chairman.

I think it is for this reason particularly, Mr. Speaker, that the naming of this post office in memory of a man who served with distinction through his entire public life, but particularly served with distinction as a member of the very body that governs the Postal Service, makes this bill so very appropriate.

Mr. Speaker, I commend the gentleman from Missouri [Mr. BLUNT], the Missouri delegation, and I wish to thank our full committee chairman and ranking members for their cooperation in bringing this, I think, very worthy piece of legislation to the floor. I would urge our colleagues to support this bill, as amended.

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

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

Mr. Speaker, I rise today in support of legislation, H.R. 1254, as amended, which would designate the U.S. Post Office Building located at 1919 West Bennett Street in Springfield, Missouri, as the John N. Griesemer Post Office Building.

Mr. Griesemer, a Springfield, MO businessman, was named to serve on the U.S. Postal Service Board of Governors in 1984. He was elected chairman of the Board in 1987 and 1988 and served for 3 years as the vice chairman.

A native of Billings, MO, John Griesemer worked for his family's business, the Griesemer Stone Co. He served as its president and director until his death in 1993.

H.R. 1254, introduced by the gentleman from Missouri [Mr. BLUNT] enjoys the support and cosponsorship of the entire Missouri congressional delegation. I urge my colleagues to support this measure, which is a fitting testament to the great work of Mr. Griesemer.

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

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. BLUNT], the primary sponsor of this legislation.

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

Mr. BLUNT. Mr. Speaker, first I would like to thank the gentleman from New York [Mr. MCHUGH], the chairman of the Subcommittee on Postal Service, for his assistance in moving this legislation through his subcommittee. I would also like to thank the members of the full committee and the gentleman from Indiana [Mr. BURTON], the chairman, for discharging the bill so it could be considered today. And, of course, I would like to thank the other members of the Missouri delegation for joining me unanimously as cosponsors of this resolution.

The resolution we are debating, Mr. Speaker, will name the new postal facility in my district for the late John N. Griesemer. Mr. Griesemer invested

his lifetime in his family, his church and in public service, and perhaps the greatest national impact of that public service, as my colleagues have pointed out from Maryland and New York, was his time as the chairman of the Board of Governors of the Postal Service. He served as vice chairman for 3 years. He served as chairman after that during his remaining time on the Board.

He was dedicated to the Postal Service, and certainly to name a facility in the city, the city of Springfield, where he ran his business, where he was so involved in civic and church affairs, where he and his wife raised their 5 children, is, I think, an appropriate tribute to his service to community, and particularly to his service to the Postal Service.

I want to really join the gentleman from New York [Mr. MCHUGH] and the gentleman from Maryland [Mr. CUMMINGS] in encouraging that the House move for the passage of this resolution, and as this facility is officially opened, it will be officially opened with the name of John N. Griesemer as the name of the facility, Mr. Speaker.

I want to thank the gentleman from New York for yielding me the time.

John Griesemer was born in Mt. Vernon, MO and grew up on a dairy farm near Billings. He graduated from Billings High School in 1948 and he earned a Bachelor of Science degree in Civil Engineering from the University of Missouri, Columbia in 1953. He served as a First Lieutenant, Engineering Officer in the U.S. Air Force from 1954 until 1956.

After his discharge from the Air Force, John returned to southwest Missouri to work for his family's business, Griesemer Stone Co. He served there as president and as a director until his death in 1993.

In defiance of conventional wisdom, John Griesemer balanced a successful career with family life and a dedication to community service. He and his wife, Kathleen, raised five children on a small farm just east of Springfield, MO. John was active in his church, having served as Chairman of the annual Diocesan Development Fund Drive, member of the Financial Advisory Committee and co-trustee of the Heer-Andres Trust of the Catholic diocese of Springfield-Cape Girardeau, MO. He also served as Co-Chairman of the Margin for Excellence fund drive to establish an endowment and build a new Catholic High School in Springfield. John was an Eagle Scout, a Scout Master and, in later years, served on the Board of the Ozarks Council of the Boy Scouts of America. He was also involved with the Junior Achievement Program.

In addition to his work with Griesemer Stone Co., John founded Joplin Stone Co. and Missouri Commercial Transportation Co., and served as president of Springfield Ready Mix Co. He was a director of Boatmen's National Bank and, in 1991 was president of the Springfield Development Council, a non-profit subsidiary corporation of the Springfield Chamber of Commerce.

John Griesemer passed away in 1993, survived by his wife and five children. His legacy is one of service to God, his country and to his fellowman through dedication to family, business and community.

Again I would like to thank Mr. MCHUGH and I would ask all of my colleagues to join in hon-

oring John N. Griesemer by naming this new facility in the city, where he spent his life and spent it wisely, after him.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1254, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MCHUGH. 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. 1254.

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

There was no objection.

COMMENDING AMERICAN AIRMEN HELD POLITICAL PRISONERS AT BUCHENWALD

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 95) recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

The Clerk read as follows:

H. CON. RES. 95

Whereas 168 Allied airmen captured by Axis forces during World War II were held as political prisoners at the Buchenwald concentration camp in Weimar, Germany;

Whereas of these captured airmen, 82 were Americans, 26 were Canadians, 48 were Britons, 9 were Australians, 2 were New Zealanders, and 1 was Jamaican;

Whereas the facts and circumstances of their confinement are amply documented in the official records maintained by the National Archives and Records Administration;

Whereas a report from the International Red Cross concerning Stalag Luft III in Sagan, Germany, mentioned six American airmen held at Buchenwald, including one whose name does not appear on the lists maintained by the National Archives;

Whereas since the liberation of Buchenwald in 1945 numerous personal memoirs, scholarly books, and articles have been published describing the conditions at the concentration camp;

Whereas this extensive documentation records the extraordinarily inhuman treatment, deprivations, and personal suffering inflicted on these 168 Allied airmen and other inmates at Buchenwald; and

Whereas Allied Governments and veterans organizations outside the United States have granted special recognition to their citizens

and servicemembers who were here as political prisoners in World War II concentration camps: Now, therefore, be it

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

(1) recognizes and commends the 82 American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their faithful service, personal bravery, and exceptional fortitude; and

(2) requests that the President issue a proclamation recognizing and commending, by name, the service, bravery, and fortitude of those airmen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

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

□ 1230

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

Mr. Speaker, today the House has an opportunity to recognize the valor and sacrifices of 82 Americans who have earned the gratitude of our Nation. We often speak in this House of the debt that our Nation owes to the many men and women who have served our Armed Forces in defense of this country and its values.

The story of these 82 American airmen forcefully reminds us of the price that others have had to pay to preserve our freedom. These men were held as political prisoners at the notorious Buchenwald concentration camp.

Unlike other American prisoners of war, they were not entitled to the protections of the Geneva Convention. The unspeakable horrors of Buchenwald are well-known, but the ordeal of these men and what they experienced is not known.

For 52 years, this Government has not formally recognized the bravery and loyalty of these 82 airmen. This resolution, which is sponsored by my distinguished colleague and good friend, the gentleman from Florida [Mr. WELDON] and also has the support of the gentleman from Florida [Mr. DEUTSCH], my equally good friend and colleague, will provide public recognition that these men have earned, and it is so long overdue.

But the resolution will do more than that, Mr. Speaker. It will also educate Members of Congress and preserve for the American people the story, the history, and the bravery of these 82 heroic individuals.

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

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

Mr. Speaker, on June 10, 1997, Representatives WELDON and DEUTSCH introduced bipartisan legislation, House Concurrent Resolution 95, to officially honor the only U.S. servicemen to be held prisoner in a concentration camp.

I am delighted that the chairman of the Subcommittee on Civil Service [Mr. MICA] and I have been able to quickly bring this bill to the floor for

the consideration of Members. I strongly support House Concurrent Resolution 95 and urge its immediate passage so that this body might go on record as commending 82 brave United States airmen who were held at the Buchenwald concentration camp in Weimar, Germany, during World War II.

These men shared a unique and painful experience that no other American servicemen have endured. A total of 168 allied airmen were captured and held at Buchenwald, and allied governments in other parts of the world have already bestowed special recognition upon these servicemen.

The deplorable conditions, inhumane treatment, and personal suffering of the 82 American servicemen must not go unrecognized by our Nation any longer.

Though more than 50 years have passed since the liberation of the Buchenwald concentration camp, the appreciation due these men for their bravery, service, and unique sacrifice, is as considerable today as it was in 1945 when the camp was liberated.

It is perhaps even more momentous because it is so long overdue. Tragically, some of these men can no longer be located and informed of this legislation. Thirty-three of them are now deceased. It is my hope that the news of our action here today, our official recognition of their service, reaches all who survive, those who have passed on, and all of their families, so that they might know what has finally transpired here this day.

Mr. Speaker, I respectfully urge this entire body to join me in support of this important resolution so that all 82 Americans held at Buchenwald concentration camp may receive the honor they have for so long deserved.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Florida [Mr. WELDON], the sponsor of this important legislation. I want to thank the gentleman for bringing the sacrifices of these airmen to the attention of the Congress and to the American people.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank my colleague the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS], my good friend, for bringing my bill to the floor today.

I also want to thank the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on Government Reform and Oversight, for allowing the bill to be considered in such a timely fashion. I also, in addition, want to thank my very good friend, the gentleman from Florida [Mr. DEUTSCH] for working with me on this important bipartisan effort.

Mr. Speaker, House Concurrent Resolution 95 is a simple bill. It does not

spend any money, it does not change any regulations, it does not affect any Federal agencies. But this is an important bill, Mr. Speaker, because it recognizes a unique group of soldiers who fought for this country during World War II. Beside me on my left we can see, of those who are remaining and still alive, a picture of them gathered at a meeting.

Now, lots of men and women sacrificed on behalf of our country in World War II. What makes this group so special?

They were not the only members of the United States military to serve, but they were the only ones to be held in a Nazi concentration camp. Those horrible camps will forever occupy a dark place in human history, and we have long recognized the bravery and daring of many prisoners who fought their Nazi oppressors and struggled to win political and religious freedom.

But, tragically, we have never formally recognized these men for their service, sacrifice, and suffering. My attention was first drawn to their situation when they held a reunion in Melbourne, FL, which is in my district. After talking with Bill Williams, the leader of this group, who lives in Lake Placid, FL, I learned that both Sonny Montgomery and TIM HUTCHINSON had championed this bill when they served in the House, and I was determined to complete their work.

When these 82 airmen were shot down, they were captured in civilian clothing and were sent to Buchenwald concentration camp as spies and as criminals. But when our soldiers were sent to a concentration camp instead of a POW camp, they were considered political prisoners, and therefore not subject to the fundamental protections of the Geneva Convention.

My bill simply recognizes their unique service and asks the President to do the same by issuing a proclamation commending them. Other allied airmen were also held at Buchenwald, and their countries have recognized their service. So it seems fitting that we do so as well.

Senators TIM HUTCHINSON and JOSEPH LIEBERMAN have introduced similar legislation in the other body, and I hope this year that both Chambers can pass these bills and give these men the recognition that has been half a century waiting in coming.

The saga of the airmen is recounted by Mitchell Bard in "Forgotten Victims—The Abandonment of Americans in Hitler's Camps." His book details the horror these men suffered, the violent beatings, the days in solitary confinement, the malnutrition, the freezing temperatures, the sleep deprivation, the medical experimentation. We must never forget their sacrifices for freedom around the world.

Mr. Speaker, today's consideration of this bill is also very timely. Just a few weeks ago, the Department of Justice concluded years of negotiations with Germany regarding reparations for

these soldiers and other American civilians held in Nazi concentration and labor camps. I am pleased to report that the negotiations were highly successful and all of the United States soldiers held in Buchenwald are going to be compensated by Germany for their cruel and inhumane imprisonment. I commend the Justice Department for successfully closing out the settlement.

Finally, Mr. Speaker, I would like to submit for the RECORD a note from former President George Bush. President Bush wrote a warm note of greeting to these men when they met in Melbourne last year, and I want to include it as part of the RECORD for today's floor action.

MARCH 10, 1997.

I am delighted to send warm greetings to all gathered in Melbourne for this special reunion of American World War II veterans.

Present at this remarkable gathering this week are men who represented the best of the American spirit during a time of tremendous peril. Like so many others, you answered the call to duty and turned back a threatening tide of tyranny looming over Europe—and those who live there today in freedom are indebted to you for your sacrifices and selfless service. So as you fellow old-timers come together to renew friendships and recall lost comrades, I am honored to join in saluting you, doing so with the hope that you know your Nation respects you and is grateful to each of you.

GEORGE BUSH.

House concurrent resolution 95 is endorsed by the American Ex-prisoners of War and the Veterans of Foreign Wars.

Mr. Speaker, I would urge my colleagues to support this important bill. By passing this bill today, those veterans still living and the families and friends of those who have passed on can fully realize the public recognition these brave men so rightly deserve.

Mr. Speaker, I thank again my colleagues from Maryland and Florida.

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

Mr. Speaker, I want to take this opportunity to thank the distinguished gentleman from Florida [Mr. WELDON], the primary sponsor of this legislation, and also the gentleman from Florida [Mr. DEUTSCH] for their timeliness in bringing this legislation before the House. I congratulate them for their fine efforts to provide these brave men with a public expression of gratitude and recognition from this Congress, which they so richly deserve.

Mr. Speaker, I also want to take a moment and also thank the gentleman who is not with us, but who served with such a distinguished career in the House, Mr. Sonny Montgomery, who was referred to by my colleague from Florida. He did attempt to bring this matter before the House, and he does deserve credit and recognition on this day as we do pass this legislation long overdue.

I also want to take a moment to thank the gentleman from Maryland [Mr. CUMMINGS], the distinguished ranking member of the Subcommittee on Civil Service, for his assistance on

this matter. I also want to take this opportunity to thank the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on House Government Reform and Oversight, and the gentleman from California [Mr. WAXMAN], the ranking member, for their leadership and helping to expedite consideration of this matter before the House.

Mr. Speaker, this resolution asks the President to issue a proclamation recognizing and commending each of these 82 men by name for their service, their bravery, and their fortitude. In good conscience we can do no less.

Mr. Speaker, I urge all Members to vote for this long overdue resolution.

Mr. GILMAN. Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Florida. The history of mankind has shown us much about human nature. In World War Two, we faced an evil so unprecedented in its inhumanity we refer to those actions today as "atrocities" and as "crimes against mankind." The Nazi regime inflicted many injuries against the world, some of which were still struggling to heal. Let us take a step in a forward manner today and give our support in honoring a special group of American defenders who were witness to this terrible regime.

The 82 American airmen captured and interred at the Buchenwald concentration camp must be commended. In the service of their nation, they were forced to suffer at the hands of a vile enemy.

The suffering and sacrifice of these Americans cannot be forgotten. It was because of them and the Allied forces that we are in a position today to take preventive measures against such an occurrence ever happening again.

As much as some people wish to deny history, this event was real. A Holocaust took place. These 82 soldiers not only became prisoners, they became witnesses and messengers who could share with us firsthand this terrible event so that we might understand and learn from the tragic mistakes of the past.

To let this moment pass us by without action by this body would cast a pall on the memory of these valiant, selfless men. We have learned of the terrible circumstances at the concentration camps. We have previously honored innocent civilian victims of these camps. Some of those people were our friends and family members, and many were people we did not know. Now we have the opportunity to bestow proper honor and recognition of those service men who were fighting on our behalf. And who ended up in the Buchenwald concentration camp. I urge all of my colleagues to join together and support his admirable resolution.

Mr. MICA. 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. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 95.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution Resolution 95.

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

There was no objection.

HONORING THE CONTRIBUTIONS JIMMY STEWART MADE TO THE NATION

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation.

The Clerk read as follows:

H. CON. RES. 109

Whereas James M. ("Jimmy") Stewart made more than 80 films including comedies, westerns, and dramas of suspense;

Whereas Jimmy Stewart won an Academy Award for best performance by an actor in 1940 for his performance in "The Philadelphia Story" and received four other Oscar nominations for his performances in "Mr. Smith Goes to Washington", "It's a Wonderful Life", "Harvey", and "Anatomy of a Murder";

Whereas Jimmy Stewart received a Screen Actors Guild Award in 1968 for "fostering the finest ideals of the acting profession"; the American Film Institute's eighth life achievement award in 1980, a Kennedy Center Honor in 1983, a special Academy Award in 1984 for "50 years of meaningful performances" and "for his high ideals, both on and off the screen", and the annual tribute by the Film Society of Lincoln Center in 1990;

Whereas Jimmy Stewart appeared in a number of television shows and Broadway plays and received a Tony Award;

Whereas Jimmy Stewart's poetry was compiled into his 1989 book entitled "Jimmy Stewart and his Poems";

Whereas Jimmy Stewart enlisted in the military and served during World War II as operations officer, chief of staff, and squadron commander of the Second Combat Wing of the U.S. Eighth Air Force in England;

Whereas Jimmy Stewart's military decorations include two Distinguished Flying Crosses, the Air Medal, multiple oak leaf clusters, six battle stars, and the Croix de Guerre with Palm;

Whereas Jimmy Stewart attained the rank of colonel during World War II and the rank of brigadier general in 1959, making him the highest ranking entertainer in the American military;

Whereas Jimmy Stewart was active in national politics in his later years and was a close personal friend of former President Ronald Reagan;

Whereas Jimmy Stewart testified before Congress in 1988 in favor of a bill that was later enacted to require film exhibitors and distributors to disclose to the public whether certain culturally, historically, or aestheti-

cally significant films had been colorized or otherwise altered from the original; and

Whereas in 1985 President Ronald Reagan awarded Jimmy Stewart the Nation's highest civilian honor, the Presidential Medal of Freedom; Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the many talents of the late James M. ("Jimmy") Stewart and honors the artistic, military, and political contributions he made to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

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

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

Mr. Speaker, from time to time the U.S. House of Representatives and our Congress honors the memory and talents of great Americans. Mr. Speaker, I rise today to pay tribute to the late Jimmy Stewart. As an actor, as a citizen, and in his personal life, Jimmy Stewart exemplified the best of America.

Most Americans know Jimmy Stewart through his many movies. All of us have seen at least some of these movies, and he endeared himself to us by his performances. As laymen, though, we probably did not fully appreciate what a consummate craftsman he was. His acting appeared so natural that many wrongly believed that he was not acting at all, just being himself. But, according to biographers and critics, that was deceptive.

□ 1245

What appeared so natural to us was instead the result of talent magnified many times over by dedication and hard work.

Frank Capra, who directed Jimmy Stewart in his most famous movies, "Mr. Smith Goes to Washington" and "It's a Wonderful Life," had this to say about Jimmy Stewart's acting ability:

There is a higher level than great performances in acting. The actor disappears and there is only a real live person on the screen. There are only a few actors, very few indeed, capable of that level of performance, and that tall string bean sitting over there, he is one of them.

He was referring, of course, to Mr. Stewart.

Jimmy Stewart's personal life was also exemplary. He married his wife Gloria in 1949 and remained married to her until she died in 1994. That is no mean feat in Hollywood and in days where marriages sometimes seem to last only weeks or months. He also contributed to his community. He was an adviser to Princeton University's Theater in Residence, and served on the executive board of the Los Angeles Council of the Boy Scouts of America.

Jimmy Stewart also set a model for all of us in citizenship and patriotism. He was already a famous actor when World War II broke out. Perhaps he could have used his influence to stay

out of the armed forces, but he chose not to do so. To the contrary, when the Army rejected him because he was underweight, Jimmy Stewart ate fattening foods so he could pass the weight test.

He served in the Army Air Corps, flying 25 missions over enemy territory and serving as commander of a bombing wing. His distinguished military performance earned him the Air Medal and the Distinguished Flying Cross with Oak Leaf Cluster. In 1945 he returned to the United States as a colonel. He continued serving in the Air Force Reserve, attaining the rank of brigadier general in 1959.

Mr. Speaker, as an actor Jimmy Stewart could have used his wartime service to enhance his box office appeal, but he did not. True to his core values, he took the opposite track by insisting that his wartime exploits be kept out of his movie publicity.

In all aspects of his life, Mr. Speaker, Jimmy Stewart set an example for us all to follow. It is therefore appropriate that this Congress take time today to recognize the great contributions that this man has made to our great Nation.

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

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Florida [Mr. MICA], our ranking member, for bringing this resolution to the floor in cooperation with our side of the aisle. I want to thank the gentleman from New York [Mr. KING] for his leadership in guiding this bill to the House floor.

James Stewart was born on May 20, 1908 in his parents' home in Indiana, PA, the only son of Alexander and Elizabeth Stewart. After Jimmy's arrival, the family expanded to include daughters Virginia and Mary.

Young Jimmy graduated with honors from Princeton with a degree in architecture in 1932 in the midst of the Great Depression.

His first film was "Murder Man" with Spencer Tracy for MGM in 1935. He appeared in 24 movies over the next 4 years, with an Oscar nomination for "Mr. Smith Goes To Washington." In 1940, the Oscar went to him for his performance in "The Philadelphia Story." Within the next year his acting career was brought to an abrupt halt by World War II.

Mr. Stewart enlisted in 1941 and became an air corps pilot and a squadron commander. His war record included 20 combat missions as command pilot. After being promoted to squadron commander, he became operations officer, and from 1944 to 1945 served as chief of staff, 2d Combat Wing, 2d Division, 8th Air Force.

It was after the war that Jimmy Stewart, under the direction of Frank Capra, starred in "It's A Wonderful Life." As we all know, it is a story of a small town and how one man's life really does make a difference. This was his favorite film, and for this he won his third Academy Award nomination.

Jimmy Stewart is among Hollywood's most highly honored and deeply

loved men. This is not only for his professional successes, but every bit as much for his integrity, his character, and the fact that he was a true humanitarian. He retained his all-American-boy image; the years only added to his stature.

The American Film Institute recognized the magnitude of Mr. Stewart's accomplishments by awarding him the Life Achievement Award in 1980 for fundamentally advancing the art of American film. In presenting the award, the Institute so accurately declared:

In a career of extraordinary range and depth, Jimmy Stewart has come to embody on the screen the very image of the typical American. Whether flying the ocean as Charles Lindbergh, going to Washington as Senator Jefferson Smith, or playing ordinary men who somehow never got around to leaving their own towns, Stewart has captured the essence of American hopes, doubts, and aspirations. His idealism, his determination, his vulnerability, and above all, his basic decency shine through every role he plays.

Once again, I thank the sponsors of this legislation, and I urge its unanimous passage.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York [Mr. KING], the sponsor of this resolution, and I congratulate him for providing the House with the opportunity to recognize this great American patriot and hero.

Mr. KING. Mr. Speaker, I thank the gentleman for yielding.

At the very outset I want to thank the gentleman from Florida [Mr. MICA] and the ranking member, the gentleman from Maryland [Mr. CUMMINGS], for all of their support in expediting this matter and bringing it to the House floor, and for the support and assistance they have given me on this resolution. I also want to thank our majority leader, the gentleman from Texas [Mr. ARMEY] for the assistance he has given me also and working with my staff in arranging to have this on the floor today.

Mr. Speaker, Jimmy Stewart's death on July 2nd of this year saddened millions of Americans of all ages. Not only was Jimmy Stewart an extremely talented actor, more importantly, he personified the very best of what it means to be an American. He appeared in more than 80 films. He received an Academy Award and four additional Oscar nominations, and appeared on Broadway and on television.

But Jimmy Stewart was also a man of great courage and a genuine war hero. As the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] have already brought out, Mr. Stewart enlisted in the Army Air Corps during World War II and flew more than 20 combat missions over Europe. He was awarded the Distinguished Flying Cross twice, the Air Medal, and six battle stars. Following World War II, Jimmy Stewart re-

mained active in the Air Force Reserve and rose to the rank of brigadier general.

Mr. Speaker, Jimmy Stewart never had the exalted sense of self-importance that afflicts so many Hollywood stars, especially today. In his dealings with everyday people and in his private life Jimmy Stewart was, by all accounts, modest and unassuming, a man of innate decency and integrity.

Mr. Speaker, in 1985 President Reagan awarded Jimmy Stewart the Medal of Freedom, which is our Nation's highest civilian honor. Today, by adopting this resolution honoring Jimmy Stewart's contributions to our Nation, this House, the people's House, is honoring a man who truly personified the essence of the American people and a man who did, indeed, lead a wonderful life.

Mr. Speaker, I urge the adoption of the resolution.

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to my distinguished colleague, the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this legislation. America was greatly blessed for the past 89 years to have had the privilege of knowing Jimmy Stewart. He was a committed family man and a role model on and off the big screen. He recognized his position as a role model and throughout his life taught us much. Those of us in this Chamber and the Chamber across the Capitol have a lot to learn from him and the roles he played.

It has been said that what is said about a person upon one's death is very telling of the value of their life. As a nation we were saddened at the loss of Jimmy Stewart. What did his friends say about him?

Charlton Heston, who starred with Stewart in "The Greatest Show On Earth" said, "He was deeply patriotic, deeply professional, a fine actor, and more important than any of those things, perhaps, he was a gentleman."

Karolyn Grimes, who at the age of 6 played Stewart's daughter Zuzu in "It's A Wonderful Life" recalled, "I remember very distinctly that I did not learn the words to 'Auld Lang Syne' at the end of the movie. I felt like a very silly fool. Stewart sort of didn't know the words, either. He made me feel really at ease about it. I will always consider him a movie legend and someone I can always respect and keep in my heart."

Ronald and Nancy Reagan said, "He never really understood the greatness that others saw in him."

Bob Hope said, "Jimmy was every man's hero and every woman's dream man. He wasn't just a talent, but a genius and a dear friend. America has lost its role model and I've lost a great friend. Jimmy represented the best in all of us in the characters he played. Who can ever forget his Mr. Smith? Yup, that was Jimmy. I love Jimmy for

his humor and warmth and for his commitment to our country. He was a great war hero and did so much for the USO. All that and he played a mean game of golf. I'm going to miss him."

Bob's wife Dolores said, "His life was lonely without his beloved wife Gloria, who died in 1994. He missed her so, and now they're together again. What joy there must be."

"It's A Wonderful Life" and "Mr. Smith Goes To Washington" are stories of commitment to principle and to family. These movies are a far cry from many of the movies we see today, characterized by "Powder", "Pulp Fiction" and "Priest."

We need to continue to send Hollywood the message that America longs for movies in the spirit of Jimmy Stewart, movies about commitment to family, to a husband or a wife, commitment to children, to love them and care for them, to put them first, not our own selfish interests.

Again, I commend the gentleman from New York for bringing forward this legislation, and the subcommittee chairman and the ranking member for supporting it.

Mr. MICA. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I want to take a moment to thank again the distinguished gentleman from New York [Mr. KING] for bringing this resolution before the House. I also want to take a moment to thank the distinguished gentleman from Pennsylvania [Mr. MURTHA] for his leadership relating to this memorial to a great American, and the gentleman from Maryland [Mr. CUMMINGS], my colleague and distinguished ranking member of our Subcommittee on Civil Service, for his assistance in bringing this resolution to the floor.

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Of course, I also want to thank Chairman BURTON, chairman of our full committee, and the ranking member, the gentleman from California [Mr. WAXMAN], who has also helped in expediting the consideration of this resolution.

In closing, Mr. Speaker, I thought it would be interesting to read from "Mr. Smith Goes to Washington," a 1939 classic about Congress, and Mr. Stewart's famous words as Mr. Smith. He said, as many of us remember, about his feelings, "I wouldn't give you two cents for all your fancy rules if behind them they didn't have a little bit of plain, ordinary kindness and a little lookin' out for the other fella." And that is what Congress is sometimes about, and we remember that as we remember this great American today.

Mr. Speaker, as we have heard on the floor today, Jimmy Stewart was an exemplary American. He personified the traditional American virtues of hard work, dedication to family, dedication to country, and personal modesty. He enriched our culture, and he enriched our civic life.

He could have used his heroic military service during World War II to

bring additional glory to himself, but like so many of the men and women of his era who served our Nation in war at a perilous time, he did not. Instead, he served his Nation quietly. I have read, Mr. Speaker, that Jimmy Stewart only once used his influence while in the military. He used it to request that he be treated the same as all other men and women in uniform.

It is indeed a privilege for me, Mr. Speaker, to join my distinguished colleague, the gentleman from New York [Mr. KING], and all Members to support this resolution, recognizing the many and lasting contributions of James Maitland Stewart.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 109.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that following passage of this legislation, all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution, House Concurrent Resolution 109.

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

There was no objection.

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.

COMPUTER SECURITY ENHANCEMENT ACT OF 1997

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1903) to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1903

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 "Computer Security Enhancement Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Institute of Standards and Technology has responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of sensitive information in Federal computer systems.

(2) The Federal Government has an important role in ensuring the protection of sensitive, but unclassified, information controlled by Federal agencies.

(3) Technology that is based on the application of cryptography exists and can be readily provided by private sector companies to ensure the confidentiality, authenticity, and integrity of information associated with public and private activities.

(4) The development and use of encryption technologies should be driven by market forces rather than by Government imposed requirements.

(5) Federal policy for control of the export of encryption technologies should be determined in light of the public availability of comparable encryption technologies outside of the United States in order to avoid harming the competitiveness of United States computer hardware and software companies.

(b) PURPOSES.—The purposes of this Act are to—

(1) reinforce the role of the National Institute of Standards and Technology in ensuring the security of unclassified information in Federal computer systems;

(2) promote technology solutions based on private sector offerings to protect the security of Federal computer systems; and

(3) provide the assessment of the capabilities of information security products incorporating cryptography that are generally available outside the United States.

SEC. 3. VOLUNTARY STANDARDS FOR PUBLIC KEY MANAGEMENT INFRASTRUCTURE.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)) is amended—

(1) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (7), and (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) upon request from the private sector, to assist in establishing voluntary interoperable standards, guidelines, and associated methods and techniques to facilitate and expedite the establishment of non-Federal management infrastructures for public keys that can be used to communicate with and conduct transactions with the Federal Government;"

SEC. 4. SECURITY OF FEDERAL COMPUTERS AND NETWORKS.

Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)), as amended by section 3 of this Act, is further amended by inserting after paragraph (4), as so redesignated by section 3(1) of this Act, the following new paragraphs:

"(5) to provide guidance and assistance to Federal agencies in the protection of interconnected computer systems and to coordinate Federal response efforts related to unauthorized access to Federal computer systems;

"(6) to perform evaluations and tests of—

"(A) information technologies to assess security vulnerabilities; and

"(B) commercially available security products for their suitability for use by Federal agencies for protecting sensitive information in computer systems;"

SEC. 5. COMPUTER SECURITY IMPLEMENTATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) In carrying out subsection (a)(3), the Institute shall—

“(1) emphasize the development of technology-neutral policy guidelines for computer security practices by the Federal agencies;

“(2) actively promote the use of commercially available products to provide for the security and privacy of sensitive information in Federal computer systems; and

“(3) participate in implementations of encryption technologies in order to develop required standards and guidelines for Federal computer systems, including assessing the desirability of and the costs associated with establishing and managing key recovery infrastructures for Federal Government information.”.

SEC. 6. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by inserting after subsection (c), as added by section 5 of this Act, the following new subsection:

“(d)(1) The Institute shall solicit the recommendations of the Computer System Security and Privacy Advisory Board, established by section 21, regarding standards and guidelines that are being considered for submittal to the Secretary of Commerce in accordance with subsection (a)(4). No standards or guidelines shall be submitted to the Secretary prior to the receipt by the Institute of the Board's written recommendations. The recommendations of the Board shall accompany standards and guidelines submitted to the Secretary.

“(2) There are authorized to be appropriated to the Secretary of Commerce \$1,000,000 for fiscal year 1998 and \$1,030,000 for fiscal year 1999 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues related to computer security, privacy, and cryptography and to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.”.

SEC. 7. LIMITATION ON PARTICIPATION IN REQUIRING ENCRYPTION STANDARDS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended by adding at the end the following new subsection:

“(g) The Institute shall not promulgate, enforce, or otherwise adopt standards, or carry out activities or policies, for the Federal establishment of encryption standards required for use in computer systems other than Federal Government computer systems.”.

SEC. 8. MISCELLANEOUS AMENDMENTS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by this Act, is further amended—

(1) in subsection (b)(8), as so redesignated by section 3(l) of this Act, by inserting “to the extent that such coordination will improve computer security and to the extent necessary for improving such security for Federal computer systems” after “Management and Budget”;

(2) in subsection (e), as so redesignated by section 5(l) of this Act, by striking “shall

draw upon” and inserting in lieu thereof “may draw upon”;

(3) in subsection (e)(2), as so redesignated by section 5(l) of this Act, by striking “(b)(5)” and inserting in lieu thereof “(b)(8)”; and

(4) in subsection (f)(1)(B)(i), as so redesignated by section 5(l) of this Act, by inserting “and computer networks” after “computers”.

SEC. 9. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

Section 5(b) of the Computer Security Act of 1987 (49 U.S.C. 759 note) 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 in lieu thereof “; and”; and

(3) by adding at the end the following new paragraph:

“(3) to include emphasis on protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks.”.

SEC. 10. COMPUTER SECURITY FELLOWSHIP PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce \$250,000 for fiscal year 1998 and \$500,000 for fiscal year 1999 for the Director of the National Institute of Standards and Technology for fellowships, subject to the provisions of section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1), to support students at institutions of higher learning in computer security. Amounts authorized by this section shall not be subject to the percentage limitation stated in such section 18.

SEC. 11. STUDY OF PUBLIC KEY INFRASTRUCTURE BY THE NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study of public key infrastructures for use by individuals, businesses, and government.

(b) CONTENTS.—The study referred to in subsection (a) shall—

(1) assess technology needed to support public key infrastructures;

(2) assess current public and private plans for the deployment of public key infrastructures;

(3) assess interoperability, scalability, and integrity of private and public entities that are elements of public key infrastructures;

(4) make recommendations for Federal legislation and other Federal actions required to ensure the national feasibility and utility of public key infrastructures; and

(5) address such other matters as the National Research Council considers relevant to the issues of public key infrastructure.

(c) INTERAGENCY COOPERATION WITH STUDY.—All agencies of the Federal Government shall cooperate fully with the National Research Council in its activities in carrying out the study under this section, including access by properly cleared individuals to classified information if necessary.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth the findings, conclusions, and recommendations of the National Research Council for public policy related to public key infrastructures for use by individuals, businesses, and government. Such report shall be submitted in unclassified form.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$450,000 for fiscal year 1998, to remain available until expended, for carrying out this section.

SEC. 12. PROMOTION OF NATIONAL INFORMATION SECURITY.

The Under Secretary of Commerce for Technology shall—

(1) promote the more widespread use of applications of cryptography and associated technologies to enhance the security of the Nation's information infrastructure;

(2) establish a central clearinghouse for the collection by the Federal Government and dissemination to the public of information to promote awareness of information security threats; and

(3) promote the development of the national, standards-based infrastructure needed to support commercial and private uses of encryption technologies for confidentiality and authentication.

SEC. 13. DIGITAL SIGNATURE INFRASTRUCTURE.

(a) NATIONAL POLICY PANEL.—The Under Secretary of Commerce for Technology shall establish a National Policy Panel for Digital Signatures. The Panel shall be composed of nongovernment and government technical and legal experts on the implementation of digital signature technologies, individuals from companies offering digital signature products and services, State officials, including officials from States which have enacted statutes establishing digital signature infrastructures, and representative individuals from the interested public.

(b) RESPONSIBILITIES.—The Panel established under subsection (a) shall serve as a forum for exploring all relevant factors associated with the development of a national digital signature infrastructure based on uniform standards that will enable the widespread availability and use of digital signature systems. The Panel shall develop—

(1) model practices and procedures for certification authorities to ensure accuracy, reliability, and security of operations associated with issuing and managing certificates;

(2) standards to ensure consistency among jurisdictions that license certification authorities; and

(3) audit standards for certification authorities.

(c) ADMINISTRATIVE SUPPORT.—The Under Secretary of Commerce for Technology shall provide administrative support to the Panel established under subsection (a) of this section as necessary to enable the Panel to carry out its responsibilities.

SEC. 14. SOURCE OF AUTHORIZATIONS.

Amounts authorized to be appropriated by this Act shall be derived from amounts authorized under the National Institute of Standards and Technology Authorization Act of 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, today, in a bipartisan effort, the Committee on Science brings to the floor H.R. 1903, the Computer Security Enhancement Act of 1997. I would like to thank the ranking member, the gentleman from California, Mr. GEORGE BROWN, the Subcommittee on Technology chairwoman, the gentlewoman from Maryland, Mrs. CONSTANCE MORELLA, the ranking member of the subcommittee, the gentleman from

Tennessee Mr. BART GORDON, as well as the 25 other members of the committee who cosponsored this bill.

The Computer Security Act of 1987 gave authority over computer and communication security standards in Federal civilian agencies to the National Institute of Standards and Technology. The Computer Security Enhancement Act of 1997 strengthens that authority and directs funds to implement practices and procedures which will ensure that the Federal standard-setting process remains strong, despite its increasing reliance on a network infrastructure.

The need for this renewed emphasis on the security of Federal civilian agencies is underscored by a recently released report from the General Accounting Office. The 1997 Report on Information Management and Technology highlighted information security as a Governmentwide high-risk issue. It stated that despite having critical functions, Federal systems and data are not adequately protected.

Since June 1993, the GAO has issued over 30 reports describing serious information security weaknesses at Federal agencies. In September 1996, it reported that during the previous 2 years, such weaknesses had been determined for 10 of the 15 largest Federal agencies. For half of these agencies, the weakness had been disclosed repeatedly for 5 years or longer.

Much has changed in the 10 years since the Computer Security Act of 1987 became law. The proliferation of network systems, the Internet, and web access are just a few of the dramatic advances in information technology that have occurred. The Computer Security Enhancement Act of 1997 addresses these changes and provides for greater security for the Federal civilian agencies that base their buying decisions for computer security hardware on NIST standards.

Specifically, H.R. 1903 requires NIST to encourage the acquisition of off-the-shelf products to meet civilian agencies' security needs. Such practices will reduce the cost and improve the availability of computer security technologies for Federal civilian agencies.

The bill strengthens the role played by the independent Computer System Security and Privacy Advisory Board in NIST's decision-making process. The CSSPAB, which is made up of representatives from industry, Federal agencies, and private organizations, has long been considered a vital part of NIST's standard-setting process on emerging computer security issues. Strengthening the board's role will help ensure that the Federal Government benefits from private sector expertise.

H.R. 1903 establishes a new computer science fellowship program for graduate and undergraduate students studying computer security.

It provides for the National Research Council to study the desirability of key infrastructures. The NRC would also

examine the technologies required for establishing such an infrastructure.

Further, the bill requires the Under Secretary of Commerce for Technology to actively promote the use of technologies that will enhance the security of communications networks and electronic information; to establish a clearinghouse of information available to the public on information security threats; and to promote the development of standards-based infrastructure that will enable the widespread use of encryption technologies for confidentiality and authentication.

Finally, H.R. 1903 establishes a national panel to discuss digital signatures. The panel will explore all factors associated with developing a national digital signature infrastructure based on uniform standards.

Mr. Speaker, Members will notice the old section 7 directing NIST to assess foreign encryption products has been removed, to satisfy the concerns of the administration and my colleagues on the Permanent Select Committee on Intelligence. I trust this action will help assure that all Members can support this legislation without reservation.

Mr. Speaker, the Computer Security Enhancement Act of 1997 will ensure that Federal civilian agencies enjoy the highest standard of information technologies, both for transmitted and stored data. The protection of this vital data is necessary for the security of all Americans.

Mr. Speaker, I encourage my colleagues to support this measure, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 1903, the Computer Security Enhancement Act of 1997. I am an original cosponsor of H.R. 1903, and have worked closely with the chairman, the gentlewoman from Maryland [Mrs. MORELLA], to improve the bill during the Subcommittee on Technology's deliberations.

Not a day goes by that we do not see some reference to the Internet and the explosive growth of electronic commerce. What was originally envisioned as a network of defense communications and university researchers has now become an international communications network, of which we are just beginning to realize its potential.

Reports from both the Office of Technology Assessment and the National Research Council have identified a major obstacle to the growth of electronic commerce: the lack of widespread use of computer security products. H.R. 1903 is a first step to encourage the use of computer security products, both by Federal agencies and the private sector, which in turn will support the growth of electronic commerce.

I want to highlight the underlying purpose of this legislation: to encourage the use of computer security products, both by Federal agencies and the

private sector. I am convinced that we must have a trustworthy and secure electronic network system to foster the growth of electronic commerce.

H.R. 1903 builds upon the successful track record of the National Institute of Standards and Technology, in working with industry and other Federal agencies, to develop a consensus on the necessary standards and protocols required for electronic commerce.

I would like to take a few minutes to explain provisions I added to this legislation. One of the provisions aims to increase the public awareness of the need to improve the security of communication networks by requiring the Technology Administration to establish a clearinghouse of public information on electronic security threats.

And the other provision I felt necessary was to establish a coordination mechanism in the development of national digital signature infrastructure by establishing a national panel of business, technical, legal, State, and Federal experts.

Digital signature technology is essential to ensure the public trust of networks such as the Internet. Digital signature verifies that the businesses or individual we are communicating with is who we think they are, and that the information being exchanged has not been altered in transit. For this technology to be developed, a trusted certification authority for the digital signature must exist.

Several States already have statutes in place to regulate this technology. However, for a national system to develop, uniform standards must be in place. Without this uniformity, variations will exist among different State requirements for certification authorities which could affect the reliability and security of operations associated with issuing and managing certification.

These provisions do not give the Federal Government the authority to establish standards or procedures. We simply create a national panel of public and private representatives to begin to address how to develop and integrate a consistent policy regarding digital signatures.

H.R. 1903 is entirely consistent with recommendations of the Office of Technology Assessment, the National Research Council, and independent experts who have appeared before the subcommittee. I want to stress that the underlying principle of H.R. 1903 is that it recognizes that Government and private sector computer security needs are similar. Hopefully the result will be lower cost and better security for everyone.

This bill is a result of bipartisan cooperation. It has been a pleasure working with Chairman MORELLA on this legislation, as well as Chairman SEN-SENRENNER and the former chairman, the gentleman from California, [Mr. GEORGE BROWN]. I urge my colleagues to support H.R. 1903.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate the chairman yielding time to me.

Mr. Speaker, I very enthusiastically support H.R. 1903, the Computer Security Enhancement Act. This amends, of course, the 1987 act, because the world has changed since 1987. Last year the Department of Defense systems experienced as many as 250,000 attacks, just in 1995. It was estimated that 64 percent of these attacks were successful in gaining access to the Department of Defense systems. I think Federal agencies have to employ appropriate countermeasures, and today we are not set to do that.

With the growth in the Internet, individual users across the country are relying more and more on communications and business commerce through the Internet, but the testimony before the committee shows that there continue to be problems, and the technologies to better protect users does not exist. Security problems in individual computers that connect to the Internet are very much at risk.

One interesting note, and I think this starts to address it with a system that authorizes the National Institute of Standards to reserve \$750,000 for new computer science fellowship programs for students to study security. Of 5,500 Ph.D.'s granted in computer science and engineering last year, a scant 16 pertained to computer security. It is not even a required course to get a doctorate in computer science and engineering. Only 50 percent of the 16 were given to U.S. nationals.

Mr. Speaker, I think this will start to move in a different direction and rectify this. I congratulate the chairman of the committee, the ranking member, and others who are cosponsoring this. I think it is a needed change. I rise in support, and ask my colleagues to support it.

Mr. GORDON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN], my leader and mentor on the Committee on Science.

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

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding time to me. I appreciate the opportunity to speak briefly on this subject.

Mr. Speaker, I recognize that the gentleman has already, together with the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], laid out the basic content of the legislation, and I hope I do not duplicate what he has said unnecessarily.

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I am, of course, in support of H.R. 1903, the Computer Security Enhancement Act of 1997. This bill will increase the protection of electronic information in Federal computer systems, and moreover, will help to stimulate the

development of computer hardware and software technologies by American companies.

The bill was developed as a collaborative initiative by majority and minority members of the Committee on Science, and I applaud the efforts of the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, in moving the bill expeditiously through the committee and bringing it to the floor as he has on so many other bills before our committee.

I would also like to acknowledge the valuable contribution of the gentleman from Maryland [Mrs. MORELLA], the chair of the Subcommittee on Technology, and the gentleman from Tennessee [Mr. GORDON], the ranking Democratic member of the subcommittee, who I am sure all of my colleagues recognize actually do the difficult work of developing the language in legislation of this sort and making whatever necessary compromises have to be made. I of course will defer to their judgment as to what needs to be in a bill of this sort.

A decade ago the Committee on Science was instrumental in the passage of a measure that gave the National Institute of Standards and Technology the responsibility for the protection of unclassified information in Federal computer systems. Specifically, the Computer Security Act of 1987 charged NIST to develop appropriate technical standards and administrative guidelines as well as guidelines for training Federal employees in security practices. We were just beginning to recognize at that time the importance of these new technology communication initiatives which are becoming such an important part of our lives today.

Overall, NIST has received somewhat mixed reviews on its performance in carrying out its responsibilities under the 1987 statute. The agency has been criticized for allowing the National Security Agency to exercise too much influence on the development of standards for unclassified Federal computer systems and for developing standards that were inconsistent with emerging market standards.

We in California, of course, are very much concerned with the role we play in global commerce in systems of this sort because such a large part of new developments in this area occur in California and it has become a large part of our economy.

Also, according to NIST's external advisory committee, the agency ought to devote greater resources and effort to providing advice and assistance to Federal agencies in order to help them to satisfy their information security needs.

H.R. 1903 seeks to elevate NIST's commitment to meeting its responsibilities under the Computer Security Act. It also reinforces the policy established by the 1987 act that NIST has the primary responsibility for the protection of unclassified Federal computer systems and networks.

Mr. Speaker, I want to emphasize two important themes of the bill. First, it seeks to expand the use of validated commercially available cryptography technologies by Federal agencies, which will in turn stimulate the U.S. market for computer security products; and, second, the bill puts in place mechanisms to ensure greater public participation in the development of computer security standards and guidelines for Federal systems.

The threats to electronic information are much greater than when the Computer Security Act was passed in the House in 1987. H.R. 1903 is an important step toward addressing this vulnerability.

Mr. Speaker, I commend H.R. 1903 to my colleagues for their approval and encourage their support for its passage in the House.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 1903, legislation I introduced with Chairman SENSENBRENNER and ranking Members GORDON and BROWN on June 17, 1997, and which was unanimously reported out of the Technology Subcommittee, which I chair, on July 29, 1997.

The Computer Security Enhancement Act of 1997, updates the Computer Security Act of 1987 to take into account the evolution of computer networks and their use by both the Federal Government and the private sector.

H.R. 1903 recognizes that the U.S. Government is not grappling with the issues of data security in a vacuum. The bill encourages the setting of standards which are commercially available, thus aiding our software and hardware industries as well as assuring that the government can secure its information technology infrastructure with the most effective and cost efficient products. This is significant both because of the vital role the information infrastructure plays in our lives and the role that technology has in our economy.

Information technology security, or rather the lack of attention paid to it by the Federal Government, may well make the year 2000 computer problem seem small in comparison if we do not focus our attention on this vital area.

In their May 1996 report, the General Accounting Office [GAO] stated that the Department of Defense systems may have experienced as many as 250,000 attacks during 1995, of that total, about 64 percent of attacks were successful at gaining access to the DOD system. This information is even more troubling when you realize, as the report points out, that these numbers may be underestimated because only a small percentage of attacks are detected.

Federal agencies are incurring significant risk by not effectively employing cryptographic countermeasures for transmitted and stored data.

H.R. 1903, which seeks to promote the effective use of cryptography along with other security tools by Government agencies, is consistent with the conclusions of the National Research Council's CRISIS report and should help to ensure that Federal systems remain safe and the integrity of sensitive and private data is not compromised.

Additionally, according to statistics from the Business Software Alliance, the software industry alone is reported to have employed

over 619,400 people last year, with an additional 1,445,600 jobs created in related industries. Placing a renewed emphasis on setting standards for procurement by Federal civilian agencies—standards which consider market driven specifications—will assist industry as well as ensure that Federal civilian agencies benefit from the wealth of knowledge which the private sector can provide.

Mr. Speaker, H.R. 1903 is a good and much needed bill. It was authored and is supported in equal measure on both sides of the aisle and carries over half of the full roster of the Science Committee as its cosponsors. I urge all my colleagues to support its passage.

Mr. TAUZIN. Mr. Speaker, I rise today to explore the issues presented by H.R. 1903, the Computer Security Enhancement Act of 1997, some of which are within the jurisdiction of the Committee on Commerce. The main purpose of H.R. 1903 appears to be to update the Computer Security Act of 1987 to improve computer security for Federal civilian agencies. This is a laudable goal. However, certain provisions of the bill before us today are not limited to issues within the purview of the National Institute of Standards and Technology [NIST], or to the improvement of computer security for Federal civilian agencies. Therefore, I must make note of the fact that the House Committee on Commerce maintains a strong jurisdictional interest in the telecommunications and commerce issues addressed in H.R. 1903.

For example, the findings listed in section 2 of H.R. 1903 include language asserting that the development and use of encryption should not be driven by Government requirements, and that export policy should be determined in light of the public availability of comparable encryption products outside the United States. Neither of these findings, nor policies to promote the findings, are within the scope of the Computer Security Act of 1987, or the authority of NIST.

Several provisions of H.R. 1903 address the use and development of a public key management infrastructure. Public key management infrastructure is an issue between private entities and law enforcement officials. Such infrastructure does not currently exist and is not part of the administrative question of how to improve computer security for Federal civilian agencies.

In addition, H.R. 1903 calls for the establishment of a national panel on digital signatures. While the formation of a panel may or may not be the right course of action, the issue is a question of electronic commerce that is completely outside the scope of this legislation.

Finally, H.R. 1903, as reported by the Committee on Science, included language that would have transferred authority currently vested in the Bureau of Export Administration to NIST. I understand this language regarding the determination of whether a product is generally available abroad has been removed from the bill before us today. However, the existence of the provision illustrates how far afield from the issue of computer security for Federal civilian agencies H.R. 1903 has traveled.

I will not plow through a provision-by-provision analysis of H.R. 1903 in my statement today. For the record, however, I must point out that H.R. 1903 seeks to establish encryption, telecommunications, and commerce policy far beyond the reach of the au-

thority of either NIST or the Computer Security Act of 1987.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank Chairman SENSENBRENNER and Ranking Member BROWN for their work in bringing this opportunity to the House to construct a legislative response to the growing dependency of this Government and the public on computers and related technology.

As a cosponsor of this bill I would also like to thank Congresswoman MORELLA for her critical leadership in this area as chair of the Technology Subcommittee.

While telecomputing technologies have generated a great deal of excitement in our country these communications innovations have also presented daunting challenges to privacy and security both in the Federal Government and private sectors.

The challenge for this Congress is to solve the problems of security and privacy while allowing full public access and utilization of the technology to heighten the exchange of information between Government agencies and its citizens. Federal computers must be secured from unwanted intrusions.

I support strong encryption products being made available to the private sector domestically and internationally to insure privacy of communications, business transactions, commercial exchanges and for the protection of Internet accessible copyrighted materials. I believe that well-thought-out Federal encryption policy is the first of many steps that this Congress can take to facilitate the development of telecomputing technology and the strengthening of domestic computer-related industries.

It concerns me that many communications today are carried over channels that are easily tapped. For example, satellites, cellular telephones, and local area networks are vulnerable to interception. Tapping wireless channels is almost impossible to detect and to stop, and tapping local area networks may be very hard to detect or stop as well.

Approximately 10 billion words of information in computer-readable form can be scanned for \$1.00 today, allowing intruders, the malicious individuals or groups, or spies to gain access to sensitive information. A skilled person with criminal intentions can easily develop a program that recognizes and records all credit card numbers in a stream of unencrypted data traffic.

As a member of the House Committee on the Judiciary, I am particularly interested in the vulnerabilities and weaknesses that have been raised during hearings on government computer security on the House and Senate. Beginning last year under the direction of then Senator Nunn hearings on Security in Cyberspace were held. It is unprecedented in our Nation's history of technology dissemination that in 5 years the number of Internet users has grown from 1 million to 58 million with an estimated growth rate of 183 percent per year.

This rapid growth, which is creating the interconnection of civilian, Government, private, and foreign computers, is the foundation of the Global Information Infrastructure. The expansion of computer telecommunication technology has created growing efficiencies in information management, the delivery of goods and access to ideas. While accomplishing this end, it has created more vulnerability in networked systems that have not incor-

porated security measures, both private and government.

Unfortunately, as the hearings have so effectively pointed out, our Nation's information infrastructure is increasingly vulnerable to computer attack from foreign states, sub-national groups, criminals and vandals. Your own staff's research revealed that computer hackers use different routes of attack, often crossing national boundaries and using private and public computer network systems. I recognize the complex and novel legal and jurisdictional issues that hinder the detection of and response to computer intrusions. However, I am equally mindful of the need to protect government systems with technology which is available from the growing problem of unwanted intrusion or tampering.

It is estimated that the private sector experiences \$800 million in losses in a year according to a group of security firms who responded to an inquiry for evidence during the Senate's review of security in cyberspace.

The original design of the Internet was intended for 256 computer networks in the United States. Today, the Internet is a constellation of more than 135,000 networks throughout the world and growing. It is estimated that one-fifth of the American population is already connected to the Internet. The number of worldwide Internet users tripled between 1993 and 1995, to somewhere between 40 and 60 million users. There will be a quarter billion regular users by the year 2000. About 100 countries have Internet access, with 22 joining in 1995. There were fewer than 30,000 Internet-linked computer networks 2 years ago. Today, there are more than 90,000.

In an "Issue Update On Information Security and Privacy in Network Environments" produced by the now disbanded Office of Technology Assessment under the section on safeguarding unclassified information in Federal Agencies it states that, "The need of congressional oversight of federal information security and privacy is even more urgent in time of government reform and streamlining. When the role, size, and structure of the federal agencies are being reexamined, it is important to take into account both the additional information that security and privacy risks incurred in downsizing, and the general lack of commitment on the part of top agency management to safeguarding unclassified information."

The Department of Defense's computer systems are attacked every day according to a GAO Report on Information Security. The Defense Information Systems Agency [DISA] estimates that in 1995 as many as 250,000 attacks may have occurred.

The need to provide guidance to agencies regarding computer security and encryption for Government which is reliable and adequate for the information it is intended to protect, is well established.

I support the need to provide an escrow system for the encryption that is used on Government systems whether they be mainframes or desktop personal computers. These machines are not for private use nor should they be considered personal property. They are purchased and maintained at taxpayer expense and the information they contain is our responsibility to protect.

This legislation would also provide important information on the state of encryption abroad. This will allow us to plan better for a stronger economy and heightened security for information and systems.

Overall, the goals of encryption and its use in the Federal Government may offer the measure of protection needed to secure computers from unwanted intrusions.

I urge my colleagues to vote in favor of H.R. 1903.

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

Mr. SENSENBRENNER. 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 Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 1903, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 1903.

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

There was no objection.

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 910) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The Clerk read as follows:

S. 910

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7)—

(A) by striking “and” after “1995,”; and

(B) by inserting before the period at the end the following: “, \$20,900,000 for the fiscal year ending September 30, 1998, and \$21,500,000 for the fiscal year ending September 30, 1999”;

(2) in subsection (b)—

(A) by striking “and” after “September 30, 1995,”;

(B) by inserting before the period at the end the following: “, \$52,565,000 for the fiscal year ending September 30, 1998, of which \$3,800,000 shall be used for the Global Seismic Network operated by the Agency; and \$54,052,000 for the fiscal year ending September 30, 1999, of which \$3,800,000 shall be used for the Global Seismic Network operated by the Agency”; and

(C) by adding at the end the following: “Of the amounts authorized to be appropriated under this subsection, at least—

“(1) \$8,000,000 of the amount authorized to be appropriated for the fiscal year ending September 30, 1998; and

“(2) \$8,250,000 of the amount authorized for the fiscal year ending September 30, 1999, shall be used for carrying out a competitive, peer-reviewed program under which the Director, in close coordination with and as a complement to related activities of the United States Geological Survey, awards grants to, or enters into cooperative agreements with, State and local governments and persons or entities from the academic community and the private sector.”;

(3) in subsection (c)—

(A) by striking “and” after “September 30, 1995,”; and

(B) by inserting before the period at the end the following: “, (3) \$18,450,000 for engineering research and \$11,920,000 for geosciences research for the fiscal year ending September 30, 1998, and (4) \$19,000,000 for engineering research and \$12,280,000 for geosciences research for the fiscal year ending September 30, 1999”;

(4) in the last sentence of subsection (d)—

(A) by striking “and” after “September 30, 1995,”; and

(B) by inserting before the period at the end the following: “, \$2,000,000 for the fiscal year ending September 30, 1998, and \$2,060,000 for the fiscal year ending September 30, 1999”.

SEC. 2. AUTHORIZATION OF REAL-TIME SEISMIC HAZARD WARNING SYSTEM DEVELOPMENT, AND OTHER ACTIVITIES.

(a) AUTOMATIC SEISMIC WARNING SYSTEM DEVELOPMENT.—

(1) DEFINITIONS.—In this section:

(A) DIRECTOR.—The term “Director” means the Director of the United States Geological Survey.

(B) HIGH-RISK ACTIVITY.—The term “high-risk activity” means an activity that may be adversely affected by a moderate to severe seismic event (as determined by the Director). The term includes high-speed rail transportation.

(C) REAL-TIME SEISMIC WARNING SYSTEM.—The term “real-time seismic warning system” means a system that issues warnings in real-time from a network of seismic sensors to a set of analysis processors, directly to receivers related to high-risk activities.

(2) IN GENERAL.—The Director shall conduct a program to develop a prototype real-time seismic warning system. The Director may enter into such agreements or contracts as may be necessary to carry out the program.

(3) UPGRADE OF SEISMIC SENSORS.—In carrying out a program under paragraph (2), in order to increase the accuracy and speed of seismic event analysis to provide for timely warning signals, the Director shall provide for the upgrading of the network of seismic sensors participating in the prototype to increase the capability of the sensors—

(A) to measure accurately large magnitude seismic events (as determined by the Director); and

(B) to acquire additional parametric data.

(4) DEVELOPMENT OF COMMUNICATIONS AND COMPUTATION INFRASTRUCTURE.—In carrying out a program under paragraph (2), the Director shall develop a communications and computation infrastructure that is necessary—

(A) to process the data obtained from the upgraded seismic sensor network referred to in paragraph (3); and

(B) to provide for, and carry out, such communications engineering and development as is necessary to facilitate—

(i) the timely flow of data within a real-time seismic hazard warning system; and

(ii) the issuance of warnings to receivers related to high-risk activities.

(5) PROCUREMENT OF COMPUTER HARDWARE AND COMPUTER SOFTWARE.—In carrying out a program under paragraph (2), the Director shall procure such computer hardware and computer software as may be necessary to carry out the program.

(6) REPORTS ON PROGRESS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that contains a plan for implementing a real-time seismic hazard warning system.

(B) ADDITIONAL REPORTS.—Not later than 1 year after the date on which the Director submits the report under subparagraph (A), and annually thereafter, the Director shall prepare and submit to Congress a report that summarizes the progress of the Director in implementing the plan referred to in subparagraph (A).

(7) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out paragraph (2), \$3,000,000 for each of fiscal years 1998 and 1999.

(b) SEISMIC MONITORING NETWORKS ASSESSMENT.—

(1) IN GENERAL.—The Director shall provide for an assessment of regional seismic monitoring networks in the United States. The assessment shall address—

(A) the need to update the infrastructure used for collecting seismological data for research and monitoring of seismic events in the United States;

(B) the need for expanding the capability to record strong ground motions, especially for urban area engineering purposes;

(C) the need to measure accurately large magnitude seismic events (as determined by the Director);

(D) the need to acquire additional parametric data; and

(E) projected costs for meeting the needs described in subparagraphs (A) through (D).

(2) RESULTS.—The Director shall transmit the results of the assessment conducted under this subsection to Congress not later than 1 year after the date of enactment of this Act.

(c) EARTH SCIENCE TEACHING MATERIALS.—

(1) DEFINITIONS.—In this subsection:

(A) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(B) SCHOOL.—The term “school” means a nonprofit institutional day or residential school that provides education for any of the grades kindergarten through grade 12.

(2) TEACHING MATERIALS.—In a manner consistent with the requirement under section 5(b)(4) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)) and subject to a merit based competitive process, the Director of the National Science Foundation may use funds made available to him or her under section 12(c) of such Act (42 U.S.C. 7706(c)) to develop, and make available to schools and local educational agencies for use by schools, at a minimal cost, earth science teaching materials that are designed to meet the needs of elementary and secondary school teachers and students.

(d) IMPROVED SEISMIC HAZARD ASSESSMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Director shall conduct a project to improve the seismic hazard assessment of seismic zones.

(2) **REPORTS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually during the period of the project, the Director shall prepare, and submit to Congress, a report on the findings of the project.

(B) **FINAL REPORT.**—Not later than 60 days after the date of termination of the project conducted under this subsection, the Director shall prepare and submit to Congress a report concerning the findings of the project.

(e) **STUDY OF NATIONAL EARTHQUAKE EMERGENCY TRAINING CAPABILITIES.**—

(1) **IN GENERAL.**—The Director of the Federal Emergency Management Agency shall conduct an assessment of the need for additional Federal disaster-response training capabilities that are applicable to earthquake response.

(2) **CONTENTS OF ASSESSMENT.**—The assessment conducted under this subsection shall include—

(A) a review of the disaster training programs offered by the Federal Emergency Management Agency at the time of the assessment;

(B) an estimate of the number and types of emergency response personnel that have, during the period beginning on January 1, 1990 and ending on July 1, 1997, sought the training referred to in subparagraph (A), but have been unable to receive that training as a result of the oversubscription of the training capabilities of the Federal Emergency Management Agency; and

(C) a recommendation on the need to provide additional Federal disaster-response training centers.

(3) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that addresses the results of the assessment conducted under this subsection.

SEC. 3. COMPREHENSIVE ENGINEERING RESEARCH PLAN.

(a) **NATIONAL SCIENCE FOUNDATION.**—Section 5(b)(4) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) develop, in conjunction with the Federal Emergency Management Agency, the National Institute of Standards and Technology, and the United States Geological Survey, a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.”.

(b) **FEDERAL EMERGENCY MANAGEMENT AGENCY.**—Section 5(b)(1) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) work with the National Science Foundation, the National Institute of Standards and Technology, and the United States Geological Survey, to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (existing at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new,

innovative testing approaches to the research infrastructure in a systematic manner.”.

(c) **UNITED STATES GEOLOGICAL SURVEY.**—Section 5(b)(3) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (G) and inserting “; and”; and

(3) by adding at the end the following:

“(H) work with the National Science Foundation, the Federal Emergency Management Agency, and the National Institute of Standards and Technology to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.”.

(d) **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.**—Section 5(b)(5) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(5)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by adding at the end the following:

“(D) work with the National Science Foundation, the Federal Emergency Management Agency, and the United States Geological Survey to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.”.

SEC. 4. REPEALS.

Sections 6 and 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705 and 7705a) are repealed.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

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

Mr. Speaker, Senate 910, an act to authorize appropriations for carrying out the National Earthquake Hazards Reduction Act for fiscal years 1998 and 1999 is nearly identical to H.R. 2249, a bill reported out of the Committee on Science by voice vote on July 29, 1997, and discharged from further consideration by the Committee on Resources on August 1, 1997.

S. 910 is the result not only of a bipartisan effort but also a bicameral effort to craft legislation that is in the national interest. This legislation is strongly supported by both Democrats and Republicans on the Committee on Science and the Committee on Resources.

The National Earthquake Hazards Reduction Program has been successful in increasing our understanding of the science of earthquakes, where earthquakes are likely to occur and how the built environment is impacted by the

ground shaking and other effects of this phenomenon. Because of what this program has taught us over the years, measures have been taken at the Federal, State and local levels to mitigate the effect of potential earthquakes, reducing our risk and vulnerability.

Despite these advances, much more remains to be done. Many areas of this country face an earthquake threat that could result in the loss of thousands of lives and hundreds of billions of dollars of economic damage. Early in 1995, Kobe, Japan suffered just such a catastrophe. Over 6,000 people lost their lives in that earthquake, and the economists have estimated the economic losses at over \$200 billion.

The legislation we have before us today will do much to further our understanding of the effects of earthquakes and enable additional mitigation to occur. Specifically, S. 910 enables the program to continue its good work in earthquake research and hazards mitigation. This legislation authorizes approximately \$105 million in fiscal year 1998 and \$108 million in fiscal year 1999 for the four NEHRP agencies, the Federal Emergency Management Agency, the U.S. Geological Survey, the National Science Foundation, and the National Institute of Standards and Technology.

In addition, the bill provides \$3.8 million in each of fiscal years 1998 and 1999 for the U.S. Geological Survey for the operation of the global seismic network.

There are several other provisions of this legislation I would like to highlight which I believe will strengthen NEHRP and provide for a more robust earthquake science and engineering research infrastructure into the next century.

First, the legislation authorizes \$8 million specifically for the U.S. Geological Survey's external grants program. This action is consistent with the Committee on Science's ongoing efforts to recognize and support external competitive peer review programs within the science agencies.

Second, the bill requires the Director of the U.S. Geological Survey to develop a prototype, real-time seismic hazard warning system which will enable our Nation's vital lifelines, such as electric utilities, gas lines, and high speed railroads to receive warnings in advance of an earthquake. It is hoped that these warnings can be provided in time to shut down the lifelines, thereby guarding against the catastrophic effects that occur when such facilities are ruptured or damaged by earthquakes.

Third, this reauthorization requires an assessment of regional seismic monitoring networks to determine the state of facilities and equipment.

Fourth, the bill authorizes the Director of the National Science Foundation to use funds to develop Earth science teaching materials and to make them available to local elementary and secondary schools. This is consistent with

the increased emphasis which the Committee on Science is placing on all science education for grades K through 12.

Fifth, the legislation directs the Director of the U.S. Geological Survey to approve hazard assessment of seismic zones throughout the United States and report to the Congress.

Sixth, the bill requires the Director of FEMA to assess and report on disaster training capabilities and programs offered by the agency.

And finally, the bill requires the Director of the National Science Foundation to work with the other NEHRP agencies to develop a plan to effectively use earthquake engineering research facilities, which includes upgrading facilities and equipment and integrating innovative testing approaches.

Mr. Speaker, S. 910 is a well thought out bill which has broad bipartisan support as well as the support of the earthquake science and engineering communities.

Before closing, I would like to thank and commend the gentleman from California [Mr. BROWN], my committee's ranking member, for his work on this legislation and his abiding interest throughout his congressional career in earthquake-related research and mitigation.

I would also like to thank the gentleman from Alaska [Mr. YOUNG], the chairman, and the gentleman from California [Mr. MILLER], the ranking member of the Committee on Resources, who share jurisdictions on portions of this legislation, for their timely efforts in bringing this reauthorization to the House floor.

Mr. Speaker, I urge support of my colleagues for the passage of Senate 910, and I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BROWN of California. Mr. Speaker, the distinguished chairman of the full Committee on Science has, I think, given an excellent statement explaining the nature of the bill. I, of course, strongly support the reauthorization of the act. I was involved in 1977 in the passage of the original program and I have watched it flourish from its original passage up to the present time.

I should comment here that developing a program which involves close cooperation of four separate agencies is not easy to do in the bureaucratic world of Washington, and it does challenge the oversight role of the appropriate committees. I think that on the Committee on Science, and particularly under the chairmanship of the gentleman from Wisconsin [Mr. SENSENBRENNER], that we have tried to measure up to the requirements of this challenge.

The program, over the last two decades, has accomplished many things. It

has produced geological maps and model building codes, for example, that have helped many communities not only understand their seismological risk but to know what to do about it.

In the Nation's public schools the program has introduced schoolchildren to the science of earthquakes, and with our universities it has trained many of the Nation's leading seismologists and earthquake engineers but, most importantly, for 20 years, NEHRP has provided an authoritative voice informing the public about what are real and what are imagined threats from earthquakes, and this is a job that we must not trivialize, especially since Hollywood still produces films like "Volcano," a film that I enjoyed by the way, no matter how factually incorrect it was.

Despite this long list of accomplishments, NEHRP has also failed to meet many of the expectations of its original sponsors, and I think I can say that objectively, as one of those sponsors. For example, it has been unable to convince every earthquake prone community to adopt stronger building codes or to enforce testing protocols for new construction methods or to completely monitor earthquake prone areas with state-of-the-art equipment.

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While these shortcomings can be blamed on such things as a lack of funding, they are also a result of priority-setting efforts within the four different NEHRP agencies that are focused primarily on each agency's individual initiatives and not on the needs of the multiagency NEHRP program.

I have already commented on how difficult that is to do in large scale organizations, and this program gives us an opportunity to experiment with ways of handling these kinds of complex interagency programs.

I am excited that the bill before us today addresses some of these concerns. In addition to authorizing increased funding for the base program, the bill begins an ongoing effort to modernize earthquake engineering research facilities, to assess seismic monitoring needs across the Nation, and to explore rapid-response technologies to alert communities to the advent of an earthquake, as the chairman has already described. I look forward to the initiation of these new efforts, and I hope that this committee vigorously oversees the progress.

Before I finish, I would like to commend the chairman of the Committee on Science by noting that this bill is the product of outstanding bipartisan cooperation on the committee and bicameral cooperation between our committee and the Committee on Commerce in the Senate. In a sense we have short-circuited some of the normal processes by meeting informally with the Members on the Senate side to make sure that the bill which finally emerged from that body was compatible with our interests. That has been

successfully achieved. And I particularly want to commend the gentleman from Wisconsin [Mr. SENSENBRENNER] for his commitment to utilizing this informal cooperation to expedite the progress of legislation.

I want to also applaud the work of the other Committee members and their staff, especially Kristine Dietz and Tom Weimer of the majority committee staff. I rarely have the opportunity to praise staff members on the majority side, and I delight in doing so when I can.

During the remainder of the Congress I hope we can continue to work in a bipartisan manner and with our Senate counterparts as we have.

Mr. Speaker, I urge the passage of this bill and yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT] for purpose of a colloquy.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding me the time.

Mr. Speaker, first I would like to point out that the passage of this legislation shows what can happen when we all work together. Since its inception in 1977, the National Earthquake Hazards Reduction Program has contributed greatly to what we now know about the science of earthquakes as well as how to reduce the damage that they can cause. This bill enables the program to continue its good work through continued research, hazard assessment, and public education.

As my colleagues know, Mr. Speaker, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or Stafford Act, as it is commonly referred to, is the primary authority under which FEMA operates many of its preparedness and response programs. The Stafford Act and, in general, Federal management of emergencies and natural disasters falls under the jurisdiction of the Committee on Transportation and Infrastructure and, more specifically, under the Subcommittee on Water Resources and the Environment which I chair. The relationship between the Stafford Act and NEHRP has always been complementary, and I just want to clarify how this bill fits in with the Stafford Act.

Mr. Chairman, section 2(a) authorizes the development of a prototype seismic hazard warning system. It is my understanding that this system will not dictate how disaster warnings are relayed, who is to receive such warnings, or any other aspects of disaster warning or communication systems which are addressed by section 202 of the Stafford Act. Is that correct?

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

Mr. BOEHLERT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman from New York [Mr. BOEHLERT] is correct.

Mr. BOEHLERT. I thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, for that response.

Further, section 2(c) provides for the study of disaster-response training by FEMA. The purpose of this study is to inform the Congress on the adequacy of training for earthquake response. However, it is my understanding this section is not intended to change or otherwise affect the authority for, or implementation of, disaster preparedness training programs. NEHRP does not currently provide authority for such training, and there is no intention that this section is meant to provide such authority. Is that correct?

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct again.

Mr. BOEHLERT. I thank the chairman, and I urge my colleagues to support this well-crafted bipartisan bill.

Mr. SENSENBRENNER. 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 Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 910.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 910, the bill just considered.

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

There was no objection.

AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 134) authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, as amended.

The Clerk read as follows:

H. CON. RES. 134

Resolved by the House of Representatives (the Senate concurring). That the rotunda of the Capitol is authorized to be used on October 21, 1997, from 11:00 a.m. to 12:00 noon for a ceremony to allow Members of Congress to greet and receive His All Holiness Patriarch

Bartholomew, the 270th Ecumenical Patriarch of Constantinople, Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. NEY] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. NEY].

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

This resolution provides for the use of the rotunda on October 21, 1997, for a ceremony to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, the 270th Ecumenical Patriarch of Constantinople.

At the request of the resolution's sponsor, the gentleman from Florida [Mr. BILIRAKIS], the resolution has been amended to change the time of the ceremony from 10 a.m. to 11 a.m.

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

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

Mr. Speaker, I listened carefully to the gentleman from Ohio [Mr. NEY] and concur with his resolution.

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

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Ohio [Mr. NEY] for yielding me the time.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 134. Mr. Speaker, this bipartisan legislation authorizes the use of the Capitol rotunda for a ceremony where Members of Congress may receive His All Holiness Ecumenical Patriarch Bartholomew, the Archbishop of Constantinople and new Rome.

The Ecumenical Patriarch occupies the foremost position among the National Autocephalous Orthodox Churches worldwide and has the responsibility to coordinate the affairs of the Russian, Eastern Europe, Middle and Far Eastern churches. He is the spiritual leader of nearly 300 million Orthodox Christians worldwide, including approximately 5 million people in the United States.

It is important that Members of Congress, as leaders of a nation that was built on religious freedom and tolerance, have an opportunity to receive and honor one of the world's pre-eminent religious leaders. Ecumenical Patriarch Bartholomew not only promotes peace and religious understanding throughout the world, but he is also profoundly committed to preserving and protecting the environment. In fact, he has sponsored a conference on the environment at the Theological School of Halki. Today, as the 270th

successor to Apostle Andrew, His All Holiness continues his efforts on behalf of religious freedom and human rights.

Finally, Mr. Speaker, I would like to thank Speaker GINGRICH; the gentleman from California Mr. THOMAS, chairman of the Committee on House Oversight, the gentleman from Connecticut Mr. GEJDENSON, the ranking member, and the gentleman from Texas Mr. ARMEY, the majority leader, for their efforts toward bringing this resolution to the floor of the House of Representatives.

I also want to express certainly my appreciation to the members of the Hellenic Caucus for their support of this resolution as well as H.R. 2248, the recommendation to award the Patriarch with a Congressional Gold Medal.

In closing, I urge my colleagues to support this most bipartisan legislation.

Ms. KILPATRICK. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Speaker, I thank the gentlewoman from Michigan [Ms. KILPATRICK] for yielding me the time.

I do want to thank the sponsors of this resolution, the gentleman from California [Mr. THOMAS], the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Florida [Mr. BILIRAKIS], the Hellenic Caucus and everyone involved. It is a very timely resolution, and I want to give all my support to it.

The Patriarch of Constantinople is one of the world's leading religious figures. He is a man of great intellect, a man of great compassion, and he represents a religious tradition of incomparable majesty. I think that is the only way to describe it.

The Orthodox tradition that he represents is a religious tradition of spiritual validity which combines aesthetic consonance with ancient wisdom. We will bestow the honor on him in allowing him to use the rotunda of the Capitol. But actually, we are the ones who are being honored by his presence here.

I am also very happy to say that he will visit my hometown, my city in the 22d District of California, Santa Barbara, this October for a conference on the environment. He knows spirituality. He knows environmental concerns. He has a very, very keen sense of the geopolitical dynamics of our world today.

So I urge my colleagues to pass this resolution, and I would like to congratulate the authors of the resolution on a very fine resolution.

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio [Mr. NEY] for yielding me the time.

Mr. Speaker, I rise in strong support of this resolution authorizing use of the rotunda of the Capitol for Members to greet and receive His All Holiness Bartholomew, Patriarch of the Greek Orthodox Church. I commend the gentleman from Florida [Mr. BILIRAKIS] for introducing this measure which I was pleased to cosponsor, along with many of our colleagues.

We rarely have the occasion to receive individuals of such high character and moral standing as His All Holiness; and when we receive them, we should do so in a manner befitting their rank and title.

Accordingly, I believe reserving the rotunda on the morning of October 21, 1997, for this occasion is highly appropriate, and it is hoped that all of our Members will avail themselves of the opportunity to greet and receive the Patriarch, who is one of the world's great spiritual leaders and the 270th Ecumenical Patriarch of Constantinople. He is also a great environmental leader.

His All Holiness is a man of peace who has worked tirelessly to bridge the differences that have sometimes troubled relations between our two friends and NATO allies, Turkey and Greece. As the head of the Orthodox denomination which has close to 300 million congregants worldwide, including millions in North and South America, His All Holiness is looked to for guidance as the principal spiritual leader by many of our fellow citizens.

Accordingly, I urge our colleagues to approve this resolution permitting the use of the rotunda for this important legislation.

Mr. NEY. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman from Ohio [Mr. NEY] for yielding.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 134, which was introduced by the distinguished gentleman from Florida [Mr. BILIRAKIS], a national leader in the effort to raise awareness of issues of concern to the Greek American community and the Orthodox religion.

Mr. Speaker, House Concurrent Resolution 134 would allow the use of the Capitol rotunda for a ceremony where Members of Congress could greet and receive His All Holiness Patriarch Bartholomew. Patriarch Bartholomew is leader to over 300 million Orthodox Christians worldwide and many millions here in the United States, a religious leader who resides in Istanbul, once referred to as Constantinople, at the ecumenical patriarchate under some very difficult conditions at times.

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Patriarch Bartholomew's visit comes only a few months after the visit of the late Mother Teresa. Having participated in Mother Teresa's visit, I was moved by her presence and felt blessed

to be in attendance. It was an honor to meet someone who has done so much to advance the cause of Christ and to "love even the least of these."

Patriarch Bartholomew is similarly a person who is outspoken in his views. He believes in protection of religious freedoms, combating human rights abuses and protecting the vulnerable, born and unborn. As the 270th successor to the Apostle Andrew, His All Holiness Patriarch Bartholomew has been very active in seeking spiritual renewal within the Orthodox Church as well as opening lines of communication between all Christian denominations and other religions.

As such, I am very proud to join with my colleagues in supporting this resolution to make available the Capitol Rotunda to this religious leader who has opened up so many hearts and souls to the good mission of the Orthodox Church. I look forward to his visit next month and urge all my colleagues to participate in his visit. Many of us are excited about this visit as are many of my constituents.

Again, I would like to commend the gentleman from Florida [Mr. BILIRAKIS] on all his hard work to move this matter forward as well as this Congress for considering this important resolution.

Mr. PALLONE. Mr. Speaker, I rise in support of House Concurrent Resolution 134 which, as you know, would authorize the use of the Capitol rotunda for an address by His All Holiness Ecumenical Patriarch Bartholomew. Earlier in the year, I signed a letter to Speaker GINGRICH with over 40 other members of the Hellenic Caucus requesting that the Patriarch have the opportunity to address Congress during his October visit. I consequently signed on as a cosponsor of House Concurrent Resolution 134 when it was introduced just a few months ago and am naturally very pleased to see this bill on the floor today.

On a related front, I hope to see H.R. 2248, another bill concerning His All Holiness Ecumenical Patriarch Bartholomew, on the floor soon. This bill would authorize the President to present a Congressional Gold Medal to the Patriarchate—an honor from this body that I believe he richly deserves.

Mr. Speaker, His All Holiness Bartholomew is one of the world's most important religious leaders. As the Archbishop of Constantinople and New Rome, he is the 270th successor of the almost 2,000-year-old Christian Center founded by Apostle Andrew. In this capacity he serves as the spiritual leader of some 300 million people worldwide. He is also one of the world's most outspoken champions for religious freedom and human rights.

In a recent interview with Time magazine Patriarchate Bartholomew provided some insight on the direction he wants to steer the Orthodox Church. "The Ecumenical Patriarchate," he said "wishes to remain only a church, one which is free and respected by everybody. We have lived side by side with Muslims and Jews, and we have developed trusting relationships with both. It is our belief that Orthodox Christians have a special responsibility to East-West rapprochement."

These are, of course, the types of sentiments that are surely going to be reiterated by

Patriarch Bartholomew, and well received by Congress, in October. Indeed, I know many of my colleagues are well aware of the struggles the Eastern Ecumenical Patriarchate in Istanbul has had in exercising its faith free of persecution from the Turkish Government. To date, Patriarch Bartholomew has had no success in persuading the Turkish Government to reopen the Orthodox Church's theological school on Halki. The school was closed by the Turkish Government 25 years ago. It's closure, Mr. Speaker, has prevented the church from preparing new generations of religious leaders.

I am proud to have joined with many of my colleagues in the 104th and 105th Congresses in support of legislation calling on the administration to use its influence with the Turkish Government to help secure religious freedom for Orthodox Christians in Turkey. To that end, I very much look forward to Patriarch Bartholomew's visit and to working with him to pursue religious freedom in Turkey and across the world. I think it is extremely appropriate to make our Capitol available for this purpose and urge all my colleagues to support this resolution.

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

Mr. NEY. Mr. Speaker, I have no further requests for time, and 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 Ohio [Mr. NEY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 134, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

HOUSING PROGRAMS EXTENSION ACT OF 1997

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, as amended.

The Clerk read as follows:

S. 562

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 "Housing Programs Extension Act of 1997".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

SECTION 101. SHORT TITLE.

This title may be cited as the "Senior Citizen Home Equity Protection Act".

SEC. 102. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)) is amended—

(1) in paragraph (2)—

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

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

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

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

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

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

(4) by adding at the end the following:

“(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.”.

SEC. 103. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 102 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 102. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

SEC. 201. PUBLIC HOUSING CEILING RENTS AND INCOME ADJUSTMENTS AND PREFERENCES FOR ASSISTED HOUSING.

Section 402(f) of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437aa note) is amended by striking “and 1997” and inserting “, 1997, and 1998”.

SEC. 202. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

Section 1002(d) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (42 U.S.C. 1437c note) is amended by striking “September 30, 1997” and inserting “September 30, 1998”.

SEC. 203. PUBLIC HOUSING FUNDING FLEXIBILITY AND MIXED-FINANCE DEVELOPMENTS.

Section 201(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134)) (42 U.S.C. 1437l note) is amended by striking “fiscal year 1997” and inserting “fiscal year 1998”.

SEC. 204. MINIMUM RENTS.

Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104-99; 110 Stat. 40) is amended in the matter preceding paragraph (1) by striking “fiscal year 1997” and inserting “fiscal years 1997 and 1998”.

SEC. 205. PROVISIONS RELATING TO SECTION 8 RENTAL ASSISTANCE PROGRAM.

(a) TAKE-ONE-TAKE-ALL, NOTICE REQUIREMENTS, AND ENDLESS LEASE PROVISIONS.—Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development,

and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134)) (42 U.S.C. 1437f note) is amended by striking “and 1997” and inserting “, 1997, and 1998”.

(b) FAIR MARKET RENTALS.—The first sentence of section 403(a) of The Balanced Budget Downpayment Act, I (Public Law 104-99; 110 Stat. 43) is amended by striking “fiscal year 1997” and inserting “fiscal years 1997 and 1998”.

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

SEC. 301. SECTION 8 PROJECT-BASED ASSISTANCE CONTRACT RENEWAL AUTHORITY.

Section 211 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note) is amended—

(1) in subsection (a)(1), by inserting “or 1998” before the semicolon at the end; and

(2) in subsection (b)(4)(A), by inserting after “fiscal year 1997” each place it appears the following: “or 1998”.

SEC. 302. MORTGAGE RESTRUCTURING DEMONSTRATION FOR FHA-INSURED MULTIFAMILY HOUSING.

Section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note) is amended—

(1) in subsection (a)(3)(B), by inserting “or 1998” before the semicolon at the end;

(2) in subsection (h)(1)(B), by striking “fiscal year 1997” and inserting “fiscal years 1997 and 1998”;

(3) in subsection (h)(1)(F)(ii), by striking “fiscal year 1997” and inserting: “fiscal years 1997 and 1998”; and

(4) in subsection (k), by striking “50,000 units” and inserting “100,000 units”.

SEC. 303. MULTIFAMILY HOUSING FINANCE PILOT PROGRAMS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by inserting before the period at the end of the first sentence the following: “, and not more than an additional 15,000 units during fiscal year 1998”; and

(2) in the first sentence of subsection (c)(4)—

(A) by striking “and” and inserting a comma; and

(B) by inserting before the period at the end the following: “, and not more than an additional 15,000 units during fiscal year 1998”.

SEC. 304. HUD DISPOSITION OF MULTIFAMILY HOUSING.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a) is amended by inserting after “owned by the Secretary” the following: “, including the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition.”.

SEC. 305. MULTIFAMILY MORTGAGE AUCTIONS.

Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715(g)(4)(C)) is amended—

(1) in the first sentence of clause (viii), by striking “September 30, 1996” and inserting “December 31, 2005”; and

(2) by adding at the end the following new clauses:

“(ix) Subject to the limitation in clause (x), the costs of any multifamily auctions under this subparagraph occurring during any fiscal year shall be paid from amounts in the General Insurance Fund established under section 519.

“(x) This authority of the Secretary to conduct multifamily auctions under this subparagraph shall be effective for any fiscal year only to the extent or in such amounts that amounts in the General Insurance Fund are or have been approved in appropriation Acts for costs of such auctions occurring during such fiscal year.”.

SEC. 306. INTEREST REDUCTION PAYMENTS IN CONNECTION WITH SALES OF SECTION 236 MORTGAGES HELD BY HUD.

Section 236 of the National Housing Act (12 U.S.C. 1715z-1) is amended—

(1) in the first sentence of subsection (b), by inserting before the colon at the end of the first proviso the following: “and when the mortgage is assigned or otherwise transferred to a subsequent holder or purchaser (including any successors and assignees)”;

and

(2) in subsection (c)—

(A) by inserting “(1)” after the subsection designation; and

(B) by adding at the end the following new paragraphs:

“(2)(A) The Secretary may continue to make interest reduction payments to the holder or purchaser (including any successors and assignees) of a mortgage formerly held by the Secretary upon such terms and conditions as the Secretary may determine. In exercising the authority under the preceding sentence, upon cancellation of any contract for such interest reduction payments as a result of foreclosure or transfer of a deed in lieu of foreclosure, any amounts of budget authority which would have been available for such contract, absent cancellation, shall remain available for the project for the balance of the term of the original mortgage upon such terms and conditions as the Secretary may determine.

“(B) The Secretary may exercise the authority to make payments under this paragraph (i) only with respect to mortgage loans under this section which, at the time of the Secretary's assignment or other transfer, have a total amount of unpaid principal obligation of not more than \$92,000,000, and (ii) only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

“(3) Notwithstanding subsection (i)(2) or any other provision of law, in connection with the sale of mortgages held by the Secretary, the Secretary may establish appropriate terms and conditions, based on section 42 of the Internal Revenue Code of 1986 or another appropriate standard, for determining eligibility for occupancy in the project and rental charges.”.

SEC. 307. ASSIGNMENT OF REGULATORY AGREEMENTS IN CONNECTION WITH SALES OF MORTGAGES HELD BY HUD.

Section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(k)) is amended by adding at the end the following new paragraph:

“(7) ASSIGNMENT OF REGULATORY AGREEMENT IN CONNECTION WITH SALE OF MORTGAGES.—Notwithstanding any other provision of law, and upon such terms and conditions as the Secretary may prescribe, the Secretary may, in connection with the sale of mortgages held by the Secretary, provide for the assumption of all rights and responsibilities under the regulatory agreement executed by or for the benefit of the Secretary. Such assumption shall further provide for the regulatory agreement to be so assumed by any successor or assignee of the initial assuming entity. Such regulatory agreement shall continue to be binding upon the mortgagor and its successors and assignees.”.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAMS

SEC. 401. HOUSING IN UNDERSERVED AREAS PROGRAM.

The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 402. HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.

(a) **AUTHORITY TO MAKE LOANS.**—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

(b) **SET-ASIDE FOR NONPROFIT ENTITIES.**—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999".

SEC. 403. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) **ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.**—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each of fiscal years 1998 and 1999 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year."; and

(3) in subsection (u), by striking "1996" and inserting "1999".

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM

SECTION 501. PROGRAM EXPIRATION.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 502. BORROWING AUTHORITY.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)) is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 503. EMERGENCY IMPLEMENTATION OF PROGRAM.

Section 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4056(a)) is amended by striking "September 30, 1996" and inserting "September 30, 1999".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS FOR STUDIES.

Subsection (c) of section 1376 of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)) is amended to read as follows:

"(c) For studies under this title, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999, which shall remain available until expended."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

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

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

Mr. Speaker, S. 562, the Housing Programs Extension Act of 1997, will provide security and peace of mind for senior citizens seeking to obtain an FHA-insured reverse mortgage. In short, this legislation gives the Department of Housing and Urban Development authority to issue regulations protecting senior homeowners from being charged excessive or unnecessary fees in the reverse mortgage application process.

I should say here, Mr. Speaker, the Department of Housing and Urban Development supports not just this provision, but, as I understand it, the entirety of this bill.

According to a HUD investigation earlier this year, seniors applying for reverse mortgages were being charged up to 10 percent of the total loan amount for estate-planning services from third-party service providers. In some cases this amounted to as much as \$10,000 for simply driving homeowners to the bank and sitting with the applicants during discussions with the lender.

Mr. Speaker, seniors use these funds for assistance with medical expenses, critical home repairs, groceries and other everyday living expenses. Charging senior citizens \$10,000 for services that are essentially free is truly an abomination.

In response to these allegations, I, along with members of the minority, including the gentleman from Massachusetts [Mr. KENNEDY], introduced H.R. 1297, the Senior Homeowner Reverse Mortgage Protection Act, earlier this year with the support of the administration. H.R. 1297 was included in the manager's amendment to H.R. 2, which passed the House with strong bipartisan support last May.

Mr. Speaker, last Congress we extended the FHA-insured reverse mortgage program until the year 2000. The program has helped make the American dream of home ownership a continued reality for more than 20,000 seniors who might otherwise be forced to sell their homes because of the rising costs of living associated with aging.

Reverse mortgages allow seniors who are house rich but cash poor to tap into the equity in their homes for much needed assistance with everyday living expenses. For many, the program provides seniors with the opportunity to remain in their own neighborhoods, close to family and friends instead of being forced to live in nursing homes.

Mr. Speaker, it is profoundly disturbing that such a valuable tool for our Nation's most vulnerable population has been jeopardized by such practices. This legislation will prevent these activities and will ensure that the reverse mortgage proceeds will go toward sustaining the quality of life of seniors across America.

Mr. Speaker, the committee amendment to S. 562 will also extend certain noncontroversial public housing reform measures for 12 months. The committee amendment originally extended these provisions for 6 months, but at

the request of the minority, the legislation will extend these measures for a full year.

During this Congress and the last Congress, these public housing reform measures have been enacted annually through the appropriations process. These interim reforms are set to expire in only a few weeks, on September 30, 1997. A short-term extension measure from the authorizing committee, therefore, is necessary for the House and Senate to complete a conference and enact permanent public housing reform.

Mr. Speaker, since the 103d Congress we have been working hard to systematically and systemically reform our Nation's public housing programs. In the last Congress both the House and Senate passed comprehensive public housing reform legislation. Unfortunately, we were unable to complete a conference on the two bills before recess. In the 105th Congress, this Congress, the House passed comprehensive public housing reform last May by a vote of 293 to 132. Senate passage of comparable legislation is anticipated in the next few weeks. A conference is fully expected with a conference report to be completed early in the second session.

Mr. Speaker, the legislation also extends the existing section 8 multifamily housing demonstration program for 1 year to prevent any disruption to tenants or owners of section 8 developments while we continue to pursue a permanent solution to the problem of expiring section 8 contracts.

I will say that even if we could come to an agreement tomorrow, Mr. Speaker, with the Senate on this provision, it would probably be at least 1 year to 18 months before regulations were in place. This demo extension is needed and is supported by the administration as well as the National Leased Housing Association and other stakeholders. I want to repeat it is supported by the administration and other stakeholders.

Finally, the legislation includes a number of housekeeping measures, including a number of multifamily housing reforms at the request of the administration, a 2-year extension of rural housing programs and a 2-year extension of the National Flood Insurance Program, both of which will expire at the end of this fiscal year unless we take action now.

Mr. Speaker, these extensions are critical to avoid a destabilization of the marketplace and to ensure the continuity of service to needy Americans. In particular, in regard to the National Flood Insurance Program, if we fail to extend the program's borrowing authority, we risk being unable to serve devastated families that are affected by natural disasters. FEMA Director Witt indicated to me earlier this month, as a matter of fact only a couple of days ago when he called me at home, that without the extension of borrowing authority, FEMA would be forced to turn away families in the

event of a significant disaster. We do not want that result. Mr. Speaker, I urge all Members to support this legislation.

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

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

Mr. Speaker, reluctantly I rise in opposition to S. 562 and urge my colleagues to vote against it. I was surprised to learn, although I was a few minutes late for the beginning of the opening statement of the gentleman from New York [Mr. LAZIO], that he indicated that the administration supports this.

The fact of the matter is I talked to Secretary Cuomo over the weekend. He indicated he was very strongly opposed, not to the provisions that pertain to the Senior Citizen Home Equity Protection Act, but he as well as the White House have all indicated to me that they are very much opposed to the addition of the extenders plus the mark-to-market provisions that are contained in this bill.

I think it is important to recognize that while I do not believe the White House or that HUD or would we take much issue on the extenders on various provisions that both the gentleman from New York [Mr. LAZIO] and I have talked about and agree in most of the provisions that we are talking about here, the real problem comes with the containment of the mark-to-market provisions.

There are two major problems with the bill. First, I would like to point out to Members that we should not be deceived by the title, the Senior Citizen Home Equity Protection Act. I am an original cosponsor of that legislation in the House which would provide important protections against scam artists who bilk senior citizens by charging them excessive fees for reverse mortgage equity loans for services which HUD provides as a matter of course.

The Senate has already passed the bill, and the right thing to do would be to take up the Senate bill without modifications or additions. If the majority party were doing so today, it would pass overwhelmingly, and we could have it on the President's desk this week for enactment into law.

Instead the majority party is playing games, adding on provisions that the Senate will never take up, in effect delaying the final passage of this important consumer protection bill for senior citizens.

Instead S. 562 has been modified to include many other provisions. While most of these are reasonable, we in the minority believe that one provision will undermine efforts to reach final agreement on critically needed mark-to-market legislation.

This is an issue which we in the minority simply disagree with the majority party in the House. We Democrats strongly support the Senate bipartisan

mark-to-market proposal which was included in both the Senate reconciliation and the VA-HUD appropriations bills. We Democrats want to include that bill in the VA-HUD conference report, but we are opposed by the same House Republicans who do not support the bill.

In fact, the Senate bipartisan mark-to-market bill is essential to provide an orderly transition to market-based section 8 rental payments. This is necessary to preserve affordable housing and to protect low-income families and seniors from displacement.

Also, the Congressional Budget Office has scored the Senate bill as saving an additional \$500 million. Including this in the VA-HUD conference report would allow us to spend \$500 million more on critical priority areas like education, health care and housing. But instead, today we are being called upon to reject the mark-to-market proposal and instead pass a continuation of the demonstration program. It is simply the wrong approach.

Finally, I would like to respond to the claim that it is important to pass this bill to reassert the authority of the authorizing committee, the Committee on Banking and Financial Services. This is a curious claim indeed. First, I would like to point out that the Committee on Banking and Financial Services itself has not even considered the bill that we are voting on today. Second, I would like to point out that most of the provisions of the bill are not new authorizing legislation, but simply a continuation of existing policy or appropriations riders.

Finally, with regard to the mark-to-market approach, we have been debating this issue in the Congress for years, but we have never held a committee markup. It is understandable why Senate Republicans and Democrats alike are frustrated with our lack of progress and have moved on their own. It is time to send a bill to the President.

In conclusion, I would urge my colleagues to reject this bill. It will not speed up the final enactment of senior citizens' home equity protections, simply because the Senate will refuse to take up the language if it is included with these extenders and the mark-to-market legislation. All it will do is impede the progress of the critical mark-to-market approach. It is the wrong bill, the wrong process, and I urge a "no" vote.

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

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. Leach], the distinguished chairman of the Committee on Banking and Financial Services.

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

Mr. Speaker, let me say there are several aspects of this bill before us. One is an issue of sheer compassion, the whole precept of whether senior citizens should be preyed upon and

whether profiteering should occur with regard to a very responsible Federal program which is applicable in a limited number of circumstances, the so-called reverse mortgage. The second relates to a series of issues of extenders that are part of this bill and what is perceived to be a delaying tactic on the minority side.

I think it fair to ask the gentleman from Massachusetts, what extender does he object to? I say this because all of these provisions were dealt with in a bill that came out of the Committee on Banking and Financial Services called H.R. 2, or they are in current law. And so my concern is what precise extenders does the gentleman object to?

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. For the sake of the record, I would just like to point out to the gentleman that neither title III, title IV nor title V were included in the legislation the gentleman is referring to, No. 1.

No. 2, I do not really have a problem with a lot of the extenders. I tried to pass a message along to the office of the gentleman from New York [Mr. LAZIO] saying that if he wanted to include the extenders but exclude the mark-to-market approach, that I would be happy to support this bill today.

What we are trying to get at here is the gentleman knows because he was, I believe, at a meeting last week where he understands that Senator MACK simply is not going to allow this legislation to be taken up. Why do we not just mark up the mark-to-market legislation, separate that out and go ahead and pass these protections on for the senior citizens?

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Mr. LEACH. Mr. Speaker, reclaiming my time, I would simply say the gentleman gave an opening introduction in which he objected to the extenders. So there is no misunderstanding, the minority has no objection to the extenders. They only object to the mark-to-market provisions. The mark-to-market approach, which is a fairly subtle thing in terms of the public perspective, is simply an extension of an ongoing program.

Now, the question then becomes, what are we doing with the larger issue for which there are certain differences with the other body? The gentleman from New York [Mr. LAZIO] has very thoughtfully introduced a very comprehensive bill. It is in the public record. We have modest differences with the other body on two large issues, both of which, however, are in the context of which there is 95 percent agreement on approach. It is the intent of the House side to be very forthcoming in negotiations with the Senate on these issues. What we are attempting to pass today is by no means intended to be delaying. It is intended to take care of extenders that must occur this

month, and also to take care of a very compassionate issue.

So I would only say to the gentleman from Massachusetts [Mr. KENNEDY] that we have some very minor concerns about a given Senate approach in the mark to market. We will negotiate with them very straightforwardly, very reasonably, with the intent of protecting the U.S. taxpayer and the public interest, and no other intent or any other motivation whatsoever.

In so doing, we hope to come out with a better protective taxpayer approach than has simply been endorsed by the other side today. But there is nothing in this proposal that is designed to do anything except advance what must be done this month under law and to take care of an approach, if there is no agreement that can be reached with the Senate. But we have total desire to reach agreement with the Senate. The chairman of the subcommittee and the chairman of the full committee are very committed to resolving this issue in this Congress and if at all possible, in this session.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself 1 minute to respond to the statement by the chairman of the full committee, the gentleman from Iowa [Mr. LEACH]. I would like to point out while he suggests that the mark to market issue is some minor issue that is not out there in the public purview, that does not mean that it is not by far and away the most important issue that we are talking about here. It is fully half of the housing programs of this country.

What we are talking about is whether or not we are going to cost the taxpayers of this country an additional \$500 million this year. I would suggest to the chairman of the full committee that there is in fact a substantive reason for doing this, and that is that it will take away from the impetus to get this bill passed.

You have a bipartisan approach that has passed in the U.S. Senate. All it requires is for us to move this bill in the Committee on Appropriations and get this thing done. While we sit and dawdle and dither, we end up costing the taxpayer millions and millions of dollars.

This is simply a tactic to throw in what is not an issue that is in the public view, it is out of the public view, but if you shove this into this bill, what will end up occurring is we will cost the taxpayer money. We will do it without ever showing them the light of day as to what has happened, and it will give a great deal more credence to the ability of the chairman of the Subcommittee on Housing and Community Opportunity to then gut the protections for the poor that will be contained in the bill. That is the ultimate objective of what is occurring here today.

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

Mr. LAZIO of New York. Mr. Speaker, I yield myself two minutes for the

purpose of entering into a dialog with the gentleman from Massachusetts [Mr. KENNEDY].

Let me begin by saying that I believe deeply that this demonstration program needs to be extended. I think even if we were to come to an agreement tomorrow with the Senate, and I think the chairman of the full panel has explained what our position is, we would still need, because of regulations and rules, there would be a time between 12 and 18 months before we would get an actual program in effect, in which we would need this extension.

I hear the gentleman from Massachusetts has no intention of going along with that, and these other reforms and extensions are so important at this point. We cannot allow the flood insurance program to lapse, we cannot allow these extenders to lapse, and we need to protect seniors to the point where I am wondering if I made a unanimous consent request to delete the sections that are offensive to the gentleman from Massachusetts, if that would win his support of the rest of the provisions of this measure?

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, it would indeed. I very much appreciate the chairman's willingness to provide that kind of compromise and I look forward to working with the gentleman on the mark to market issue. I think there are a number of extenders, and I just wanted to let the gentlemen know as well as the chairman of the full committee, the gentleman from Iowa [Mr. LEACH], know that I know the gentleman from Nebraska [Mr. BEREUTER] and others have had concerns about rural housing programs and a number of other extenders.

I did try to communicate to the chairman's office that we would be happy to work with the gentleman on those noncontroversial extenders, and I appreciate the offer that the gentleman has made here on the floor.

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

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to express my appreciation to the gentleman for doing this. I would urge the next time, to the gentleman, work this out before the gentleman ruins my afternoon.

Mr. LAZIO of New York. Mr. Speaker, reclaiming my time, let me hold my tongue.

MODIFICATION TO MOTION OFFERED BY MR.
LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that S. 562 be amended to strike sections 301 and 302 from title III.

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

There was no objection.

The text of the modification is as follows:

Modification offered by Mr. LAZIO of New York.

Beginning on page 6, line 5 strike out sections 301 and 302 and renumber succeeding sections accordingly.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. BEREUTER], my friend and colleague on the Committee on Banking and Financial Services and the Subcommittee on Housing and Community Opportunity.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of S. 562, as amended, and urge my colleagues to vote for this important measure. I thank the gentleman for his work on the legislation, his initiative, and this Member also felt that the comments of the gentleman from Iowa, the chairman, should have been compelling when he discussed the motivations and objectives of the legislation. But I am glad to see we seem to have arrived at an arrangement here which while it will not satisfy everybody, nevertheless permits, for example, the extenders to go ahead.

Mr. Speaker, as the title of the bill implies, this measure protects senior citizens, one of the Nation's most exploited populations, from unscrupulous financial service providers.

Recent years have seen the development of truly innovative financial tools to assist our aging population. Among these is the reverse mortgage. This product rewards seniors for exercising financial prudence by allowing them to have access to the equity they have built up in their homes without taking out a new first trust mortgage.

Unfortunately, as mentioned a few moments ago, unscrupulous financial planners sometimes have been gouging seniors with inappropriate fees for information which is otherwise available free of charge.

This measure authorizes the Secretary of Housing and Urban Development to take appropriate actions to restrict unnecessary and excessive costs associated with reverse mortgages. The authority should enable HUD to maintain the reverse mortgage as a valued tool in financial planning for seniors, and protect them from being exploited unwittingly.

In addition to the important protections provided to seniors, this measure also contains two other important provisions, among others, which this Member supports.

First, the bill extends for two years section 538, the rural rental multifamily housing loan guarantee program. Legislation permanently authorizing the section 538 loan guarantee program passed the House on April 8, 1997, by an overwhelming bipartisan vote. Unfortunately, the other body has failed to consider this legislation for other extraneous reasons, I gather, and, thus, a more modest authorization is included in this measure.

The section 538 loan guarantee program, which this Member authored with lots of help from his colleagues on both sides of the aisle, guarantees repayment of loans made by private lenders to either State housing agencies, nonprofit organizations, or for-profit investors, who build or rehabilitate affordable multifamily rental problems in nonmetropolitan areas. This innovative program is a prudent and cost-effective supplementary program to the traditional expensive Federal direct lending program.

Another provision which this Member supports is a 2-year reauthorization of the National Flood Insurance Program, which the subcommittee chairman has mentioned, or NFIP. As a member of the Committee on Banking and Financial Services, this Member was actively involved in writing parts of the recently enacted NFIP reform legislation under the leadership of the gentleman from New York, Chairman LAZIO.

Therefore, this Member is pleased that the program will continue to operate at least somewhat more effectively for 2 more years until this Congress or some future Congress finally enacts the more fundamental reforms which are certainly needed. Note should be made that a problematic provision included in recent disaster assistance legislation has expired and is not extended by this bill. Specifically, a provision lowering the waiting period on new flood policies from 30 to 15 days has expired, and for the benefit of the American taxpayer it should not be resurrected.

In closing, Mr. Speaker, this Member strongly supports this legislation and urges his colleagues and the Members of the other body to approve this measure as soon as possible.

Mr. KENNEDY of Massachusetts. Mr. Speaker, if the chairman of committee has no further speakers, I yield back the balance of my time.

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

Mr. Speaker, I would just once again urge all Members to support these important extensions, protection for senior citizens from being ripped off, anti-fraud provisions, protections for public housing in general. This is an important vote for rural housing, for people in flood-prone areas to ensure they have proper protection, and I would urge an aye vote.

Mr. Speaker, I include a section-by-section analysis of S. 562 for the RECORD.

S. 562—SECTION-BY-SECTION

Section 1. Short title

Provides that the name of the Act may be cited as the "Housing Programs Extension Act of 1997".

TITLE I—SENIOR CITIZEN HOME EQUITY PROTECTION

Section 102. Disclosure requirements, prohibition of funding of unnecessary or excessive costs

Amends Section 235(d) of the National Housing Act involving Home Equity Conversion Mortgages insured under FHA, and (1)

requires a full disclosure of all costs related to originating the mortgage and (2) clarifies the HUD Secretary's authority to appropriately restrict unnecessary or excessive costs related to the origination of the reverse mortgage.

Section 103. Implementation

Requires the HUD Secretary to issue expeditiously an interim notice to implement the provisions of the Act. Further provides that the Secretary shall, within ninety days of the date of enactment, issue final regulations, after notice and opportunity for comment.

TITLE II—TEMPORARY EXTENSION OF PUBLIC HOUSING AND SECTION 8 RENTAL ASSISTANCE PROVISIONS

Section 201. Public housing ceiling rents and income adjustments and preferences for assisted housing

Extends the public housing ceiling rents authority and the definition of adjusted income under the public housing program, and the suspension of Federal preferences, through September 30, 1998.

Section 202. Public housing demolition and disposition

Extends the suspension of the one-for-one replacement requirement through September 30, 1998.

Section 203. Public housing funding flexibility and mixed-finance developments

Extends the public housing flexible funding and mixed-finance development authorities through September 30, 1998. The flexible funding authority enables public housing authorities to use their modernization assistance under section 14 and their development assistance under section 5 of the 1937 Act for any eligible activity authorized under sections 14, 5, or applicable Appropriations Acts (HOPE VI), and for up to 10% of such assistance, any operating subsidy purpose authorized by section 9 of the 1937 Act.

Section 204. Minimum rents

Extends the minimum rent requirement (requiring minimum rents of up to \$50) through September 30, 1998.

Section 205. Provisions relating to section 8 rental assistance program

(a) Take-One, Take-All, Notice Requirements, and Endless Lease Provisions. Extends suspension of three requirements of the Section 8 program ("take-one, take-all"; 90-day notice requirement; and "endless lease") through September 30, 1998.

The "take-one, take-all" provision of the 1937 Act requires owners who have entered into a housing assistance payments contract on behalf of any tenant in a multifamily housing project to lease any available unit in the project to an otherwise qualified holder of a certificate or voucher.

The 90-day notice provision for the Certificate and Voucher programs require that owners notify tenants 90 days prior to termination of a contract.

The "endless lease" provision requires that owners not terminate tenancy except for serious or repeated violations of the lease, the law, or for other good cause. This section would limit this requirement to the lease term.

(b) Fair Market Rentals. Extends through September 30, 1998, the requirement that the Secretary establish fair market rents for an area, for purposes of the Section 8 program, at a level equal to the 40th percentile rent of rental distributions of standard quality rental units for the area.

TITLE III—REAUTHORIZATION OF FEDERALLY ASSISTED MULTIFAMILY RENTAL HOUSING PROVISIONS

Section 303. Multifamily housing finance pilot programs

Extends through September 30, 1998, two multifamily risk-sharing demonstration programs, with a 15,000 additional unit limitation for each. Multifamily risksharing with qualified financial entities was authorized by the Housing and Community Development Act of 1992 (Section 542). The program enables HUD to enter into risk-sharing partnerships to provide rental housing through two pilot programs for qualified financial entities and for qualified housing finance agencies, and allows FHA to support the multifamily housing market through traditional and new products.

Section 304. HUD disposition of multifamily housing

Enhanced Authority for HUD Disposition of Multifamily Housing. Section 204 of HUD's FY 1997 appropriations Act gave HUD permanent authority to manage and dispose of HUD-owned multifamily properties and mortgages held by the Secretary on such terms and conditions as HUD determines, notwithstanding any other provision of law. Clarifies that the authority to manage and dispose of HUD-owned properties includes the provision of grants and loans from the General Insurance Fund for the necessary costs of rehabilitation or demolition.

Section 305. Multifamily mortgage auctions

Extends the authority to auction mortgages insured under Section 221 of the National Housing Act through December 31, 2005. The current authority expired at the end of FY 1996, and unless extended, HUD will be forced to take assignment of any mortgage where the mortgagee elects to assign such mortgage to HUD. As a result, HUD will incur the financial costs of servicing these mortgages until they are sold in a competitive sale. In addition, extending HUD's ability to auction mortgages prior to assignment allows the mortgage to remain in private hands and avoids payment of a claim against the FHA fund. Costs of the auction activity would be paid from multifamily credit subsidy.

Section 306. Interest reduction payments in connection with sales of section 236 mortgages held by HUD

Provides HUD with limited authority to sell a certain percentage of section 236 mortgages under the National Housing Act with the interest reduction payments contract intact. In this way, the payments would remain available to the project to assist with affordability of the units, support rehabilitation (if any), and increase the selling price of the mortgage. The authority under this provision is limited to an amount of loans which in the aggregate shall not have an unpaid principal balance in excess of \$92,000,000, and exercise of the authority shall be subject to prior approval in an appropriations Act.

Section 307. Assignment of regulatory agreements in connection with sales of mortgages held by HUD

Permits HUD to provide for the assumption of all rights and responsibilities under the regulatory agreement when it sells a HUD-held mortgage. The provision would enable HUD to reduce staff time associated with assets which have already been sold.

TITLE IV—REAUTHORIZATION OF RURAL HOUSING PROGRAM ACT OF 1997

Section 401. Housing in underserved areas program

Amends Section 509(f)(4)(A) of the Housing Act of 1949 to extend its authorization for

two additional fiscal years, from fiscal year 1997 to fiscal year 1999. This program provides a set-aside out of Sections 502 (single-family), 504 (Repair Loans and Grants), 514 (Farm Labor), 515 (Multifamily Housing) and 524 (site loans) for projects in underserved counties as defined by the Housing Act of 1949.

Section 402. Housing and related facilities for elderly persons and families and other low-income persons and families

(a) Authority to Make Loans. Extends Section 515(b)(4) of the Housing Act of 1949, the authority of the Secretary of Agriculture to make loans, for two additional fiscal years until September 30, 1999. Section 515 provides for multifamily housing loans.

(b) Set-Aside for Non-Profit Entities. Extends Section 515(w)(1) of the Housing Act of 1949, providing for a certain level of funding to be set-aside for non-profit entities, for an additional two fiscal years until September 30, 1999.

Section 403. Loan guarantees. For multifamily rental housing in rural areas

Amends Section 538(q) of the Housing Act of 1949 by inserting a new provision establishing that the Secretary may enter into loan guarantee commitments under this section only to the extent that the costs of the guarantees entered into in a fiscal year do not exceed the amounts provided for that fiscal year in appropriations Acts.

Amends Section 538(t) to extend authorization for loan guarantees made under this title until fiscal year 1999.

TITLE V—REAUTHORIZATION OF NATIONAL FLOOD INSURANCE PROGRAM
Section 501. Program expiration

Amends Section 1319 of the National Flood Insurance Act of 1968 to extend the Act for two additional years until September 30, 1999.

Section 502. Authorization of borrowing authority

Amends Section 1309 of the National Flood Insurance Act of 1968 to extend the borrowing authority until September 30, 1999.

Section 503. Emergency implementation of program

Amends Section 1336(a) of the National Flood Insurance Act of 1968 to extend the expiration date until September 30, 1999.

Section 504. Authorization of appropriations for studies

Amends Section 1376(c) of the National Flood Insurance Act of 1968 to extend funding authorization for appropriations, in such sums as may be necessary, for studies conducted under the relevant title of the Act, for each of fiscal years 1998 and 1999.

Mr. GILMAN. Mr. Speaker, I rise in support of the Senior Citizen Home Equity Protection Act. Senior citizens are one of our Nation's greatest assets. The guidelines set by this bill will help protect seniors from losing the financial independence they have worked all their lives to achieve.

The Senior Citizen Home Equity Protection Act gives the U.S. Department on Housing and Urban Development authority to issue rules to protect seniors from being overcharged while trying to obtain reverse mortgages. This act also requires that the mortgagor receives a full disclosure of all the costs acquired while attempting to attain this type of mortgage.

A reverse mortgage allows senior citizens age 62 or older to borrow money against the equity of their homes and does not require them to make monthly or principal payments. The purpose of a reverse mortgage is to allow

seniors who are "house rich," but "cash poor" to access the equity they have invested in their homes so they may have the money they need to live comfortably on a day to day basis.

If it were not for reverse mortgages, a senior citizen homeowner might have to put their home on the market to cash in on its equity just so they can survive. This would also result in their having no other option but to move into a retirement home, ultimately making them lose the peace of mind and security they had built up in the neighborhoods they used to live in.

Some senior citizens may need our help in protecting the equity which they spent most of their lives in building. That is why I urge my colleagues to join in unanimously supporting the Senior Citizen Home Equity Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 562, the Senior Citizen Home Equity Protection Act.

This bill would authorize the Housing and Urban Development [HUD] Department to issue rules to protect senior citizens from being charged unreasonable fees for obtaining reverse mortgages; it reauthorizes for 2 years Federal rural multifamily rental housing development programs and the National Flood Insurance program; it extends for 6 months certain public housing reforms that have been included in appropriations acts the past 2 fiscal years; and it extends for 1 year a section 8 portfolio reengineering demonstration program included in last year's VA-HUD appropriations act.

Maintaining a secure, fair and reliable source of credit for home purchases by senior citizens is very important to me. The service that past generations provided this country is invaluable. Through two World Wars and economic downturns, they stayed the course and kept this country on track to become the economic, social and political success that it is today.

This bill will provide security for seniors who for whatever reason want to purchase a home.

On the behalf of the residents of the 18th Congressional District I am in full support of this bill and would like to urge my colleagues to join me in voting for this measure.

Mr. PAUL. Mr. Speaker, today we are asked to support a bill which has the Federal Government engaged in the unconstitutional business of further regulating mortgage brokers, extending Federal housing programs—some of which would be extended permanently by this bill—and offering flood insurance programs.

This bill will add new regulations by Government and impose new restrictions on the private sector which provides most of the safe and affordable housing in this country. Such regulations and restrictions raise costs and limit availability of housing for our citizens insofar as such additional costs may ultimately be passed along to the consumer. This bill will further add to the Federal Government's intrusion in the housing market by limiting private sector initiatives to help consumers obtain mortgage loans, and eventually, their own homes.

Second, this bill would make authorization of some programs permanent so that future representatives of the people will not be able to judge the wisdom of these specific programs. To the extent Congress has any constitutional right to legislate in this sphere at all,

certainly, Representatives must have the legal ability to weigh the specific needs of their constituents and make appropriate decisions. Some of these multi-housing programs are mere demonstration projects which have not proved their worthiness. They have, however, proved their cost to the taxpayer with ever-rising tax bills without the corresponding benefits. Government-run housing schemes are less efficient, more costly and limit the private sector's ability to provide the services that the public wants at a price that properly takes into account true economic costs. Even such misnamed "good government" housekeeping provisions merely perpetuate and extend the Government's reach into the private sector and, ultimately, into the wallets of taxpaying Americans.

With respect to Federal flood insurance programs, the constitutional separation of powers strictly limited the role of the Federal Government and, at the same time, anticipated that maintaining the balance between cost, risk, and the benefits of insuring one's property was best reserved—via the ninth and tenth amendments—to State and local governments, or individuals respectively. One can insure oneself against virtually every natural disaster at some policy premium. Determination of whether the peace of mind and other benefits of insurance outweigh the premium for any particular property is not amongst the constitutionally enumerated Federal powers. The private market provision and resulting cost internalization of such insurance premiums will accomplish much toward enhancing macroeconomic efficiency and, at the same time, eliminate the necessity for the national government to overstep its constitutional bounds with governmental "pseudo-insurance."

In addition, this bill did not go through the proper committee process. I am a member of the House Committee on Banking and Financial Services and have not had the opportunity to vote on, amend, improve, or block this piece of legislation. It is in the committee process, where respective Members make it their responsibility to be better versed in that committee's respective issues, amend and hopefully improve bills as they move through the legislative process. Members of the Banking Committee should have had the opportunity to review relevant legislation before it is voted on by the entire House of Representatives.

As a U.S. Congressman, I remain committed to the Constitution which I, only months ago, swore to uphold. This country's founders recognized the genius of separating power amongst Federal, State and local governments as a means to maximize individual liberty and make Government most responsive to those persons who might most responsibly influence it. For each of these reasons, I must rise in opposition to S. 562, the Senior Citizen Home Equity Protection Act.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the Senate bill, S. 562, as amended.

The question was taken.

Mr. CONDIT. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 562 and that I be allowed to include a section-by-section analysis of the bill.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.RES. 228

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

Mr. Speaker, House Resolution 228 waives all points of order against the conference report and against its consideration. The conference report for H.R. 2016, the military construction appropriations bill for fiscal year 1998, shall be considered as read. The House rules provide for 1 hour of general debate, divided equally between the chairman and ranking member of the Committee on Appropriations.

Mr. Speaker, this conference report appropriates a total of \$9.2 billion, which is \$600 million less than was appropriated last year. It is important to note, however, this amount is \$800 million more than the amount requested by the President.

We know that much of this Nation's military housing and on-base housing have deteriorated to substandard con-

ditions, unsuitable for the men and women who serve our Nation. While our Armed Forces deserve the very best we can provide, the current facilities assure that we will not be able to retain the best and brightest in our military.

□ 1415

This bill addresses the need to improve the quality of life of our military and their families.

Specifically, the bill provides \$3.9 billion for family housing, including funding for new housing and improvements. Regarding improvements in the quality of life that I mentioned earlier, H.R. 216 provides \$32 million for child development centers, \$163 million for medical facilities, and \$3 billion for the operation and maintenance of existing family housing units.

It is also important to note that the conference report appropriates \$857 million for environmental cleanup and \$104 million for environmental compliance.

I hope that we can pass this bill quickly so that there is no delay in cleaning up contaminated sites on our military bases.

This bill achieves our goal of spending taxpayer money more efficiently and where it is needed most. Notwithstanding the constraints we now face after decades of fiscal irresponsibility, H.R. 2016 effectively funds programs that will provide child day care centers and improved hospital facilities. These appropriations guarantee the health and safety of the families and children of our service men and women.

I want to congratulate the gentleman from California [Mr. PACKARD], the chairman of the subcommittee, and the gentleman from North Carolina [Mr. HEFNER], the ranking minority member, for their continued bipartisanship. These two men and their committee understand that this is an important bill for the men and women who defend our country.

I urge the House to pass this rule without delay so that we may proceed with the consideration of a conference report that will improve the quality of life, housing, and medical services of our Armed Forces, their families and their children.

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

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

Mr. Speaker, I rise in support of this rule and this conference report providing appropriations for military construction in fiscal year 1998. This conference report rightfully retains the emphasis the House-passed bill placed on quality-of-life issues for the men and women of our Armed Forces and their families, and deserves the support of all of the Members of this body.

Forty-two percent of the funds in this conference agreement are dedicated to family housing, including \$900 million for new family housing units and for improvements to existing units

and \$3 billion for the operation and maintenance of existing units. Decent housing for our troops and their families should be one of the highest priorities, and this bill makes a significant continued commitment toward improving the housing available on our military installations around the world.

But improvements are not just for family housing, Mr. Speaker. This conference agreement also provides \$724 million for barracks for single and unaccompanied military personnel. This conference report also includes \$32 million for child development centers and \$160 million for hospital and medical facilities on military installations.

In combination, these items total more than half of the \$9.2 billion recommended in this conference report, amply demonstrating the commitment of this conference on a bipartisan basis to improving the standard of living of the men and women we depend upon to protect and defend our Nation. It is the very least we can do, and I commend this conference report to my colleagues.

Mr. LINDER. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker and Members of the House, at the time that the previous question is put I will ask for a vote on it, hoping to defeat the previous question so that we can make in order a resolution at the end of the resolution, adding a new section which would say that before the House adjourns sine die for the first session of this Congress it shall consider campaign finance reform legislation under an open amendment process.

Mr. Speaker and Members of the House, the purpose of this is to try once again to get the House to consider the important issue of campaign finance reform. We have seen, we have just come through an historic election in this country where hundreds of millions of dollars were raised and spent on behalf of various campaigns, and what we are witnessing now, both in the Senate and soon in the House, are investigations into how that money was spent by both the national committees and the administration and congressional campaign committees.

However, what has become very, very clear in that situation is that there is a dramatic need to overhaul our campaign finance system in this country. Money is now flowing into campaigns that overwhelms all of the limits that originally were placed on Federal campaigns in terms of what individual candidates can take, what individuals can contribute, what organizations, political action committees can contribute. We now see that those reforms are being overwhelmed by the huge influx of soft money into these campaigns.

I personally believe that we should have a ban on soft money, but more important than my personal belief is whether or not this House will schedule campaign finance reform for an open debate on the floor of the House of Representatives.

Last week, the American public witnessed the dictatorial activities of a senior Senator on the Foreign Relations Committee barring a hearing, a simple hearing, as to the fitness of a candidate for Ambassador to Mexico. Democracy seems to have been thrown out of the window here in terms of how these two bodies are now proceeding.

We now see that clearly a majority of Members of the House support some kind of campaign finance reform in one fashion or another, but we are not allowed to debate it. We are not allowed to debate it because a handful of people in the leadership have decided that it will not come to the floor.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, I would like to inquire of the Chair whether it is within the Rules of the House to refer to Members in the other body.

The SPEAKER pro tempore. It is not within the rules, and the Chair would advise the Member not to refer to individual Members from the other body.

The gentleman from California may proceed in order.

Mr. MILLER of California. Mr. Speaker, could the Chair explain to me how one talks about the other body, then?

The SPEAKER pro tempore. One refers to it as the other body, and one may not be critical of individual Senators.

Mr. MILLER of California. So some Member in the other body.

The SPEAKER pro tempore. The gentleman may proceed in order.

Mr. MILLER of California. I would be happy to. It is just an interesting notion of free speech.

I would have to say again that some Member in the other body, apparently a single Member in the other body which I cannot identify, but the other body, acted in such a fashion that one cannot get a hearing on the Presidential nomination for Ambassador to Mexico. Those of my colleagues who are familiar with encryption can figure out what I said. Those of my colleagues who are not can read the morning paper and find out what took place.

But the fact of the matter is in this body we see the same kinds of activities to deny a majority in this House a debate and a discussion and a vote on campaign finance reform, and that is tragic. That is tragic because what we see is the infusion of money. The infusion of money, much of the money that cannot be tracked, cannot be traced, nobody takes credit for it, and yet it shows up in campaigns on behalf of one

interest versus another, apparently completely unregulated by the campaign laws of this Nation, is influencing how we are making decisions. It is corroding the democratic process. It is corroding the democratic process in this House, and it is corroding the democratic process in the Senate. The time has come to give the people an opportunity to see where we stand on campaign finance reform.

This is not a liberal or conservative issue. This is not a Republican or Democratic issue, although it is the Republican leadership that is currently blocking this. We just noticed this week in one of the more conservative magazines in this country that campaign finance reform has become one of the top issues among conservative constituencies, about whether Republicans will have campaign finance reform or they will not. It has jumped from being of little notice by the American people to now in the double digits of what they consider to be the most important issue confronting this country.

Why is it the most important issue? Because whether we are doing military construction or whether we are doing a tax bill or a commerce bill or whatever it is, what we see now is the special interest influence on the outcome of these debates is disproportionate to that of the average American, and it is disproportionate for one reason. It is disproportionate because of money.

That we are influenced no longer is just the fact that Congressman so-and-so represents us and we can pick up the phone and say "I am an interested citizen in your district." What we now see is too often that phone call is delayed while we talk to people who give tens of thousands of dollars, hundreds of thousands of dollars, and most recently now million dollar contributions.

We now see it is the tobacco companies. We can talk all we want about tobacco while we were doing the tax bill, but it was not in there. And then late one night, the last night of the session, in the dark of night a \$50 billion provision got put in that bill because of soft money and special interest money, not because of the American people.

Mr. LINDER. Mr. Speaker, I yield myself 30 seconds to point out that the single largest special interest in the last election were the labor unions which spent, according to a Rutgers University study, between \$300 and \$500 million in campaigns, 100 percent of it against Republicans, and of the 84 or 85 proposals being proposed or offered as bills, not a single one from the Democrat side proposes dealing with that expenditure.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the Chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my colleague from Georgia [Mr. LINDER], a member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I would just like to remind the membership that we are de-

bating a rule which waives points of order against the conference report on the military construction appropriation bill. One would not believe that from what I heard when I was sitting up in my office a few minutes ago. Members should generally follow the Rules of the House around here and address themselves to the questions under debate. However, the issue that has been raised by some on the other side of the aisle is of great concern to me, and I really feel compelled to respond to it.

Today, many Members in the minority are advocating that the House should consider some form of campaign finance reform. Well, Mr. Speaker, according to the Congressional Research Service, there are approximately 85 campaign finance reform bills pending before this Congress right now. There are proposals from liberals, there are proposals from conservatives and Republicans and Democrats which approach this issue from differing philosophical perspectives.

But before any legislative body can make laws, it must first assess the functioning of the existing laws. The enforcement of existing law, Mr. Speaker, has experienced an absolute meltdown here in Washington. It is unbelievable to the American public.

When I talk to my constituents in upstate New York, I hear less interest in how political campaigns are financed and more interest in whether public officials in the Clinton White House will obey the law. That is what they were telling me this past weekend when I was home.

Mr. Speaker, the revelations of wrongdoing at the highest levels of the Clinton administration appear in this Nation's newspapers and magazines every single day, not just in conservative publications, but the New York Times just over the weekend calling for an independent counsel to be appointed, and yet nothing is being done by this Attorney General.

The fund-raising scandal of the Clinton administration which continues to unfold on a daily basis raises grave questions about economic espionage that every Member of this body ought to be concerned about. Economic espionage means the loss of American jobs and the extent to which American foreign policy was compromised by influence from a foreign power. Does that not bother my colleagues on the other side of the aisle? I am going to tell my colleagues something, it bothers me as a U.S. citizen.

Was American national security compromised by campaign contributions from abroad, Mr. Speaker? The newspaper editorials across this country say it was, and they call for an independent counsel. Did officials at the highest levels of the Clinton administration break the law in their zeal to raise funds for the President's reelection? Mr. Speaker, these are the profound issues which must be addressed by the investigative functions of this Congress

before we can adequately reshape campaign finance laws, if we need to do it at all.

Mr. Speaker, I would urge my friends on the other side to focus their attention on these congressional investigations which are ongoing, rather than call the House into consideration of a nefarious campaign finance reform bill. My constituents are not asking for a vague financing reform proposal, but rather that the occupants of the White House today simply respect their office, and especially the Cabinet level members of the White House, respect their office and obey the laws of the land and carry out their obligations. That is what we ought to be debating on this floor today. That is what the people back home want to know about, Mr. Speaker.

□ 1430

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I rise also to talk about the fact that underlying all of the expenditures and the considerations for expenditures is the issue of how we do our business, and whether or not we do it in a credible fashion.

I take some issue with the previous speaker indicating that the voters in his district perhaps are not interested in having us debate campaign finance reform, and instead want to know more what is happening in the investigatory sense.

We have two committees, one in the House and one in the Senate, that are supposedly investigating past practices. Unfortunately, the one in the House is spending a lot of time doing depositions that, I might add, seem to be unfocused, accomplishing very little; in fact, I understand again today have postponed certain hearings with regard to that.

But people in the country are worried about what we are going to do about future practices. They are worried about both parties and the way their fund-raising enterprises have been conducted, and whether or not the perception is that there is any honesty in government, and whether or not the actions we take are credible. There is a perception that the amount of money that is injected into politics at all levels, but particularly the national level, have a bad effect, an ill effect, on our governing.

The fact of the matter is that once again it seems that States and cities are taking the lead in a lot of what should be national or Federal policy initiatives. They are driving national policy.

When it comes to talking about sanctions for South Africa, or it comes to talking about what is going on in Burma, it has been States and local communities that have taken the lead in trying to make sure that something happens there. When it comes to talking about minimum wages, it is the

States and local communities that have taken the risk of raising the minimum wage for workers in their communities.

The fact of the matter is that a number of States have moved forward on campaign finance reform. In Vermont we saw the legislature there pass a campaign finance reform initiative. In the State of Maine people went to the ballot and by almost 60 percent got behind a campaign finance reform initiative. In Ohio there has been a cutback in the large contributions and stiffened disclosure rules; in New Hampshire, stiffer disclosure rules; in New York, computerized disclosure rules.

In State after State, in Oregon and Idaho, New Mexico, Georgia, North Carolina, citizens' groups have gone to the fore and led the charge. We should not have to stay here in Congress and wait once again for local citizen groups, local communities, and States to lead the charge on what is, in fact, a national issue of importance to people. As well as knowing what might have gone wrong in the past, they insist that this body look forward to see what we are going to do with our own campaign finance practices.

At a bare minimum we ought to be looking at doing something about soft money. There are few, if any, people in the American public who doubt that that is at least one issue that we can resolve here and we can deal with in this session.

My suggestion is that if there are, in fact, 85 initiatives there, they ought to be assigned to committees, we ought to be debating those, we ought to be moving some of those to this floor, so the American people will not think that the only deliberative body in this entire country that seems unwilling to address the matter is the body that should be doing something first and foremost, this Congress.

Mr. LINDER. Mr. Speaker, I yield 7 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

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

Mr. Speaker, I, too, want to stand up and echo some comments that were said earlier about how important this military construction budget is, and how important it is that we do first things first and take care of the men and women who have been taking care of our country. I have toured bases across the country, and I have seen, unfortunately, that funding for quality of life issues is woefully inadequate.

I wish this entire debate could be concerned around that, because we could talk not only for an hour but we could talk for days about the importance of taking care of the men and women in uniform that protect and defend this country, and have done so honorably for some time.

Regrettably, the subject has been changed. It has been changed time and time again. Regrettably, some people may believe that there is a cynical rea-

son why the subject continues to be changed. It continues to be changed because those that claim to want to change the law cannot even follow the laws that are already in practice.

I saw this weekend an editorial from the New York Times that aimed directly at many of those who are now clamoring for campaign finance reform. It was in the Sunday editorial. This same Democratic Party who is now stepping forward, claiming that they are now interested in campaign finance reform, took several hits from the usually liberal editorial page of the New York Times.

The New York Times this weekend wrote of this newly reform-minded Democratic Party: "The Democratic Party has engaged in a systematic scheme of juggling its books, transferring money from one account to another, in possible violation of the law." The New York Times also wrote, " * * * the Democrats mixed campaign accounts that are supposed to be rigidly separate. * * * The first order of business ought to be fixing responsibility for the Democrats' fund-raising abuses * * * the shuffling of accounts * * * the laundering of money and illegal transfers of funds from foreign sources."

The New York Times went on to talk about this newly reform-minded Democratic Party by stating, "Last week we learned that the Democratic National Committee routinely deposited soft money in its hard money or candidate accounts without informing the donors * * * it is clear that the DNC was casual about one of the law's most basic distinctions."

They also wrote, "The torrent of disclosures of political fund-raising abuses by the Democrats last year has no doubt had a numbing effect on many Americans. But if ordinary citizens find it hard to keep track of the shady characters, the bank transfers, and memos suggesting that the administration and others knew what they say they did not know, the Justice Department has no excuse."

They conclude by saying that this Attorney General, who for many Democrats in the early 1970's must have been outraged by a lot of the conduct of former Attorney General John Mitchell, it says, "This Attorney General should step aside and let someone with a less partisan view of law enforcement take over the crucial task of investigating the White House money flow."

Yet we continue to hear these so-called calls for reform, when the New York Times itself is talking about money laundering and continued violations of Federal law that we already have in practice.

I have been hearing this now for some time. We have heard that there is a connection, an illegal connection possibly, between the unions, which gave \$300,000 to \$500,000, and the Democratic National Committee; from Communist China and the Democrat National Committee; and all of these other illegal or improper sources, and

yet we hear the Democrats coming to the floor talking about the need for campaign finance reform.

It makes me wonder what parallels could be drawn from, let us say, the driver of Princess Diana coming back from the dead to talk about the need of lowering speed limits in tunnels throughout Paris, or talking about the need to toughen drunk driver laws in Paris. These same people that have violated law after law after law now come to us and talk about the need for new laws. They could not abide by the old ones, so let us make them tougher.

Let us talk about a few of the laws we could worry about that fix up things through the rest of this year without going to a new set. The 2 U.S.C. 2441(e) prohibits foreign nationals from directly or through others contributing to any political campaign or soliciting, accepting, or receiving such contributions; in other words, no foreign money. Clearly this law has already been violated.

Then there is section 18 U.S.C. 1956, which prohibits the solicitation or acceptance of laundered campaign contributions intended to conceal the nature, source, ownership, or control of funds. This would apply, for instance, if you are going to, let us say, a Buddhist temple for a fund-raiser and accepting money from dirt-poor Buddhist nuns who have taken an oath of poverty who mysteriously came up with \$140,000.

This law, it appears apparent in most major news articles, has already been violated.

Then there is 18 U.S.C. 607, which prohibits the solicitation of campaign funds on Government property. Records show that in this administration a number of people have violated this law over and over again.

Mr. Speaker, I do not have time to do it right now, but we could go through law after law after law. It is certainly not my point to embarrass anybody that comes to this floor, and I will not do it by talking about the specifics of their campaign accounts, but I will say that one person who continually comes to this floor talking about the need to be able to trace campaign forms, and I do not speak today of the gentleman from California [Mr. MILLER], who did bring up this subject, but one person who continually comes to this floor, who comes to this floor talking about the need to be able to trace campaign accounts, received over \$590,000 in soft money contributions from union sources who used them in television ads that could not be traced through the Federal Elections Commission.

Mr. Speaker, this call for the changes in laws is nothing more than an attempt to change the subject. Instead of talking about changing the laws, let us just have the Democrats and the Democratic National Committee abide by the laws that are already passed.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the last speaker has made a bunch of interesting comments.

I would point out to him that the only Member of the House of Representatives who has pled guilty to campaign violations during this session of Congress was a Member on the other side of the aisle, a Republican Member from the State of California.

If he wants to make these kinds of allegations, he had best be careful when he is talking about Members of the House of Representatives.

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

Mr. LINDER. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, my point would be if that gentleman came to this floor talking about the need to clean up campaign finance, I would be the first one to come to this floor telling him that he is acting shamelessly, telling him to get off the floor of this House.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Speaker, we are having a little bit of an interesting dialog here on a topic that is important to many of the American people, which is the way we finance our campaigns here to get elected to the U.S. Congress, the Senate, and the Presidency. I think there is room for bipartisan agreement, which is that the current system stinks. It stinks. The influence of special interest money here in Washington, DC, is evident day in, day out.

Go back and page through the tax bill and wonder where some of those special provisions, the 73 special individual provisions in the tax bill which did not grant much tax relief to middle-American families, came from; very, very, very well-financed organizations that give tremendous amounts of money to people running for Federal office.

Mr. Speaker, the Republicans have a problem now. Now their own base, their own constituents, according to a recent poll in the Weekly Standard, a Republican conservative magazine, support by a large margin an overhaul of the way we finance campaigns in this country. So I can understand why the gentleman is defensive the other side of the aisle, why the gentleman wants to obfuscate the issue before us.

I am willing to admit there is a bipartisan problem. There is a problem both with the Democrats and with the Republicans here. I would like to remind the gentleman that it is Bob Dole's vice finance chairman who went to jail for 6 months, Simon Fireman, who pled guilty to 74 counts of money laundering.

Yes, we have some laws, and occasionally someone gets convicted, but the laws are full of loopholes. There are a lot of other people doing things that average Americans think they should go to jail for that are actually legal under these current loophole-ridden numbers.

I am a sponsor of a couple of campaign finance reform bills. I am not going to argue the merits of those bills today, but what I would like to do is see that we here in the U.S. Congress are given a couple of days or a week before we rush home to debate this vitally important issue.

What is wrong with debate? What is wrong with airing these issues? What is wrong with bringing a few bills to the floor in an open amendment process? We have been working on the Health and Human Services bill for 7 days now, interminably, with an open rule. Let us bring campaign finance reform to the floor with an open rule. The chairman of the Committee on Rules promised us we would do almost everything in this Congress under an open rule.

Let us bring something that is so vitally important, that goes so much to the heart of our democracy, here to this floor. Let us have a promise that we will have that debate. Let us have a campaign finance reform week before we leave.

In light of that, we are asking our colleagues to vote no on the previous question to demonstrate their support for bringing this issue up before Congress rushes back for the cover of their home districts.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. I thank the gentleman for yielding to me, Mr. Speaker.

Mr. Speaker, I rise in support of this rule. Sadly, we got a bit off track on what we are supposed to be discussing. I would concur with the gentleman from Florida's comments who said that we cannot talk about our men and women in the armed services and the wonderful contributions they make to this country.

Mr. Speaker, as I go home each weekend, I meet with constituents, and I talk on talk shows, and I do town hall meetings. The one thing that clearly is communicated to me time and time again is the fact that this body is not very well respected. In fact, some might even say this body is hated and despised. I think it is because hypocrisy flows down the aisles of this body. I think time and time again there are those that speak out of both sides of their mouths.

I am not saying there is a corner on that market with either party, but I have to say that the hypocrisy that I am hearing ring so loudly from the other side is very, very confusing and disheartening.

□ 1445

In fact, what they do rings so loudly in my ears I cannot hear what they say. In the past there have been TV evangelists who stand up, bully thump on the podium and talk about the ravages and the wrongs associated with immorality and extramarital affairs, and then these same TV evangelists, they patrol the streets looking for ladies of the evening to satisfy their desires, and then they wonder aloud why

people have lost confidence in them. And we see the exact same thing happening in this body when we see flagrant violation after violation after violation.

And then we have folks on the other side that are trying to play the old bait and switch trick, trying to take the attention from the one nut with the pea under it so that they can pull the old trick on us. Well, let us get down to business and let us make sure that we honor the laws that we have on the books.

I wish that the last speaker was just as passionate in calling for the Attorney General to call on a special counsel so that we can get to the bottom of whether or not existing laws have been violated. Again, what they do rings so loudly in my ears I cannot hear what they say.

The New York Times editorial says Democrats skim \$2 million to aid candidates, records show. Why is it that we are not getting that kind of information from the Justice Department? Why is it that we have to rely on the media? Why have we not got special counsel right now? The fact is the Democrats' call for bans on soft money are blatantly hypocritical. While the Democrats cry wolf, the President is soliciting soft contributions of \$250,000 a pop from these fund-raisers that he is having.

The Democrats' strategy is simple. Again, it is bait and switch. They are trying to change the subject from illegal fund-raising phone calls of a high ranking official in the White House; from that same official shaking down Buddhist monks. It is time to get with the program. It is time we should understand exactly how existing laws were violated before we cry out for a new law. We have to know all the facts before we move forward.

Should we hold those responsible for violating current campaign finance laws and make them accountable for their actions? Otherwise, if we are going to pass a new law and implement that law with a wink and a nod, as we are doing with existing laws, if we do not have then an Attorney General who has the guts and the decency to investigate current laws, why do we want to add more laws to the books?

It is irresponsible to blame the system for the mess that they are in. It was deliberate unlawful acts, not the system, that caused them to violate the campaign finance laws that existed in the last election. Their calls for new campaign laws are an attempt again to bait and switch.

We want to get the truth out. We all do. Let us work hard to do it, and work hard in a bipartisan way, but let us stop the hypocrisy and walk the walk as well as talking the talk and knock off the hypocritical bait and switch routine that is going on over there.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I can understand the protest

from the other side. If I was stonewalling this as hard as they are, I would raise the objections, too.

The fact of the matter is the record is clear that when the Democrats were in control of Congress in the 102d Congress, 1991-92, we passed campaign finance reform and it was vetoed by George Bush. In 1993 and 1994 the Democratic controlled House and Senate again passed comprehensive campaign finance reform, but MITCH MCCONNELL filibustered the final bill on a motion to appoint the conferees.

With the Republican control now in 1995 and 1996, nothing from the Republican Congress; and now in the 105th Congress, nothing from the Republican Congress except a stonewall of the efforts. Our record is clear. When we controlled the House, this debate was brought to the floor of the House and the House worked its will, the Senate worked its will and, unfortunately, President Bush vetoed that legislation.

So I can understand why my Republican colleagues are flailing their arms over there, but the fact of the matter is they are what stands between the American people and the cleaning up of this unacceptable campaign finance system that we currently have.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to remind the body that this rule is for a bill that my colleague and I, the gentleman from North Carolina [Mr. HEFNER], have put together and has been through conference, and we would like to remind the body that that is what this debate is supposed to be about.

We have a good rule. I support the rule. I hope that the body will vote for the rule and that the debate that has now been going on, on campaign finance reform, will not divert our attention away from this very good rule.

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

First of all, let me say that I support the rule. This is a reasonable rule, as I stated earlier in my remarks. As the gentleman from California [Mr. MILLER] has indicated, it is his intention to oppose the previous question in order to make an amendment which would require the House to consider campaign finance legislation before we adjourn sine die for the first session of this Congress.

The request being made by the gentleman from California that we consider campaign legislation sometime between now and the end of October is a reasonable request. There are a number of proposals pending which would do a variety of things, and I do not agree with all of the things that are under consideration, and I would like to take a moment to discuss some aspects of that.

That does not mean that we should not consider campaign finance reform, but it does mean that there are some

aspects of campaign finance reform that require careful consideration. One is the effort to totally ban donations of non-Federal money, commonly called soft money, to political parties.

Such a ban would have the ultimate effect of destroying the political party system in this country. Mr. Speaker, the destruction of organized political parties does not serve the ends of democracy, and will certainly never ensure the free and open political discourse so many people seek.

Let me be specific. Under this proposal to totally ban soft money, all elections in even numbered years anywhere in this country would essentially be federalized; that is, all activities conducted by State and local political parties would have to be paid for entirely out of federally qualified funds, since the names of Federal candidates appear on the ballot in those years. State and local political parties would be precluded from using funds that are otherwise legal under State law during election years when Federal election contests take place.

Let me take this one step further. If the total ban on soft money were to become law, State and local political parties could not use any locally used funds for such activities as voter registration, slate cards that contain the names of Federal candidates, get-out-the-vote phone banks designed to identify and turn out voters for an entire party ticket, or even programs designed to assist seniors in voting absentee by mail. These activities are of course conducted by State and local parties, which depend upon a combination of non-Federal donations and hard dollars for the funds necessary to carry them out.

Mr. Speaker, since federally qualifying dollars are tightly limited and controlled, and go primarily to candidates for the purchase of television and other advertising, State and local parties and the State and local candidates they support would have great difficulty operating under such a proposal.

There is no question that there have been abuses in the way soft money has been raised and the way soft money has been spent, and I agree, Mr. Speaker, that those abuses should be addressed by the Congress and should be addressed this year. The appropriate way to address these abuses is not to ban soft money, but rather to place reasonable caps on how much any individual or other entity, such as a corporation or union, can contribute to a party committee while allowing political parties to continue to pay for basic turnout activities with a combination of hard and soft dollars.

Mr. Speaker, I for one believe that vibrant, healthy political parties are crucial for the effective functioning of democracy. I feel that the proposal supported by some to totally ban soft money would destroy the institutions that are basic to and necessary for the

continuation of a representative democratic government in this Nation. Political parties ensure democratic representation in all levels of government in our society, and without them I fear that ultimately only those individuals who have great personal wealth will have the means to run for political office.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR], who has been very active in this area of campaign finance reform on a comprehensive basis for a sustained period of time.

Mr. FARR of California. Mr. Speaker, I would like to submit for the RECORD a short history of campaign finance reform and make it part of the RECORD.

Basically, we have heard comments here today that we as legislators should not legislate; that all we ought to do is investigate, give up our role of making law even when we find things that are broke that need fixing. We would rather hear and smear than make things that are wrong right.

I want to just point out to this House that has certainly not been the history under previous leadership in this House. Whenever my party, the minority party now, has been in charge of this House, we have passed comprehensive campaign finance reform, and that comprehensive campaign finance reform has done one of the primary things that is needed in this country that everybody is talking about, and that is put a limit on what we can spend.

People will say that is unconstitutional, the courts have said. They have never said we could not, in a law, set up a system where candidates could voluntarily limit themselves, and that is the bill that is before this Congress. It was before the last Congress. And in fact in the last Congress it was the bill that got more votes than any other bill on campaign reform.

Unfortunately, this year, we have not even been able to have a hearing in the committee of authorization, much less set a schedule for when that bill will be brought to the floor and voted on.

The American public is sick and tired of seeing us just talk about campaign finance reform, just to investigate past campaigns, they want us to use our role as legislators. The courts cannot do that. The administration cannot do that. When things are broken in the law, the only people that can fix it are the people that are serving in this House. And in fact we can fix it for our House without even fixing it for the Senate. We can have a different set of rules in running for the U.S. Congress.

And we ought to be doing that but, instead, we are trying to backpedal, we are trying to find excuses, we want to have more hearings, we want to discuss it. Well, the history shows that this House has never done that before. We have never waited so long to do so little about campaign reform as we are doing in this session.

In the 1989-90, the 101st Congress, a bill was passed then by Tony Coelho,

and it had cosponsors on the other side. It went through the hearings, was adopted and passed the House on August 3, 1990, by a vote of 255. Obviously, it could not have been done just on a pure partisan vote. Bipartisan vote on a comprehensive campaign reform, that same bill, is sitting before the House today, an approved version of that bill H.R. 600.

In the 102d Congress the gentleman from Connecticut [Mr. GEJDENSON] introduced a bill. It had key sponsors from both sides of the aisle. It went through a hearing process and passed the House on November 25.

Mr. Speaker, I will submit the remainder of my remarks for the RECORD. Since I am out of time.

A SHORT HISTORY OF CAMPAIGN FINANCE REFORM

100TH CONGRESS, 1987-88

House

H.R. 2717: Introduced June 18, 1987 by Tony Coelho (D-CA).

Key Cosponsors: Leach, Synar; 96 cosponsors in all.

Legislative action: Went through the hearing process but was never reported from committee (never went to the floor).

Senate

S. 2: Introduced January, 1987 by David Boren (D-OK).

Legislative action: Then-Majority Leader Bob Byrd tried to bring the bill to the floor for a vote. The Republicans filibustered the consideration of the bill for a record seven cloture votes.

101ST CONGRESS, 1989-90

House

H.R. 14: Introduced January 3, 1989 by Tony Coelho (D-CA).

Key Cosponsors: Leach, Synar; 98 cosponsors in all.

Legislative action: No action taken on this bill; for further action, see H.R. 5400.

H.R. 5400: Introduced July 30, 1990 by Al Swift (D-WA).

Key Cosponsors: Gephardt, Gray, Brooks, Annunzio, McHugh, Anthony, Frost, Sabo, Synar; 9 cosponsors in all.

Legislative action: Went through the hearing process. Passed the House August 3, 1990 by a vote of 255-155 (including 15 Republicans voting yes). Was adopted in the Senate on September 18, 1990.

Senate

S. 137: Introduced January 25, 1989 by David Boren (D-OK).

Legislative action: Went through the hearing process. Passed the Senate on September 18, 1990 (H.R. 5400 in lieu) by voice vote.

Conferees were never appointed to reconcile the two versions of the bill. Congress adjourned October 28, 1990.

102D CONGRESS, 1991-92

House

H.R. 3750: Introduced November 21, 1991 by Sam Gejdenson (D-CT).

Key Cosponsors: Gephardt, Bonior, Derrick, Kennelly, Lewis (GA), Hoyer, Fazio; 82 cosponsors in all.

Legislative action: Went through the hearing process. Passed the House November 25, 1991 by a vote of 273-156.

Senate

S. 3: Introduced January 14, 1991 by David Boren (D-OK).

Legislative action: Went through the hearing process. Passed the Senate May 23, 1991 by a vote of 56-42 (H.R. 3750 in lieu).

Conferees were appointed in March, 1992.

House agreed to the conference report on April 9, 1992 by a vote of 259-165.

Senate agreed to the conference report on April 30, 1992 by a vote of 58-42.

President Bush vetoed the bill May 5, 1992.

Senate failed to override the veto May 13, 1992 by a vote of 57-42.

103D CONGRESS, 1993-94

House

H.R. 3: Introduced January 5, 1993 by Sam Gejdenson (D-CT).

Key Cosponsors: Gephardt, Bonior, Derrick, Kennelly, Lewis (GA), Hoyer, Fazio; 45 cosponsors in all.

Legislative action: Passed the House November 22, 1993 by a vote of 255-175 (S. 3 in lieu); requested conference with the Senate the same day.

Senate

S. 3: Introduced January 21, 1993 by David Boren (D-OK).

Legislative action: Passed the Senate June 17, 1993 by a vote of 60-38. Cloture filed on motion to go to conference on September 23, 1994 due to filibuster by Senator Phil Gramm (R-TX); cloture failed on September 27. Second cloture petition filed on September 28; failed on September 30.

Congress adjourned sine die on October 8, 1994.

104TH CONGRESS, 1995-96

House

H.R. 3505: Introduced May 22, 1996 by Sam Farr (D-CA).

Key Cosponsors: Gephardt, Bonior, Fazio, DeLauro, Lewis (GA), Richardson, Kennelly; 88 cosponsors in all.

Legislative action: Went through the hearing process; was offered as a substitute to the Republican campaign finance reform bill in committee and on the floor. Failed passage on the floor 177-243. Received bipartisan support.

Senate

S. 1219: Introduced September 2, 1995 by John McCain (R-AZ).

Legislative action: Went through hearing process; cloture filed, failed by a vote of 54-46 on June 25, 1996.

Office of Rep. Sam Farr,

September 9, 1997.

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

Mr. Speaker, we are here ignoring the purpose of this rule, military construction, and debating campaign finance. It should be pointed out that we are in this fix because the Democrats passed comprehensive reform in 1975, after Watergate, and the adherence to the rules they cannot abide by, and now they want to fix it.

The previous speaker said his party has passed comprehensive reform on many occasions since 1989. They have, reform that they are very happy with because it does not deal with off-record spending by labor unions, the Sierra Club, Ralph Nader, but only those monies raised and spent by candidates. The gentleman from California only deals with soft money. He does not care about all the rest of it, he has to fix soft money.

The fact of the matter is we have good laws on the books that have been broken, and rather than admit that the laws that they broke should put people in trouble with the Justice Department, they want to change the system.

This is not new. I have raised two kids through their adolescent and teenage years who are now adults. I have seen people get caught, young children get caught with their hand in the cookie jar and blame the cookie jar. This is blame the system and change the subject.

I have not heard much lately from the Vice President regarding campaign reform. That is perhaps because he has so abused the laws currently on the books. We now see, according to Time Magazine, that his former chief adviser, Mr. Peter Knight, is under investigation by the Justice Department because of his multilayered connections to a Massachusetts manufacturer. They won \$33 million in Federal contracts and regulatory breaks from this administration, while the firm and its officers raised or gave a total of \$132,000 for the President and his party in the last election.

□ 1500

It goes on to say that Mr. Knight is the epitome of a new generation of money men in both parties whose works does not end with the election, it really just begins. This is the influence peddling. It has nothing to do with money raised or spent legally by Members of Congress or the Senate for election. This is influence peddling, and there are laws on the books currently against that.

It was brought up earlier that the gentleman from California [Mr. KIM] has admitted to raising illegal foreign contributions and is accepting his punishment. It was further brought up that a gentleman raised money for Senator Bob Dole's presidential campaign and spent time in jail. Both are true.

The Justice Department worked fast, swift, and sure against Republicans. But what has it done against Charlie Trie or John Huang or the lady from Thailand, whose last name escapes me? It has not even begun hearing them. The gentleman who helped Senator Bob Dole's Presidential campaign was in jail before. John Huang has not even been questioned.

If the Justice Department worked as meticulously and as quick in the questions of Democratic abuse as it does Republican abuse, we would not be having this discussion.

Mr. Speaker, let me conclude by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that will be ruled out of order as non-germane to this rule. So the vote is without substance. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to vote on its adoption. The vote has no substantive or policy implication whatsoever.

Mr. Speaker, at this point in the RECORD, I insert an explanation to the previous question.

[From the House Rules Committee]
THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

The previous question is a motion made in order under House Rule XVII and is the only parliamentary device in the House used for closing debate and preventing amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule or any motion or piece of legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the bill or amendment before it?

In order to amend a rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the House is in effect, turning control of the Floor over to the Minority party.

If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the amendment followed by a vote on the rule as amended.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were— yeas 238, nays 189, not voting 6, as follows:

[Roll No. 393]

YEAS—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert

Boehner
Bonilla
Bono
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot

Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey

Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly

Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalfe
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio

DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley

Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traffant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)

McDermott	Peterson (MN)	Snyder
McGovern	Pickett	Spratt
McHale	Pomeroy	Stabenow
McKinney	Poshard	Stark
McNulty	Price (NC)	Stokes
Meehan	Rahall	Strickland
Meek	Rangel	Stupak
Menendez	Reyes	Tanner
Millender-	Rivers	Tauscher
McDonald	Rodriguez	Thompson
Miller (CA)	Roemer	Thurman
Minge	Rothman	Tierney
Mink	Roybal-Allard	Torres
Moakley	Rush	Towns
Mollohan	Sabo	Turner
Moran (VA)	Sanchez	Velazquez
Nadler	Sanders	Vento
Neal	Sandlin	Visclosky
Oberstar	Sawyer	Waters
Obey	Schumer	Watt (NC)
Olver	Scott	Waxman
Ortiz	Serrano	Wexler
Owens	Sherman	Weygand
Pallone	Sisisky	Wise
Pascarell	Skaggs	Woolsey
Pastor	Skelton	Wynn
Payne	Slaughter	Yates
Pelosi	Smith, Adam	

NOT VOTING—6

Brown (FL)	Foglietta	Gonzalez
Evans	Furse	Schiff

□ 1532

Messrs. MARTINEZ, MORAN of Virginia, and BROWN of Ohio changed their vote from "yea" to "nay."

Messrs. PAPPAS, SMITH of Oregon, SAXTON, and DOOLITTLE changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. LAHOOD]. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PACKARD. Mr. Speaker, pursuant to House Resolution 228, I call up the conference report on the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 9, 1997, at page H7084.)

The SPEAKER pro tempore. The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] each will control 30 minutes.

The gentleman recognizes the gentleman from California [Mr. PACKARD].

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to ac-

company H.R. 2016, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, the conferees completed this agreement in a short 10 minutes with no disagreement. We have emphasized in this conference report family and unaccompanied housing, daycare centers, hospitals, and those quality of life issues that affect our men and women in the services.

There is no disagreement on the conference report. We feel it will move rather quickly without a great deal of discussion.

I want to express my appreciation to the gentleman from North Carolina [Mr. HEFNER], my counterpart and former chairman of this subcommittee, for the remarkable work he has done in helping to bring this about, and to all members of the committee and subcommittee, both on the Democrat and Republican side. It has been a bipartisan effort to put this conference report together.

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

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army.....	565,686,000	595,277,000	721,027,000	652,046,000	714,377,000	+ 148,689,000
Rescissions.....	-3,028,000					+ 3,028,000
Total, Military construction, Army (net)	562,660,000	595,277,000	721,027,000	652,046,000	714,377,000	+ 151,717,000
Military construction, Navy	707,094,000	540,106,000	685,306,000	605,756,000	683,666,000	-23,428,000
Rescissions.....	-19,780,000					+ 19,780,000
Total, Military construction, Navy (net).....	687,314,000	540,106,000	685,306,000	605,756,000	683,666,000	-3,648,000
Military construction, Air Force.....	754,064,000	495,782,000	662,305,000	662,305,000	701,855,000	-52,209,000
Rescissions.....	-5,100,000					+ 5,100,000
Total, Military construction, Air Force (net)	748,964,000	495,782,000	662,305,000	662,305,000	701,855,000	-47,109,000
Military construction, Defense-wide	763,922,000	673,633,000	613,333,000	690,889,000	646,342,000	-117,580,000
Rescissions.....	-51,000,000					+ 51,000,000
Total, Military construction, Defense-wide (net).....	712,922,000	673,633,000	613,333,000	690,889,000	646,342,000	-66,580,000
Total, Active components.....	2,711,880,000	2,304,798,000	2,681,971,000	2,610,996,000	2,746,240,000	+ 34,380,000
Department of Defense Military Unaccompanied Housing Improvement Fund	5,000,000					-5,000,000
Military construction, Army National Guard	78,086,000	45,098,000	45,098,000	234,614,000	118,350,000	+ 40,264,000
Military construction, Air National Guard	189,855,000	60,225,000	137,275,000	185,115,000	190,444,000	+ 589,000
Rescission	-5,000,000					+ 5,000,000
Total, Military construction, Air National Guard (net).....	184,855,000	60,225,000	137,275,000	185,115,000	190,444,000	+ 5,589,000
Military construction, Army Reserve	55,543,000	39,112,000	77,731,000	96,079,000	74,167,000	+ 18,624,000
Military construction, Naval Reserve	37,579,000	13,921,000	40,561,000	21,111,000	47,329,000	+ 9,750,000
Military construction, Air Force Reserve.....	52,805,000	14,530,000	27,143,000	31,830,000	30,243,000	-22,562,000
Total, Reserve components.....	408,868,000	172,866,000	327,808,000	568,749,000	460,533,000	+ 51,665,000
Total, Military construction	3,125,728,000	2,477,684,000	3,009,779,000	3,179,745,000	3,206,773,000	+ 81,045,000
Appropriations.....	(3,209,836,000)	(2,477,684,000)	(3,009,779,000)	(3,179,745,000)	(3,206,773,000)	(-2,863,000)
Rescissions.....	(-83,908,000)					(+ 83,908,000)
NATO Security Investment Program.....	172,000,000	176,300,000	166,300,000	152,600,000	152,600,000	-19,400,000
Family housing, Army:						
Construction	158,503,000	143,000,000	202,131,000	167,100,000	197,300,000	+ 38,797,000
Operation and Maintenance	1,212,466,000	1,148,937,000	1,148,937,000	1,149,937,000	1,140,568,000	-71,898,000
Total, Family housing, Army	1,370,969,000	1,291,937,000	1,351,068,000	1,317,037,000	1,337,868,000	-33,101,000
Family housing, Navy and Marine Corps:						
Construction	499,886,000	278,933,000	409,178,000	362,619,000	393,832,000	-106,054,000
Operation and Maintenance	1,020,721,000	976,504,000	976,504,000	976,504,000	976,504,000	-44,217,000
Total, Family housing, Navy.....	1,520,607,000	1,255,437,000	1,385,682,000	1,339,123,000	1,370,336,000	-150,271,000
Family housing, Air Force:						
Construction	317,507,000	253,128,000	341,409,000	296,633,000	295,709,000	-21,798,000
Operation and Maintenance	816,509,000	830,234,000	830,234,000	830,234,000	830,234,000	+ 13,725,000
Total, Family housing, Air Force	1,134,016,000	1,083,362,000	1,171,643,000	1,126,867,000	1,125,943,000	-8,073,000
Family housing, Defense-wide:						
Construction	4,371,000	4,950,000	4,950,000	4,950,000	4,950,000	+ 579,000
Operation and Maintenance	30,963,000	32,724,000	32,724,000	32,724,000	32,724,000	+ 1,761,000
Total, Family housing, Defense-wide.....	35,334,000	37,674,000	37,674,000	37,674,000	37,674,000	+ 2,340,000
Department of Defense Family Housing Improvement Fund.....	25,000,000					-25,000,000
Homeowners Assistance Fund, Defense	36,181,000					-36,181,000
Total, Family housing.....	4,122,107,000	3,668,410,000	3,946,067,000	3,820,701,000	3,871,821,000	-250,286,000
Construction.....	(980,267,000)	(680,011,000)	(957,668,000)	(831,302,000)	(891,791,000)	(-88,476,000)
Operation and Maintenance	(3,080,659,000)	(2,988,399,000)	(2,988,399,000)	(2,989,399,000)	(2,980,030,000)	(-100,629,000)
Family Housing Improvement Fund	(25,000,000)					(-25,000,000)
Homeowners Assistance Fund.....	(36,181,000)					(-36,181,000)

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Base realignment and closure accounts:						
Part II.....	352,800,000	116,754,000	116,754,000	116,754,000	116,754,000	-236,046,000
Rescissions.....	-35,391,000					+35,391,000
Subtotal.....	317,409,000	116,754,000	116,754,000	116,754,000	116,754,000	-200,655,000
Part III.....	971,925,000	768,702,000	768,702,000	768,702,000	768,702,000	-203,223,000
Rescissions.....	-75,638,000					+75,638,000
Subtotal.....	896,287,000	768,702,000	768,702,000	768,702,000	768,702,000	-127,585,000
Part IV.....	1,182,749,000	1,175,398,000	1,175,398,000	1,175,398,000	1,175,398,000	-7,351,000
Rescissions.....	-22,971,000					+22,971,000
Subtotal.....	1,159,778,000	1,175,398,000	1,175,398,000	1,175,398,000	1,175,398,000	+15,620,000
Total, Base realignment & closure accounts (net).....	2,373,474,000	2,060,854,000	2,060,854,000	2,060,854,000	2,060,854,000	-312,620,000
Revised Economic Assumption (sec. 125).....				-31,000,000	-108,800,000	-108,800,000
Grand total:						
New budget (obligational) authority.....	9,793,309,000	8,383,248,000	9,183,000,000	9,182,900,000	9,183,248,000	-610,061,000
Appropriations.....	(10,011,217,000)	(8,383,248,000)	(9,183,000,000)	(9,182,900,000)	(9,183,248,000)	(-827,969,000)
Rescissions.....	(-217,908,000)					(+217,908,000)

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

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

Mr. Speaker, I would just like to echo what my friend the gentleman from California [Chairman PACKARD] said, and also compliment the staff for an excellent job, as well as all the members on the committee.

This is a good bill. It goes toward the things we are so concerned about, the quality of life for our men and women in the Armed Forces. I would urge all Members to vote for this conference report, because it is not controversial and it is something that is good for our men and women in the service.

Mr. UNDERWOOD. Mr. Speaker, the House and Senate conference committee report on H.R. 2016, Military Construction Appropriations for FY 1998, secures funding for the replacement of the fuel pipeline at Andersen Air Force Base on Guam. This is good news for the people of Guam.

Recent information relayed to my office indicated that funding for the pipeline relocation project was in danger of being withdrawn in favor of a Military Housing Project. The jet fuel pipes in question are currently installed above ground and are largely located outside Andersen Air Force Base. Had funding for the project been cut, the safety of the military and civilian population on Guam would have been threatened. In addition, leaving these pipes exposed would hinder economic development on Guam due to blockage of access areas. This is why I am greatly relieved that the conferees decided to restore funds for the pipeline project.

While, the pipeline relocation project is of prime importance to the people of Guam, however, I remain concerned that funds were restored at the expense of military housing improvements. I would like to assure everyone that the quality of life for our service members on Guam remains a priority and that I will continue to try securing funds for the project in the future.

In addition, I am happy to see that some \$80 million has been earmarked for barracks improvements in Korea. During my trip to Korea, I actually witnessed the dilapidated condition of their living facilities. The funds designated for this project will surely be welcomed and will improve the quality of life for our troops in Korea.

The Conference Committee also appropriated millions of dollars worth of add-ons for Guard and Reserve activities. However, none of the funds were made available to the Guam Army National Guard. I would like to call to everyone's attention that, due to lack of funding this year, the Guam Army National Guard continues to hold the distinction of being the only National Guard Unit that does not have an Armory. This is something that should be of concern to everyone and some thing that should be in everyone's agenda for the next fiscal year's appropriations.

Mr. PACKARD. Mr. Speaker, I rise in strong support of the final conference version of the FY 1998 Military Construction Appropriations Bill, H.R. 2016, which passed the House of Representatives by a vote of 413 to 12 earlier today. As chairman of the House committee which crafted this legislation, I can attest to the bi-partisan, cooperative spirit in which we

have worked to bring this bill before Congress. My colleagues and I have worked to ensure that this legislation is both fiscally responsible and effective in addressing the needs of our armed services. The overwhelming support H.R. 2016 received today is clear proof of this legislation's merit.

The Military Construction Subcommittee appropriates funds for family housing, troop barracks, medical facilities and other items essential to the quality of life for our soldiers and their families. While the members of my Subcommittee are responsible for producing a bill that helps protect our national security, we are also compelled to honor a commitment to take care of those who guard our nation and protect freedom worldwide. Mr. Speaker, with the approval of this legislation today, Congress is sending the President a bill that accomplished nothing less.

I think most Americans would be shocked to see the finest trained and best equipped fighting force in the world coming home to leaky roofs, floors with holes and pipes that spew dirty water. Unfortunately, I have learned during my travel to defense installations both here and abroad that these unspeakable conditions are often a reality for the American soldier and his or her family. In fact, over sixty percent of all family housing in the military is unsuitable. Mr. Speaker, that is absolutely unacceptable.

More than any other legislation we will consider this year, the Military Construction Appropriations bill has the most significant impact on those who serve our nation. This year, our bill directs nearly \$4 billion toward new family housing and improvements of existing facilities. We are providing \$32 million for new child development centers and \$163 million for hospital and medical facilities. We are also directing \$724 million for troop barracks that will directly benefit over 12,000 service members.

Mr. Speaker, if America wishes to remain the leader of the free world, we must take care of the men and women who protect our democratic ideals. I thank my colleagues for supporting this legislation and urge the president to sign it when it reaches his desk.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 12, not voting 8, as follows:

[Roll No. 394]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Army
Bachus
Baesler
Baker
Baldacci
Ballenger

Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry

Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehert
Boehner
Bonilla
Bonior
Bono

Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas

Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
Deal
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)

Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalfe
Mica
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascarell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin

Sanford	Snyder	Traficant
Sawyer	Solomon	Turner
Saxton	Souder	Velazquez
Scarborough	Spence	Vento
Schaefer, Dan	Spratt	Visclosky
Schaffer, Bob	Stabenow	Walsh
Schumer	Stearns	Wamp
Scott	Stenholm	Waters
Serrano	Stokes	Watkins
Sessions	Strickland	Watt (NC)
Shadegg	Stump	Watts (OK)
Shaw	Stupak	Waxman
Shays	Sununu	Weldon (FL)
Sherman	Talent	Weldon (PA)
Shimkus	Tanner	Weller
Shuster	Tauscher	Wexler
Siskis	Tauzin	Weygand
Skaggs	Taylor (MS)	White
Skeen	Taylor (NC)	Whitfield
Skelton	Thomas	Wicker
Slaughter	Thompson	Wise
Smith (MI)	Thune	Wolf
Smith (NJ)	Thurman	Woolsey
Smith (OR)	Tiahrt	Wynn
Smith, Adam	Tierney	Yates
Smith, Linda	Torres	Young (AK)
Snowbarger	Towns	Young (FL)

NAYS—12

Barrett (WI)	McCollum	Sensenbrenner
Campbell	Minge	Stark
Cubin	Paul	Thornberry
Filner	Royce	Upton

NOT VOTING—8

Brown (FL)	Gonzalez	Nadler
Evans	Millender	Schiff
Furse	McDonald	Smith (TX)

□ 1600

Mr. MINGE changed his vote from "yea" to "nay."

Mr. MENENDEZ changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MILLENDER-MCDONALD. Mr. Speaker, during rollcall vote No. 394 on H.R. 2016 I was unavoidably detained. Had I been present, I would have voted "yea".

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

APPOINTMENT OF CONFEREES ON H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Ms. PELOSI moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2159, making appropriations for foreign operations, export financing, and related financing for the fiscal year 1998, be instructed to insist on the provision of the House bill with respect to providing \$650 million for the Child Survival and Disease Programs Fund, including \$50 million for combatting infectious diseases.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California [Ms. PELOSI] and the gentleman from Alabama [Mr. CALLAHAN] will each be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I have chosen to make the Child Survival and Disease Programs Fund the subject of my motion to instruct on the foreign operations appropriations bill because of its vital importance and to reinforce a top priority of the House with respect to this bill.

The House, under the leadership of Chairman CALLAHAN, included \$650 million for the Child Survival and Disease Programs Fund in order to emphasize that child survival and its programs to reduce infant mortality and to improve the health and nutrition of children in the poorest nations of the world should be our highest priority in our foreign assistance programs.

This year's bill contains an increase of \$50 million over the amounts provided last year specifically to combat infectious diseases around the world. These funds will add to the funds already planned to combat diseases such as HIV/AIDS, tuberculosis, polio, yellow fever, malaria, and measles. The Senate bill does not segregate these funds in a separate account, and provides for only \$30 million to combat infectious diseases.

The passage of this motion, which I am confident the Chairman will support, will strengthen the position of the House as we go into conference. I look forward to working with Chairman CALLAHAN in securing conference approval for this funding in a separate account, and at a full amount of \$650 million.

In addition, I look forward to working cooperatively with Chairman CALLAHAN, as we have so far, in achieving a conference agreement on foreign operations which funds all the programs in the bill at a level which will allow for sufficient resources to preserve the U.S. role of the world's only remaining superpower.

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

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

Mr. Speaker, I have received broad bipartisan support for the appropriations account I created several years ago for child survival and disease pro-

grams. This funding is intended to help protect the children of the world and to help stem the tide of infectious diseases that threaten both our children and ourselves.

We provided funding of \$600 million for these activities in fiscal year 1997. Although the administration proposed to slash these funds by \$44 million in 1998, we rejected that cut. In fact, we added \$50 million, for a total of \$650 million, to the child survival and disease programs fund, in order to focus on the growing problem of infectious diseases throughout the world.

Even before this year's initiative, the Subcommittee on Foreign Operations, Export Financing and Related Programs launched an effort 3 years ago to wipe out polio throughout the world. We are providing \$25 million a year to assist Rotary International to fulfill its noble goal of eliminating this disease in Asia and Africa. That goal is within our grasp, and I am pleased that the subcommittee has been able to assist Rotary Clubs from around the Nation in this program.

But that is not enough. Tuberculosis continues to strike young people and children throughout the world. In fact, up to 30 million people may die from this disease in the next decade. In addition, health experts now realize that acute respiratory infections kill more children than any other disease. While these diseases are a threat to children everywhere, they are also a direct threat to the United States, due to the huge increase of international travel and migration in the last few years.

In addition, there have been confirmed reports of malaria and yellow fever in our own country. These diseases infected millions of Americans, and caused untold misery early in our history. We need to try to prevent outbreaks from these diseases from occurring again.

The committee has recommended an increase of \$50 million for activities to detect, control, and to prevent the spread of these and other communicable diseases. I regret that the administration does not consider child survival and disease programs to be a high priority. I am pleased that the Senate has turned its attention to this problem by providing an increase for infectious disease, but I am disappointed that they could not provide the protection of a separate appropriations account for child survival.

However, with the support of my good friend, the ranking Democrat on my committee, the gentlewoman from California [Ms. PELOSI], and with strong support of our subcommittee and strong support of the House, I am most certain that we will this year, as we did last year, prevail once again in Conference.

I thank very much the gentlewoman from California [Ms. PELOSI] for her motion to instruct the conferees, which I wholeheartedly support, and I urge the House to adopt her motion.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct the conferees on H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998.

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

There was no objection.

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

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

Mr. Speaker, I am grateful to our chairman for his support for this motion, for what some of us call the Callahan child survival account. I just want to remind our colleagues there is nothing new in what this motion to instruct calls for. Members have already voted for this dollar amount and this separate account. The purpose of this motion to instruct is to make this a priority in the conference and support the leadership of our chairman, the gentleman from Alabama [Mr. CALLAHAN] on this.

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

Ms. PELOSI. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, since this provision has been dubbed the Callahan amendment, Mr. Speaker, we have still been unsuccessful in convincing the administration of its importance. So maybe we ought to change the name of the Callahan amendment to the Pelosi amendment.

Ms. PELOSI. Mr. Speaker, maybe it should be the Clinton amendment.

Mr. CALLAHAN. Mr. Speaker, it still remains unpopular on Pennsylvania Avenue, and I am certain if we dub it the Pelosi amendment, then in next year's request they indeed would include it in their request. Or maybe we could do better. Maybe we could ensure that if someday there might be a Republican President, maybe we could name it the Pelosi-Callahan amendment, and thus ensure its inclusion in any bill submitted to this Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his most generous remarks. I do not accept his characterization of what name would be preferred in order to have this accepted by the administration.

Mr. Speaker, I do wish to say that the Clinton administration indeed has a strong interest and places a high priority on child survival. We think this is the better way to go about it, but we look forward to working with them as, again, the only remaining superpower in the world to assume and maintain our leadership in this humanitarian cause.

Mr. Speaker, I urge our colleagues to support the motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion to instruct

offered by the gentlewoman from California [Ms. PELOSI].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. CALLAHAN, PORTER, WOLF, PACKARD, KNOLLENBERG, FORBES, KINGSTON, FRELINGHUYSEN, LIVINGSTON, Ms. PELOSI, Mr. YATES, Mrs. LOWEY, and Messrs. FOGLIETTA, TORRES, and OBEY.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1711

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mrs. EMERSON] at 5 o'clock and 11 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

H.R. 1254;

House Concurrent Resolution 95;

House Concurrent Resolution 109;

H.R. 1903;

S. 910;

House Concurrent Resolution 134; and S. 562.

All votes are de novo.

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

JOHN N. GRIESEMER POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1252, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1252, 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.

The title of the bill was amended so as to read: "A bill to designate the

United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the 'John N. Griesemer Post Office Building'."

COMMENDING AMERICAN AIRMEN HELD POLITICAL PRISONERS AT BUCHENWALD

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 95.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 95.

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.

HONORING THE CONTRIBUTIONS JIMMY STEWART MADE TO THE NATION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 109.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 109.

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.

COMPUTER SECURITY ENHANCEMENT ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1903, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 1903, 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.

□ 1715

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the

question de novo of suspending the rules and passing the Senate bill, S. 910.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 910.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No 395]

YEAS—421

Abercrombie	Cardin	Emerson
Ackerman	Carson	Engel
Aderholt	Castle	English
Allen	Chabot	Ensign
Andrews	Chambliss	Eshoo
Archer	Chenoweth	Etheridge
Armey	Christensen	Evans
Bachus	Clay	Everett
Baesler	Clayton	Ewing
Baker	Clement	Farr
Baldacci	Clyburn	Fattah
Ballenger	Coble	Fawell
Barcia	Coburn	Fazio
Barr	Collins	Filner
Barrett (NE)	Combust	Flake
Barrett (WI)	Condit	Foglietta
Bartlett	Conyers	Foley
Barton	Cook	Forbes
Bass	Cooksey	Ford
Bateman	Costello	Fowler
Becerra	Cox	Fox
Bentsen	Coyne	Frank (MA)
Bereuter	Cramer	Franks (NJ)
Berman	Crane	Frelinghuysen
Berry	Crapo	Frost
Bilbray	Cubin	Gallegly
Bilirakis	Cummings	Ganske
Bishop	Cunningham	Gejdenson
Blagojevich	Danner	Gekas
Bliley	Davis (FL)	Gibbons
Blumenauer	Davis (IL)	Gilchrest
Blunt	Davis (VA)	Gillmor
Boehlert	Deal	Gilman
Boehner	DeFazio	Goode
Bonilla	DeGette	Goodlatte
Bono	Delahunt	Goodling
Borski	DeLauro	Gordon
Boswell	DeLay	Goss
Boucher	Dellums	Graham
Boyd	Deutsch	Granger
Brady	Diaz-Balart	Green
Brown (CA)	Dickey	Gutierrez
Brown (OH)	Dicks	Gutknecht
Bryant	Dingell	Hall (OH)
Bunning	Dixon	Hall (TX)
Burr	Doggett	Hamilton
Burton	Dooley	Hansen
Buyer	Doolittle	Harman
Callahan	Doyle	Hastert
Calvert	Dreier	Hastings (FL)
Camp	Duncan	Hastings (WA)
Campbell	Dunn	Hayworth
Canady	Edwards	Hefley
Cannon	Ehlers	Hefner
Capps	Ehrlich	Herger

Hill	McHugh	Sanchez
Hilleary	McInnis	Sanders
Hilliard	McIntosh	Sandlin
Hinchee	McIntyre	Sanford
Hinojosa	McKeon	Sawyer
Hobson	McKinney	Saxton
Hoekstra	McNulty	Scarborough
Holden	Meehan	Schaefer, Dan
Hooley	Meek	Schaffer, Bob
Horn	Menendez	Schumer
Hostettler	Metcalfe	Scott
Houghton	Mica	Sensenbrenner
Hoyer	Millender-McDonald	Serrano
Hulshof	Miller (CA)	Sessions
Hunter	Miller (FL)	Shadegg
Hutchinson	Minge	Shaw
Hyde	Mink	Shays
Inglis	Moakley	Sherman
Istook	Mollohan	Shimkus
Jackson (IL)	Moran (KS)	Shuster
Jackson-Lee (TX)	Moran (VA)	Sisisky
Jefferson	Morella	Skaggs
Jenkins	Murtha	Skeen
John	Myrick	Skelton
Johnson (CT)	Nadler	Slaughter
Johnson (WI)	Neal	Smith (MI)
Johnson, E. B.	Nethercutt	Smith (NJ)
Johnson, Sam	Neumann	Smith (OR)
Jones	Ney	Smith (TX)
Kanjorski	Northup	Smith, Adam
Kaptur	Norwood	Smith, Linda
Kasich	Nussle	Snowbarger
Kelly	Oberstar	Snyder
Kennedy (MA)	Obey	Solomon
Kennedy (RI)	Olver	Spence
Kennelly	Ortiz	Spratt
Kildee	Owens	Stabenow
Kilpatrick	Oxley	Stark
Kim	Packard	Stearns
Kind (WI)	Pallone	Stenholm
King (NY)	Pappas	Stokes
Kingston	Pascarell	Strickland
Klecza	Pastor	Stump
Klink	Paul	Stupak
Klug	Paxon	Talent
Knollenberg	Payne	Tanner
Kolbe	Pease	Tauscher
Kucinich	Pelosi	Tauzin
LaFalce	Peterson (MN)	Taylor (MS)
LaHood	Peterson (PA)	Taylor (NC)
Lampson	Petri	Thomas
Lantos	Pickering	Thompson
Largent	Pickett	Thornberry
Latham	Pitts	Thune
LaTourette	Pombo	Thurman
Lazio	Pomeroy	Tiahrt
Leach	Porter	Tierney
Levin	Portman	Torres
Lewis (CA)	Poshard	Towns
Lewis (GA)	Price (NC)	Traficant
Lewis (KY)	Pryce (OH)	Turner
Linder	Quinn	Upton
Lipinski	Radanovich	Velazquez
Livingston	Rahall	Vento
LoBiondo	Ramstad	Visclosky
Lofgren	Redmond	Walsh
Lowe	Regula	Wamp
Lucas	Reyes	Waters
Luther	Riggs	Watkins
Maloney (CT)	Riley	Watt (NC)
Maloney (NY)	Rivers	Watts (OK)
Manton	Rodriguez	Waxman
Manzullo	Roemer	Weldon (FL)
Markey	Rogan	Weldon (PA)
Martinez	Rogers	Weller
Mascara	Rohrabacher	Wexler
Matsui	Ros-Lehtinen	Weygand
McCarthy (MO)	Rothman	Whitfield
McCarthy (NY)	Roukema	Wicker
McCollum	Roybal-Allard	Wise
McCrery	Royce	Wolf
McDade	Rush	Woolsey
McDermott	Ryun	Wynn
McGovern	Sabo	Yates
McHale	Salmon	Young (AK)
		Young (FL)

NOT VOTING—12

Bonior	Gonzalez	Schiff
Brown (FL)	Greenwood	Souder
Furse	Parker	Sununu
Gephardt	Rangel	White

□ 1736

Mr. WEYGAND changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREENWOOD. Madam Speaker, on rollcall No. 395, I was inadvertently detained. Had I been present, I would have voted "yes."

AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question de novo of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 134, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. NEY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 134, as amended.

The question was taken.

RECORDED VOTE

Mr. NEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 12, as follows:

[Roll No 396]

AYES—421

Abercrombie	Boswell	Costello
Ackerman	Boucher	Cox
Aderholt	Boyd	Coyne
Allen	Brady	Cramer
Andrews	Brown (CA)	Crane
Archer	Brown (OH)	Crapo
Armey	Bryant	Cubin
Bachus	Bunning	Cummings
Baesler	Burr	Cunningham
Baker	Burton	Danner
Baldacci	Buyer	Davis (FL)
Ballenger	Callahan	Davis (IL)
Barcia	Calvert	Davis (VA)
Barr	Camp	Deal
Barrett (NE)	Campbell	DeFazio
Barrett (WI)	Canady	DeGette
Bartlett	Cannon	Delahunt
Barton	Capps	DeLauro
Bass	Cardin	DeLay
Bateman	Carson	Dellums
Becerra	Castle	Deutsch
Bentsen	Chabot	Diaz-Balart
Bereuter	Chambliss	Dickey
Berman	Chenoweth	Dicks
Berry	Christensen	Dingell
Bilbray	Clay	Dixon
Bilirakis	Clayton	Doggett
Bishop	Clement	Dooley
Blagojevich	Clyburn	Doolittle
Bliley	Coble	Doyle
Blumenauer	Coburn	Dreier
Blunt	Collins	Duncan
Boehlert	Combust	Dunn
Boehner	Condit	Edwards
Bonilla	Conyers	Ehlers
Bono	Cook	Ehrlich
Borski	Cooksey	Emerson

Engel	Klug	Price (NC)	Weldon (FL)	White	Woolsey	English	Klink	Poshard
English	Knollenberg	Pryce (OH)	Weldon (PA)	Whitfield	Wynn	Ensign	Klug	Price (NC)
Ensign	Kolbe	Quinn	Weller	Wicker	Yates	Eshoo	Knollenberg	Pryce (OH)
Eshoo	Kucinich	Radanovich	Wexler	Wise	Young (AK)	Etheridge	Kolbe	Quinn
Etheridge	LaFalce	Rahall	Weygand	Wolf	Young (FL)	Evans	Kucinich	Radanovich
Evans	LaHood	Ramstad				Everett	LaFalce	Rahall
Everett	Lampson	Redmond				Ewing	LaHood	Ramstad
Ewing	Lantos	Regula	Bonior	Gonzalez	Pascrell	Farr	Lampson	Rangel
Farr	Largent	Reyes	Brown (FL)	Kennelly	Rangel	Fattah	Lantos	Redmond
Fattah	Latham	Riggs	Furse	Metcalf	Schiff	Fawell	Largent	Regula
Fawell	LaTourette	Riley	Gephardt	Olver	Waters	Fazio	Latham	Reyes
Fazio	Lazio	Rivers				Filner	LaTourette	Riggs
Filner	Leach	Rodriguez				Flake	Lazio	Riley
Flake	Levin	Roemer				Foglietta	Leach	Rivers
Foglietta	Rogan	Rohrabacher				Foley	Levin	Rodriguez
Foley	Lewis (CA)	Ros-Lehtinen				Forbes	Lewis (CA)	Roemer
Forbes	Lewis (GA)	Rothman				Ford	Lewis (GA)	Rogan
Ford	Lewis (KY)	Roukema				Fowler	Lewis (KY)	Rogers
Fowler	Linder	Roybal-Allard				Fox	Linder	Rohrabacher
Fox	Lipinski	Royce				Frank (MA)	Lipinski	Ros-Lehtinen
Frank (MA)	Livingston	Rush				Franks (NJ)	Livingston	Rothman
Franks (NJ)	LoBiondo	Ryun				Frelinghuysen	LoBiondo	Roukema
Frelinghuysen	Lofgren	Sabo				Frost	Lofgren	Roybal-Allard
Frost	Lowey	Salmon				Gallegly	Lowey	Royce
Gallegly	Lucas	Sanchez				Ganske	Lucas	Rush
Ganske	Luther	Sanders				Gejdenson	Luther	Ryun
Gejdenson	Maloney (CT)	Sandlin				Gekas	Maloney (CT)	Sabo
Gekas	Maloney (NY)	Sanford				Gephardt	Maloney (NY)	Salmon
Gibbons	Manton	Sawyer				Gibbons	Manton	Sanchez
Gillchrest	Manzullo	Saxton				Gilchrest	Manzullo	Sanders
Gillmor	Markey	Scarborough				Gillmor	Markey	Sandlin
Gilman	Martinez	Schaffer, Dan				Gilman	Martinez	Sanford
Goode	Mascara	Schaffer, Bob				Goode	Mascara	Sawyer
Goodlatte	Matsui	Schumer				Goodlatte	Matsui	Saxton
Goodling	McCarthy (MO)	Scott				Goodling	McCarthy (MO)	Scarborough
Gordon	McCarthy (NY)	Sensenbrenner				Gordon	McCarthy (NY)	Schaffer, Dan
Goss	McCollum	Serrano				Goss	McCollum	Schaffer, Bob
Graham	McCrery	Sessions				Graham	McCrery	Schumer
Granger	McDermott	Shadegg				Granger	McDermott	Scott
Green	McGovern	Shaw				Green	McGovern	Sensenbrenner
Greenwood	McHale	Shays				Greenwood	McHale	Serrano
Gutierrez	McHugh	Sherman				Gutierrez	McHugh	Sessions
Gutknecht	McInnis	Shimkus				Gutknecht	McInnis	Shadegg
Hall (OH)	McIntosh	Shuster				Hall (OH)	McIntosh	Shaw
Hall (TX)	McIntyre	Sisisky				Hall (TX)	McIntyre	Shays
Hamilton	McKeon	Skaggs				Hamilton	McKeon	Sherman
Hansen	McKinney	Skeen				Hansen	McKinney	Shimkus
Harman	McNulty	Skelton				Harman	McNulty	Shuster
Hastert	Meehan	Slaughter				Hastert	Meehan	Sisisky
Hastings (FL)	Meek	Smith (MI)				Hastings (FL)	Meek	Skaggs
Hastings (WA)	Menendez	Smith (NJ)				Hastings (WA)	Menendez	Skeen
Hayworth	Mica	Smith (OR)				Hayworth	Mica	Skelton
Hefley	Millender-	Smith (TX)				Hefley	Millender-	Slaughter
Hefner	McDonald	Smith, Adam				Hefner	McDonald	Smith (MI)
Herger	Miller (CA)	Smith, Linda				Herger	Miller (CA)	Smith (NJ)
Hill	Miller (FL)	Snowbarger				Hill	Miller (FL)	Smith (OR)
Hilleary	Minge	Snyder				Hilleary	Minge	Smith (TX)
Hilliard	Mink	Solomon				Hilliard	Mink	Smith, Adam
Hinchey	Moakley	Souder				Hinchey	Moakley	Smith, Linda
Hinojosa	Mollohan	Spence				Hinojosa	Mollohan	Snowbarger
Hobson	Moran (KS)	Spratt				Hobson	Moran (KS)	Snyder
Hoekstra	Moran (VA)	Stabenow				Hoekstra	Moran (VA)	Solomon
Holden	Morella	Stark				Holden	Morella	Souder
Hooley	Murtha	Stearns				Hooley	Murtha	Spence
Horn	Myrick	Stenholm				Horn	Myrick	Spratt
Hostettler	Nadler	Stokes				Hostettler	Nadler	Stabenow
Houghton	Neal	Strickland				Houghton	Neal	Stark
Hoyer	Nethercutt	Stump				Hoyer	Nethercutt	Stearns
Hulshof	Neumann	Stupak				Hulshof	Neumann	Stenholm
Hunter	Ney	Sununu				Hunter	Ney	Stokes
Hutchinson	Northup	Talent				Hutchinson	Northup	Strickland
Hyde	Norwood	Tanner				Hyde	Norwood	Stump
Inglis	Nussle	Tauscher				Inglis	Nussle	Tanner
Istook	Oberstar	Tauzin				Istook	Oberstar	Tauzin
Jackson (IL)	Obey	Thomson				Jackson (IL)	Obey	Thomas
Jackson-Lee	Ortiz	Thornberry				Jackson-Lee	Ortiz	Thompson
(TX)	Owens	Thune				(TX)	Owens	Thornberry
Jefferson	Oxley	Thurman				Jefferson	Oxley	Thune
Jenkins	Packard	Tiahrt				Jenkins	Packard	Thurman
John	Pallone	Tierney				John	Pallone	Tiahrt
Johnson (CT)	Pappas	Torres				Johnson (CT)	Pappas	Tierney
Johnson (WI)	Parker	Towns				Johnson (WI)	Parker	Torres
Johnson, E. B.	Pastor	Trafficant				Johnson, E. B.	Pastor	Towns
Johnson, Sam	Paul	Turner				Johnson, Sam	Pastor	Trafficant
Jones	Paxon	Upton				Jones	Paxon	Turner
Kanjorski	Payne	Velazquez				Kanjorski	Payne	Upton
Kaptur	Pease	Vento				Kaptur	Pease	Velazquez
Kasich	Pelosi	Visclosky				Kasich	Pelosi	Vento
Kelly	Peterson (MN)	Walsh				Kelly	Peterson (MN)	Visclosky
Kennedy (MA)	Peterson (PA)	Wamp				Kennedy (MA)	Peterson (PA)	Walsh
Kennedy (RI)	Petri	Watkins				Kennedy (RI)	Petri	Wamp
Kildee	Pickering	Watt (NC)				Kildee	Pickering	Watkins
Kilpatrick	Pickett	Watts (OK)				Kilpatrick	Pickett	Watt
Kim	Pitts	Waxman				Kim	Pitts	Watts
Kind (WI)	Pombo					Kind (WI)	Pombo	Waxman
King (NY)	Pomeroy					King (NY)	Pomeroy	
Kingston	Porter					Kingston	Porter	
Klecza	Portman					Klecza	Portman	
Klink	Poshard					Klink	Poshard	

NOT VOTING—12

□ 1745

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUSING PROGRAMS EXTENSION ACT OF 1997

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 562, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and pass the Senate bill, S. 562, as amended.

The question was taken.

RECORDED VOTE

Mr. DIAZ-BALART. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 1, not voting 10, as follows:

[Roll No. 397]

AYES—422

Ackerman	Boswell	Costello
Aderholt	Boucher	Cox
Allen	Boyd	Coyne
Andrews	Brady	Cramer
Archer	Brown (CA)	Crane
Army	Brown (OH)	Crapo
Bachus	Bryant	Cubin
Baessler	Bunning	Cummings
Baker	Burr	Cunningham
Baldacci	Burton	Danner
Ballenger	Buyer	Davis (FL)
Barcia	Callahan	Davis (IL)
Barr	Calvert	Davis (VA)
Barrett (NE)	Camp	Deal
Barrett (WI)	Campbell	DeFazio
Bartlett	Canady	DeGette
Barton	Cannon	Delahunt
Bass	Capps	DeLauro
Bateman	Cardin	DeLay
Becerra	Carson	Dellums
Bentsen	Castle	Deutsch
Bereuter	Chabot	Diaz-Balart
Berman	Chambliss	Dickey
Berry	Chenoweth	Dicks
Bilbray	Christensen	Dingell
Bilirakis	Clay	Dixon
Bishop	Clayton	Doggett
Blagojevich	Clement	Dooley
Bliley	Clyburn	Doolittle
Blumenauer	Coble	Doyle
Blunt	Coburn	Dreier
Boehlert	Collins	Duncan
Boehner	Combest	Dunn
Bonilla	Condit	Edwards
Bonior	Conyers	Ehrlich
Bono	Cook	Emerson
Borski	Cooksey	Engel

Watt (NC)	White	Wynn
Watts (OK)	Whitfield	Yates
Waxman	Wicker	Young (AK)
Weldon (PA)	Wise	Young (FL)
Wexler	Wolf	
Weygand	Woolsey	

NOES—1

Paul

NOT VOTING—10

Abercrombie	Gonzalez	Weldon (FL)
Brown (FL)	Metcalfe	Weller
Ehlers	Neal	
Furse	Schiff	

□ 1755

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

The title of the Senate bill was amended so as to read:

A bill to provide for the temporary extension of certain programs relating to public housing, to reauthorize certain programs relating to housing assistance, and to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage, and for other purposes.

A motion to reconsider was laid on the table.

HAPPY BIRTHDAY, MADAM
SPEAKER

Mr. PAPPAS. Madam Speaker, I just want to take this opportunity to wish the gentlewoman a very happy birthday.

The SPEAKER pro tempore. The Chair thanks the gentleman from New Jersey and pretends that she is younger than she really is, or tries to be anyway.

GENERAL LEAVE

Mr. PORTER. 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 (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, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1998

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1758

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. BEREUTER (Chairman pro tempore, in the chair).

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, September 11, 1997, the amendment by the gentleman from Indiana [Mr. Hostettler] had been disposed of and section 515 was open for amendment.

Are there further amendments to this section of the bill?

□ 1800

Mr. EWING. Mr. Chairman, I move to strike the last word to engage the gentleman from Illinois [Mr. PORTER], my esteemed colleague and chairman of the Subcommittee on Labor, Health and Human Services, and Education, in a colloquy.

On September 10, 1997, the Senate voted 91 to 8 to pass an amendment by Senator COVERDELL of Georgia to the Senate Labor Health and Human Services appropriations bill. This amendment included several proposals designed to help respond to the *E. coli* problems we as a nation have experienced recently.

This amendment addresses the *E. coli* issue head on by providing funding for research on the development of improved medical treatment for patients infected with this disease.

This amendment also provides funding to help detect and prevent colonization of *E. coli* in live cattle, and amongst other important provisions provides the implementation of a study on the feasibility of irradiating raw red meat to eliminate the *E. coli* and to develop a consumer education program on the process' safety.

I would strongly urge that Chairman PORTER look favorably upon this amendment when deliberations begin in conference.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Illinois [Mr. EWING], my colleague, for yielding.

I am aware of the amendment pertaining to *E. coli* that was accepted on the Senate bill. While I cannot agree with the amendment's approach of tapping funds already appropriated for other purposes instead of providing an offset to fund the *E. coli* initiative, I think we would all agree that the *E. coli* problem is a serious one. I would expect the House conferees to look favorably upon action to encourage the Department of Health and Human Services to undertake those activities

highlighted in the amendment which appropriately fall within the HHS mission.

In fact, the House bill already provides an increase for the Centers for Disease Control infectious diseases program to support the new food safety initiative.

Mr. EWING. I thank the chairman. I appreciate his interest and concern, and I hope that the conference committee will take this matter up.

AMENDMENT NO. 5 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore Mr. BEREUTER. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GOODLING:

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).

(Mr. GOODLING asked and was given permission to proceed for 5 additional minutes.)

Mr. GOODLING. Mr. Chairman, I have been rather disappointed on several occasions in the last couple weeks when it was mentioned by some that perhaps this was a political argument. I want to assure everyone this has nothing to do with politics whatsoever.

My concern and my interest comes from 22 years as an educator, 22 years as a teacher, a guidance counselor, a principal, a superintendent of schools, a supervisor of student teachers, a school board president, a PTA president. My concern is based simply on the fact that I believe I have learned a lot in those 22 years as to how children learn, why children do not learn, and what one does in order to have children learn. As a matter of fact, in March 1991 I wrote an op ed, and that was during President Bush's administration, in opposition to this very same issue.

We are told, first of all, that 17-year-olds in this country, some of the most recent statistics would indicate that 52 percent read fairly well, comprehend fairly well, and do math and science quite well. That means that the other 50 percent do poorly.

I would ask all of my colleagues who are here and all who may be listening to put themselves in the shoes of that other 50 percent, that 50 percent that has not done well and who are not doing well at the present time. This 50 percent has been tested with every standardized test there is, whether it is Iowa, whether it is California, Stanford. They have been tested with every

State test. They have been tested with every district test, and they have been tested with every classroom test.

What have they been told after every one of those tests? The same thing: "You are not doing very well." What they do not want, what that 50 percent do not want at this time is to spend another \$100 million to test them one more time on a standardized test to tell them "You are not doing very well." They want to know what it is we are going to do to help them do better.

If someone is in the cattle business, they do not fatten cattle by constantly putting them on the scales and weighing them. We do not make a car run any faster by adding another speedometer. And we do not help those who are not doing well in education with one more standardized national test to tell them "You are doing poorly."

It was an interesting discussion recently in the other body when I testified before a Senate committee. The Secretary indicated that it is a tragedy that students do not have algebra and do not understand algebra by the time they get to 8th grade, and then a little later said, "and in our test we will test for algebra."

And one of the gentlemen from the other body said, "Mr. Secretary, I must have missed something. I thought you said they did not have any algebra by the time they got to the eighth grade."

"That is right."

"But then I thought I heard you say you are going to include in your test, algebra." Well, that does not make very much sense, does it?

First of all, as I have said so many times, if we want to move in that direction, then we sure better prepare those elementary teachers who have had very little math in college, have had very little math in high school, and all of a sudden we are going to ask them to teach algebra.

Let us take the other 50 percent. Let us shift the debate. Suppose we believe in a national test. We certainly would not go about it in a manner in which it was gone about this particular time. If we believe that there is some value in a national standardized test, the first thing we have to do is determine what is our purpose, and that purpose has to be very narrowly stated. We cannot have a valid test, all test experts will tell us, if we do not narrowly focus.

Well, what is the purpose of a test? I heard four, five, six different purposes, one of which, the Assistant Secretary said, "I am not happy with the curricula in this country, and we have to do something about that." That is an interesting statement. That should scare everybody, I think, because who is going to develop that curricula that he was talking about, since he does not like what is there at the present time? So we narrowly focus.

Another says, well, this is to judge one school against another school so that we know which schools are doing well, which are doing poorly. That is one of the worst statements I think

anyone could make, because now I am going to compare someone who has had no advantages whatsoever as far as preschool reading readiness is concerned, in a school where there are many students who fit that category, with a school where they have had all the advantages in preschool.

And so somehow or other with a national test, I am going to help that group that have not had those advantages, and then I can do a better job of comparing them with those who have had all the advantages. In my area, I would say we would not compare inner city Pittsburgh with upper St. Claire, which is an area outside of Pittsburgh.

So we say, okay, the purpose is curricula. Now we have to determine what it is we want to test. Now we are getting into some real serious difficulties, what we want to test.

Well, that means, and I am not up here arguing, and I do not want to get involved in this business of, "Yes, it will be a national curricula; no, it will not," but we have to determine what it is we are going to test. In order to do that, someone, someone or somebody has to determine what that curricula is. Otherwise, how would we know what we are going to test?

Now make sure we understand that this is really a controversial issue. That is why we never should have bypassed the Congress in the first place. That is why the debate should have been here. That is why the debate should go on next year, when we are reauthorizing TIMSS, when we are reauthorizing NAEPs, programs where we spend millions of dollars every year from the Federal level in the business of testing.

But if we think there is a consensus out there, then we are missing some very important points. There is no consensus. Let me just read one portion from a letter signed by 500 or more mathematicians from across this country. This is what those mathematicians said:

The committee which is drafting the exam specifications is biased. First, nearly all of its members are strong advocates of the NCTM standards and of programs that reputed to be aligned with the NCTM standards. There is not a balance of different viewpoints regarding mathematics education.

Second, members of the committee have significant conflict of interest, as they are actively involved in the writing or promotion of particular mathematics curricula. Even the slightest suspicion that the authors would bias the test toward material covered in their program, or that their authorship of the tests would be used to sell their program or to help them get grants, undermines the credibility of the exam.

So I want my colleagues to understand how controversial this is. Now we have decided that we are going to narrowly focus it, I hope. Then we have decided what it is we wanted to test. And then after we have made that decision, someone must write that curriculum in order so that we are testing toward what it is that was taught.

After we have done all of that, the next step then is, of course, to educate

the teacher, to prepare the teacher to teach to the new standards, to teach to what it is for which we are testing. And after we have done all of that, there is one big step left; and that is, as every testing expert will tell you, it takes 3 to 4 years to develop a valid test. Not 1 year, like the plan is, 3 to 4 years.

We are going to hear some say, "Oh, but this is voluntary." Nonsense. What Federal program do my colleagues know, once it was started, is voluntary? I tell my colleagues what will happen. The 50 percent that I talked about who were fortunate enough to have preschool readiness programs, that 50 percent, as soon as school A decides to do the test, they are going to demand that school B does the test, and then school C is going to demand that they get what school B got, and it will not be long until, as a matter of fact, it will be a national individual test.

Let me also point out to school districts and States: Be very careful. You worry about unfunded mandates. There is the one shot only from the Federal Government; and when that one shot is over, it is your responsibility. And if you are wrapped into it, you are going to have to find a way to pay for it, I will guarantee you.

The program that was rammed through at midnight in the other body, no deliberation, no consideration, is positively totally inadequate, unacceptable.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 3 additional minutes.)

Mr. GOODLING. Mr. Chairman, it reminds me of you are a contractor and you had one contractor who built the foundation, a totally inadequate foundation, a foundation that is going to collapse; and then you bring in another contractor, and then that new contractor is somehow or other going to try to build a new house on top of a flawed foundation. It cannot work.

Let me tell my colleagues some other things they did. It is pretty interesting. I never heard before where one sitting group determines who serves in that group, and that is what they did over there. NAGB will make the recommendations to the Secretary as to who should serve on this independent board. Now that is pretty dangerous. There is one other thing that is dangerous. They then become pretty much a national school board. I do not think our local and State governments are going to be very happy about that.

So please, if we have \$100 million to spend, let us help children become reading ready, let us help parents become better teachers. We do not do that by testing. We do that by providing the necessary tools so that, as a matter of fact, they are reading and writing.

And do not cause the first-grade child to fail. The first-grade child did not

fail. The adults failed. So we have a pre-first program. I could have 2,500 of those for \$100 million. And in those programs the kindergarten teacher knows very well who is reading ready. We have this crazy idea somehow or other that if they are 5½ or 6 years old, they are ready to read.

□ 1815

No one tells you who is ready to read except the children themselves. They may be at 20 different reading levels with 20 different students in the same classroom. Do not cause them to fail first grade. And do not socially promote them, above all. Give them the opportunity to be successful.

We will again next year determine what it is we do with NAGB, determine what we do with NAEP's. That is the time for a discussion on testing. Do not do an end run on the Congress of the United States. We were not sent here to be an end run team. We were sent here to deliberate and do what is right.

Again, when Members are ready to vote, think in terms of children. Do not let them tell you somehow or other that they will do much better if the parents only know. The parents know. The parents have been told over and over again. The parents are saying, help us, and help our children.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with everything that the chairman of the authorizing committee said. I accept the amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes with the time to be divided between the gentleman from Pennsylvania [Mr. GOODLING], 25 minutes and the gentleman from Wisconsin [Mr. OBEY], 35 minutes.

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

Mr. GOODLING. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Goodling amendment. This amendment would prevent the adoption of a voluntary testing program. It would prevent parents, cities and States from pursuing a new strategy in our efforts to provide all of our students with the best education in the world.

Let me make it very clear that many House Democrats strongly support the President's initiative. If this amendment passes, it might be a victory for the Republican leadership, but in my judgment it will be a clear defeat for the children of this country.

Voluntary testing will promote reform, excellence. The Goodling amendment undermines educational progress and codifies mediocrity. Quite frankly,

a vote for the Goodling amendment is a vote in favor of the status quo. That is simply not good enough.

The gentleman from Pennsylvania [Mr. GOODLING] and I have worked on a whole range of educational initiatives. I am sorry that we disagree so strongly on this one.

Mr. Chairman, the President's initiative will not nationalize education. There are no mandates here. A State will not lose money or face penalties if it chooses not to participate. The program simply provides an opportunity for interested cities and States to test their fourth-graders in reading and eighth-graders in math and measure their performance against students across town and across the Nation. Should a parent or a school not have the ability to make these comparisons?

Frankly, it is very ironic that many of the same Members who support educational competition through school choice are today opposing educational competition through performance measures. What are they afraid of? Do they fear American students cannot compete? I do not. I know that our students can compete and win.

My colleagues should be aware that this amendment is opposed by a wide array of educators, including the American Federation of Teachers, the National Education Association, the chiefs of our State education departments, the National School Boards Association and the National Association of Elementary School Principals.

I know that some opponents say we should be investing more directly in teachers, books, computers and school construction. I certainly agree. We need to invest more in education, and at the same time we ask more of our students in schools, we must provide them with the resources they so desperately need. That is why I am the lead sponsor of the President's school construction initiative. That is why I support increases in title I.

This is not an either/or proposition. I am pleased that six of the Nation's seven largest cities have accepted the challenge of national reading and math tests, including New York City, Chicago, Philadelphia, Los Angeles, Atlanta and Detroit. These cities want to participate in a voluntary testing program. Communities across the Nation have concluded that they want to find out what needs fixing. They want to offer their students the best education possible. They want to ensure that they are preparing their children for a very competitive future, and they want to embrace the challenge and possibilities of voluntary national performance measures.

Two things about these tests are worth noting. First, the tests will be based on the well-respected National Assessment of Education Progress. Second, the highly respected National Academy of Sciences will approve the tests before the first student in the first school sits down with pencil in hand to take the exam. These tests will be developed the right way.

I believe very strongly in raising academic standards. If my colleagues in Congress agree, and I think we all do, then we must finally say no more excuses. We know that students and schools can achieve. We expect them to achieve. We will help them achieve. Voluntary testing is an important component of this process.

I believe that the combination of educational investments and performance standards is a recipe for student success. I would urge my colleagues not to prevent the creation of a voluntary national testing system as a State and local option. I urge my colleagues to vote against the Goodling amendment. And I would urge my colleagues to work with us to support investments in school construction, to support different comprehensive changes in our school system. Because we support this, that does not mean we cannot support school testing as well.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to take this time to share my personal concerns with regard to the administration's proposed national test in reading. First, I want to say that I am wholeheartedly supportive of measures to achieve higher standards for America's schools and students and that I applaud the administration's laudable efforts to improve public education. I do not, however, feel that testing is the route to pursue. Quite simply, I have reservations about the inability of the proposed national tests to improve educational opportunities for all children. These tests may leave out several million limited English-proficient students from taking the test and assessing their skills in reading.

I grew up in an agricultural community in south Texas, and I attended a segregated elementary school where the Mexican American children were separated from children of Anglo-Saxon heritage. Spanish was my first language. I learned a little bit of English, only after my parents enrolled me in the public school system. It took years of practice and the interest and support of my caring parents and teachers along the way before I became fully conversant in the English language. Even so, in my early years in my reading comprehension skills were not what they could have been if I had started the first grade English-ready.

In 1972, I was elected to the local school board in Mercedes, Texas, and in 1974, I was elected to the Texas State Board of Education where I served for four terms. Of that period, 8 years I served as chairman of the Special Populations Committee, which covered bilingual education, migrant education, special education and gifted and talented education programs.

For 25 years I have been a very strong advocate of education. It is in that capacity that I became aware as a policymaker of the difficulties limited English-proficient students, LEP students as they are called, have. Also in

that capacity I learned about the art of learning in any language and the importance of learning in the native language.

The whole testing issue raises a red flag for LEP students. It stigmatizes them by both peers and teachers. It sets up the LEP students to fail. When that kicks in, young people begin to drop out of school.

America's elementary and secondary schools will become more diverse in the next 10 years. Between 1995 and 2005, for example, Hispanic Americans between the ages of 5 and 17 will increase by 2.4 million. African American students in this same age group will increase by another 1.1 million. Asian Americans and other minorities will number an additional 1.1 million. The word "diverse" will best describe the Nation's public schools where the formal education and socialization of the young occurs.

For the last decade, reports on the state of education for Hispanics and other minority populations have been poor. A recently released report by the U.S. Department of Education found that the Nation's dropout rate for persons between ages 16 and 24 in 1995 was 12 percent, while the dropout rate for Hispanic students was over 30 percent. The Hispanic high school dropout situation was described by the President in meetings that the Hispanic Caucus and I had with him as a national crisis of economic importance.

We can ill afford to allow another generation of Hispanic Americans and other populations whose primary language is other than English to fall by the wayside. This has far-ranging economic consequences for the population at large.

While it is with a heavy heart that I oppose the President on this issue, I must do so. My reasons are as follows: Standardized testing has a negative, disparate impact on poor and minority students. Equal opportunity in testing cannot be achieved given unequal educational opportunity. Even if testing procedures could be devised to eliminate bias, enormous inequalities in school financing systems and teacher quality and disparities in access to educational technology, combined with discriminatory practices such as tracking and uneven access to high-quality counseling severely restrict the educational opportunities available to poor and minority students. Until issues of resource disparity, discrimination and reliability have been resolved, the national test should not be used as a basis for making high-stakes educational decisions. It is inappropriate.

Mr. Chairman, again I oppose the national testing as proposed.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Goodling amendment and really thank him and express appreciation for his courageous leadership on this subject. He has focused a spotlight

on a subject that the Department of Education really wanted to slip through rather unnoticed, and he deserves credit for that. Because we have raised our voices here, over a period of a few weeks, we now have a bipartisan supported agreement here in the form of the Goodling amendment to eliminate funding for this ill-advised encroachment on the direction of curriculum that is best defined in my opinion at the State and local level.

I guess we can say that we are making progress! We are making progress all right. But this is a crucial policy question. These changes and the so-called compromises that preceded this final redefinition by the department that is the compromises that the Department of Education put out every time a legitimate question was raised. After each critical question raised they backed off and they made a so-called compromise or adjustment. As I observed over and over it began to look as though they were making it up as they went along. That is, I am sorry to say was what the Department was doing. I was rather perplexed. As a member of the committee, I must say that I always believed that the Department and Secretary Riley were better than that, and I think it was not up to their regular standards, and I am sorry to have to say that. But it is proof that we need a thorough and thoughtful didactic study on how we should do this, if at all, without opening the door to a national curriculum or the establishment of what I see as the possibility of a full-fledged Ministry of Education.

□ 1830

Please, do not get me wrong. I believe that a national debate on educational standards and achievement levels is overdue. We have critical problems in our schools and we should get back to basics. Our declining achievement levels are an absolute embarrassment. The United States at the Federal level, the State level, the community level, and at the family level, should dedicate itself to raising the standards for educational achievement. We certainly owe it to our children.

But I also strongly believe that testing for the sake of testing serves no purpose, and it certainly does not serve that one. It costs a lot of money, as the chairman already outlined, money that could be better directed to classroom instructions where we could directly help the children of the Nation.

Let us get our priorities straight. Let us fund the programs that work and avoid expensive new educational experiments on our children.

Mr. Chairman, let me summarize in this way: The committee must not be bypassed. We must use the reauthorization process in the next year to study, analyze, and set realistic goals for whatever additional testing may, and I stress, may, be merited, but no more direction or indirection from the department without full debate and analysis.

Number two, we can now have the time to set priorities with a clear goal of directing more monies to instruction, direct instruction in the classroom, whether for teacher training or equipment or individualized instruction, which are my favorites, and, yes, including more money for Early Start and Head Start, as the chairman pointed out, reading readiness programs.

Finally, I think it is important that we a renewed commitment here and now with this vote to State and local control. It is State and local control that is a fundamental of good public education.

Mr. Chairman, I urge full support of this amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with a great deal of respect for the authorizing committee chair and work with Members on the opposite side of the aisle on a lot of educational issues. I am surprised to see this amendment before us and strongly rise to oppose it.

This is a country that prides itself on testing. Every child that is going to go to a university has to go out and take an SAT exam. If he or she is going to go to medical school, it is a national exam to take; to go to law school one has to take an exam.

We test water and we test air, we test milk, yet now we do not want to test the minds of the kids in this country. We do not want to test their ability in the fourth grade to read or their ability in the seventh grade to do math.

I think what the real fear of this national testing is that the people we are going to find that are flunking the tests is Congress itself, in not appropriating enough money for education. You hear minority groups in this Congress rising against this testing because they do not want kids to be tracked, they do not want kids to be stigmatized, and I agree with that, because I think we are going to find we are not spending enough money on the remedial title I programs to remedy those problems.

We are going to find we are not spending enough money, as Congresswoman LOWEY said a moment ago, in her bill to allow the Federal Government for the first time in history to be a partner in school construction, we are not spending any money to build the classrooms so we can create the environment in which kids can learn better.

Congress is going to flunk the test in showing we do not put enough money into construction, into remedial programs, into special education programs, into migrant education programs or any of the title I programs.

Why, I would like to know, is the Republican leadership in Washington so strongly opposed to testing, when the Republican leadership in Sacramento held up the adjournment of the California State Legislature insisting that they do testing? The arguments pro

and con are the same arguments that were held here today.

The point is that the biggest State in the country with the most children in school and the seventh largest economy in the world realizes that unless we have accountability in education we will not be able to compete in a global environment, in a competitive environment.

So I urge my colleagues to defeat this amendment. Allow those who want to test to do the testing. Allow this country to see that we need to invest more in education, not less, to improve reading and math, to let kids know how they are doing. The only way we are going to be able to do that—which is consistent with what we insist when they graduate from high school so that they can get into college—is to allow for a national test on a voluntary basis. The only way we are going to get there from here is to defeat this amendment.

So I urge my colleagues to work with us in defeating the amendment and allowing the President's program to be in the bill.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], our chairman, for offering this amendment, and I rise to strongly support it, and I am particularly pleased to immediately follow behind my friend from California, Mr. FARR.

I would point out that the California Republicans did a great job out there. It is their job, you know, to manage education in their State. It is a State function, and if they wanted testing in California, more power to them.

I want to mention just a minute about what the Goodling amendment is all about, because I do not want anybody at the end of this vote to be unclear on it. This amendment simply prohibits spending of any money under the fiscal year 1998 Labor-HHS-Labor appropriations bill to develop, plan, implement or administer new national tests in the fourth grade reading and eighth grade math.

I can rather understand why our chairman would be so concerned to have this amendment, since none of this has been authorized in his committee or appropriated. So I think it is appropriate that he do stand up about this.

Now, the gentleman from Pennsylvania [Mr. GOODLING] does make exceptions, and the exceptions are made for the National Assessment of Educational Progress, NAEP; also the Third International Math and Science Study, TIMSS, both of which would be allowed to continue. NAEP, also known as the Nation's report card, involves random sample testing of students throughout the country in reading, math, science, history and other subjects every 2 years at the 4th, 8th and 12th grade levels, to obtain a snapshot of the academic achievement of students in our country.

TIMSS involves random sample testing of students in this country and other nations in math and science to obtain international comparisons of student achievement. I remind Members that this amendment allows this testing to continue.

Earlier it was said that we do not test our children. The administration would have us believe that there is a real need for standardized tests to determine how our kids are doing in reading and in math, as if we are not testing them now.

So let us look at one of my former constituents, who is also a former constituent of my colleague the gentleman from Georgia [Mr. BISHOP] and is currently a constituent of my colleague the gentleman from Virginia [Mr. WOLF]. Rebecca Stone of Warrenton, VA, just finished the eighth grade last June.

Now, here is the list of standardized tests that she has taken in a country where earlier it was stated we do not test our children.

In Mitchell County, GA, kindergarten through the first grade, Rebecca had the Georgia Test for Kindergartners, the Otis Lennon Mental Abilities Test and the Iowa Test of Basic Skills. Then in Richmond County, GA, in the second grade, she retook the Iowa Test of Basic Skills again. Then in Columbia County, GA, in the third through sixth grades, she had the Iowa Basic Skill Test twice more and the Duke University Talent Test. Finally, in Fauquier County, VA, in the seventh and eighth grades, this young lady was tested with the Virginia Literacy Passport Test and the Stanford Achievement Test.

I think, as readily can be seen by most of our colleagues, a real live public school student we are standard testing across this country. What this debate is really about is not testing, but it is about curriculum. Testing is just the next step in a liberal agenda for Washington to seize control of our local schools. My folks at home do not want that. They do not think that the Department of Education should run their local schools.

If the Federal Government establishes testing on which all of our school systems are judged, the next step will be for the Federal Government to establish a national curriculum to match the test. We say this is voluntary, but I find that humorous. It is not, and we all know it.

Mr. Chairman, we already have standardized tests in use in our public schools today. They are tests freely chosen by State and local educators and recognized nationally. What the administration seems to want is to overrule the testing decisions of local educators and replace them with the decision of inside-the-Beltway bureaucrats. Let us put a stop to that. Support the Goodling amendment. It is very important.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. SAWYER. Mr. Chairman, I rise today in opposition to this amendment, and also to set the record straight about my own statements on the subject of national testing.

The sponsor of this amendment sent a "Dear Colleague" around earlier this week that contains a quote from me from 1992:

If testing becomes one of the engines of educational reform in this decade we had better be prepared. Those of us who come from States where testing has already become a tool for making policy know that the issue is fraught with peril and consequences for individual students and communities.

However, what his "Dear Colleague" does not include is my next paragraph:

What I wholeheartedly endorse is the development of national standards. This will take time, not a lot, but time. Then tests—as instruments—need to be very finely tuned. Only then should we begin to think about using them on a national scale.

What I was saying in 1992, and what I continue to believe, is that tests should not be used simply as a right-of-passage. Their objective must not be solely to create measurements on a national scale with no real benefit to students, nor even to measure the success of local school districts or individual schools.

Such tests—used as instruments of education—can be extremely effective as a method for identifying weaknesses in instruction and learning. They can be equally valuable in identifying specific needs of individual students. Tests that provide individual student evaluation—measured against high standards—will help students, teachers, parents and schools to raise achievement if they are combined with comprehensive remediation. Only then can the results become effective in raising performance more broadly across larger student populations.

The approach proposed by the President and the Secretary of Education clearly demonstrates that understanding. For that reason, I wholeheartedly support allowing the Department of Education to continue its work to develop these tests.

We have standards that have been developed locally and can be shared nationally: to be adopted by local schools, or adapted to their specific needs. It is now time to couple them with tests that will not only measure our progress toward those high goals, but will also help teachers and students reach them. That's what real education ought to be about.

I strongly urge a "no" vote on this amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to comment to my colleague who just spoke, the gentleman from Georgia [Mr. NORWOOD], that in fact 81 percent of the students in Georgia meet the minimum acceptable standards that are in Georgia. However, only 16 percent meet the minimum acceptable standards in any national testing of the same students.

I rise in opposition to this amendment, which would unnecessarily delay the development and the implementation of national reading and math tests, and I hope my colleagues will join me in defeating it.

Our children will compete for jobs in the national and even in a global marketplace. We know our workers, our products, and our economy can be the very, very best in the world, and we need to do everything in our power to ensure our schools are giving our kids the tools they need to compete in the economy of the 21st century.

We must not reject this important tool to ensure that every child can read, write, and do basic mathematics. Parents across the country share my belief that these are the very minimum standards to which our students and, more importantly, our schools should be held accountable.

My colleagues who support this amendment argue that there are plenty of other tests and measures of school achievement. I would point out that in Wisconsin and in Louisiana, according to State tests, more than 80 percent of students are meeting acceptable competency levels. However, when Wisconsin and Louisiana students take national tests, fewer than 40 percent meet minimum standards. The same thing about what I just talked about with regard to Georgia students.

Our parents deserve an objective, reliable measure of how their children are doing in school, how well the schools are preparing their children. All of us as taxpayers deserve objective, reliable information to hold schools accountable. We need to be sure that our local school systems are meeting our national expectations.

I understand some of my colleagues have legitimate concerns about how the tests will be implemented, what it may mean for students who are low income or disadvantaged, whose achievement levels are traditionally lower than their more advantaged peers. I believe the concerns are valid and need to be addressed. Four million children should not be left out of this process.

Those who would argue that we know what the problems are and yet we do not want to commit the funding, they are right. We have seen in this body in the last 2 or 3 years people who would like to cut the education budget more than any cuts in the history of the United States. We must identify the problems and provide the resources necessary.

I do not believe we should hold up the development of this initiative, which cannot be implemented for at least another year, even if we start working on the tests now. I know with the support for the whole school reform initiative that was included in this bill, with the renewed commitment to helping every American student achieve, all of our students in all of our schools can make the grade.

In the Third District of Connecticut, people sometimes wonder why Washington is so slow to address the real problems faced by families struggling to raise their kids to be responsible, productive adults and citizens. They wonder why the House would vote to delay this important tool another 1

year, 2 years, or until the Congress holds hearings and debates.

□ 1845

My colleagues, let us remember that we are talking about taking a test to be sure that fourth graders can read and eighth graders can do mathematics. It is no more, no less than that.

This debate is not about nationalized control of education. States will not be penalized for choosing not to administer the tests. This debate is not about taking power away from parents or from school boards. In fact, it will empower parents and school boards to hold schools accountable.

The author of this amendment shared this view just a few short years ago when it was his proposal to have standardized testing. The gentleman from Pennsylvania [Mr. GOODLING] was an original cosponsor of the Bush administration's central education initiative, America 2000 Excellence in Education Act. Included in this bill were voluntary national testing for 4th, 8th and 12th graders. The gentleman from Pennsylvania also introduced an amendment to establish a process in support of voluntary national education standards and a national system of examinations. It was a good idea then, and it is a good idea now.

I urge my colleagues to demonstrate that we are serious about educating our children, serious about holding our schools to the highest possible standards. Let us give parents the tools that they need to hold our schools accountable. I urge my colleagues to defeat this amendment.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Goodling amendment. It is not a complicated issue that we are talking about here tonight. The issue is simply one of control. The power to test is the power to control. The power to determine whether we have validated through a testing process is the power to determine how that process is arrived at.

I would suggest that what we are engaged in here now is, first of all, an unauthorized effort by the Department of Education at the Federal level to foist on the American public and on this Congress a testing procedure that has not been authorized. First of all, we should not allow the bypass of this congressional body to determine where the money is to be spent in education.

But, second, I would suggest to my colleagues that this is a very clever way, and a very disguised hook; it is the beginning of a curve that leads to a circle. The chairman has outlined it partially in his testimony. The power to test and thereby to evaluate the test, if it is not a satisfactory result, then would dictate that Washington would have the power to determine the curriculum, since obviously the States and local communities were not properly addressing the curriculum since their test results were not appropriate.

Also, if then by addressing the curriculum the test results are still not adequate, then the next step would be for the Federal Government in Washington and the Department of Education to address the selection and the training of the teachers who are administering the curriculum. Then, if the test results are still not appropriate, the next step would be obviously that the administration that is supervising the teachers who are teaching the curriculum and who are giving the test, if not adequate, then obviously Washington should assume responsibility for that as well.

One can take this circle in ever-ending cycles and go right down to the fact that the ultimate result is that this is an effort for Washington to control education. It has traditionally been the responsibility of States and local communities; it should remain that way.

I would suggest to the preceding speaker that the results of the children in my State of Georgia are best left to the determination of their local elected school boards, that it is best left to their elected State school superintendent and the State school board that works in conjunction with her, and that these are issues that we in our State can adequately address; and unless Washington is willing to assume all of the responsibility, which none of us I think want to see happen, that we should leave it at the level where it is of local and State responsibility.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just wanted to point out to the gentleman who just spoke an editorial in the Connecticut News. Quote: "It would take valuable time away from instruction. We are tested out at this point. I don't find any support from my colleagues," said Bridgeport Superintendent of Schools James A. Connelly. "Quite frankly, we have at least two full weeks involved in testing."

William Breck, superintendent of schools for Durham and Middlefield and chairman of the Connecticut Association of Public School Superintendents, agreed: "We get the type of information that we need already. To add another layer at the Federal level is not going to help. It may help the politicians."

I thank the gentleman for yielding.

Mr. DEAL of Georgia. I thank the chairman.

Mr. Chairman, I would urge the adoption of the Goodling amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is going to pass; it is going to pass by a significant margin. The gentleman from Illinois [Mr. PORTER], the subcommittee chairman, has already accepted the amendment. And for purposes of making clear to the administration that they have a lot of work to

do in working out their differences, not only with the gentleman from Pennsylvania [Mr. GOODLING] but with segments of my own caucus, on behalf of the committee I want to indicate that we will accept the amendment as well.

However, if it comes to a rollcall vote, I personally will vote "no," representing not the committee but myself as an individual member. I would like to explain why.

I am a convert on this issue. I have never felt particularly strongly one way or another on the issue of testing. I think there are many more important things to do in the field of education besides simply test, and when the idea of national testing first became respectable a number of years ago, I was very skeptical about it. I thought that teachers would wind up teaching to the test; I thought all of the things that a lot of opponents of testing think now. I thought that it would disadvantage students from low-dollar districts, districts that are not supported with a great deal of financial resources. I thought all of those things.

I guess even Members of Congress can learn something, and at least I think I have, because I talked to a good many school administrators, a good many parents in my own district, and listening to them I gradually changed my view of this issue. I did so for the following reasons.

It is nice to talk about States being able to administer their own tests. It is nice to talk about how well students do on a State's individual test. But the fact is, I was born in Oklahoma. I wound up growing up in Wisconsin. Most people in this society are mobile, and the mistakes that are made in many localities in this country often wind up being exported to some other part of the country, and all communities experience, sooner or later, the consequences of a lack of quality in education, whether that occurs in their own area or whether that occurs in some other district, because people move into communities all the time.

I think the national government has a responsibility to try to assist local districts in their own way to improve quality just as much as possible, and I think that parents do not care much whether the initiative for testing comes from Washington or from Madison or from their own hometown, just so long as there is constant pressure on the system to change and to increase the quality that is being delivered to every single student in this country. I think that testing can play a useful role in that process.

Now, I think we need to point out a few things. First of all, the bill itself does not allow the administration to proceed with testing. The bill, in fact, specifically precludes the administration from proceeding with testing, and I personally thought that the language that the gentleman from Illinois [Mr. PORTER] had worked out on the bill was sufficient to satisfy those who had questions about it. I was obviously wrong.

I would point out that under the bill the administration cannot proceed to test; all it can do is develop a test which then must be sent to the National Academy of Science so that they can review the validity and the accuracy of the test, so that they can in essence serve as a quality control element in the process. That does not satisfy persons who are opposed to the administration initiative, obviously.

The Senate has gone further; not far enough in the eyes of the gentleman from Pennsylvania, but they have gone a far piece. They have, for instance, taken away policy oversight from the Department of Education and they have given it to the National Assessment Governing Board.

The CHAIRMAN pro tempore [Mr. BEREUTER]. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 4 additional minutes.)

Mr. OBEY. Mr. Chairman, that means that authority over all policy guidelines for this testing is being moved to that board; it will not be under the Department of Education. In addition, that board is being expanded to include a higher number of local officials, and along the way they exempted home schoolers; they made quite clear that home schoolers were exempted from any testing.

Now, in practical terms, the administration has indicated that it will not sign a bill that does not allow them to develop the process or continue the process of developing testing.

Now as I said, as far as the committee is concerned, after consultation with the gentleman from Illinois [Mr. PORTER], I am accepting the amendment, simply to make clear that the administration does need to do a lot more work in talking not only with the gentleman from Pennsylvania [Mr. GOODLING], but frankly with additional members of my own party. It is no secret that significant members of the Hispanic caucus and significant members of the Black Caucus of my own party support the Goodling amendment.

I understand their concerns, but frankly, I believe that even if students are originally learning in another language, I believe that they need to take that test in English by the time they get to around the fourth grade.

I understand and respect the concerns of several members of the Black Caucus that it is futile to provide testing if we do not also have a commitment to provide additional resources so that schools with little financial support can, in fact, have an opportunity to perform decently on those tests.

However, I have a different tactical view. It happens to be my view that if this testing consistently demonstrates that low-income districts are not doing well on the tests, I believe that that will generate additional public demands for added resources to those districts.

So basically, I think we have a lot of suspicion about whether these tests are going to be legitimate, whether they are going to be biased or not. People are concerned about it philosophically. We have a lot of concerns about whether these tests are going to be unfair, and I recognize all of that, and I can only say that at some time I think it is important that these problems be resolved. The only way I know to resolve them is by people sitting down in the same room and working them out.

I would simply note the words of Chester Finn, who used to be the number two man in the Department of Education under the Republican administration, and I have disagreed with Mr. Finn often, but he was quoted in the newspaper today saying something that I think is right on. He said, "If this testing initiative runs into trouble, it will be because conservatives will not swallow the word 'national' and liberals will not swallow the word 'testing.'"

It seems to me that both need to overcome their own concerns, because I really believe that in the end testing is going to be a crucial element in convincing the public that more resources need to be provided to poorly-financed districts in this country.

□ 1900

I do believe that parents have a right to know how their children do perform on tests which are viewed nationwide. The gentleman from Pennsylvania [Mr. GOODLING] may very well be right.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, the gentleman from Pennsylvania [Mr. GOODLING] may very well be right, that a lot more work needs to be done. It seems to me that the right course would be to go into conference and work out a mutually agreed position. I still think in the end, regardless of the outcome of this amendment, that is what we are going to need to do.

So when this amendment passes today, I hope people on all sides recognize that in the end, evaluation of student performance is a good thing. I believe testing is a good thing if it is done in the right manner, and I think we need to figure out a way to make sure that it can proceed.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I rise in support of an amendment offered by the gentleman from Pennsylvania, Chairman GOODLING, which prohibits the administration from using funds within the education appropriations bill for the development of a national test.

I believe this amendment is necessary and very important. The gentleman from the other side of the aisle has indicated that the Department is

not proceeding, but yet we see there has been a \$13 million contract already let in order to start developing the test. This amendment is very timely and important.

There are those who believe and argue that a national test will help solve our educational problems. They believe it will set a national benchmark for our students so they may prepare for the future, and students would achieve higher academic standards as a result of these tests, and that the comparison of the results of tests between the States would somehow help the students to prepare effectively for the work force.

Mr. Chairman, I believe what H.L. Mencken once said applies directly to the Department of Education's initiative. He says, "There is always an easy solution to every human problem—neat, plausible and wrong." That applies in this case. Testing will not create greater performance, it only provides an assessment. The creation of national tests would become the vehicle for a national curriculum.

How does this happen, we might ask? Because the content of school curriculum can be directed by the development of national tests. We need to keep control of our children's education in the hands of the local people who work daily with our children and our parents to properly educate them. They are the most qualified to assess their educational needs. We do not need to justify an even more bloated and unmanageable Department of Education.

Let us invest the money in our children, not in more administrative paperwork. The people of Arkansas are not demanding national tests, they are demanding good education. That comes from the local school boards, the parents, teachers who are dedicated do that proposition.

Mr. Chairman, I ask my colleagues to vote in support of this amendment.

Mr. LUTHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. We have before us an opportunity this evening to help all American children reach their potential by objectively testing the basic education they are receiving. We need to keep in mind what we are talking about: A simple, effective way to measure American student performance in the basics of education: Reading and math.

We are not talking about other noncore subjects, only reading and math. We are not talking about a new Federal program or a grand one-size-fits-all Federal study, we are talking about a voluntary tool to be used by parents, teachers, and local schools to assess the results of their own education efforts and the money they are spending, and to then chart a course toward improvement.

Most importantly, parents deserve to know whether their children are being educated early enough in life so correc-

tive action may be taken, because their children deserve to be prepared to compete with children not from their school district and not from their State, but from around the globe. Mr. Chairman, our children are not here to argue this this evening, but we are not doing American children any favor by not giving their parents the tools to measure whether they are being educated.

I urge Members not to stop an initiative that should have occurred years ago. Think of our children's future, and oppose this amendment.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. PAUL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to prohibit the expenditure of Federal funds for President Clinton's national testing scheme.

The amendment of the gentleman from Pennsylvania would prevent the Department of Education from developing a national test unless authorized to do so by Congress. While I share the concerns of the gentleman from Pennsylvania [Mr. GOODLING] that the administration should not take such a drastic step as developing national testing without congressional authorization, and I thank the gentleman for all his leadership in fighting for this amendment, the fact is the Federal Government has no constitutional authority to develop national testing even with congressional approval.

National testing is another significant step toward total nationalization of education. National testing will ultimately lead to fulfillment of the dream of the enemies of the constitutional system of local and parental control of education, the de facto creation of a national curriculum.

Mr. Chairman, the administration claims that the testing program would be voluntary. However, I remind my colleagues that this is the same administration that considers the Goals 2000 a voluntary program, despite the numerous times Goals 2000 uses the terms "shall" and "must" in describing State functions.

Furthermore, whether or not schools are directly ordered to administer the tests, schools will face pressure to do so as colleagues and employers inevitably begin to use national tests as the standard by which students are measured for college entrance exams and entry-level jobs. At the very least, schools would soon find Federal and perhaps even State funding dependent on their voluntary participation in the national testing programs.

When all or at least the majority of the schools are administering national tests, the tests will then be the standard against which all schools will be measured. Those schools whose students did poorly on the national test would be labeled as doing a poor job of

educating children. Educators would react to this pressure to ensure that students scored highly on the national test by teaching the test; that is, structure the curriculum so students can learn those subjects and only those subjects covered by the national tests.

As University of Kansas professor John Poggio remarked in February, "What gets tested is what will be taught." Government bureaucrats would control the curriculum of every school in the Nation, and they would be able to alter the curriculum at will by altering the national test.

Private schools and home schools will be affected as well, as performance on the national tests become the standard by which student performance is judged. Those in private and home schools will face increasing pressure to participate in national testing and to shape what is taught to the criteria of the test itself.

The Department of Education has already admitted its ultimate aim is for a national curriculum. According to a United Press International story on the national assessment of educational progress reprinted in the Santa Rosa Press Democrat in May, "The Education Department * * * hopes the kinds of questions involved in the voluntary test will shape the way science is taught."

Mr. Chairman, under the United States Constitution, the enumerated powers of the Federal Government simply do not include education. Yet the Clinton administration's national test proposal will inevitably result in Federal bureaucrats dictating what every child in America will be taught. National testing represents another giant step in the centralizing of American education and a giant step away from America's constitutional republic.

I therefore urge my colleagues to join me in opposing all moves to implement a national testing scheme, starting by supporting the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to prohibit the expenditures of Federal funds to develop and administer a national testing program without explicit authorization from Congress.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. OWENS. Mr. Chairman, I rise in support of this amendment to prohibit the expenditure of funds to develop a national test. We need opportunities to learn before we mandate national tests. In the overall, comprehensive effort to improve our schools, there is a place for a national testing program, but it is counterproductive and oppressive to launch a fast-track stampede for a national test without simultaneously implementing other desperately needed Federal initiatives.

Our national campaign to promote opportunity-to-learn standards ought

to come before or in concert with the push for a national test. Testing without opportunity-to-learn standards or other reforms is merely a measurement of the status quo. We know what the tests are going to tell us before we give them.

When there is no effort to improve school facilities or to provide adequate libraries, laboratories, computers, and other learning necessities, the burden of improving education is dumped solely on the backs of the pupils. Under this condition, with gross sins of omission, national testing with high stakes and scores that will remain with students for a lifetime become the instruments for the abuse of students.

We need a moratorium on testing until other school improvement components are implemented with greater vigor than they are now being pursued. The Federal school construction initiative, the construction initiative which will provide safe facilities conducive to study, must be placed back on the political track. Adequate physical facilities do not automatically improve learning; however, they are at the heart of the opportunity-to-learn standards. Since local education agencies throughout the Nation are experiencing overcrowding and infrastructure decay, school construction is a universal priority.

National testing is not a priority. National testing is a highly visible device, but at this critical point the campaign for educational reform deserves more than a dramatic, headline-grabbing gesture. Instead of this piecemeal, isolated gimmick, we need a more balanced and inclusive approach to school improvement.

America's children will be best served by returning to the working compromise that was reached in the 1994 Elementary and Secondary Educational Assistance Act. At that time it was agreed that a three-part Federal initiative would be launched to promote national curriculum standards, national testing standards, and national opportunity-to-learn standards.

This agreement was violated when, through a back door rules-violating Committee on Appropriations deal, the section of the law related to opportunity-to-learn standards was repealed in 1996. States and local governments are no longer exhorted to voluntarily raise their opportunity-to-learn standards. Only the students now have the burden placed on their backs. They have been abandoned by the Federal advocacy process, and they are being loudly challenged to meet new accountability demands that their local education agencies are not being exhorted to develop, and also the States are not being held accountable.

We now have a window of opportunity, since Americans do think education is a high priority and have made that clear, we have a window of opportunity, and we can offer American students a better deal than more tests with less opportunities to learn. We can do more than just test students.

The American people clearly want better schools, and public officials who are able to deliver a machinery for it are desired also by the electorate. It is not an exaggeration to contend that at this particular moment a bipartisan educational achievement of great magnitude is possible. Both Democrats and Republicans agree on enough components of education reform to forge ahead in this session of Congress.

Both parties agree that charter schools offer a way to experiment with governance and management which would provide competitive choices with a minimum loss of public control. Both parties agree that increased resources for teacher training and retraining is a need we jointly recognize. Encouraging the maximum use of technology to aid education is also an approach approved by both parties.

It would not be difficult to produce a bipartisan school package with substance. At a time when there are no absorbing global crises and very few national emergencies, the deliberative powers of both the executive and legislative branch could fashion a program with minimal intervention and a well-focused targeting to stimulate a chain reaction of State efforts to forge continuing improvements in education.

The most productive Federal role is to challenge the States and enhance the programs that work, and that can be implemented and managed at the State and local levels. A national school reform effort means that all levels of government must make their appropriate contribution. On the scale of priorities for reform, testing is way down on that list of priorities.

Both the NAACP Legal Defense Fund and the Leadership Council on Civil Rights opposed this.

The CHAIRMAN *pro tempore*. The time of the gentleman from New York [Mr. OWENS] has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 1 additional minute.)

Mr. OWENS. Mr. Chairman, also, the Leadership Conference on Civil Rights has opposed this fast-track national testing initiative. They have given very sound reasons for opposing it.

To help the children of America, a bipartisan school reform package with substance is needed. We do not need gimmicks, we do not need block grants, we do not need national testing.

□ 1915

Vote "yes" on this amendment to prohibit the usurpation of the powers of the Congress.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

I would submit a couple of thoughts, Mr. Chairman. One is that we already have national tests. We have the Assessment of Education Progress test, the National Assessment of Education Progress test, the SAT, the ACT, the Ohio Test of Basic Skills, the California Achievement Test, the Metropoli-

tan Achievement Test, to name some of those national tests. In addition, we have many State and District tests. The danger is the President's suggestion that the Department of Education design the test. It has been said before, those that design the test, design the curriculum.

Allow me to cite one example. One area where some of us disagree for 4th graders might be that they all should be computer literate. So imagine that a test measures computer literacy among 4th graders in their reading test. Naturally, if a school wants to perform well, they are going to be forced to develop that curriculum that is mandated by a national test. So imagine many other areas that Washington thinks is important for testing but local school communities disagree. Those that design the test, design the curriculum and that decision should be left up to parents and school boards and teachers in the local community.

I would suggest that in this bill, section 306 on page 97, the language simply says that the National Academy of Science is going to evaluate and submit a report. They are going to evaluate: One, technical quality; two, adequacy of administration; three, reliability; four, validity of contractor's design; and five, degree to which the test can be expected to provide valid and useful information. And then the language on page 76, line 21, implies that after that is submitted, the Department of Education shall proceed to administer final version of that test.

Again, I submit that we do not need bureaucrats in Washington designing the curriculum that can be best judged and decided by local communities and local parents and local school boards.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Goodling amendment to deny funding to the President's national testing proposal. Mr. Chairman, widespread misuse of educational testing has disproportionately penalized poor and minority children. That is why the Congressional Black Caucus opposes the administration's proposed national testing standards for 4th and 8th graders and why we support the Goodling amendment to deny Federal funding for the initiative.

The CBC cannot support any testing that may further stigmatize our children and force them into lower educational tracks and special education classes. The national testing proposal provides no enforceable safeguards against the misuse of test results that can harm our children. Tracking, retention in grade, and ability grouping have all been used to the detriment of millions of students.

Testing is being misused right now in schools across the Nation, as demonstrated by the case in North Carolina where 14 students have filed an equal protection claim based on the

misuse of testing. This test appears designed to consciously disregard the estimated 3 million children nationwide with limited English proficiency by refusing to offer the 4th grade test, reading test, in any other language than English.

American students are among the most tested children in the world, yet our educational infrastructure continues to struggle. Paying for a national standardized test while continuing to neglect the pressing needs of our public schools reflects a fundamental misunderstanding of the crisis in our educational system. We need serious solutions to the pressing needs of our Nation's students, not misguided sound bite legislation.

I recently reviewed the test results of a test in California, it may have been the achievement test, and it told me what I already knew. The kids from Beverly Hills did very well; the kids from Compton and from Watts did not do as well. So we know a lot about tests and the results of tests. We need to ask now what do we do? How do we apply the resources to bring those children up? What do we do to invest in their opportunity?

If we want to do some assessments, let us not just test the children, let us take whole schools and school districts. Let us look at the teachers. Let us look at the principals. Let us look at the facilities. Let us find out whether or not they are wired to accommodate computers. Let us find out whether or not they have science laboratories.

I just talked to two of our staffers right here in Congress, and I asked them what did they think about this. They said their children go to schools where they do not have books; our children are attending schools where they have to send the paper towels for them to wash their hands; they have to send toilet tissue. They have to send everything to the school to try and make life in that school just decent for their children, yet at the same time we are in some debate about tests?

Let us have a real debate on education. Let us find out why we could not get a measly \$5 billion in the budget to rehabilitate our schools where the roofs are falling in, where we do not have air-conditioning, where heating is less than adequate. Let us have a real debate about education to talk about in-service training for our teachers.

Let us have a real debate. We are being sidetracked into a nondebate about educational testing. We have all kind of tests in the State. And if it is truly voluntary, and some will be doing it and some will not be doing it, why are we trying to have a national test? It is only national if we force it on everybody. So what if only half the Nation participates in this so-called national voluntary testing?

I join with the gentleman from Pennsylvania [Mr. GOODLING], and a lot of people are going to wonder why the Hispanic Caucus and the Black Caucus

are joining with those on the other side of the aisle that we normally disagree with on so many issues. Well, I tell my colleagues, we are all taking a common sense approach to this issue. Be it Republican or Democrat, Latino Caucus or Black Caucus, we are taking this common sense approach because we have the lessons of our community about what is wrong with education.

The CHAIRMAN pro tempore (Mr. BEREUTER). The time of the gentleman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. Waters was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, our children are not failing because they did not have a national test. Our children are failing because in many cases there are just plain lack of resources in districts that are poor, that do not have the resources.

We have discovered from the testing who does best, as I identified with Beverly Hills and South Central Los Angeles. Our children are failing because many of our teachers are inadequate. Many of our teachers are not trained and prepared to do the kind of teaching that they should be doing to make our children successful. We are failing because we are not having the real debate about the needs of our schools and our children.

I tell my colleagues far too many schools in America cannot even have computer labs because they are not wired to accept the computers to do what they should be doing. Let us forget about this so-called national test. Let us get into a real debate and design what our children need to make them successful.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight in support of the Goodling amendment. The Goodling amendment, I think, puts into proper perspective the Federal role in education.

The Federal Government really has no responsibility to go out and test every child in the 4th and 8th grade. We do test on a random basis. Through NAEP, we test children at the 4th, 8th and 12th grade levels, and we get a sampling so that we can get a comparison between how students from one State are doing compared to the other. But we have not put the Federal Government in the role of testing every 4th grader and every 8th grader and every 12th grader, because that is not the job of the Federal Government.

What we do have is we have States who are working through this process, who are setting State standards, who are setting and putting in place State tests to fulfill the proper role that the States employ, which is to control and work with the local units of government in managing education in this country.

We have been involved in a process over the last year where we have gone

around the country and we have taken a look at what is going on in education; what is working, what is not working. And it has been very interesting as we have taken a look at the various States and they have shared with us what they are doing in the area of testing.

This should be a word of caution to those of us in Washington before we embark down that road. We were in the State of Delaware. The State of Delaware is about the size of one congressional district. We are trying to design a test here for 435 congressional districts.

As the governor described the process that they went through in designing a State test, he described a very intensive process, a collaborative process between parents, educational professionals, the schools, other interest groups, to design a test that could be given to the students in Delaware, and that when the results came back would be accepted by the parents, by the educators, the administrators and other people that had a vested interest in having a good educational system and that the test would actually mean something.

It took the State of Delaware about 3 years to come up with a test. The State of Delaware is now going through a process of deciding exactly how to administer the test and, when they get the tests back, exactly how to use the results and what decisions can be made off of those tests. This has to be a slow, deliberative process. It needs buy-in, and it needs to be done at the State level and not at the Federal level.

The State of Michigan is going through much of the same struggle, of designing a test that will be widely accepted and will actually enable decision-makers, whether it is a parent, whether it is a teacher or a school district or a governor, a test that will enable those types of individuals to make the kinds of decisions that they need to make; that will actually be an asset in helping them outline educational strategy.

In Michigan what we are finding is that parts of the tests have been widely accepted but we have some problems. Students are opting out; parents are opting their kids out. In some cases we have actually had some school districts advising some of their kids to stay home on the days that the tests are given so that they can manipulate the test scores.

It does not mean the State of Michigan should not be involved in the testing process, but it means that even after having worked on this for a number of years, we still have a lot of work to complete before we will have a valid test in the State of Michigan that parents, students and educators will support.

This work needs to happen at the State level. It needs to happen at the local level. We do not need the Federal Government to get involved. It is not the proper role for the Federal Government. This work is going on where it

needs to take place and where constitutionally it should take place, which is at the State and local level.

Mr. Chairman, I rise in support of the Goodling amendment and agree with my colleague from California that we need to have a national debate about how to improve education, and it is not by making the Federal Government get more involved, it is by diminishing the role of the Federal Government and unleashing innovation at the State and local level.

We have seen innovation and we have seen schools, parents and kids that are excelling, but it is when the Federal Government has stepped back and where we have enabled young people and where we have enabled the local governments to take control.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 90 minutes, to be divided 45 minutes to the gentleman from Pennsylvania [Mr. GOODLING] and 45 minutes to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1930

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding me the time.

Mr. Chairman, I want to be very brief and maybe set out a few quick points, if I may. We have been talking about tests. And the last time I checked, math is pretty much math anywhere in this country. I state that having been State superintendent, elected by the people in the State of North Carolina for two consecutive 4-year terms.

Reading is something that every child needs to know. It is the foundation of all learning. And we are really talking about testing that in fourth and eighth grade, and we are talking about a voluntary test. This is voluntary. It is not mandatory.

The other point I would make, Mr. Chairman, is that when we are talking about these issues, we are talking about the fundamental issues of education.

Let me very quickly talk about my State for just a moment. In North Carolina we became a part of the National Assessment of Education Progress, and the gentleman from Michigan [Mr. HOEKSTRA] talked about that a few moments ago. That does not require a national curriculum. States can elect to be a part of it, and 45 States in this Nation have participated.

I would say to my colleagues that North Carolina has volunteered to be one of the six States, and we will be a part of any national test that is put in place. But I want to talk about the National Assessment of Education

Progress for just a moment and why it is important to have some standard, because I happen to believe in high standards for our children so that all children can gain and do well.

North Carolina has been a leader of that over the last several years, and here is why: No other State in this country has experienced the sustained gains demonstrated by North Carolina schools since 1990. Today, North Carolina's public schools are performing well above other schools anywhere in this country, and let me tell my colleagues why.

When tests were taken this year on NAEP, in 1996, North Carolina gained 17 points in eighth grade mathematics for the 6 years reported by NAEP. That is twice the national average, which happened to have been eight points for all the other States in the Nation, and approximately 50 percent higher than the gain of any other State in the Nation.

The State's average performance was just short of the national average. Why? Because we started right at the bottom. Why did we grow so fast? Because we had standards, we measured them, and every single school knew it. We gave our teachers the resources, and they performed admirably. And so did our students.

North Carolina students have improved the equivalent of one full grade level during the decade of the nineties. In other words, an eighth grade student in 1996 was one full year ahead of eighth grade students in 1990. So in little over 6 years, right at 6 years, they gained a full grade level in elementary grade.

North Carolina's fourth and eighth grade African-American students were five points ahead of African-American students nationally. Why? Because we measured, we put the resources there, and it makes a difference. If it does not make a difference to assess and measure, then why do we do it in other things? Why do we keep the score of a basketball player or football player? It is important to let people know where they are and put the resources and make a difference.

I close by reminding my colleagues that we are talking about voluntary tests, we are talking about reading and mathematics, and it is time that we get away from the rhetoric of who is in charge and let the American people know that we mean to have high standards and we are going to make sure that our children can compete with any children anywhere in the world.

Secretary Riley said, when the tests were released this spring, if we look at the States that are on the way up, States like North Carolina, Michigan, Maryland, and Kentucky, I say it does make a difference to measure. It makes a difference to let children know what we want. And that is why I oppose this amendment.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. RIGGS], chairman of the

Subcommittee on Early Childhood, Youth and Families from the Committee on Education and the Workforce.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman of the Committee on Education and the Workforce, for yielding me the time.

I say to my colleagues, this has been an interesting debate, although one that seems to have a foregone conclusion, interesting in the sense that it clearly crosses party lines. I want to say at the outset that I hope this debate does not become another political football. I would hope that this kind of debate would occur at the local level, at a local school board meeting in every community around the country, because I think it is real important for those local communities to have a debate regarding the standards and expectations for children that attend schools within that community. But that is really what we are talking about tonight.

I do also want to preface my remarks by saying I believe the President and his administration are well-intentioned in this regard. I think their proposal may be somewhat flawed, but I think the President was right to stand up here behind us and give his State of the Union Address to the Congress and the country in February of this year and talk about the problem of social promotion, this idea that too often our children are advanced from grade to grade or even graduated as much on the basis of good behavior and time served as on the basis of what they know and what they can demonstrate they have learned during their public school years.

I think the President is right to talk about replacing this problem of social promotion with a competency-based advancement system in our schools. But the question really, though, goes to the fundamental issue in American education, and that is: Who is going to design that system of competency-based advancement?

And I submit to my colleagues that it is the responsibility, it is the obligation of the State and local education agencies to design that system. That is very much in keeping, as I have said over and over on this floor, with the long-standing American tradition of decentralized decisionmaking and local control in public education.

Clearly, though, we ought to have high expectations and high standards for all of our children. One out of four high school graduates are functionally illiterate. American students lagging internationally. Unacceptably high dropout rates. In fact, if one child falls through the cracks, much less an entire generation of urban schoolchildren, we have a problem. Too many high school graduates going into our colleges and universities in need of remedial education, defined as not being able to learn at the eighth grade level. Something has gone awry in schools if that is the case.

So I do encourage States, such as my home State of California, such as the State of Virginia, to establish uniform standards for pupil performance so parents have a basis for knowing how all schools within that State are really performing. That makes, to me, very good sense.

As the chairman of the authorizing subcommittee, I want to tell my colleagues I support the Goodling amendment, in part because every time we have a debate about testing, we raise more questions than answers.

In fact, the gentleman from Illinois [Mr. HYDE], one of our very distinguished colleagues, chairman of the House Committee on the Judiciary, sent around a "Dear Colleague" citing four reasons to support the Goodling testing amendment, including no authorization. And clearly now, I say to my colleagues, let us be real clear on one point, and that is, if we are going to expand the NAEP, this random sampling of pupil performance, in 43 of the 50 States to include producing individual test scores, that goes beyond, that exceeds the current statutory authorization for the NAEP. So, no authorization.

Second, the department's testing proposal bypass Congress. And as the chairman said, it just makes good sense to consult the elected representatives of the people when talking about something the magnitude of national testing.

Third, there is real grassroots opposition. There are local concerns regarding the idea of voluntary national testing in many communities around the country, not least of which is that it may cause the States and local communities inadvertently to have to lower the bar in this whole area of standards and expectations.

Lastly, there are again these fundamental questions regarding the President's testing proposal, such as what is the purpose of the test; what is the need, as the chairman said, for yet another set of tests; will the test undermine State and local curriculum assessments; and will these tests, bottom line now, ultimately improve pupil performance?

So that is the message I wanted to convey tonight. I do want to urge, as the subcommittee chairman, State and local school districts to improve public education by raising academic standards, by increasing and, yes, enforcing graduation requirements for all students. Maryland is looking at doing that same thing now and holding schools accountable for poor student performance.

Again, this is very consistent with the long-standing American tradition of decentralized decisionmaking in public education. And in keeping with that tradition, it is those local elected decisionmakers, those school board members who are accountable to their constituents, to their neighbors, to their family and friends in that community, the people who put them in of-

fice as school board members, it is those local school board members who should consider adopting and implementing rigorous standards in the core academic subjects and allowing the students to study in school with their testing. That would be a way that parents can see how all students are really performing.

Mr. HOYER. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from California [Mr. MILLER], a longtime member of the committee.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding me the time.

Mr. Chairman, I rise in opposition to the Goodling amendment. I do so and I find it rather interesting that we have so many Members coming out onto the floor and saying that what we have got to do is abide by local control and local decisions, and yet this amendment would not allow some 15 major cities in this country and a number of States that have made the decision that they want to use the NAEP for the purposes described in the President's program, this amendment would prohibit them from doing that.

States of Alaska; Kentucky; Maryland; Massachusetts; Michigan; North Carolina; West Virginia; not exactly the hotbeds of a Federal takeover of education; Atlanta, Georgia; Broward County, FL; El Paso, TX; Fresno, CA; Long Beach, CA; Omaha; New York City; Philadelphia; San Antonio would like to use NAEP. They believe in this product. They would like to use it for this purpose, but this amendment will not allow them to do that.

So, it is not quite the level of local control that people would have us believe. They would have the Federal Government keep those local jurisdictions from using this.

But the fact of the matter is, let us take a look at it. Both sides and political leaders of both parties have gotten up, and very often do it in June when we are talking about students who are graduating from high school and cannot read their diploma, most of those students were tested with State tests. Most of those students got a C average or D average or something to get that high school diploma. But there was a bit of a fraud perpetrated on the student and on the family. And that is that somehow this student was performing to standards that were worthy of the diploma and was prepared to go on to the rest of American society, whether that is to work, or training, or education, or what have you.

What, in fact, we see is a lot of students take State tests; and then when we assess them against the NAEP, huge numbers of those students that looked like they were performing very well on the State tests do terribly on the tough tests of the NAEP.

The fact of the matter is that in the last 4 or 5 years American parents and communities have decided to reengage their education system. America has

decided that if, in fact, it is going to compete, it is going to have to revalue education; that we have been letting it slide too long for our children, we have not asked enough of our children, we have not set the standards high enough, we have not recognized what they were able to, in fact, achieve. We simply let them muddle through. But parents now understand that muddling through is not good enough if their children are going to be able to actively participate in the American economy and in the world economy and as productive members of our society.

In fact, in California what we now see is a change in terms of what local communities are doing in terms of the reinvestment of their tax dollars into the public system. In almost an unprecedented rate, bond issue after bond issue that must be passed by two-thirds vote is passing in our State because people have decided that they are going to reinvest in this public system. For all of the horror stories that they have been told about it, they still decide that that is where they want to make the investment.

I would think that they would want the NAEP test so they can decide how they are doing, how they are doing alongside of North Carolina, which is achieving changes in its educational achievement and attainment that many States would envy. They would like to know how they are doing against Massachusetts or Alaska or Maryland. Is what they are doing now and the investments that they are making, the new investments in technology, the new investments in physical plants and equipment and teacher training, is that paying off? Are they headed in the right direction with their curriculum?

That is the standard that NAEP would provide them to make those kinds of comparisons. They do not want to do that? Nothing in the law says they have to do that. They do not want to participate in that comparison? They do not have to. They do not want their children to take the test? They do not have to.

But what, in fact, we are seeing is, we are seeing local school districts coming forward, asking to be able to participate, and we are seeing States saying they would like to participate. And somehow the Congress cannot find it quite right that these people have made an informed judgment, that they have made a good determination, what is good for their State or what is good for their school district, to participate in this. We have decided what we will substitute our judgment at the Federal level and they cannot participate in this program.

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I know that the gentleman from Pennsylvania [Mr. GOODLING] has been on both sides of this issue, and so have I. I pushed very hard for opportunity-to-learn standards so we would make

sure that resources would accommodate testing. But I also think that testing is a road map and is a guidance for communities as to whether or not they are getting shortchanged in some manner or fashion in those school districts.

It also lets communities and school boards know where resources ought to be allocated, because all of those things are true today without the NAEP. It is all true today, the misallocation of resources, misallocations of talented teachers, roofs that leak and all the rest of it. NAEP is not going to cause that to happen. It is happening today. But it may very well provide a blueprint and a guideline and an assessment as to how these renewed efforts that are going on all over our country as people are reinvesting billions and billions of their local tax dollars back into the public education system in this country.

This is a chance for them to determine whether or not they are making not only a wise decision, but the right decision. I happen to think they are making the right decision. But they need to know as to whether or not their local efforts are paying off on behalf of those students.

But the heavy hand of the Federal Government apparently tonight is going to decide that they will not even be able to do that. If they vote at the local level, if they vote at the district level, if they vote at the school level or if they vote at the State level, the Federal Government tonight will decide that that will not happen.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. GRAHAM], a member of the committee.

Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I just wanted to point out that after intense lobbying by the administration, only seven of those States decided to participate. After intense lobbying by the administration over months, only fifteen cities out of thousands have decided to participate. Intense lobbying, I might add.

I thank the gentleman for yielding.

Mr. GRAHAM. Mr. Chairman, I rise in support of the Goodling amendment. I want to compliment the gentleman from Pennsylvania for having the guts to say nationally what people locally are saying about national testing.

In my district, I presented a flag to a local elementary school. We talked very glowingly about what the flag meant and how much we should honor and respect it. The one thing that I left with that meeting was that there are good, polite kids at that school, and every teacher was following this debate, and every administrator was following this debate and said, please do not impose upon us another testing regime. Give us some assets to implement the changes we need to make in South Carolina to improve education.

If you are a taxpayer out there channel flipping, you might want to stop for a minute. This debate involves your money. It is going to take \$15 to \$16 million to design the tests. In the year 1999, it is going to take \$90 to \$100 million to administer the tests. That is a lot of money. At least I think it is a lot of money.

The question you ought to be asking is take a few minutes to go to your local education board, to your superintendent, to your teachers, and write your State representative and ask those folks what are we doing in our State right now to test our students, and see if that suffices. This really is about power. If you do not have an agenda, you ought not be in this place. My agenda is clearly to take the education debate and get it home and get as much resources into the hands of a teacher who knows the child's name and less resources here in Washington.

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER). The gentleman will direct his comments to the Chair and not to an audience.

Mr. GRAHAM. Strike what I said, Mr. Chairman, and I will make it to the Chair.

Mr. Chairman, what I would suggest that everybody in the country do is do what I just said a few minutes ago. Take some time to find out how much money is being spent at the local level and see if this \$100 million program does any good, or if we should take the \$100 million and give it to the classroom teacher who will actually meet their child every day and see if it will help produce a better result.

Let me tell my colleagues politically where we are. The State has already voted on this. They decided not to give the Department of Education the ability to fashion the test. It passed in the Senate, but there is going to be a Washington-picked group that will design the test.

One reason I think the Black Caucus and the Hispanic Caucus is against this is they do not want some elite group in Washington designing a test for their children, not knowing anything about their community, and creating standards that may not be appropriate for their community.

If you give the power to test, you are eventually going to give the power to change curriculum. It has traditionally been in America a local function to test and prepare students to learn. A local teacher will show up in your classroom, somebody that lives in your community, who will probably see you Friday night at the ballgame. Would it not be nice to be able to talk to that teacher and tell her or him that, I support you and your endeavors to educate my child, and I am against giving more money in Washington, DC to do the job that you are capable of? That is what this debate is about.

The gentleman from Pennsylvania [Mr. GOODLING] has got a lot of guts. He

is willing to take the feel-good 30-second, 60-second sound bites and fight for values. I think his agenda is what most people's agenda in the education business is. Give me more of the assets available in education, and I will do a better job. A dollar spent here in Washington will not do what a dime spent in a classroom in South Carolina will do.

Let us take the money, the desires, hopes and dreams we have for our children and put it in the hands of the people who will actually meet the child day in and day out, and do not buy into the dream that Washington knows best. If you want to send your kid to a Washington, DC school system, come up here and go. You would not stay here 1 minute.

Mr. HOYER. Mr. Chairman, I yield myself 5¾ minutes.

Mr. Chairman, I rise in opposition to the Goodling amendment. I am from one of those States apparently that was intensely lobbied. We did not need to be. As the gentleman from North Carolina has mentioned, we believe that assessing performance is critical if we are going to achieve excellence, if we are going to have expectations of our school system, of our students, of our teachers and of our system.

Mr. Chairman, I rise in opposition to the Goodling amendment because I believe it is a crucial part of preparing our children for the next century to have a national assessment available to local States and local education agencies. Available is the key word; not imposed, but available, at their option, voluntary, as everybody has noted.

The funds provided for in this bill will support the implementation of voluntary national tests. States and local districts will have the opportunity to participate in the tests, but the tests are not mandatory. No Federal funds will be withheld if a State or district does not choose to participate. It seems to me the proponents of the Goodling amendment ignore that fact and just suppose that somehow it will turn into being mandatory.

Parents, Mr. Chairman, deserve, having spent their hard-earned money and invested in their school systems, to know how their children are performing based on rigorous standards no matter where they live in this country. The chairman of the subcommittee spoke. The gentleman is from a State of 32 million people. One-ninth of America lives in his State, one-eighth or one-ninth of America lives in his State, so it is very nice to say, well, we will have this State standard, larger than most nations or many nations of the world.

National tests, Mr. Chairman, will provide parents with the information they must have to determine if their children are on track in obtaining the knowledge and skills needed in a global society, not needed in South Carolina, not needed in California, not needed in Maryland. Our young people will compete in a global marketplace. They

need to be ready, as this country needs to be ready.

In my State of Maryland, as has been mentioned, national tests will serve as an enhancement to the rigorous assessment program already in place. Why do we have it in place? Because our citizens have demanded that we use their money effectively. All of us, and particularly the majority party, has talked about spending taxpayers' money effectively. How do you know that? By osmosis? I suggest not. You have got to find out, and you have got to tell parents, are your children getting what you are paying for? This is the way to find out.

Since the implementation of this program in Maryland, Mr. Chairman, test scores have continued to climb, dropout rates have dropped significantly, and attendance rates have risen. I hope that everybody listens to that, because that is exactly what the gentleman from North Carolina said was the result in his State of these tests.

The American public supports, I tell my colleagues, high national standards. According to a national education survey, 84 percent of voters favor establishing meaningful standards for what students should be expected to learn in skills such as reading and math. And 77 percent of those surveyed favor national reading and math tests. Why? Because they know their children are going to compete with the young people from California and Florida and New York and Maryland and Mississippi, and they want them to be able to do so, because they know it is crucial for them and for their families' welfare as well as the welfare of our Nation.

The American Federation of Teachers, the National Education Association, the National School Boards Association and the Council of Chiefs of State Schools Officers all endorse voluntary national tests and oppose the Goodling amendment.

Mr. Chairman, when expectations are raised, students rise to meet them. I hope that we oppose this amendment.

Mr. Chairman, there was a book written by Jonathan Kozol some years ago. The title of that book was "Death at an Early Age." The premise of that book was that we do not have high expectations of some young people, minority young people, educationally deprived young people, economically deprived young people, and because we do not have high expectations that they will perform, they meet those expectations. They are low ones. But if we had a way to assess all of our students, then their parents would know that our expectations were not high enough for their children or that our performance in getting them to our expectations were not successful. In either event, parents, communities, States and, yes, this Nation ought to know, are we preparing our young people to compete in a global marketplace.

The CHAIRMAN pro tempore. Without objection, the gentleman from

California [Mr. RIGGS] will control the time of the gentleman from Pennsylvania [Mr. GOODLING].

There was no objection.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume to briefly observe that what this debate is about is whether national testing is a proper role for the Federal Government. As a former Governor himself, as a former head of the National Governors Association, the President should realize that he is intruding on what is historically a State and local responsibility. In fact, just last March at a summit in Palisades, NY, the Nation's Governors and prominent business leaders reconfirmed their commitment to developing State standards and State assessments in their own States.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the distinguished majority whip of the House of Representatives.

Mr. DELAY. Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. GOODLING] and those that have brought this amendment because I rise in support of this common-sense amendment, and I urge my colleagues to support it.

We do not need the Federal Government and national organizations getting involved in our local school districts. There are many problems with our educational system. Parents need more choices when it comes to sending their children to primary and secondary schools. We had a proposal that would have given parents greater opportunities to make these choices, but the President turned it down. Clearly the President was frightened by the power of the teachers' union, and I think that is a shame. We do not need to legislate merely to please the teachers' union. We should legislate to improve the quality of our children's education.

This amendment says that we should not waste our precious resources by identifying problems through more tests administered by Washington bureaucrats. We know the problems. Our kids are not getting the kind of quality education that they need to compete into the next century. We do not need a national test to figure that out. We need to improve our schools by promoting competition and by giving parents more choices to provide better opportunities for their kids. We need to move our precious resources out of Washington and away from the NEA and other national associations and send those resources to our schools where they belong.

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Let us send a signal to this administration: Improve our schools, not our tests.

Mr. RIGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE], the vice chairman of the Subcommittee on Early Childhood, Youth and Families.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I do rise in support of the Goodling amendment. As a member of the Committee on Education and the Workforce and someone who wants all children to achieve the highest standards of learning, I am reluctantly opposing the administration's current national testing proposal in its current format.

The goals and intentions behind the proposal are excellent, to enable States, schools, and students on a voluntary basis to see how they are doing relative to other State schools and students. At its best, this can spur reform efforts and help target resources where they are most needed. The tests can also provide one indicator of how successful local reform efforts are.

Unfortunately, this proposal has been poorly managed and executed, and consequently has not gained adequate support from families, educators, the States, or Congress.

My home State of Delaware recently implemented world class education standards. These standards were not developed at the top level and presented to educators and parents as a done deal. These standards were the product of extensive discussion and feedback from all parties at the local and State level. Consequently, when the standards were complete, there was widespread, although not universal, support for them.

I believe this serves as a model for how testing should be developed at the national level. Instead, the administration's national testing proposal was developed in a top-down manner at the Education Department without adequate input from Congress and State and local educators.

National standards in testing are issues we should address in a cooperative and coordinated manner. The administration's proposal has gotten off on the wrong foot, and we should go back to square one. The Senate has developed a reasonable compromise, and I hope we in the House can work with the Senate in conference to provide some guidance to the administration about how to revise the testing proposal.

Among other things, the Senate has done the following: Reaffirmed the voluntary nature of the national test; given the National Assessment Governing Board exclusive authority over all policies, direction and guidelines for establishing the tests; provided that the National Assessment Governing Board has authority and responsibility over any activities already begun by the Department of Education and has 90 days to review any contracts; directed the National Assessment Governing Board to ensure that the content and standards for the national tests shall be the same as those to the National Assessment for Educational Progress, which is widely respected, as we have heard on the floor tonight; changed the composition of the 25-

member National Assessment Governing Board to ensure it is truly bipartisan and independent; and reasserts the independence of the National Assessment Governing Board from the Department of Education.

Mr. Chairman, I believe this compromise has potential. As Governor of Delaware, I had the opportunity to serve on the National Assessment Governing Board, which is the organization of State officials, educators, and parents that work with the Department of Education on national policy to improve educational standards and assess the educational progress of our children.

I am supportive of increasing the involvement of the National Assessment Governing Board as a good way to involve Governors, local elected officials, business and industry representatives, as well as educators and parents, in the development and oversight of the tests. So while I support the Goodling amendment, I reiterate my hope that the House will work with the Senate on its compromise, and I will work to create a compromise we can all support.

Mr. Chairman, I am not opposed to a strong Federal role in education. The Federal Government should be a partner with local schools, parents, and our States in improving the education we provide to our children. However, the Federal Government cannot dictate policy. Standards and tests must have the input and support of everyone who cares about education, including parents, teachers, administrators, and State officials. The current administration proposal does not do this, and, thus, I support the Goodling amendment to prevent it from moving forward until it is revised.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I rise in opposition to the amendment, because I cannot understand the reasoning behind denying communities across the country the opportunity to engage in a voluntary system, a system which will enable them to more accurately test their students to see if they are doing well.

This is not, as some have suggested, about establishing a national curriculum. After all, math and reading are part of every curriculum. It is about testing for those two subjects. These are the two critical parts of every curriculum. If a student cannot participate in math and do math well, they are not going to succeed very well in society. If they cannot read and use language arts very well, they are not going to succeed in society. That is what this program is all about.

The President is offering communities across the country the opportunity to participate voluntarily so they can judge and test whether or not their students are making progress, so that they can compete more effectively throughout the school system on into higher education and then on into the economy.

Some have said that testing establishes a stigma. Well, what kind of stigma is worse than the stigma of not being able to do simple mathematics, or what kind of stigma is worse than the stigma of not being able to read and write, to be able to communicate properly?

That kind of stigma is a real stigma, one that prevents people from participating in the economic system in a fair and just way, prevents them from getting jobs and taking care of their families.

Testing will simply measure the progress that is being made. It is not something that the administration is trying to force on anyone. They are simply offering it. If you want to participate in it, you may. If you want to establish your own statewide tests, you certainly may do that and leave this one alone.

If you want to establish different tests for different communities, do that, if you like, within your States. But if you want a national test that is available to you, which will enable you to see whether or not your students are keeping pace with others in other parts of the country so when they get older and as they move to other parts of the country, and, indeed, to other parts of the world, they will be able to compete effectively with those students who are educated in other places, that simply is what is at stake here.

Mr. Chairman, I just cannot understand why we should be opposed to giving communities the opportunity to allow students to find out more about themselves and about the progress they are making through the educational system. That is what this test does, and we ought to reject the amendment therefore.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. GOODE], a new Member of the body.

Mr. GOODE. Mr. Chairman, I want to commend Chairman Goodling for this amendment and for his leadership on this issue. During the recent August recess and during the last two weekends, I have talked with area school superintendents from across Virginia's 5th district. I have talked to school administrators, with teachers, with students and with the parents and with citizens, and there is widespread opposition to any national test.

Recently Cheri Yেকে, a member of the Virginia State Board of Education, also spoke out against the national test. We do not want a commission, we do not want an appointed body, we do not want a board making the decision on a national test. We believe that a national test decision should be by elected Representatives of the United States Congress, and I am glad to see the bipartisan opposition to a national test, and I hope we can kill this snake today overwhelmingly on the floor of this body.

Mr. RIGGS. Mr. Chairman, I yield three and a half minutes to the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Chairman, I want to associate my remarks with those of my colleague the gentleman from Virginia [Mr. GOODE]. Certainly we are talking ultimately about a national test, a national test that will lead to a national curriculum. Anybody who is going to be regulated by this national test, who has ever been in the classroom, knows that eventually you have to make efforts to respond to the test. You do not exactly have to teach the test, but you certainly move in that direction, and that leads in the direction of a national curriculum at the elementary and secondary level.

This is not a good way to spend \$50 million. There are good ways to spend \$50 million that encourage education. This is not a good way to do that. The States are already doing this job. Forty-seven States are in the process of adopting State assessment vehicles through testing, through monitoring, through grading of how efforts are being made in schools. Forty-seven of 50 states are already doing this job. I think it needs to be done at the State and the community level.

In fact, education tests need to be really developed from the bottom up, not from the top down. The closer you get to where kids leave home to go to school, the closer you need to be to their house where that test is developed.

For four years, Mr. Chairman, I was the president of a university, and during that entire four years we talked about whether or not the national tests at the university level were adequate vehicles to measure how students were going to do in college. The SAT, the ACT tests were constantly being criticized because of their inability to really measure how people were doing or how people were going to do. And this is not to attack those tests, privately developed, well-used, indicators, I think, of what can happen at the college level. But, remember, the people taking those tests were people who had gone to school 11 or 12 years, people who intended to go to college, people who should by that time have had some commonality of what they were talking about in terms of how you measure those skills. People at the third grade level generally do not have yet a national perspective. They do not have that at the eighth grade level. They may not even quite have that at the 11th and 12th grade level when they are now taking all kinds of national tests that really frankly do not measure people's ability to compete in higher education as effectively as we would like.

A national test for elementary school does not make sense. Government involvement in testing at the Federal level does not make sense. We have handled that well in higher education with privately developed tests. The States are handling that well by encouraging local school districts to develop tests.

Remember, geography comes into how you take this test. Where you live

comes into how you take this test. Let us not try to act like that by the third grade, American students become so homogenized that they can react to a national test, because they cannot.

It will be misleading, it will be a misservice to parts of the country. There is no way you can develop this test so that it adequately measures fairly children all over America. Of course, children all over America I think is what motivates both sides here.

Mr. Chairman, I urge support of the Goodling amendment.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Chairman, I have listened to those who oppose national testing. They have attempted to claim that the new national test will lead to a national curriculum. They argue that the tests are really just another intrusion into education by the Federal Government and an attempt by Washington to usurp control of education on the State and local level.

Nothing could be further from the truth, Mr. Chairman. The establishment of a reading test for fourth graders and a math test for eighth graders is not an attempt to create a national curriculum. The tests are meant only to serve as a way of ensuring that students all over America are receiving the type of education they deserve.

We are not talking here about history or interpretive studies. We are talking about the very basic skills needed to survive in America today, reading and math. That has nothing to do with history; it has nothing to do with revisionism. It has to do with the very basic skills that we need to survive. These tests are based on generally accepted standards that students should know.

As a former local official and as a mayor, I recognize the importance of keeping control of education at the local level. I support national testing because it assists local school boards in States to measure how well they are doing their job without undermining their ability.

I have heard others argue that we should be dedicating greater resources to improving our schools and then to the classroom. I agree with that premise. I do not, however, believe the two are mutually exclusive. In fact, national testing will provide us with a better picture of where we need to better target our resources.

Let me be clear on this issue: National tests will improve the education that our students receive by providing parents and educators with the knowledge of how their students' individual achievements rank in comparison to widely respected national-international standards by an independent commission of educators and scholars, not the Federal Government.

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National tests will focus attention on the need to improve basic skills. The tests will provide teachers and parents and students a very clear picture of where students should be in their education at specific points. This picture will help guide parents and teachers.

Mr. Chairman, there are those in the Congress, many of my good friends, who oppose these tests on the grounds that they fear that children in underfunded school districts will fail at a higher than average rate. I understand that fear, but believe that these tests actually make the argument for the tests.

The tests will serve as proof that we need to better direct our funding, and direct and provide a guide for which districts are most in need of funding, and our children can compete. To say that tests are simply going to prove failure is absolutely wrong. We send the wrong message to those children. As a former educator, I think it is insulting to those kids if we say, "The more we test you, the more we will know you fail." That is wrong, that is absurd. There is no science to back that up.

In the end, we must understand that we do not live in 50 different bubbles, as the gentleman from Wisconsin [Mr. OBEY] pointed out.

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

I want to briefly respond and point out to the gentleman, as we have already said on this floor this evening, only 7 of the 50 States have said that they will participate in these tests, which begs the question, if these tests are so essential to the education of our children and to gauging and assessing the progress of our children, if these tests are so essential in that regard, it would seem that more States would already be on board.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I certainly want to thank the gentleman from California [Mr. RIGGS], for yielding me this time.

I rise to speak in support of the Goodling amendment. I do so even with the understanding that reading and arithmetic are the base fundamentals of the development of any educational program. However, I rise to speak in favor of this amendment because I am concerned about a national testing program because of the differences and variations in our society. I am not sure that when we measure and how we use that data, that it will not be used in such a manner that it is not designed to point out the needs that really exist.

If we want to improve education, what we really need to do is galvanize our communities so that people believe that education is essential to making it. Once again, I would be in favor of a national testing program if we had a national funding program, if we had a national resource development pro-

gram, if we had a national training program so that we could train, inspire and motivate teachers to give their best.

So when that time comes, then I would be in favor of a national testing program. But until then, I believe it makes more sense to make greater use of those resources, to find a way to equalize educational opportunity by finding ways to bring equity to school systems throughout this Nation.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California [Mr. DOOLEY].

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

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to the Goodling amendment.

Throughout this Congress we have had a lot of discussion about an increasing concern across this Nation about the growing differential in wages, the growing differential between the wealthy and those who are somewhat more impoverished.

When I look at what the potential for voluntary testing provides, I think more than anything else it is going to ensure that all of our children are going to have the same opportunities to succeed. Because what we are talking about here more than anything else is how do we empower students, how do we empower parents, how do we empower our educational institutions as well as our communities?

By giving them information on how students and how schools are performing, whether it be in Hanford, CA, or Waco, TX, or Boston, MA, we are going to allow parents to understand whether or not their children are gaining the proficiency in such basic subjects which are critical to their success.

When I talk about the growing wage differential, what is absolutely critical is that when we look at the potential lifetime earnings of any individual, the greatest determinant is the level of education they receive. When we look at what institutions our children are going to be able to get into, oftentimes it is their ability to perform well on college entrance exams. And unfortunately, all too often, some children coming from some areas that might not necessarily be getting the level of academic training that they need, are not being accepted into these higher levels of academic institutions.

What the voluntary testing will allow, it will allow that parent and those schools to gain a greater understanding of whether or not they need to be doing a better job, whether or not they ought to be making some improvements in the way they are trying to educate their children and how they make them more proficient in reading. We are going to be doing a better job in giving schools and again parents the information they need to know, whether or not they ought to be doing something and trying to define some of the basic math skills which are critical to an individual's future success.

Mr. Chairman, I think the administration has put together a terrific program that would allow again the information which is critical to the future success of a child to be known through this voluntary national test program. These are some things that are going to allow the greatest influence to be utilized at the local level, and more than anything else it will give the information to parents so they can make the decisions, so that they can play a major role in the success of their children.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON], a member of the Committee on Education and the Workforce.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise today to support the Goodling amendment. The reason we are here discussing this issue tonight is that Johnny and Suzie cannot read as well as they should, and Suzie and Johnny do not do mathematics, they do not add, multiply, subtract and divide as well as they need to, many of them. So that is why we are discussing this tonight.

I ask my colleagues, do we really think a national test will help Johnny read and Suzie do math? Do we really think it will make a difference?

What are some of the problems that we are facing in basic education today? Parental involvement, helping Johnny and Suzie read and do math. Will a test change that? I do not think so. Discipline in the schools, to help Johnny and Suzie read and do math. Will a national test change that? I do not think so.

National and State bureaucracies which chew up our administrators and principals' time, if my colleagues have ever walked through a school, how often do they really get into the classroom? They tell me by the time they get the State and Federal paperwork done, the day is over. They do not have time to get into the classroom like they need to. If my colleagues have ever walked through a State bureaucracy, they are very busy. Ninety percent of the bureaucracy is caused by the Federal Government which gives 6 percent of the money.

Do we reward good teachers? Oh, no, that is not cool, that is not appropriate, to reward good teachers. Will national testing help there? No. Is funding fair and equal in all of our schools? Absolutely not. We have schools that spend 2 and 3 times as much per student as others. Will national testing change that? National testing will not change that. Is the classroom size equal from school to school? No, it is not equal, and national testing will not change that.

We will add another layer of bureaucracy. We will have a Federal bureaucracy, we will have a State bureaucracy in 50 States, regional bureaucracies and local bureaucracies administering tests. One hundred million dollars to set it up and approximately that much

at the Federal level to administer it thereafter, plus the unmeasured costs at the State and local level that never gets figured into the mix.

National testing will not change education, I say to my colleagues. We would be far better off to spend that \$100 million getting at one of the problems I have mentioned, but a test will give us a couple more years to observe, we will hire some more employees for the Federal and State governments to build the educational bureaucracy.

Mr. Chairman, I say to my colleagues, the gentleman from Pennsylvania [Mr. GOODLING], our chairman, is right on the ball, he is right on the money. National testing is not the answer. It will not change a thing. It will give a few people a few jobs, but it will not help Johnny and Suzie read and it will not help Suzie and Johnny do multiplication, add and subtract.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the Goodling amendment.

Mr. Chairman, as I have listened to some of the debate, I have gotten the impression that many of my colleagues feel that any amount of testing is not worthwhile, and I think we need sort of a reevaluation of what testing is all about. Obviously we spend hundreds of millions of dollars on testing elementary and secondary students today across this country. The question is, do we have a good measurement instrument in terms of making that assessment? Is it valid, is it reliable?

The fact is, I think the real genius of this administration, of this particular proposal, lies in first of all setting some national standards for reading and math. There is an area I think where there is not great controversy. Setting national standards for that is I think of paramount importance; and then, attempting to measure. We cannot have standards unless we know how we are going to assess whether we attain them.

I would submit to my colleagues that testing of course is paramount to that. We cannot tell by the color of the hair of the student or other extrinsic factors that one might look at in terms of making that determination. One can only do that with a valid and reliable measurement instrument, and that is what we are about in terms of this particular case.

We have a lot of private sector companies today developing tests. I do not know if they are all valid and reliable; I doubt very much that they are. I think there are a lot of questions being raised about cultural bias and other things in testing, and the question is, why are we doing this type of testing?

One of my colleagues mentioned we test the 12th grade to see if they can get into the Air Force, the military academies; we give them various scores, all very interesting. However, the one thing that I think most of the parents would come to us in terms of

suggesting at the end of the 12 years of elementary and secondary education is, "Why did you not tell me that something was happening where a student could not read or could not do math? Why did you not let me know? We used to get it after just one semester. Why did you not tell me so I could do something about it?"

The fact is that that is what these tests are aimed at, the fourth grade, reading and math, eighth grade, reading and math, to let them know, to give some feedback.

A test as a measurement instrument has an ability to communicate. It tells us and gives us information that we can use, that we can evaluate what is being done in the elementary and secondary schools across this Nation.

I will tell my colleagues, when we look at the billions of dollars being spent, and I frankly very much support the increased budgets in education at the national level and the compensatory education, and I urge my colleagues to do so, but we are spending those billions of dollars and we have a responsibility to also try and include some evaluation measurement instruments so we can communicate back some of the internal type of dynamics that work.

Yes, testing will improve achievement and testing will tell us what is happening, and as I pointed out, we live in such a mobile society today that many individuals that come from other States or from my colleagues' States, come from my State, Minnesota or others. I urge opposition of the amendment.

□ 2030

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado, Mr. BOB SCHAFFER, another gentleman from the Committee on Education and the Workforce.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I would like to refute the arguments of the gentleman from Minnesota [Mr. VENTO] who just spoke. I have a lot that I find that I like about Minnesota, one of which is an author and a storyteller named Garrison Keillor, who writes about a mythical town in Minnesota called Lake Wobegone. He talks about Lake Wobegone, where all the children are above average, all the children are above average.

If Members are inspired by that particular statement, that particular comment, I would suggest that they really would want to embrace national testing, because that is what they will get. They will get 50 States where all children are above average.

Let me suggest, the gentleman who said that those who favor the Goodling amendment, as I do, and hope we have support here today, that this amendment would deny States the opportunity to participate in voluntary testing, I would suggest this debate is not about national testing. It is not about testing at all, and it is not about the value of testing.

What it is, though, is about whether we should embrace a government-owned test versus an independent test. States around this country realize the value of independent testing, testing that is outside of the U.S. Department of Education, that is not controlled and dominated by Federal bureaucrats who are rewarded when they treat all States and all students as though they are somehow all above average.

Members of my State board of education told me that they did not want the government-owned national testing program. Other State legislators and leaders in the areas of schools told me the same. Local school leaders told me the same thing.

Yesterday, Mr. Chairman, there was a meeting here in Washington about this national testing program. It was a meeting of the national test panel which is organizing this effort. The National Governors Association did not show up because they have withdrawn from the effort. State after State after State is coming to the conclusion that when we come here tonight, that this national testing effort is a bad, bad idea, and that the Goodling amendment ought to be passed; that \$100 million a year to support this nonsense is something we should not do. We should redirect those dollars directly toward children, not toward more bureaucracy and more administration.

A government-engineered national test, I will submit, is the most direct pathway to mediocrity in America. It is an idea that we should reject, and we should reject it tonight by voting in favor of the Goodling amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I was listening with great attention to some of my colleagues on the other side, and I rise in opposition to the Goodling amendment. Like many Members have said this evening, testing will not solve many of the ills of our educational system.

In my district, I have some very diverse areas of education. In part of my district I have the most affluent district or section of our State. SAT scores are the highest, income level is the highest, and the schools are phenomenal. I also have the poorest section of our State, where over 75 percent of the students are minority. Over 40 percent of the students in the last 3 years did not live in the United States of America. It is very difficult for education in that area.

But testing is extremely important. Remember when we went to school, we went to college and we took those SAT scores. They always scared us, but we had to take them because that was the only tool that educators could use to evaluate whether we were capable of getting into college. It is a national test, the SAT's.

Just 2 weeks ago I dropped off my youngest child to college, and I worried

whether he was going to be able to make the test. Was he going to be able to pass all the things that he needed to do in college? Because I was concerned whether he really had all of the kinds of tools from the school system he came from to be in college.

Every one of us lives up to three basic things in life. We set standards, we have assessments or testing, and then there is accountability afterward. Every educational system from kindergarten to graduate studies has the same three elements. Yet we are saying this evening that we do not even want to begin to consider assessments or testing on a national level? That is completely wrong, and completely opposite of what we have all learned.

The poor districts will argue, well, maybe our students will not bear up with national testing. I say that is what we should be doing is to help them with regard to more money, more teacher training, and more professional development, and the kind of assistance and infrastructure that they need. But we should not disregard testing, because, quite frankly, that is the only vehicle that we have to be sure our students in all districts, rich and poor, make the grade.

Testing is what we call tough love. It is difficult. We often do not like to do it, but we have to go through it if we are going to raise the standard of quality education in our States and in our districts. Quite frankly, those of us who believe in it have seen the merit of it. As a former professor, I know that it works. As former teachers, all of us know it works.

Quite frankly, we are a little bit edgy about the concept of national testing. Local cities and towns felt the same way about State testing, and local neighborhoods felt the same way about city- and townwide testing. Quite frankly, we have to live with it. We should live with it. It will make our students better. It will make our children better. It is tough love, but we should be doing it.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON], the subcommittee chairman on our committee.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce, and commend him for his leadership and the work he has done to bring us to this point on this debate.

The gentleman's amendment would prohibit funds under this bill from being used by the Clinton administration for a new Federal testing program in grades four to eight. Mr. Chairman, there is no question that our K-12 education system needs reform and attention, but an arbitrary new Federal testing system is not the answer nor the cure-all.

There are already a number of tests that continue to be administered. In fact, in 1997 the Federal Government spent approximately \$540 million in testing students. The question is, when you have a test, what do you test? I think we have heard the administration talk about when you have a test, you have to have standards. The question is, who sets the standards? If you have a Federal test, I guess it would be the Federal Government setting the standards. What is the next step?

I spent 9 years on a local school board. My wife was a PTA president. We have reared six children. We have 15 grandchildren. We have real concerns about the Federal Government setting their standards and setting testing. The administration now wants to move forward and implement new testing without input or authorization from Congress. As a member of the Committee on Education and the Workforce, I, along with my committee colleagues, would like the opportunity to evaluate and study any such proposal.

I encourage my colleagues to support the prohibition of this new, unauthorized Federal testing proposal. Let us do what local school boards are asking. Let us take some of the Federal regulation off of their backs. Some of the testing that we now have let us take off of their backs. Let us let them be free to do the things that are best for children. That is what our children need to move forward.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Goodling amendment, with the highest regard for the maker of this motion and for his commitment for education, the education of our children. However, I part company with him on this testing issue.

Mr. Chairman, it seems like yesterday when we were all gathered, celebrating the proposal, was it called America 2000, that included this national testing. There was bipartisan support in the Congress of the United States, including some of the people who are speaking out against the testing this evening. The President of the United States, President Bush, gathered the Governors in a bipartisan fashion. They worked with the business community to develop a proposal that would meet the needs of our children, first and foremost, to prepare them for the work force, as well as to meet the needs of our country.

Mr. Chairman, that is why it seems so strange to me this evening to hear people who were so bullish, if I may borrow a word from the business community, on that proposal, which included testing, which the business community was emphatic about, national voluntary testing to be part of the proposal that was put forth.

President Clinton was at the time a Governor, and he was one of the co-chairs of the education task force. I think that the credentials of President Clinton in education are unsurpassed. It has been one of the priorities of his public life, the education of our children. He was committed to it in the statehouse, and he brought that value and that priority to the White House, and with it, a focus on what is best for our children.

That includes this national voluntary testing, and I repeat voluntary. The test that is being proposed by the administration will not impose a national curriculum. It will help States and local communities to tailor a curriculum to the needs of their students. It will provide parents and educators with information that will be helpful to assess the needs, as well as the progress, of their children. The voluntary national test, based on national assessment of educational progress, are tools to give parents and educators information on how students are performing academically.

Others have mentioned, and I will, too, voluntary testing for fourth-graders in reading and eighth-graders in math sets up a challenge, a standard of excellence. We need to invest in the education of our children through funding of programs like title I, but this is imperative, and national standards enhance that effort by allowing us to determine what tools are most effective in preparing our children most successfully for their futures. Setting challenges and higher standards leads to greater efforts to reach those standards.

I am proud to say that after a concentrated effort to meet the individual needs of students, and I repeat, a concentrated effort to meet the individual needs of students, test scores in my district, the district I represent in San Francisco, are up in reading and math for the fifth straight year.

It is my hope that over time, the voluntary testing program will be developed to include limited English-proficient students in testing our efforts to provide these students with equal access to quality education. That is a must.

Parents want to know that their children are learning. Educators want to know how to better reach students. Students need and want to live up to standards and challenges. Without an attempt at accountability in education, our children will not be as well prepared to compete in the 21st century.

I was interested in the remarks of the gentleman from Rhode Island, who spoke from his experience as a professor and as a father, and I as a mother recall taking one of my five children to college when she was looking at colleges in her senior year in high school. And I remember the comment that she made when she was aspiring to one college or another about what was expected and what standards had to be

met to be admitted to certain colleges. She said, "I really wish I knew this when I was a freshman in high school, because I would have spent my time a little differently."

Well, she did well and she got in, but I do think that children should know what is expected of them, and I think that this balanced approach that the administration is taking of voluntary national testing helps students to know the challenges so they can meet the challenges.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. I thank the gentleman from Pennsylvania for yielding time to me, Mr. Chairman, and commend him for his work as the chairman of the Committee on Education and the Workforce, and for this amendment.

Some people think we do not have enough standardized national testing. They think we need to spend more than \$90 million on telling us how our kids are doing. Right now in my home State of South Dakota and other States around this country, we already give students two standardized tests at a cost of about \$30 million. Both of those tests are given in the month of March, and both take about a week to administer.

Now we are talking about yet another nationalized test, which would take about another week to administer and would be administered in the month of March. That means that people back home, students back home in my State of South Dakota, would spend virtually the entire month of March not learning, but testing. Think about it. Would you like to spend the better part of 3 weeks doing nothing but filling in the oval next to the correct answer with a number 2 pencil? I cannot think of anything I would dislike more, unless it is spending \$90 million to do it.

I have a novel idea. If we want to find out how our kids are doing and how they are doing in their local schools, we should call our child's teacher. I know it sounds crazy, but I believe the teachers and the parents back in South Dakota have a better idea of what is right for their children than do the bureaucrats in Washington, DC.

The keys to good education are good parents, good students, good teachers, and good schools. Another layer of bureaucracy is not going to improve American schools. If we really want to know how our students and our schools are doing, go to the people with the answers, our students and teachers. Our child's teacher knows more about how our child is doing than any staff in Washington is ever going to know.

I would also suggest in the area of the money that it is going to take to finance this test that we could probably ask parents in this country, and certainly in my State of South Dakota, if they could think of a better way to spend \$90 million. Do we think we have enough computers in the schoolrooms?

We could buy a lot of computers with \$90 million. How about our teachers? Is your child's teacher doing a good job? We could give your child's teacher a significant, substantial raise with \$90 million.

I do not believe national testing is in the best interests of our children, and certainly not the best use of our education tax dollars. That is why I am urging my colleagues to vote against Federal testing for America's schoolchildren and vote in favor of the Goodling amendment.

□ 2045

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I rise today in opposition to the Goodling amendment and in favor of finding out just how well this country is educating its future work force.

Today we are behind other nations in educational achievement. Forty percent of our children are not reading at the level they should be; 20 percent of our 8th graders are not even taking algebra. We know these statistics because we recently conducted studies comparing the achievement of our students with those in other countries.

This analysis is a valuable tool for educators, and the administration is trying to conduct a similar analysis to determine how local school districts compare nationally. It is the same kind of approach to find out what we need to be doing to better serve our students.

Despite what proponents of this amendment argue, no such mechanism for analysis currently exists to compare and find the information we need on a national basis. The National Assessment of Educational Progress, for example, is a sample test for a variety of subjects. The tests are not universally administered and are administered as a blind study telling us only national trends.

The new national test would be administered uniformly, it would provide a scale by which standards and progress can be measured, and it will help all of our local educational authorities assess the areas in their curriculum that need improvement.

Another critical difference in the new test is they would be available to parents and teachers who can chart their own children's progress and more easily assess their child's individual educational needs. If Johnny is the worst reading student in the 4th grade, it may help the teacher to know that he is actually way above the national standard. We need to know this kind of information.

Many of the discussions relating to education in this bill have focused on getting parents more involved in their child's education. These steps are a major part of that process. Experts in education, including the National Education Association, the National Association of Elementary School Principals, the National School Boards Association, they all support the proposal

to administer a voluntary national test. I am sure I will be corrected if I am wrong.

In addition, the proposal has overwhelming support from the business community, including the U.S. Chamber of Commerce, and the presidents and CEOs of hundreds of technology, manufacturing, service firms throughout the country.

The Goodling amendment would prohibit the use of educational improvement funding for the development of a national testing program in reading and mathematics. It is shortsighted because the ability to compare educational outcomes nationally is the critical first step necessary to improve our educational standards. This proposal is only in its infancy but its potential is enormous.

While I understand the committee chairman's interest in securing jurisdiction over this testing program, this is too important to be stopped because of that kind of territorial dispute. In fact, former Secretary Lamar Alexander used similar authority to develop voluntary national tests. We need to do so and we need to encourage the pursuit of excellence among our future work force.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. PORTER. I thank the gentleman for yielding me this time, Mr. Chairman.

If I believed that the money for national testing would help the children of this country to do better in math and reading, I would support it in an instant. But, Mr. Chairman, we know where we are with respect to the academic achievement of our kids in America. Our States administer hundreds of tests and they know where the problems are. They know where the kids are who are poor at reading and math and they know where those are who excel. Further tests, in my judgment, do not add anything to what they already know. They are really unnecessary.

What we need to do is to take the money that might be spent on national testing and spend it to help those kids who need to be helped. That is where the money ought to be spent, not on tests that are not needed and are merely symbolic, as if that would solve our problem. We need to actually aim at the problem and get it solved.

Mr. Chairman, I commend the gentleman for his amendment. He has his priorities right.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Chairman, I rise in opposition to the Goodling amendment. Today's students will be entering a highly competitive work force that will demand greater knowledge and skills. If we hope for our chil-

dren to compete in our increasingly global economy, we need to know that they match up to the highest possible academic standards, particularly with regard to reading and mathematics.

Voluntary national testing allows local school districts to focus on how best to improve these basic skills. They provide a measure of student performance against national standards in reading and math as well as against international standards of mathematics. These tests will empower parents by providing them with the information they need to determine if their kids are on track in the basic skills.

By 4th grade, students need to have mastered basic reading skills in order to begin to learn other subjects. Reading is an essential skill in learning science, history, mathematics, geography and social studies. Students who are not able to read independently by the end of 3rd grade have a very difficult time learning other subjects and will likely suffer academically. By 8th grade, students need to have mastered basic math skills if they want to take the advanced mathematics courses necessary for success either in college or in the work force.

Providing a voluntary reading test in 4th grade and a voluntary mathematics test in 8th grade will not create a national curriculum. Parents, teachers, schools and States will decide what their reading and math curriculum should be and how the subject should be taught.

Education is an issue that belongs in the hands of local school boards. Voluntary national tests give local school districts important information about how to use the results in shaping their own curriculum. The results of these voluntary national tests help teachers and principals to better understand where resources are most needed and how they can best be spent.

I am one Member of Congress who continues to fight for a far greater investment in education. In my own State of Massachusetts we have already instituted statewide testing in math, science and English. Furthermore, we are one of six States that have already volunteered to participate in President Clinton's national testing initiative. In the Commonwealth of Massachusetts we are proud to apply rigorous academic standards to our teachers, our schools and our students.

Instituting tough academic standards for our children should not be a partisan issue. Politics should stop at the schoolhouse door. Voluntary national tests improve the odds of success for all students, help energize local efforts to improve teaching and learning, and provide students, parents and teachers with accurate and reliable information about student performance.

Parents have a right to know how well their children are doing, and they have a right to insist that their children be given an education that will allow them to compete on a global scale as we move into the 21st century.

Mr. Chairman, I urge my colleagues to vote against the Goodling amendment and stand up for higher academic standards in our schools.

The SPEAKER pro tempore [Mr. BE-REUTER]. The Chair would advise that the gentleman from Pennsylvania [Mr. GOODLING] has 11 minutes remaining and the gentleman from Wisconsin [Mr. OBEY] has 4¼ minutes remaining.

Mr. GOODLING. Mr. Chairman, if I could have the attention of the ranking member. If the gentleman is finished yielding time, I would be willing to close debate at this particular time.

Mr. OBEY. Mr. Chairman, I think the committee is entitled to close the debate.

Mr. GOODLING. The gentleman from Illinois [Mr. PORTER] will close the debate. Does the gentleman have any more speakers?

Mr. OBEY. With all due respect, Mr. Chairman, I think those defending the committee position have the right to close.

The CHAIRMAN pro tempore. The Chair will advise that the gentleman from Wisconsin [Mr. OBEY]—as a member of the committee controlling time in opposition to the amendment—has the opportunity to close the debate.

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

Mr. Chairman, I want to make sure that everyone understands that to have a valid test someone or some entity must determine what it is they want to test. Therefore, someone or some entity must determine the curriculum, and then the teacher must be trained to teach to that curriculum and to teach to that test.

I heard a lot of discussion about we are doing this on the State level, we are doing that on the State level. That was what Goals 2000 was all about, was spending \$50 million this year. We spent hundreds of millions in the past for Goals 2000. What was the purpose? The purpose was to give seed money to States and local entities to improve their education programs.

Forty-six States have already done that, and several have gotten up here opposing my amendment, at the same time saying all the wonderful things their States have done to elevate their curriculum, to elevate their standards.

Everybody wants high standards. As a matter of fact, when this debate began, the administration liked to say 80 percent of the people are for this. Well, what they did not say is what they asked the people is, "Do you believe in motherhood, apple pie and ice cream?" Well, I am surprised it was not more than 80 percent that believed in that. In other words, they were saying, "Do you want higher standards?" Of course.

But let me tell my colleagues what the poll tells us. Only 22 percent of the American people who were polled want the Federal Government to have any involvement whatsoever in determining those standards, in determining

curriculum. They say the Federal Government should not be involved. That is why only seven States, after all the pressure that was put on them, all the lobbying, only seven States said we will go along. Only 15 cities said we will go along.

So now we must have a national curriculum. Call it whatever we want, but if we are to test, then everyone has to be taught the same. As I said earlier, when the secretary said they do not have algebra until they get to 8th grade but we will test them for algebra, that does not make very much sense, does it?

So we take away all the creativity, all the creativity of that classroom teacher. This is what I hear from teachers in a State next to here. They say we have to teach to the test all day long. No creativity in our teaching. We must teach to all the tests that are out there.

I want to give my colleagues a good example. I was supervising student teachers in Pittsburgh, Pennsylvania. At the time there was the so-called Cuban missile crisis. I could not wait to get into all my student teachers' classrooms because I saw here they had a golden opportunity to teach math in relationship to the distance between Cuba and Pittsburgh, to teach history in relationship to that initiative that was going on at that time, a golden opportunity to get all of those children on the edge of their seat.

Not one student teacher mentioned the missile crisis in relationship to the headlines that they could hit Pittsburgh. And that evening I said, "I should fail all of you, you missed a golden opportunity to turn these people on." The response was, our master teachers told us we must stick strictly to the syllabus because that is what we have to cover. What a tragedy that was.

Now, people mentioned tests are for diagnostic purposes. Every time I told a teacher that their purpose for testing was to determine whether they presented the material well enough that everyone understood it or even if they presented it real well, there may be some who did not, who will need extra help. That was the purpose of that test.

To say somehow or other that the 50 percent who are not doing well in our schools are going to do better if we just have one more national test, there is no logic to that. No matter how we slice it, there is no logic. All of our children should have equal opportunity to do well. One more national test does not help them at all.

As I indicated before, reading readiness is very, very important. Parents being able to be the first and most important teacher that the child has is very, very important. And can my colleagues imagine that we would wait until 4th grade to determine that a child cannot read? What would we do? I would love to get my colleagues into a classroom and see us do remedial work with 5th grade students and 6th

grade students in reading. I want to see it done with 8th, 9th and 10th grade students in math. Why would we ever wait until that point to determine whether a child is doing well or doing poorly?

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But I want to give credit. I want to give credit to the people out there who are working day and night to try to improve our education system. We are doing very well with 50 percent of our students because they are getting a lot in this debate. They have done very, very well.

Keep in mind we educate all. We educate all. Do not compare us with many, many other countries who have an elite system. We educate all. If we are going to give the 50 percent who are doing poorly an opportunity to do better, then we have to start much earlier than 4th grade, much earlier than 8th grade. It is over by that time, folks. It is over by that time for 90 percent of those people. They have dropped out, not physically, but they have dropped out by the time they got into 2nd or 3rd grade. They were not reading-ready, so we pushed them into 1st grade. And then many places they got social promotion, so we just compounded the problem.

Let us not make that mistake. Let us not have them fail. Let us have them ready. Let us have their parents ready to play a leading role. Over and over I heard people say, "Well, parents need to know." Parents have to know. Parents do not know now.

Again, I would love to have my colleagues in a classroom and I would love to have them get that 50 percent to attend parent conferences. Why do not many of them come? Because they have literacy problems and they do not have the confidence to come to a meeting of that nature.

So again, I would call on all of my colleagues to think in terms of children. Do not get the Federal Government involved in one more national test to tell 50 percent of our students one more time, make it 1,001 now, that they are doing poorly and to tell their parents one more time they are doing poorly.

All of these States, including California, including New York, are setting high standards; and they do not need us to dumb down what they are doing. And that is what I fear will happen if we get involved any more than we presently are involved.

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

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. BALLENGER). The gentleman from Wisconsin has 4¼ minutes remaining.

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

Mr. Chairman, as I have indicated, the committee officially on this side of the aisle will accept this amendment. But I will vote against it, for a number

of reasons. I would, essentially, like to simply direct my remarks to the most conservative Members of this House and the most liberal.

To conservatives I would simply say, I think it is necessary for us to recognize that not all Federal initiatives are bad. We have a national interest, indeed a national responsibility, to produce quality education in this country. We have a national responsibility to see to it that local school districts are measuring up to that responsibility and are indeed providing the quality opportunity for every American child which each and every American child under this Constitution has the right to expect.

I disagree fundamentally with the gentleman from Texas who said the Constitution does not even allow the Federal Government to prepare testing. The Constitution, the preamble, spells out the Federal Government's responsibility to provide for the common defense, to promote the general welfare, and to secure the blessings of liberties for ourselves and our posterity, among other things.

I think seeing to it that everyone has equal educational opportunity and that that opportunity is met with quality is indeed a Federal responsibility, even though the instruments by which we have chosen to meet that responsibility are largely local school districts.

It is naive to the extreme, in my view, to assume that, totally left to their own devices, local school districts will produce that equality of opportunity. That is why we have Federal law enforcement. That is why we have civil rights laws. That is why we have title I and a number of education programs aimed at assuring equal quality.

I would say to liberals, they do children no favors when they run away from either standards or testing. It seems to me that children desperately need to know where they stand. They desperately need to have us level with them in terms of how they are really doing. If we do not, then we get pressures for the very social promotion which a number of people in this House have voiced objection to.

I recognize that testing may demonstrate that students may have had an unequal opportunity to get a good education and that, therefore, they will do poorly on tests. I think that is one of the advantages of having those tests, because it will then demonstrate to this country the need to put additional resources into districts which, through no fault of their own, do not have the financial ability to provide the same kind of opportunity that some of our districts provide.

So I think on this issue it is necessary for both sides to put aside their ideology, to put aside their bias, to put aside their own philosophic preferences, and to instead put the needs of children first.

I think the President is trying to do that by his testing initiative. I would point out this bill does not allow testing to proceed until a lot of other

things happen and that they cannot proceed this year at all, and we have another appropriation bill next year that we can deal with if we do not like the kind of testing or the kind of tests which the administration has prepared, and under the Senate amendment, indeed, the preparation of those tests will be left in other hands.

So I will personally vote "no," even though I recognize that this amendment is going to pass by a very significant margin.

Mr. FAWELL. Mr. Chairman, I rise in support of the Goodling Amendment regarding the issue of National Tests for Education. I commend the gentleman for his diligence on this matter; it is a testimony to his hard work that the amendment the House will now consider has been accepted by the House Labor/HHS/Education Appropriations Subcommittee. I also commend my colleague from Illinois, Chairman PORTER, and Ranking Member OBEY for their excellent legislation. Debate on the Labor/HHS/Education bill has been long and in some cases contentious, and I commend their excellent leadership.

The Goodling Amendment prohibits the spending of any funds in this bill for the development, planning, implementation or administration of new national tests in 4th grade reading and 8th grade math.

As many of you know, earlier this year, President Clinton announced plans to develop and implement individual tests to compare student progress throughout the United States. Supporters of the Clinton testing proposal believe that the development of the tests, patterned after the widely acclaimed National Assessment of Education Progress (NAEP), is consistent with the Department of Education's traditional role in research and development and that Congressional input is unnecessary and not required by the general authority inherent in the Fund to Improve Education. Further, they assert that state participation in the testing program is strictly voluntary, and simply offers an unprecedented opportunity for individual students to compare their abilities with other students from across the nation.

Mr. Goodling's contention is that testing is not the answer to our education problems and that testing will not boost the academic achievement of American students. In addition, opponents of the Clinton testing proposal assert that there are already enough existing tests for evaluation and that the development of national tests is too controversial for the Administration to act without Congressional review or authorization.

My feelings on this matter are somewhat mixed. Most education experts would agree that the idea of national standards is an essential component of education reform. I believe that these standards should be based on core academic skills which are essential for the success of today's students. I voted for Goals 2000, and I continue my support for this legislation which encourages schools in their efforts to implement high academic standards. But, if we as a nation concede that academic standards are too low and that we must raise the academic bar for our students, then testing and evaluation of students' progress must necessarily follow the development of high standards. How else can parents, local school boards, school principals, and charter school founders compare the achievement of students?

However, confessing my support for some kind of national test, I still oppose the current effort by the Clinton Administration to develop said tests with no Congressional or outside education experts. Indeed, in the words of former Secretary of Education Bill Bennett, "if faced with a choice between no test and the Clinton test, I would endorse no test."

However, I am pleased that the House has an additional choice. I rise in support of the Goodling amendment, but also with the understanding that the Senate has acted on this proposal and that the Senate language offers a different and promising alternative. A proposal, offered by Senator DAN COATS (R-IN), adopted by the Senate, and endorsed by the Clinton Administration, seeks to make key changes to the Clinton plan which keep the idea of a national test, but add safeguards to ensure that the control and development of these tests is academic, and not political.

The Coats proposal will give the National Assessment Governing Board (NAGB), a well-respected, independent, nonpartisan body, power to set policy for the national tests. Further the proposal will give NAGB authority to review and change all aspects of national test specifications, development contracts and advisory committees already implemented by the Administration. To further ensure NAGB nonpartisanship, the proposal also makes key changes in the composition of the NAGB so that it has greater independence, adding another Governor, additional mayors, and representatives of business and industry.

I echo the sentiments of education reformers who state that they would prefer no test to a bad test, but most of all, prefer a good test. Indeed, let's pass the Goodling amendment, delaying the flawed Clinton Administration testing proposal, and support the efforts of those who seek to implement good tests for our nation's children.

Mr. LAZIO of New York. Mr. Chairman, I rise today in support of the Goodling Amendment to prohibit funding for President Clinton's national testing plan. This Congress has an obligation to ensure that any test administered on the national level will provide constructive information to help improve our educational system. However, President Clinton's national testing proposal was created without proper Congressional input. At the very least, the public deserves Congressional hearings on the matter.

I strongly support providing educators with the best tools to improve our classrooms and raise the level of student performance. Congressional hearings on national tests would allow parents, educators and the test designers to voice their concerns and offer their input, helping to design the most appropriate and effective test.

With the proper design, national tests would provide a much needed national standard for comparison. While some argue that these tests simply will divert much needed dollars from the classroom, national tests have the potential to help focus educational resources where they are needed most, eventually bringing all local schools to a higher level. If not constructed and implemented properly, however, these tests will not only waste taxpayer dollars, but could unfairly mischaracterize student and school performance. Clearly, a testing plan of this scale merits full Congressional attention.

We cannot deny that our schools are in need of reform. However, if national tests are

meant to enhance school performance, their design and implementation must be well founded. America's students deserve no less.

Mr. RODRIGUEZ. Mr. Chairman, we are today discussing how to give our children the tools they need to succeed in school. This administration, one of the most committed to improving opportunities for all students to learn, has gone a step too far in proposing the national testing initiative.

Don't misunderstand me. I agree with the administration's desire to raise standards for our children. We must have high standards. We must know what and if our children are learning in the classroom. Their success is our success.

We are discussing which tools will best serve schools, teachers and students. There is no question that we need to continue to find innovative approaches to meet the challenges of the late 20th century. Students who can't read can't learn to the fullest.

But national standardized testing is not necessarily the best tool to encourage learning and measure progress. In Texas, our kids are already tested every which way. It's not just students who think there are enough tests, but also teachers and parents.

Testing is necessary, of course, but too much testing, like too much of just about anything, can work against us. Teachers want their students to succeed. If success is measured only by test after test after test, then teachers will teach to the test rather than teach to learn. Students must learn how to think not just how to fill in the bubbles with a number 2 pencil.

Each child learns differently, and they all learn at a different pace. This is especially true for children with limited English backgrounds and for children with special needs.

These students need to be challenged to learn and grow. With the proper tools and attention, students with limited English skills will succeed. But they must be given a fair opportunity to do so.

Mandatory national tests won't help all kids. Testing should be optional; there should be alternatives; we should make sure that we don't have a one-size-fits-all national education program.

The best tools we have for teaching kids are the teachers themselves. We should direct our resources to them. Almost every teacher I have met, and during my time as a school board member I met many, wants to succeed and genuinely cares for the students. But they face terrible challenges: crumbling buildings, crime, drugs, lack of parental support, overcrowding, and a dearth of financial resources in our poorest neighborhoods.

I am afraid that national testing will ultimately stigmatize students who already face the greatest challenges. They need teachers empowered with proper resources, they need challenge, and they need a safe and secure place to learn. But they don't need another standardized test in the morning.

Mr. RUSH. Mr. Chairman, I rise today in support of Representative GOODLING's amendment to bar funds for the national testing initiative as it currently exists. I hope that my vote, and that of other Members, especially those of the Congressional Black Caucus and Congressional Hispanic Caucus, sends a signal that such initiatives must become more inclusive and equitable.

I truly endorse the concept of standards in education. Our children have the right to obtain the core skills and knowledge they will

need to compete in a global marketplace. However, I cannot support President Clinton's voluntary national testing program in its present form.

I share the views of several prominent national civil rights groups including the NAACP Legal Defense Fund and the Leadership Council on Civil Rights. Congress ought to support a Federal initiative that creates higher academic standards, but in manner that is participatory and equitable. The Federal Government has a responsibility to watch out for the education of our students, especially those in poor communities. But national standards and assessment must be accompanied by funding to support curriculum development and teacher training so students of all backgrounds can do their best on the tests.

The reality is that students taking these tests do not start out on an equal ground. Because public schools rely significantly on local property taxes, some school districts are better funded than others. Any Federal standards and testing initiative must address these gaps. Unless Federal funds are earmarked for making sure that poorer children have an opportunity to learn, the federal testing program will discriminate against poor and minority children.

Additionally, parents, students, and teachers need assurance that the tests will not be misused. The Department maintains that the tests will be used for information purposes only. But the misuse of standardized tests is widespread. In my own district, I know of honor roll students who were not allowed to graduate 8th grade because they missed the passing test score by less than one point. Federal guidelines should urge school districts not to use the results of these tests as the sole factor in making high stakes decisions about a student's educational progress such as tracking, ability grouping, and retention.

Finally, there is the issue of making sure that national tests are developed with respect to the growing diversity of our Nation's 35 million school children. The growing multiculturalism of our communities, and hence, our public schools, demand that we respect diversity and different learning styles. National Assessment should identify the knowledge and skills students already possess rather than their deficiencies. We should always strive to build on students' strengths, not their weaknesses. As Federal funding for low-income disabled children shrinks, especially due to Federal welfare reform, national testing must accommodate the special needs of these students.

I also support the position of my colleagues in the Congressional Hispanic Caucus who point out that high standards should be established for all children. In its present form, the national test is designed to exclude limited English proficient [LEP] students from the reading test. This policy discriminates and cannot be tolerated. The national tests are supposed to tell us how our school districts are doing. But how do we hold them accountable to LEP students and their families if these very students are excluded from taking these tests? I cannot support the administration developing tests that exclude a growing segment of the student population.

The education of our children is among our Nation's top priorities. Despite my vote today, I will continue to work with my constituents, including parents and schools in the first con-

gressional district, and the administration to do whatever is necessary to fulfill our children's right to a first-class education based on respect.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in support of the Goodling amendment.

I am not against educational testing as a tool to assess our children's level of achievement and in order to address uncovered deficiencies.

But, Mr. Chairman, additional testing is not needed to tell us what we already know—that children in our public schools, especially in minority communities are underachieving.

This is true in my district, the U.S. Virgin Islands, for the same reasons as our counterparts on the mainland.

First, we send our children to schools that are dilapidated, unsafe, and in need of repair. We tell them every day when they look at the schools they attend, that we don't care—that they, our children, are not important—that we are not willing to invest in their future.

And we don't invest in providing the tools that all of our children must have if they are to be prepared to take their rightful place in society.

I am not against testing, per se, but I am against it until the playing field has been leveled for our children: until they are provided with a good and nurturing educational environment; until they are provided with well paid teachers, basic books, and supplies and the all important technology.

Then, Mr. Chairman, I will support testing, but not before.

Mr. BARRETT of Nebraska. Mr. Chairman, I'm a strong supporter of the amendment offered by my chairman, Mr. GOODLING, to prohibit the expenditure of public funds to develop national tests, until Congress has explicitly given the go ahead.

Congress has the responsibility for setting major policies for this Government. And, certainly, creating national education tests for our children is an issue Congress must decide. We can't leave the development of national tests that could mark our children for generations, to some bureaucrat at the White House or at the Department of Education.

National tests are controversial and deserve to have the sunlight of debate. National tests are more than just having an excuse to have a Rose Garden ceremony at the White House.

Congress will be taking action on this question within the next year or so. Surely, the deliberative process, and the will of the people, should be heard before the President launches us down the testy road of national testing.

I encourage my colleagues to support the Goodling amendment. No matter what side of the issue you are on; whether you favor or oppose national testing—the right of the peoples' House to set national education policy, must be respected by the administration.

Mr. CALVERT. Mr. Chairman, I rise in support of the Goodling amendment.

The administration is attempting to avoid the current education policy by implementing an agenda that focuses on national testing. These tests only undermine the State and local curriculum. This proposal serves as an unfair comparison between schools and students.

In addition, the Department's of Education's budget did not include any type of national testing and further, the Department has not

submitted a proposal to Congress requesting authorization for this type of testing.

It is critical that we concentrate on the real problems such as teacher training, improved academic performance, and increased parental involvement in our classrooms. Local solutions enhance a child's education, not another Federal standardize test.

My constituents back in Riverside County, CA, are tired of the Federal Government meddling with their children's education.

I encourage my colleagues to vote to stop the intrusion of Government and support the Goodling amendment.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the Goodling amendment, but I certainly would like the opportunity to state my concerns as a parent and longtime educator regarding national testing.

First and foremost, our children are already over tested. Children in nearly every school system in this country are subjected to a battery of standardized tests for a variety of reasons; some are diagnostic, some are meant to gather information to measure individual progress, and some are used to make institutional comparisons. Frequently, these tests are designed for one purpose and used for another purpose. This doesn't lead to better data or more comprehensive conclusions, but testing abuse which is a form of child abuse.

Tests should be used primarily to measure what is learned and what isn't learned. Tests could also be used to measure what is taught and what isn't taught. And the tests should be tied as closely to classroom realities as possible. The further we get away from the classroom and the dynamics of the classrooms, the more convoluted the lesson of testing becomes and the potential for abuse of testing results increases.

Here in Washington, far removed from the classroom we are quick to use tests to make generalizations about the characteristics of student populations, the underlying ability of individual students and to make wholesale generalizations about the quality of school systems. We crave the statistics to help make our point regardless of whether the case of learning is advanced. Regrettably, we help create the opportunity for more testing abuse.

We do need testing, but we need to understand that testing is a tool to achieve the basic purpose of assessing what is taught and what is learned. We need to identify the criteria of what we hope to achieve before we leap into the bottomless pit of standardized test after standardized test.

We do need standards and we need a discussion of national standards. It occurs to me that we struggle with a kind of national schizophrenia about the state of our schools in this country. On the one hand we decry our standing in the world when compared to Japan, Korea, and many countries in Europe, whose school systems are national in scope and implementation. But we shrink from discussing standards under the fear of undermining local authority. We live in a global economy and we live in an educationally competitive world and we should not shrink from discussion about standards which will guide our children to be productive, competitive citizens in the next millennium.

But we shouldn't confuse testing with standards, not until we understand what kinds of standards we wish to implement. Testing should reflect standards and not define them.

In this debate, as well as far too many other debates regarding education, we have allowed the tail to wag the dog, the tool to govern the handyman, the test to run the classroom.

We need to understand that a national test at this time will not move us toward such standards nor will they help us make meaningful comparisons to other nations. National testing at this time will not contribute to clarifying which communication or computational skills are necessary as basic standards or are necessary to survive in the world.

Instead, these tests would be used to make internal comparisons, between States, between districts, between groups of students. Testing without informed use to make judgments about how much progress we are making towards clearly identified criteria will be used to make claims about progress in others.

Instead of moving us toward standards, these test would be additional tools for some politicians to make charges about schools, to stigmatize entire blocks of students, and to criticize entire school districts. Therefore, our responsibility should be to make every effort to adequately fund education, to articulate standards which may lead to informed testing and to protect our children in this process from testing abuse.

Some of this abuse includes using the tests for making detrimental educational policies that will do irreversible damage to our children. For example, administrator of schools with low test scores are pressured to weed out below average scoring students rather than providing much needed resources to improve student performance. This "Gaming of Tests" provides incentives for school systems to purge low-test scorers from public schools and herd them into alternative schools.

This type of stigma has already had its damaging effects on the faith, hopes, and aspirations of many of our children. We see it here in Washington, we see it in many urban areas, and we see it in many of the schools in our own districts.

As an educator, as a parent, as your colleague, let's bring some reasoned discussions to this most important topic. This is beyond politics, beyond credit for national initiatives, beyond this side of this aisle and that side of the aisle. This is about the aisles in classrooms, this is about moving each student from basic skill to basic skill, from this century into the next and from rural and urban classrooms throughout America into a complex and competitive new world.

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to Mr. GOODLING's amendment. In so doing, I want to thank Congresswoman ELEANOR HOLMES NORTON for helping me remember an important lesson learned.

We have a crisis in the schools of the District of Columbia—like we do in my home district in Philadelphia. Here in Washington, school opening day was postponed by 3 weeks and Congresswoman NORTON challenged us to take in a student as an intern. In the absence of school, the hope is that we would be able to provide students with another avenue of learning.

My office has been lucky enough to host Heyda Benkriera, a junior at the Woodrow Wilson Senior High in Tenleytown. Heyda is a joy—smart, hard-working, mature, and a great sport. Some people who have worked with Heyda are shocked to learn that she's in high school, that she's not a member of our staff.

Heyda and Congresswoman NORTON reminded us of a truism that we already knew but took for granted—that Heyda, and her fellow students, are our future. I am here today to remind this Congress what Heyda has taught us—that we as a nation must meet the challenge of bringing back our schools here in the District of Columbia, in Philadelphia, and across the Nation.

I am convinced that one way we can do this is to embrace the kind of national testing program our President has proposed. This is a way for us to better insure that kids in Philadelphia, PA, Washington, DC, and Selma AL, are getting a fair and equal chance at a great future. The best education is a local concern but also a national challenge.

Bright minds and bright futures depend on our commitment to education in big cities and rural schools.

Thank you for your time, Heyda, and thank you for the lesson you taught us. For Heyda and all the other Heydas, I urge my colleagues to support the President's testing program.

Mr. PACKARD. Mr. Chairman, as a father, grandfather, and former member of the Carlsbad, CA, School Board, I take a personal interest in providing quality education for our children. Parents and local school boards know best what their children's education needs are—not bureaucrats in Washington. For these reasons, I rise today to express my grave concerns about President Clinton's proposal for national school testing.

This is a waste of taxpayer's money and will do little more than increase Federal involvement in our schools. In my view, national school testing is an unnecessary Federal intrusion. I am pleased that our colleague, BILL GOODLING, has chosen to offer an amendment to prohibit any funds from being used to develop and implement a national test. We need to restore more local control of education. I intend to wholeheartedly support the Goodling amendment in order to ensure for the prosperity of our schools and the education of our children.

Mr. Chairman, the Government already spends more than \$500 million a year to help States develop their own achievement tests. The Clinton plan would cost another \$22 million. This is money that could be better spent in the classrooms.

Let's put education policy back in the hands of parents and teachers, rather than the Department of Education. Instead of developing new national tests, I believe we should send scarce Federal dollars directly to the classroom, bolster basic academics, and increase parental involvement. These should be our top priorities—not more testing. I encourage all of my colleagues to vote for the Goodling amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

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

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thurs-

day, July 31 1997, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 41 OFFERED BY MR. HOEKSTRA
Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. HOEKSTRA:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

Mr. HOEKSTRA. Mr. Chairman, this amendment deals with the Federal funding for the Teamsters election, or perhaps the Federal funding for rerunning of the teamsters election. Let me share with my colleagues some of the facts about the election that was just recently completed.

Nearly \$20 million of Federal taxpayers' dollars was spent on the Teamsters election that was completed in December of 1996. This 1996 Teamsters election was recently invalidated by the Clinton administration due to charges of illegal campaign contributions and other improprieties.

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce, with jurisdiction over all Federal education and work force policy issues, I believe it is the responsibility of this committee to provide accountability to the taxpayers for their dollars, to ensure honesty and integrity in this election process, and to facilitate learning from the mistakes that we may make so as not to repeat them in the future.

My subcommittee is going to be involved in these kinds of efforts. We are going to find out where were these dollars spent in the elections that were just completed in 1996. We are going to audit those dollars and share the results with Congress. We want to find out and discover why this process has to be so complex.

When we take a look at \$20 million of taxpayers' money for this election, that cost almost \$45 for every vote that was cast. What did we get for those dollars? What is the election officer's role? It appears to be almost virtually unrestricted. How long did this process go on? Even after this election is completed, there is a whole series of appeals that are now available. And now most troubling, what happened in this election is that the election officer points out the types of illegal campaign contributions that were made and some of the improprieties.

Let me give my colleagues some examples. Martin Davis, a top campaign

consultant to the Carey campaign, the November Group, he was indicted in New York on charges of illegally diverting at least \$95,000 of International Brotherhood of Teamsters money into the campaign. Michael Ansara of the Share Group pled guilty in New York on charges of conspiracy to illegally divert at least \$95,000 of IBT money into the Carey campaign. Or Rochelle Davis, she is deputy director for Citizen Action and its affiliate, Campaign for a Responsible Congress, seeks immunity for her cooperation with regard to \$75,000 to \$475,000 in funds channeled to Carey's campaign. Jere Nash, the Carey campaign manager, took the fifth amendment in testimony before a Federal appeals court on the information that he provided to the election officer. Carey's campaign has returned over \$220,000 in questionable campaign donations.

No one knows the full story yet. But we do know that the Federal Government running this campaign or supervising this election could not guarantee us a fair election. What we now need to do is to step back and take a time-out to learn from the mistakes that were made and to make sure that we do not spend more taxpayers' dollars in a process that does not give us the kind of results that we would like to have.

So what does my amendment do? My amendment strictly prohibits the use of taxpayer funds for a rerun of the Teamsters elections. The Government can still supervise the election. That is our role and responsibility, to make sure that Federal laws are followed. But we should not be paying for or administering the printing of ballots, the counting of ballots, and these administrative types of activities. This is an internal function to the International Brotherhood of Teamsters that should be paid for by the Teamsters, not by the taxpayers.

As I talked with my constituents about this issue, they are amazed that the taxpayers would be paying for that kind of internal operations; and they want it known that they do not approve and do not want to pick up the tab for another election or rerun elections. There is no debate that the Teamsters deserve an honest and a fair election. We will work with them through that process, but the taxpayers should not pay for it.

In addition, there is no proof that Federal funds provide assurance of a fair election. In fact, the 1991 election was paid for by the Teamsters, was certified, and Ron Carey was elected as president. What this shows is that Federal taxpayer dollars do not make or break an election.

It is time to step back to evaluate and make sure that we do not make the same mistakes over. There were lots of mistakes that were made in this last election. They were made at the cost of \$20 million to the American taxpayer. It should not happen again. We do not have a responsibility to do that.

CRS has issued an opinion that stated that there would be no consequences should the Congress not pay for the 1996 election.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOEKSTRA] has expired.

(By unanimous consent, Mr. HOEKSTRA was allowed to proceed for 1 additional minute.)

Mr. HOEKSTRA. It went on to say that the decree embodies the consent of the Union defendants to governmental supervision, not the consent of Congress. The consent decree states that the Federal Government has the option of running the Teamsters election and references Government financing with a 1996 opinion.

□ 2115

It is silent on the issue of funding beyond 1996. Therefore, it is the prerogative of Congress to speak at this time. We need to make sure that we have accountability for taxpayer dollars, ensure honesty and integrity in the election process and facilitate learning. Now is the time to step up and protect the taxpayer dollars and to ensure and put together a process to give the Teamsters a fair election.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe the gentleman from Michigan has an excellent amendment. I would say that it is consistent with what is already in the bill. There is no money in this bill for the Federal Government to pay for another Presidential election for the Teamsters. This amendment merely makes that explicit. I certainly accept the amendment.

We provided through the Department of Labor, \$5.6 million in fiscal 1996 and an additional \$3.8 million in fiscal 1997, a total of about \$9.5 million for the 1996 Teamster election. This amount was more than matched by the Subcommittee on Commerce, Justice, State and Judiciary, which provided the balance of \$21 million to conduct the 1996 election.

As the gentleman mentioned, under the consent decree of 1989 entered when President Bush was our President, the Federal Government agreed to pay for the 1996 Teamster election, and the Teamsters themselves agreed to pay for the 1991 election. What was the national interest in doing that? It was to take a union that was obviously and by everyone's evaluation under the control of unsavory elements and attempt to assure democratic elections. The goal was to reform the union and remove that unsavory control that had been a part of their history for a long, long time.

I think the taxpayers have gone as far as they should go in paying for Teamster elections. I do not think we should ask the taxpayers to pay again for the irregularities that have occurred in the last election, and I believe that any further responsibility for reform is up to the Teamsters

Union and new elections paid for by them. I think the gentleman has offered a very good amendment. We accept it and believe that it makes explicit what is already implicit in the bill; namely, that this is no longer a Federal responsibility in any way, shape or form.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in support of the Hoekstra amendment, but, frankly, I believe the \$20 million that was spent on the Teamsters election in 1996 should be paid back. Talk about general welfare. They represent one-half of 1 percent of the population, yet the taxpayers of this country had to foot the bill for almost \$20 million to pay for their election. That makes no sense. So in this amendment we simply say since that election in 1996 was fraudulent, certainly the taxpayers will not have to pay again.

The gentleman pointed out that there is no money authorized or appropriated for a rerun of their election, but I would point out there was no money appropriated in 1996 for the election either. It was a transfer of funds in the Justice Department.

Those who do say that the 1989 consent decree, which is right here, said that the taxpayers should pay for the 1996 election have not read the consent decree real well. It said clearly that the taxpayer will pay to supervise an election, not pay to run the entire election, printing ballots, et cetera. We need to make sure at least on this amendment that we do not fall into the trap again of having the American taxpayer foot a \$20 million bill.

On August 22, 1997, the election officer issued a 134-page decision that she would not certify the election and requested a rerun of the election as the result of finding illegal campaign contributions to the Carey campaign as well as a very complex scheme of money laundering to fund the Carey campaign with funds from the Teamsters' treasury. This money laundering scheme involved Citizen Action and the National Council of Senior Citizens, front groups for the unions, and it involved a complex scheme to put money into congressional campaigns. In the last election, labor unions tried to buy this Congress with their illegal activities, distortions, and misrepresentations of the facts with their whatever it takes plan. This laundering scheme was part of all of that.

Every one of you in this Congress who have been attacked by the unions unfairly and untruthfully should vote for this amendment. Every one of you in this Congress who do not want the taxpayers to pay another \$20 million to benefit one-half of 1 percent of the taxpayers should vote for this amendment. Every one of you that represent the 49 percent of the Teamsters that voted for Jimmy Hoffa, Jr., for president of the Teamsters should vote for this amendment. Every one of you that say we

should fund special education to its legal amount of 40 percent should vote for this amendment. Every one of you who want more inspectors at OSHA should vote for this amendment.

This is what is meant by prioritizing your spending. We cannot afford to waste another \$20 million of the taxpayers' money to have an election for one-half of 1 percent of the people. Vote for the Hoekstra amendment, and do not cheat the taxpayers out of another \$20 million.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Illinois indicated that he accepted the amendment for the committee. We also accept it on this side of the aisle. I would simply note that I have some doubts about it, because the original funding provided by the Congress to supervise these elections came as the result of an agreement entered into by the Justice Department under the Bush administration.

I think it is in the national interest of the United States to see to it that fair elections are conducted in this union. It has a long and checkered history. I think it is in the interest of the country to see to it that the union is as clean as possible.

It is obvious at this point that there are considerable problems with the last election. We do not know yet what the court decision is going to be, but as the gentleman has indicated, there is no money in this bill for financing supervision of any pending election, so there is certainly no problem at this point with accepting the amendment.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hoekstra amendment. The 1996 Teamsters election of its officers, including the election of its President Ron Carey, has been nullified as has been indicated because of fraud, and under the order of a Federal court-appointed election officer, one Barbara Zack Quindel, who had the duty to supervise the election.

Previously, in 1988, the United States Government had initiated litigation against the Teamsters to rid the union of the influence of organized crime. That led to the entry of a consent decree, which has been referred to, by a New York Federal court providing for the election officer to supervise the 1996 Teamster election to make sure the election was fair and open. As we all know, the election was not very fair. Even though the 1996 Teamster election was supervised by the court-appointed election officer, still, as the election officer herself recently ruled, the 1996 election of Teamster officers was a nullity because of the fraudulent siphoning of union funds to various third parties, who in turn laundered such funds and then contributed them back into the campaign fund of Ron Carey, the president of the Teamsters. Mr. Carey won a very narrow victory in that election for a second term as

president of the Teamsters over challenger James Hoffa, using, however, the tainted contributions. And apparently, as has been indicated, the cost of conducting and operating this fraudulent 1996 Teamster election was financed by the American taxpayers at an estimated cost of \$20 million.

It now appears that a rerun of the court-monitored but fraudulent 1996 election will be required. I think most people do believe that this time around, the cost of conducting and/or supervising a rerun election under court order should be paid for by the Teamsters Union and not by the American taxpayers. Thus this amendment attempts to make it clear that at least none of the funds made available in this appropriation bill may be used to pay the expenses of the election officer appointed to oversee the rerun of the Teamster election, whoever that may be.

By the way, I might add that the election officer has seen fit to resign from her post.

At this point, no one knows just how much the conducting and supervising of the Teamsters' 1996 election did or will cost the American taxpayer, nor do we know what the cost will be for a rerun of the election. I do think that this time around, though, as we find ourselves in a position where the United States Government has to now monitor a rerun of a previously monitored but corrupt 1996 election, that certainly this time the union is the entity who ought to pay those costs and not the taxpayer. The amendment may not do the whole job, but it certainly is pointed in the right direction.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us focus on what happened here. A judge in New York allowed a consent decree as part of a settlement of a corruption charge against the Teamsters Union. That 1989 consent decree said that the Teamsters would pay for the 1991 election; the American taxpayer would pay for the 1996 election.

Mr. Chairman, rightly or wrongly, the families of this country did pay tens of millions of dollars out of their pockets for an election in 1996. Is it their fault the Teamsters and the Federal Government could not conduct an honest election? No. It is not the fault of the American taxpayer, and it is not their responsibility to clean up the mess. They have lived up to their end of the bargain, and it is time for Congress to stand up and prevent the taxpayer from being fleeced by forcing them to pay for a rerun election. The taxpayers funded an election for a private union. The election was filled with unethical behavior. That is it. The Teamsters had their bite of the apple, and this amendment would guarantee that taxpayer funds would not be wasted again.

Mr. MCINTOSH. Mr. Chairman, I rise in strong support of the amendment of the gen-

tleman from Michigan. The issue here is whether taxpayers should pay twice for the same Teamsters' election. Hardworking, law-abiding American workers have already forked over more than \$20 million for a corrupt, fraudulent 1996 election. Some estimate that when we are done sorting out this whole mess that taxpayers will have paid \$30 million or more. It was not the taxpayers' fault that this election stunk to high heaven. It was not the taxpayers' fault that "funny money" was illegally floated around Ron Carey's campaign. This Nation's taxpayers should not be on the hook for the re-run election which has been ordered by the election overseer.

It has been said that this amendment would mean the Congress is meddling with the courts. Yes, a settlement of corruption charges against the Teamsters did result in a 1989 consent decree saying that the Teamsters would pay for the 1991 election and that the taxpayers would pay for the 1996 election. But the consent decree did not say that the taxpayers would pay for a re-run election in 1997 that is ordered because of corruption.

American families have already paid for one election that they did not get, and they should not have to pay for another. I urge my colleagues to support the amendment.

The CHAIRMAN pro tempore [Mr. BEREUTER]. The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

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

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Pennsylvania [Mr. GOODLING]; amendment No. 41 offered by the gentleman from Michigan [Mr. HOEKSTRA].

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 5 OFFERED BY MR. GOODLING

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 295, noes 125, not voting 13, as follows:

[Roll No 398]

AYES—295

Abercrombie	Gallegly	Millender-
Aderholt	Ganske	McDonald
Archer	Gekas	Miller (FL)
Armey	Gibbons	Mink
Bachus	Gilchrest	Mollohan
Baker	Gillmor	Moran (KS)
Ballenger	Gilman	Morella
Barcia	Goode	Murtha
Barr	Goodlatte	Myrick
Barrett (NE)	Goodling	Nethercutt
Bartlett	Goss	Neumann
Barton	Graham	Ney
Bass	Granger	Northup
Bateman	Green	Norwood
Bereuter	Greenwood	Nussle
Bilbray	Gutierrez	Owens
Bilirakis	Gutknecht	Oxley
Bishop	Hall (TX)	Packard
Bliley	Hamilton	Pappas
Blunt	Hansen	Parker
Boehlert	Hastert	Pastor
Boehner	Hastings (FL)	Paul
Bonilla	Hastings (WA)	Paxon
Bonior	Hayworth	Payne
Bono	Hefley	Pease
Boyd	Herger	Peterson (MN)
Brady	Hill	Peterson (PA)
Brown (FL)	Hilleary	Petri
Bryant	Hilliard	Pickering
Bunning	Hobson	Pickett
Burr	Hoekstra	Pitts
Burton	Holden	Pombo
Buyer	Hostettler	Porter
Callahan	Houghton	Portman
Calvert	Hulshof	Pryce (OH)
Camp	Hunter	Quinn
Campbell	Hutchinson	Radanovich
Canady	Hyde	Ramstad
Cannon	Inglis	Rangel
Carson	Istook	Redmond
Castle	Jackson (IL)	Regula
Chabot	Jackson-Lee	Reyes
Chambliss	(TX)	Riggs
Chenoweth	Jefferson	Riley
Christensen	Jenkins	Rodriguez
Clay	John	Roemer
Clayton	Johnson, E. B.	Rogan
Clyburn	Johnson, Sam	Rogers
Coble	Jones	Rohrabacher
Coburn	Kaptur	Ros-Lehtinen
Collins	Kasich	Roukema
Combest	Kelly	Roybal-Allard
Conyers	Kim	Royce
Cook	King (NY)	Rush
Cooksey	Kingston	Ryun
Cox	Kleczka	Salmon
Crane	Klink	Sanchez
Crapo	Klug	Sanford
Cubin	Knollenberg	Saxton
Cummings	Knollenberg	Scarborough
Cunningham	Kolbe	Schaefer, Dan
Danner	LaHood	Schaffer, Bob
Davis (IL)	Largent	Scott
Davis (VA)	Latham	Sensenbrenner
Deal	LaTourette	Serrano
DeFazio	Lazio	Sessions
DeLay	Leach	Shadegg
Dellums	Lewis (CA)	Shaw
Diaz-Balart	Lewis (GA)	Shays
Dickey	Lewis (KY)	Shimkus
Dixon	Linder	Shuster
Doolittle	Lipinski	Sisisky
Doyle	Livingston	Skeen
Dreier	LoBiondo	Skelton
Duncan	Lucas	Smith (MI)
Dunn	Manton	Smith (NJ)
Edwards	Manzullo	Smith (TX)
Ehlers	Matsui	Smith, Linda
Ehrlich	McCollum	Snowbarger
Emerson	McCrery	Solomon
English	McDade	Souder
Ensign	McHugh	Spence
Evans	McInnis	Stearns
Everett	McIntosh	Stenholm
Ewing	McKeon	Stokes
Fawell	McKinney	Strickland
Foley	Meek	Stump
Fowler	Menendez	Sununu
Fox	Metcalf	Talent
Franks (NJ)	Mica	Tauzin
Frelinghuysen		Taylor (MS)

Taylor (NC)	Upton	Weldon (PA)
Thomas	Velazquez	Weller
Thompson	Walsh	White
Thornberry	Wamp	Whitfield
Thune	Waters	Wicker
Tiahrt	Watkins	Wolf
Towns	Watt (NC)	Young (FL)
Traficant	Watts (OK)	
Turner	Weldon (FL)	

NOES—125

Ackerman	Frank (MA)	Moakley
Allen	Frost	Moran (VA)
Andrews	Gejdenson	Nadler
Baesler	Gephardt	Neal
Baldacci	Gordon	Oberstar
Barrett (WI)	Hall (OH)	Obey
Bentsen	Harman	Olver
Berman	Hefner	Pallone
Berry	Hinchey	Pascrell
Blagojevich	Hooley	Pomeroy
Blumenauer	Horn	Poshard
Borski	Hoyer	Price (NC)
Boswell	Johnson (CT)	Rahall
Boucher	Johnson (WI)	Rivers
Brown (CA)	Kanjorski	Rothman
Brown (OH)	Kennedy (MA)	Sabo
Capps	Kennedy (RI)	Sanders
Cardin	Kennelly	Sandlin
Clement	Kildee	Sawyer
Condit	Kind (WI)	Schumer
Costello	Kucinich	Sherman
Coyne	LaFalce	Skaggs
Cramer	Lampson	Slaughter
Davis (FL)	Lantos	Smith, Adam
DeGette	Levin	Snyder
Delahunt	Lofgren	Spratt
DeLauro	Lowey	Stabenow
Deutsch	Luther	Stark
Dicks	Maloney (CT)	Stupak
Dingell	Maloney (NY)	Tanner
Doggett	Markey	Tauscher
Dooley	Masara	Thurman
Engel	McCarthy (MO)	Tierney
Eshoo	McCarthy (NY)	Vento
Etheridge	McDermott	Visclosky
Farr	McGovern	Waxman
Fattah	McHale	Wexler
Fazio	McIntyre	Weygand
Filner	McNulty	Wise
Foglietta	Meehan	Woolsey
Forbes	Miller (CA)	Wynn
Ford	Minge	

NOT VOTING—13

Becerra	Martinez	Torres
Flake	Ortiz	Yates
Furse	Pelosi	Young (AK)
Gonzalez	Schiff	
Hinojosa	Smith (OR)	

□ 2156

Ms. ESHOO, and Messrs. MALONEY of Connecticut, BORSKI, STUPAK, FATTAH, and RAHALL changed their vote from “aye” to “no.”

Ms. KILPATRICK, Mr. BONIOR, and Mr. ABERCROMBIE changed their vote from “no” to “aye.”

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on the Goodling amendment I was delayed on official business and unable to get here in time to cast my vote.

Had I been present I would have voted “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BEREUTER). Pursuant to the order of the House of Thursday, July 31, 1997, the Chair announces 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 next amendment on which the Chair has postponed further proceedings.

□ 2200

AMENDMENT NO. 41 OFFERED BY MR. HOEKSTRA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Michigan [Mr. HOEKSTRA] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 195, not voting 13, as follows:

[Roll No 399]

AYES—225

Aderholt	Fawell	McIntyre
Archer	Foley	McKeon
Armey	Fowler	Mica
Bachus	Franks (NJ)	Miller (FL)
Baker	Frost	Minge
Ballenger	Gallegly	Moran (KS)
Barr	Ganske	Myrick
Barrett (NE)	Gekas	Nethercutt
Barrett (WI)	Gibbons	Neumann
Bartlett	Gilchrest	Ney
Barton	Gillmor	Northup
Bass	Goode	Norwood
Bateman	Goodlatte	Nussle
Bereuter	Goodling	Obey
Berry	Gordon	Oxley
Bilbray	Goss	Packard
Bilirakis	Graham	Pappas
Bliley	Granger	Parker
Blunt	Greenwood	Paul
Boehner	Gutknecht	Paxon
Bonilla	Hall (TX)	Pease
Bono	Hansen	Peterson (PA)
Boyd	Hastert	Petri
Brady	Hastings (WA)	Pickering
Bryant	Hayworth	Pitts
Bunning	Hefley	Pombo
Burr	Herger	Pomeroy
Burton	Hill	Porter
Buyer	Hilleary	Portman
Callahan	Hobson	Pryce (OH)
Calvert	Hoekstra	Radanovich
Camp	Hostettler	Ramstad
Campbell	Hulshof	Redmond
Canady	Hunter	Regula
Cannon	Hutchinson	Riggs
Castle	Hyde	Riley
Chabot	Inglis	Rogan
Chambliss	Istook	Rogers
Chenoweth	Jenkins	Rohrabacher
Christensen	John	Roukema
Coble	Johnson (CT)	Royce
Coburn	Johnson (WI)	Ryun
Collins	Johnson, Sam	Salmon
Combest	Jones	Sanford
Condit	Kasich	Saxton
Cook	Kelly	Scarborough
Cooksey	Kim	Schaefer, Dan
Cox	Kingston	Schaffer, Bob
Crane	Klug	Sensenbrenner
Cubin	Knollenberg	Sessions
Cunningham	Kolbe	Shadegg
Davis (VA)	Largent	Shaw
Deal	Latham	Shays
DeLay	LaTourette	Shimkus
Dickey	Leach	Shuster
Doggett	Lewis (CA)	Skeen
Doolittle	Lewis (KY)	Skelton
Dreier	Linder	Smith (MI)
Duncan	Livingston	Smith (NJ)
Dunn	LoBiondo	Smith (TX)
Edwards	Lucas	Smith, Linda
Ehlers	Luther	Snowbarger
Ehrlich	Manzullo	Souder
Emerson	McCollum	Spence
Ensign	McCrery	Stearns
Everett	McInnis	Stenholm
Ewing	McIntosh	Stump

Stupak	Thornberry	Watkins
Sununu	Thune	Watts (OK)
Talent	Tiahrt	Weldon (FL)
Tanner	Traficant	White
Tauzin	Turner	Whitfield
Taylor (MS)	Upton	Wicker
Taylor (NC)	Walsh	Wolf
Thomas	Wamp	Young (FL)

NOES—195

Abercrombie	Gutierrez	Moran (VA)
Ackerman	Hall (OH)	Morella
Allen	Hamilton	Murtha
Andrews	Harman	Nadler
Baesler	Hastings (FL)	Neal
Baldacci	Hefner	Oberstar
Barcia	Hilliard	Olver
Bentsen	Hinchey	Owens
Berman	Hinojosa	Pallone
Bishop	Holden	Pascarell
Blagojevich	Hoolley	Pastor
Blumenauer	Horn	Payne
Boehlert	Houghton	Pelosi
Bonior	Hoyer	Peterson (MN)
Borski	Jackson (IL)	Pickett
Boswell	Jackson-Lee	Poshard
Boucher	(TX)	Price (NC)
Brown (CA)	Jefferson	Quinn
Brown (FL)	Johnson, E. B.	Rahall
Brown (OH)	Kanjorski	Rangel
Capps	Kaptur	Reyes
Cardin	Kennedy (MA)	Rivers
Carson	Kennedy (RI)	Rodriguez
Clay	Kennelly	Roemer
Clayton	Kildee	Ros-Lehtinen
Clement	Kilpatrick	Rothman
Clyburn	Kind (WI)	Roybal-Allard
Conyers	King (NY)	Rush
Costello	Klecza	Sabo
Coyne	Klink	Sanchez
Cramer	Kucinich	Sanders
Cummings	LaFalce	Sandlin
Danner	LaHood	Sawyer
Davis (FL)	Lampson	Schumer
Davis (IL)	Lantos	Scott
DeFazio	Lazio	Serrano
DeGette	Levin	Sherman
DeLauro	Lewis (GA)	Siskis
Dellums	Lipinski	Skaggs
Deutsch	Lofgren	Slaughter
Diaz-Balart	Lowey	Smith, Adam
Dicks	Maloney (CT)	Snyder
Dingell	Maloney (NY)	Spratt
Dixon	Manton	Stabenow
Dooley	Markey	Stark
Doyle	Mascara	Stokes
Engel	Matsui	Strickland
English	McCarthy (MO)	Tauscher
Eshoo	McCarthy (NY)	Thompson
Etheridge	McDade	Thurman
Evans	McDermott	Tierney
Farr	McGovern	Towns
Fattah	McHale	Velazquez
Fazio	McHugh	Vento
Filner	McKinney	Visclosky
Foglietta	McNulty	Waters
Forbes	Meehan	Watt (NC)
Ford	Meek	Waxman
Fox	Menendez	Weldon (PA)
Frank (MA)	Metcalfe	Weller
Frelinghuysen	Millender	Wexler
Gejdenson	McDonald	Weygand
Gephardt	Miller (CA)	Wise
Gilman	Mink	Woolsey
Green	Moakley	Wynn
	Mollohan	

NOT VOTING—13

Becerra	Martinez	Torres
Crapo	Ortiz	Yates
Flake	Schiff	Young (AK)
Furse	Smith (OR)	
Gonzalez	Solomon	

□ 2205

Mr. DEUTSCH changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. THUNE)

having assumed the chair, Mr. BEREUTER, Chairman pro tempore 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. 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, had come to no resolution thereon.

EXPORT EXPANSION AND RECIPROCAL TRADE AGREEMENTS ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 105-130)

The SPEAKER pro tempore 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 Ways and Means and the Committee on Rules and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Export Expansion and Reciprocal Trade Agreements Act of 1997." Also transmitted is a section-by-section analysis.

This proposal would renew over 60 years of cooperation between the Congress and the executive branch in the negotiation and implementation of market-opening trade agreements for the benefit of American workers and companies.

The sustained, robust performance of our economy over the past 5 years is powerful proof that congressional-executive cooperation works. We have made great strides together. We have invested in education and in health care for the American people. We have achieved an historic balanced budget agreement. At the same time, we have put in place trade agreements that have lowered barriers to American products and services around the world.

Our companies, farms, and working people have responded. Our economy has produced more jobs, more growth, and greater economic stability than at any time in decades. It has also generated more exports than ever before. Indeed, America's remarkable economic performance over the past 5 years has been fueled in significant part by the strength of our dynamic export sector. Fully 96 percent of the world's consumers live outside the United States. Many of our greatest economic opportunities today lie beyond our borders. The future promises still greater opportunities.

Many foreign markets, especially in the developing world, are growing at tremendous rates. Latin American and Asian economies, for example, are expected to expand at three times the rate of the U.S. economy over the coming years. Consumers and industries in these countries prize American goods,

farm products, services, and the many expressions of American inventiveness and culture. While America is the world's greatest exporting nation, we need to do more if we want to continue to expand our own economy and produce good, high-wage jobs.

We have made real progress in breaking down barriers to American products around the world. But many of the nations with the highest growth rates almost invariably impose far higher trade barriers than we do. We need to level the playing field with those countries. They are the nations whose markets hold the greatest potential for American workers, firms, and agricultural producers.

Today, the United States is the world's strongest competitor. The strength of the U.S. economy over the past several years is testimony to the creativity, productivity, and ingenuity of American firms and workers. We cannot afford to squander our great advantages by retreating to the sidelines and watching other countries conclude preferential trade deals that shut out our goods and services. Over 20 such agreements have been concluded in Latin America and Asia alone since 1992. The United States must continue to shape and direct world trading rules that are in America's interest and that foster democracy and stability around the globe.

I have pledged my Administration to this task, but I cannot fully succeed without the Congress at my side. We must work in partnership, together with the American people, in securing our country's future. The United States must be united when we sit down at the negotiating table. Our trading partners will only negotiate with one America—not first with an American President and next with an American Congress.

The proposal I am sending you today ensures that the Congress will be a full partner in setting negotiating objectives, establishing trade priorities, and in gaining the greatest possible benefits through our trade agreements. The proposal expands upon previous fast-track legislation to ensure that the Congress is fully apprised and actively consulted throughout the negotiating process. I am convinced that this collaboration will strengthen both America's effectiveness and leverage at the bargaining table.

Widening the scope of consultations will also help ensure that we will take all of America's vital interests into account. That is particularly important because today our trade agreements address a wider range of activities than they once did. As we move forward with our trade agenda, we must continue to honor and reinforce the other values that make America an example for the world. I count chief among these values America's longstanding concern for the rights of workers and for protection of the environment. The

proposal I am transmitting to you recognizes the importance of those concerns. It makes clear that the agreements we conclude should complement and reinforce those values.

Ever since President Franklin Roosevelt proposed and the Congress enacted America's first reciprocal trade act in the depths of the Great Depression, the Congress and the President have been united, on a bipartisan basis, in supporting a fair and open trading system. Our predecessors learned from direct experience the path to America's prosperity. We owe much of our own prosperity to their wisdom. I urge the Congress to renew our longstanding partnership by approving the proposal I have transmitted today.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

[Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Ms. PELOSI] is recognized for 5 minutes.

[Ms. PELOSI addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

PROCEDURAL JUSTICE FOR NICARAGUANS AND OTHER CENTRAL AMERICANS: THE CASE FOR H.R. 2302

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, on June 24 the U.S. District Court for the Southern District of Florida granted a preliminary injunction in favor of thousands of Central American immigrants in Georgia, Alabama, and Florida. The court in its decision concluded that the Immigration and Naturalization Service violated the due process rights of thousands of Nicaraguans and others bringing suits.

□ 2215

The court stated that an interpretation of a statute that has the effect of barring completely access to the courts irrespective of the merits of a person's claim is violative of due process. A retroactive application of the Immigration Reform Act of 1996 violates due process by barring persons completely

from even applying for suspension of deportation.

I firmly believe that U.S. District Judge James King captured in his decision the essence of a key issue that is before Congress: Due process of law for immigrants. Legislation that I have introduced, the Technical Revisions Act, H.R. 2302, in conjunction with legally compelled administrative action will restore due process of law to Central American refugees. The administration, however, must also contribute toward ensuring that Central American immigrants will receive procedural justice.

I would like to commend the Attorney General for her decision in July to set aside the Board of Immigration Appeals' ruling in the case of N-J-B; however, at this urgent time I renew my appeal to her, to her good will so that she will act in accordance with her existing authority to completely reverse the N-J-B decision. Given the persistent demonstration of support for that result and the substantial equities involved, I am hopeful she will render this reversal in the near future.

At this time, Mr. Speaker, I want to also urge very especially and personally that the Attorney General issue a parole for a young lady at the Krome Detention Center in south Florida, Cindy Zuyen Martinez, a 19-year-old Nicaraguan young lady who has been unfairly detained for over 10 months. It is Cindy's 20th birthday on Friday, and I would hope and expect that the Attorney General, with using her good will and her good offices and the power of her office, would issue a humanitarian parole to Cindy Zuyen Martinez before her birthday this Friday.

We in Congress, Mr. Speaker, cannot let the misdirected retroactive effects of the 1996 Immigration Act destroy whole families. In case after case, the Supreme Court has noted that the presumption against retroactive legislation is deeply rooted in our jurisprudence and embodies a legal doctrine centuries older even than our Republic. Consistent with that tradition, I do not believe that a majority of the Members of Congress ever intended that those provisions should apply retroactively to our immigrant communities.

By way of example, a distinguished Member of this Congress, my fellow colleague from Florida, Mr. PETER DEUTSCH, who voted for the 1996 act, testified in Federal Court that he never contemplated that the new law would be implemented to operate against those who had sought relief under prior existing rules.

I have introduced House bill 2302 to seek to clarify the ambiguities in the 1996 Immigration Act and to eliminate arbitrarily harmful and retroactive effects of that law. My bill is a technical corrections bill to the 1996 Immigration Act. It merely ensures that immigrants receive a fair hearing, Mr. Speaker.

Refugees from Central America came to the United States for protection

from Civil War and, in the case of our Nicaraguan brothers and sisters, from political persecution. Countless Nicaraguans fought courageously in the Nicaraguan resistance to defeat communism in their homeland. During the Civil War, and after it formally ended in 1990, many resistance members sought refuge in the United States based on the Federal government's pledge they would be able to remain as long as they complied with their application procedures for suspension or asylum.

Nicaraguan families acted accordingly and patiently waited to have their applications considered, many sacrificing their family savings to pay for legal representation during their long pending asylum processes. In some cases our courts have even certified these delays have been the fault of the Immigration and Naturalization Service.

Our Nation owes a great deal of gratitude to our Nicaraguan brothers and sisters, and I think it is our moral obligation and a requirement of elemental fairness that at the very least these refugees be considered under the rules in existence when they filed their applications.

Since these refugees were admitted to the United States, I have witnessed in South Florida how they have made significant social, economic and cultural contributions to my community. They have built businesses, created jobs, they pay taxes, and these hard working families now have children, many of them who are native born American citizens. My bill ensures that these refugees will be able to obtain basic procedural justice in recognition of their historically unique and important circumstances.

Mr. Speaker, we will continue to work with all intensity until we prevail. This issue requires it.

UT PROFESSOR WHO BLASTS EFFORTS FOR DIVERSITY ON CAMPUS SPEAKS FOR NO ONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the swirl of discussions of color-blindness and civil rights, I rise this evening to comment on unfortunate and misdirected comments, without academic content, made by one of our University of Texas professors in the State of Texas. Taken from an article in the Houston Chronicle, this professor offered to give his philosophy on the intellectual capacities of blacks and Mexican Americans.

It is my understanding that his training is in law. I do not view him or have no knowledge of his background in sociology or psychology, but his comments are as follows:

"Racial diversity among students adds little to their education", a University of Texas law professor said

Wednesday, adding that "blacks and Mexican Americans can't compete academically with whites" and that they come from cultures in which "failure is not looked upon with disgrace."

Professor Lino Graglia's thoughts on affirmative action and minority students' abilities have been publicly known for years. In 1986, his controversial views cost him an appointment to the United States 5th Circuit Court of Appeals after objections were raised to his use of the word "pickaninny" in the classroom and to his published articles in which he seemed to urge Austinites in Austin, Texas, to defy court ordered bussing of public school students.

Let me, in contrast to his remarks, say that I am completely confident in the tenure system as well as the first amendment and academic freedom. I do recognize that our Nation's universities, both public and private, are havens for philosophical thought that I may not agree with and that I may agree with. And I recognize that Dr. Graglia hides behind that shield. Many of my colleagues in the State legislature and community activists have rightly called for these unfortunate, untimely remarks to be "taken down," if I may characterize it that way, in that the professor be asked to resign.

I believe that they have the authority and, of course, the initiative to address whether he comes or whether he stays or goes at the University of Texas, but I offer to say as this Congress looks at debating affirmative action, looks at MWBE programs or programs in the Federal Government that respond to creating opportunity for minority contractors, that we listen to the misguided and misdirected sentiments of individuals that are not informed and are not trained.

The UT law school this year expects 4 blacks and 26 Mexican-Americans among its 468 new students. Final figures will not be available until Friday. Last year 31 blacks and 42 Mexican-Americans enrolled at the University of Texas law school. Graglia, who made his comments at the announcement of a new organization, Students for Equal Opportunity, for which he is the faculty adviser, insisted that "blacks and Mexican-Americans are not academically competitive with whites in selective institutions. It is the result primarily of cultural effects." "Various studies," he says, "seem to show that blacks and Mexican-Americans spend much less time in school. They have a culture, it seems, not to encourage achievement. Failure is not looked upon with disgrace."

Let me simply say to the professor that I find him a disgrace. For it is interesting that with his limited training, no expertise in sociology, or the data of gathering any substance to give support to the comment that their culture seems not to encourage achievement, that here he is, isolated in Austin, TX, and he rises to a national platform to characterize all African-American

and Mexican-Americans in this Nation.

I assume maybe he has done a national polling, even to the extent of going into each and every household, starting from slavery for African-Americans and maybe from the first immigrant from Mexico, and he now has the absolute results, almost like the Emmy or the Oscars, he has the final tally that culturally we do not encourage achievement amongst African-Americans or Mexican-Americans.

So the leaders of this Nation, who have been African-American and Mexican-American scientists, lawyers, doctors, teachers, business persons, multimillionaires, billionaires, all do not count for this professor. He sits in his isolated shell, protected by the first amendment and academic freedom, and wants to insult a nation of people.

Graglia said, "Admitting less qualified students because of their race brings down the class and denies admissions to qualified white students." I would simply say to this professor that maybe he should remain isolated, protected by academic freedom and the first amendment, but he speaks for no one, and least of all he speaks not with reason, understanding, and intelligence. He speaks with no data. He speaks with no knowledge of the cultural expressions of African-Americans and Mexican-Americans. Frankly, he says nothing. And, frankly, if I were him, I would silence myself.

SUNSETTING THE U.S. TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. PAXON] is recognized for 5 minutes.

Mr. PAXON. Mr. Speaker, I would like to take the opportunity this evening to outline a measure I think, on a bipartisan basis, can say a lot about where this Congress believes the future of our country should be, about what our vision as a Congress is all about for the future of our country.

Mr. Speaker, for decades, few Americans ever really believed in their hearts that this Congress could work together to balance our Nation's budget, yet it was in 1994 our Contract With America finally, and I think clearly, established that we could do it because we put a date certain on it. We said we are going to do this by 2002, let the debate begin on how we are going to accomplish the specifics of balancing this Nation's budget, which in July of this year we finally have done.

In so doing, by establishing that date of 2002, we really captured the attention and the support and the enthusiasm of the American people, and it overrode a lot of obstacles, frankly obstacles at the other end of Pennsylvania Avenue and some right here in this Chamber. I believe that by initiating that balanced budget debate in 1994, with our Contract With America, we defined the playing field and we won an important legislative victory for the American people.

Now, similarly, for years we have talked about abolishing the Tax Code and replacing it with something different, with either a flat rate income tax or a national sales tax or some other alternative. Every day we wait, that 5.5 million word "Tax Code" that is administered by 110,000 IRS employees defines just about everything we do as citizens. It limits our economic freedom, it discriminates against children, families, and entrepreneurs. It encourages hundreds of billions of dollars in the underground economy or in tax avoidance and, most importantly, I believe the complexity of the Tax Code, in its unfairness, turns off many millions of Americans to the government that administers and creates this program.

I do believe that it is time to apply the same defining principles that we did on balancing the budget; establishing a date certain and then letting the debate begin, that same defining approach to the issue of changing our Tax Code.

My colleagues, I believe this fall we should put on the President's desk a bill repealing the entire Federal Tax Code, and today I submitted legislation that would do just that. My bill will effectively sunset the Federal Tax Code at midnight on December 31, the year 2000. It eliminates all elements of the Tax Code except those dealing with Medicare and Social Security.

Now, if this Congress has the courage and the commitment to see this through, think of what it means. Three short years from now Americans everywhere will celebrate New Year's Eve by wishing good riddance to 5.5 million words of Federal bureaucratic gobbledegook along with the 110,000 bureaucrats who enforce all this with a guilty until proven innocent sledgehammer.

Now, I think my colleagues might agree that nothing gets Washington off its duff like a deadline and, frankly, this bill would impose one heck of a deadline. That is why I am calling my legislation No Taxation Without Reform. I am pleased that already colleagues here in Congress have come forward to support this, and organizations like the NFIB, the National Federation of Independent Businesses, have decided to make the sunset of our Federal Tax Code and the beginning of this great national debate on what would replace it a reality.

□ 2230

I think if we have the courage and commitment as a Congress to start the national debate on this issue, it will mean first it will involve every American in helping us figure out what the ultimate solution, the replacement of the current tax code and its complexity, is all about.

Second, it will help change specifically the system we have in front of us.

And, third, by replacing the Tax Code with an alternative, a flatter, fairer income tax system, other national sales

tax, or something like the Cato Institute has proposed today, the max tax, any one of these alternatives or others that may come forward, we can and will restore people's faith in this Congress and in this Government, that it has the best interest of this country at heart and offers the opportunity for great hope and optimism for this Nation as we enter the next millennium.

I hope that Members of Congress will join with me in this important crusade that we have begun today in the House of Representatives.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Ms. MILLENDER-MCDONALD] is recognized for 5 minutes.

[Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

OPPOSING THE RENEWAL OF COMMERCIAL WHALING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

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

Mr. METCALF. Mr. Speaker, I rise in opposition to yet another proposal to renew commercial whaling on our Nation's West Coast.

Next month the International Whaling Commission will meet. On its agenda is a resolution to authorize the Makah Tribe that is on the west coast of Washington State to renew commercial whaling, to kill five gray whales annually. Just three years ago gray whales were removed from the endangered species list. If they are granted whaling rights, 13 tribes in British Columbia are prepared to begin commercial whaling themselves.

We all know that whales were hunted almost to extinction in all the oceans in the last century. I do not believe that people are prepared to renew commercial whaling in North America. There are many reasons: Guilt for the past actions a hundred years ago. People feel protective of whales. They are concerned for these great beasts. And there are economic reasons. There is a multimillion-dollar whale watching industry in northern California, Oregon coast, Washington coast, British Columbia, clear to Alaska.

The gray whales and local orcas, they are used to boats. People sort of consider them like pets. Many individuals have been identified and can be recognized. People are thrilled to get a close look at them. But these are very intelligent animals. Once commercial killing starts, even on a limited basis, explosive harpoons, whales thrashing, blood in the water, there will soon be no whale watching. No boat will get close to gray whales again. That will be the end of a major industry on the Pacific Coast.

We must ask, why renew whale hunting? What will they do with the whales that they catch? The Makah Tribe has not hunted whales for over 70 years. That is not a part of their diet at all. No, this is not subsistence. This is commercial whaling. One gray whale is worth \$1 million in Japan.

The Makah Tribe has established contact with the Norwegian and Japanese whaling interests. Boats and modern stun or explosive harpoons are available. The Seattle Times reported on April 13, and I quote,

The proposed hunt is allied with efforts by the commercial interests in Japan and Norway that hope to turn the tide against anti-whaling sentiment by promoting what they call "community based whaling among indigenous people for cultural, dietary or economic reasons."

I want to read that again.

The proposed hunt is allied with efforts by the commercial interests in Japan and Norway that hope to turn the tide against anti-whaling sentiment by promoting what they call "community based whaling among indigenous people for cultural, dietary or economic reasons."

Again, I must question the validity of the proposal and the motivations behind the renewed whale harvest. The fact that many whales are creatures that routinely migrate the globe demands a consistent international policy.

If a few native groups are allowed to harvest whales, then Japan and Norway deserve and they will demand the same. They have hunted whales through all recorded history. This policy is a step we must not take.

Mr. Speaker, the grim history of commercial whaling must not be repeated, and I will do my best to see that it is not. In response to this action, I am drafting a letter to the International Whaling Commission meeting in October asking that they refuse the Makah proposal. I urge every Member of Congress to sign this letter or call my office and have their name added. I believe a firm statement by this House will turn the tide and defeat the commercial whaling resolution.

ISTEA LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

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

Mr. FOX of Pennsylvania. Mr. Speaker, dear colleagues, I come to the House floor tonight because we have legislation which is coming up next week which is very important, the ISTEA legislation. The shorthand for that is the transportation bill.

What is very important about the ISTEA legislation is this is the legislation long awaited which will give each American community and our States the kind of transportation and privilege that we need. Each State and each community has great schools, great

health care institutions, and have great employers and great employees. But if they cannot get around, how will they contribute to the quality of life?

So I am hoping that my colleagues will support the Shuster bill, H.R. 2400. That ISTEA legislation will provide the following: The road construction that is needed across the country; the road repairs that are needed in each community; the bike paths that are needed to help the environment, give recreational opportunities; and the public transit assistance. By that I mean trains, buses, subways, any kind of high-tech, new technology transit, any ways of getting people around that may be more easily done in urban and suburban areas, that will cut down on the gridlock and reduce the amount of cars that are too much on the roadway. This would actually not only help people get around faster but do so more economically and preserve the environment.

My position on the Shuster bill is that this is a great piece of legislation that is going to help in a bipartisan way every single district, every single State. It is pro-environment. It is pro-jobs. It is pro-quality-of-life. The Shuster bill is consistent and supports a balanced budget.

The Nation's driving and traveling public need H.R. 2400. This bill is one that is going to set the standard, not only for making sure we have the roads and repair them and making sure we have the public transit, but also adds very important new safety guidelines which will help all of our Americans.

Finally, Mr. Speaker, the Nation's Governors support this legislation. This bill is one that is not only fiscally responsible but it is helpful to our environment, and will make sure that the driving public has safe roads now and into the future.

So I urge my colleagues to cosponsor the bill, to certainly vote for the bill, and meet with constituent groups back home so they are aware that we are looking out for them and making sure that their quality of life is improved and their neighborhoods and communities have the advantage of improved roadways and improved public transit.

THE CITIZENS REFORM ACT OF 1997

The SPEAKER pro tempore [Mr. THUNE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. BILBRAY] is recognized for one-half of the time until midnight as the designee of the majority leader.

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

Mr. BILBRAY. Mr. Speaker, I include for the RECORD the statement by the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration of the Committee on the Judiciary, in support of H.R. 7, the Citizens Reform Act of 1997.

Mr. SMITH of Texas. Mr. Speaker, the United States is one of the few major industrialized countries in the world that still grants automatic citizenship to the children of illegal aliens. Only three other countries do so—Mexico, Argentina, and Canada, and Canada is in the process of changing its law.

Some argue, though I disagree, that birth-right citizenship is anchored in the first section of the 14th amendment to the Constitution, which states that "all persons born * * * in the United States and subject to the jurisdiction thereof, are citizens of the United States * * *."

The 14th amendment was written to guarantee citizenship to those formerly held in bondage and their descendants after the Civil War.

The Supreme Court did not consider application of the citizenship clause of the 14th amendment to children born in the United States to legally-residential aliens until 30 years after the amendment was ratified. The court ruled that children born in the United States to parents who were lawfully admitted for permanent residence should receive automatic citizenship.

But while the Supreme Court has consistently held that the citizenship clause of the 14th amendment applies to children born to legal immigrants, it has never held that this principle extends to children born here to illegal alien parents.

Because of the adverse effects of our present policy, it should be changed.

Those effects include smugglers bringing pregnant women into this country to give birth only because their children will become citizens. Approximately 16 percent of all the births taking place in California each year are to illegal alien mothers.

The county of Los Angeles estimates that almost 200,000 U.S. citizen children of illegal alien parents living in Los Angeles are collecting \$461 million per year in AFDC benefits.

And an estimated 10 percent of total education costs to school districts in Los Angeles County are attributable to primary and secondary education for citizen children of illegal aliens.

Apart from the costs, isn't citizenship being devalued when it is given away as a result of illegal behavior?

I support H.R. 7, legislation introduced by Representative BRIAN BILBRAY of California, because it would do a great deal to discourage illegal aliens from entering the United States. And it would make U.S. policy consistent with the vast majority of countries around the world.

Mr. BILBRAY. Mr. Speaker, those of us who have had the privilege of being American citizens and being raised here in the United States know that the United States has always prided itself as being a Nation of laws, of citizens that respect their laws and serve the Nation, rather than a Nation that serves men and ideas of individuals over the concepts of good laws.

Mr. Speaker, H.R. 7, the Citizens Reform Act of 1997, is a legislative correction by Congress for an issue that has been ignored for much too long. The issue really before us is the issue of who qualifies for automatic citizenship in the United States by right of birth.

Now, many of us assume that if we are born on U.S. territory, no matter

what the situation, we get automatic citizenship. The fact is, here in Washington and in New York the diplomats and their children do not get automatic citizenship in the United States, because the Fourteenth Amendment clearly states that not all persons born in the United States are given citizenship, only those who are born or naturalized and who are subject to the jurisdiction thereof.

Now, that conditioning clause has been interpreted in many different ways over the hundred years and plus that it has been in effect. The definition of "subject to the jurisdiction" has clearly stated that the children of diplomats do not get automatic citizenship, and that is not a punitive action. That is a calculated interpretation of the fact that diplomats do not owe allegiance, loyalty to the United States Government, and that their children do not receive the rights of automatic citizenship because the parents do not bear the obligation of loyalty.

Now we may ask, what does this have to do with 1997? Well, Mr. Speaker, across this country there are individuals who are entering this country illegally, who are violating the law, who are violating the trust of the American people, and then are demanding or acquiring automatic citizenship without due process for their children.

Now I, for one, am very sensitive to this. I was raised by an immigrant of a foreign country who came here legally, who played by the rules. I think it is just an assault on our entire concept of fair play to say that there are those who are waiting patiently to immigrate legally, whose children are born in foreign countries, who do not acquire automatic citizenship but who are required to go through the process and naturalize.

At the same time, there are those who enter this country illegally or enter this country, as most illegals do, and I want to point this out, legally, and then violate their agreement with the Federal Government by overstaying their visas. Then their children who are delivered here in the United States gain the right of automatic citizenship, while those who are playing by the rules, their children, as I stated before, do not.

H.R. 7 points out that we need to address this issue of fairness, we need to make sure that we send a very clear message to everyone. And I want to point out quite clearly, it is not the immigrants' fault; it is Congress' fault. The Fourteenth Amendment says that Congress will have the responsibility to statutorily enforce these sections. Congress has ignored this problem because they did not think the problem was very big, did not think it was worth addressing.

Mr. Speaker, let me just say quite clearly, even if it was one person benefiting from the violation of our national laws, that would be enough. But in California alone in 1993 we had 96,000

children born to illegal aliens who qualified for automatic citizenship. That is 40 percent of the Medicaid births in the State of California, the largest State in this Union. That population in itself sends a very clear message that we are sending the wrong message to the rest of the world.

Now I did not do a poll, and a lot of people in Washington did not do a poll, but I just received information from California that a group did a poll asking women who are illegally in the country, why did they come to the United States. Frankly, even those of us who are involved in illegal immigration were shocked to see that a quarter of them stated that one of the major reasons to come here was so that their children could gain the privileges and rights of automatic citizenship, of citizenship in the greatest Nation in the world.

Now, I do not fault them for doing that. But I do fault a Congress that stands by and ignores the fact that we are telling people who want to come to this country, "Come here illegally and we will reward you. Wait patiently to come here legally, and we will make you toe the line."

□ 2245

I think that is a very wrong statement to send. I think it is one that we need to correct.

H.R. 7, Mr. Speaker, corrects it. It says if you are a citizen of the United States, a resident alien in the United States that has been accepted as a resident by the United States, then you bear the responsibility of loyalty and service to the American people, and we will give your child automatic citizenship. With the obligation goes the rights. But if you are a tourist who is just asking to pass through, or if you are an illegal alien who has violated our laws, we will not reward you or your child for you breaking the law while we require those who wait patiently to immigrate to play by the rules.

Mr. Speaker, this item goes back many years. First of all, many may say, again, I thought everyone on U.S. soil was automatically a citizen. In fact, it was not the 14th amendment that allowed native Americans to become automatic citizens of the United States. In fact, many, many individuals in this country who come from native American backgrounds did not get their right of being automatic citizens from the 14th amendment, because the Supreme Court ruled in a case back in the 1880s that Indians, native-born Americans, did not qualify as being subject to the jurisdiction thereof as conditioned by the 14th amendment. The fact is the Supreme Court ruled that Native Americans could not be tried for treason and could not be drafted and could not be held liable, though they could be arrested, but they could not be held liable for not being loyal to the U.S. Government, and thus their children did not qualify.

The first case of that, that reflected that, was the Elk versus Wilkins, which was a situation where an Indian who had left his tribe went to qualify as a voter and tried to register as a voter. The registrar of voters refused to register him because they said, you are not a citizen. John Elk, an Indian born within the territory of the United States, in Nebraska, went to the Supreme Court and said, I was born within the United States; the 14th amendment gives me automatic citizenship. The court ruled that the Indian born of a member of the tribe within the United States was still not subject to the jurisdiction thereof, and that Mr. Elk was not a U.S. citizen by right of the 14th amendment.

Let me remind my colleagues that this is the same 14th amendment that a lot of people say illegal aliens should get automatic citizenship for, that a legal Native American within the United States has been ruled not to be a U.S. citizen. But this House and this Congress and this Federal Government has continued to assume that illegal aliens qualify under that category.

I think that any reasonable person would say there should be some major questions raised here. I think the question illustrates quite clearly that not all individuals born within the territory of the United States automatically get citizenship under the 14th amendment, because there is that conditioning clause "subject to the jurisdiction."

The next case that is always brought up on this issue, Mr. Speaker, is a case that people that want to give automatic citizenship to illegal aliens point out, and that is U.S. versus Wong Kim Ark. Wong Kim Ark was an individual who was the son of two Chinese immigrants, legal resident aliens, who were allowed to set up business within the United States, and the child was born while they were here legally in the United States. When Mr. Wong Kim tried to come back from a visit after his parents had been extradited through the Chinese Exclusion Act, he went to visit them in China, tried to come back into the United States, and he was told he could not because he was not a citizen.

The Supreme Court ruled quite clearly on that and made a reference to a case, which was our British common law case, that the parents had been legal under a case called the Calvin case, and that the Supreme Court ruled that because they were residents of the United States and had been permitted under British common law and United States immigration law to be in the United States, that the child had the rights, because while the parents were in the United States, they had a temporary allegiance through legal immigration.

This may really sound like a bunch of legal gobbledygook, but it comes back to the point of fairness, and it comes back to a point that I think those of us in Washington forget too

often. The whole case that we are talking about citizenship and automatic citizenship comes back to a basic rule that there are rights and responsibilities, and that people or individuals cannot claim rights without bearing equal responsibilities.

Actually in the Calvin case, which was a case where a Scotsman was basically told by one group that he was not a citizen and could not qualify in the English courts, that he had no rights there, that Calvin was able to prove that he had rights because he had obligations; that his parents could have been tried for treason, could have been drafted for service to the king; that his parents in a most gross sense could have been drawn and quartered as traitors because they had an obligation to be loyal to their government, and because of that obligation, there became a right to the child.

The same argument has to be reflected, that there are those in our society who think that rights come without responsibilities. I think we may debate back and forth when and where those begin, but I think it is quite clear here with this case that the law that we base our immigration birth-right citizenship is based on a British law that was articulated in the Calvin case which said if the parents are obligated to be loyal and to serve the government, with that obligation comes the rights of the child to be a citizen. The British said it in their very poetic way. It says quite clearly that it is not the ground that really matters, it is the state of mind. The terminology that was used in the Calvin case was that it is not the soil or the climate, but the loyalty and the obedience that makes the subject born.

I think anyone here would agree that it would be absolutely absurd to think that an illegal alien owes loyalty and allegiance to the U.S. Government. If we can come to that conclusion, that a person who has violated our immigration laws, that has come into this country illegally or stayed in this country illegally obviously does not have either the concept of loyalty to the United States or the obligation being enforced of that loyalty.

In fact, I would remind a lot of my colleagues who think that the concept of not giving illegal aliens automatic citizenship is such an outrageous concept, I would ask those colleagues to remember how long would you stand by in this House if an illegal alien was tried for treason, if an illegal alien was being drafted to serve in the U.S. Army, and that illegal alien said, "Look, I want out of it, I don't want to have to serve, I would rather go back to my country." The concept of trying an illegal alien for treason is as absurd today as it would be in the 1860s when the 14th amendment was passed. That same absurdity applies to the fact that you give automatic citizenship to somebody without the related obligation to them or their parents.

Mr. Speaker, it may seem like an academic debate. I think that we have

pointed out again and again as we talk about illegal immigration that this city, Washington, DC, and this Federal Government has an obligation, an obligation to start clarifying what behavior is appropriate, and what behavior will be rewarded, and what behavior is inappropriate, and what behavior will not be rewarded. That may seem radical and extreme to somebody. In my family, I try to make sure that we send that message to our children and to our friends, and it is about time Washington understands that common sense may seem extreme here, but America wants to see more of it coming out of this place.

It is not the obligation of illegal immigrants to make rhyme and reason out of our immigration laws. It is not the mothers of illegals who are responsible to make sure that our citizenship laws reflect common sense and reflect the historical precedents that have been set over the decades, over the centuries, that to have the rights you must bear the responsibilities.

When we talk about who bears the responsibility here, it is not the mother who wants to cross a border or come in from Europe or Asia illegally to get automatic citizenship. The responsibility bears right here in Washington, DC. Washington, DC, has to bear that responsibility.

I still remember an illegal woman telling me one time, an illegal alien woman saying, "Mr. Bilbray, if you really didn't want us to do it, you wouldn't be rewarding us for doing it." I think that it is time that we send that clear message, and we send it quite fairly and quite strongly, that we do not blame them, we blame ourselves, for the lack of commitment and involvement in this issue; that we have sent the wrong message for too long, and that we are going to address it.

The 14th amendment, Mr. Speaker, does not say that all persons born or naturalized in the United States are citizens of the United States. The 14th amendment says that you have to be born in the United States and must be subject to the jurisdiction thereof. To be subject to the jurisdiction thereof, you do not only have to be subject to being arrested and prosecuted, as so many people assume in this country, but to be subject to the jurisdiction as defined in British common law and as inherited by us through our own Constitution, because even in the Wong Kim Ark case, it was quite clear the Supreme Court ruled there is no common law in America except the British common law; that the British common law said that to be subjects, you must be not only obedient, but you must be loyal; that the obligation of obedience is only one-half of the responsibility of being subject to the jurisdiction thereof, and that loyalty is the other half.

The 14th amendment specifically was trying to address, after the Civil War, the issue of the Dred Scott case, to ensure that everyone was given equal protection for the right of citizenship

regardless of race. One of the biggest problems we had was that there was an assumption that only white Europeans had the rights under the British common law. So to clarify that it was universal, the 14th amendment was passed to specifically say that everyone, regardless of their race or their past servitude or any other condition, had the same rights.

But the 14th amendment did not change the conditions for birthright citizenship in a general sense. The Supreme Court ruled over three times that the 14th amendment was to reinforce the concepts that had been accepted by the United States, and by the Colonies before the United States, and by the English empire before that, that being that those who are going to gain automatic citizenship have to be the children of people who are subject to the jurisdiction, people who are obedient to the law, and obligated to serve the Government and to be loyal to the Government.

Today, Mr. Speaker, most people do not know this, but legal resident aliens are obligated to serve in the military and are obligated to be loyal to the Government while they are here. They have a temporary allegiance of loyalty. When the courts reviewed this under the Calvin case, they clarified that when a legal resident comes into the United States, there is a contract between a legal resident and the Government. The act of allowing someone into your country, you are saying to them, or your Government is, you may come into this country and be a resident, but you must act with the obligations of being a citizen, and you can be drafted, you can be taxed, and you are obligated to be loyal. When an illegal alien comes into the country or when a diplomat comes into the country, there is no contract between the Government and the person entering the country. That contract has not been made, and the obligation does not exist. The obligation does not exist and the rights of automatic citizenship do not exist.

□ 2300

I know there are those in this city that would love to say there are all kinds of rights out there, but no obligations and no responsibilities. That is not reflected in the text of the law or the historical background of automatic citizenship.

Now, we can debate the issues of rights and responsibilities, but one thing that is made quite clear, when the Senators were debating the 14th amendment, there was no concept that they were going to pass an amendment that would encourage people to break the laws of the United States.

Senator Howard, who was one of the authors of the citizenship clause, specifically made reference to the fact that he wanted to treat fairly those individuals who had lived in our country and lived by our rules and followed our laws. In fact, his statement, referring to the slaves, were that they lived by

our laws, they have borne the responsibility of citizenship, they are here because we choose them to be here, and, in fact even, without them having a choice to be here, and they have the right and their children and grandchildren have the right of citizenship.

Mr. Speaker, that does not exactly sound like an illegal immigrant to me. It sounds like exactly what it was meant to mean, that those who played by the rules, that have been loyal and served this country, have a right for their children to be automatic citizens. But those who have violated our laws, again, should not be rewarded for it.

I have to say that I live on the Mexican border and I see very interesting things happen. I know of individuals who were in Mexico who are waiting patiently for their immigration status, and I know they are having children in Mexico. When they get here, they will immigrate, they will come here legally, they will wait for years and years to be able to play by the rules, and their children will then have to apply to naturalize, just like everyone else.

But when I talk to a lady, like this one lady from El Paso, about how outraged she was at the concept while she played by the rules, someone could cross the border illegally and their children get automatic citizenship, and then their children qualify for welfare, and their children qualify for Medicare, that is probably the greatest sin, is to continue to tell those who have played by the rules, "Hey, you were crazy to play by rules. Break the rules. This is what this country rewards." I do not think the American people want that to continue.

Mr. Speaker, if the people that really believe that everyone who was born on U.S. soil should get automatic citizenship, if they really believe it would be so unjust to enforce the clause that says that you have to be subject to the jurisdiction thereof, if people think that my legislation and that H.R. 7 is so outrageous, then let them have the guts to finally stand up and say, look, from now on, every child born to a diplomat will get automatic citizenship. From now on, any time anybody violates U.S. territory, there will be no problem, they will get automatic citizenship. But today, tomorrow, and next month, there will be children born in the United States to people who we allowed to come here legally, who will not get automatic citizenship, and those are the children of diplomats and their aides and their support staff. Those individuals are not having their rights taken away. We are not punishing their children. We are just reflecting not only the 14th amendment, but the British common law and the law that we have all inherited into this land.

So the hypocrisy of this issue is there are those who will oppose H.R. 7 and then will continue to ignore the fact that we are today saying not everyone born on U.S. soil is a U.S. citizen.

Again, Mr. Speaker, I must apologize for the fact that this bill has to be brought up, but I think that there are those who have not read the law, the root law, which was the case where you had an individual claiming to be a citizen, and some people saying he was not, and that case goes all the way back to 1607. This is not a new case, 1607.

You had a Scotsman who said I am a British subject, and I am a British citizen, and I should have some rights. The courts ruled then that the determining factor was did the parents have responsibilities? With those responsibilities, they investigated that the parents did have them, they were obligated to be loyal, they were obligated to serve the Government, they did not have the right to leave the country based on the fact that they were aliens and foreigners, that they had the obligation of loyalty, and with that obligation the child received automatic citizenship.

It is not a popular thing to talk about, Mr. Speaker, but it is a fairness issue now. No one in the United States can say that it is a good policy to reward individuals and their families for breaking the law, and that it is a good policy to tell people that if you play by the rules, you will be disadvantaged, if you follow the law, you will be disadvantaged.

Now, I am not talking about punishing the children or punishing immigrants. I am talking about let us stop punishing the people who play by the rules. Let us make a law statutorily under section 5 of the 14th amendment that reflects the intent of the Senators when they stated we are here to protect those who have played by the rules, are here because we choose for them to be here, and we look forward to their ancestors being here henceforth.

I think that we can talk about Elk versus Wilkins, we can talk about the Calvin case, we can talk about many different cases, but I think when it really comes down to it, Mr. Speaker, we have to talk about the future. We have got to talk about how many people are being smuggled in from all over the world. What is the message being told to people, like my cousins in Australia, that say my God, we hear you guys really want illegal immigration; my God, you reward people for breaking the laws.

We have got to send a message that ambassadors are not being discriminated against and their children are not being discriminated against. There is no impunity meant here. We are just reflecting what the law is, and we need to send a quite clear message around the world that if you want to come to the United States, then come here legally. We will reward you and your children if you play by the rules. We will reward your generations to come. But we will not reward you for violating our national sovereignty, for breaking our laws, and for violating the basic concept that when you go

into somebody else's neighborhood or somebody's home or into their country, you go there as a guest, not as an intruder.

Mr. Speaker, I hope this House, I hope the Committee on the Judiciary, will consider H.R. 7, and at least have the guts to raise the issue and quit ducking the issue. The 5th article of the 14th amendment specifically says Congress will have the responsibility to enforce the appropriate statutory sections. This is our responsibility. It is not the states of the United States, it is not even the illegal aliens' responsibility, it is our responsibility.

If those of us think that this is too hot an issue to talk about, too hot to take care of, then maybe we ought to talk about going somewhere else, because the Constitution says this issue falls square in the lap of the Congress of the United States.

Mr. Speaker, I ask you to clarify this, and I ask the Speaker and the leadership to allow H.R. 7 to be brought up for a vote and to move through committee so this issue can be debated at length. It is one that has been ignored for too long, it is one with many misperceptions, and it is one that can be really clarified very quickly.

I am sure there are those that will say if somebody is in the United States illegally by their presence, they have obviously showed they are not obedient to the Federal Government's laws. If somebody is here in the United States illegally, they are not held to the same loyalty standards, which is obviously one of the conditions.

With those two conditioning clauses, the children of illegal aliens and the children of tourists who are just passing through fall in the same category as native-born Indians did before 1924 when Congress, Congress, had the guts to finally give all Indians automatic citizenship. The children of illegals, of tourists, fall in the same category as children of diplomats, and the Congress, as it had the guts to address the issue in 1924, has to have the guts to address the issue now in 1997.

FAST-TRACK AUTHORITY SOUGHT ON TRADE AGREEMENT NEGOTIATIONS

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized for 41 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I will not be using all my time tonight, but I do want to say a few comments. Today the President and Vice President came to the legislative hill, to the Capitol Hill to detail for us, at least the Democratic Caucus, the fast-track trade authority that the President would like this Congress to approve.

As I listened to the comments being made by my colleagues and others on fast-track legislation, and I hope the

listeners understand that fast track means give the President the authority to enter into a trade agreement mostly with South America, Chile, and the Caribbean Basin, and that authority or that agreement, frayed agreement, that the President would negotiate on behalf of his negotiators, would then come before the Congress for approval or disapproval. There would be no opportunity to amend this fast track. You have no opportunity to alter it. You have to accept it as is and vote yes or no.

I sit on the Subcommittee on Health and Environment of the Committee on Commerce, and as we have dealt with over the past few years food safety and food standards in this country and how it was affected by the NAFTA agreement, and what can we expect as we look for a new round of trade negotiations under a fast track authority with South America, Chile, or the Caribbean Basin. In the caucus today when the President came, we heard a lot of discussion about labor standards and environmental standards, and those are very important, and those standards in and of themselves would be enough to defeat any kind of fast-track legislation, if not adequately covered.

But I come to the floor tonight because I did not hear a lot of discussion about the food safety issue and the pesticides that are used in other countries. As food is developed in other countries and shipped here to the United States, of course the United States being the largest consuming Nation, do those standards underneath these trade agreements, our standards, the U.S. standards, the highest in the world, are they going to be upheld? Or do the trade agreements, as is pointed out in NAFTA, will they be lowered, either due to the written word of the agreement or because of the lack of inspection of the vehicles, container ships, coming into the United States?

Understand when a container ship comes into the United States, and let us say it has bananas in the container, the large container on the outside may be marked bananas from Ecuador. But once they are removed from that container and put into boxes and on our grocery shelves, we do not know where they come from. There is no way. There is no labeling required.

Therefore, you do not know what pesticides, what country it even came from, and do they have standards that you wanted for yourself and for your family?

Recently in this country we have had a lot of outbreak of E. coli and hepatitis A breaking out throughout this country, including my own State of Michigan. How does it get by our inspectors?

If you take NAFTA alone, if you look back at NAFTA, North American Free Trade Agreement with Mexico and Canada, coming up through Mexico, 12,000 trucks a day, 3.3 million trucks a year cross the border. Less than 1 percent are inspected.

Now, there is not enough inspection, there is no enforcement. I am not talking about the trucks, which are another story in and of themselves, but I am talking about the container and what do these trucks contain, what kind of food, what have we found?

The Government Accounting Office in May of 1997 reviewed NAFTA and the effect of the food and use of pesticides on food products coming into this country, and they found strawberries alone, about 18 percent, just a random sample, 18 percent violate our standards for food safety and the use of pesticides. Head lettuce, which we get a lot from Mexico, 15 percent is in violation of our food standards in the pesticide use. Carrots, another 12 percent of them.

There is not enough enforcement, there is not enough inspection, not just the vehicles they are traveling in, but also what pesticides are used on these food products and how they are shipped, handled and labeled and sent to the United States.

I mentioned hepatitis A. If you take a look at Texas, where most of the food comes in through this country from Mexico, you will find that along these border communities, hepatitis A outbreak is 2 to 5 times greater than other parts of the country. In fact, there are some counties in Texas where it is 10 times greater than the state average and the national average.

I mentioned Michigan, and being from Michigan, even in Michigan we have the strawberries where we had 130 children affected with hepatitis A because of strawberries, when after we traced back, came out of Mexico, because they do not have the same sanitation requirements, the same safety inspections, the same food inspection. Once they get across the border, again, in a truck, only 99 percent of them are not inspected, less than 1 percent are inspected. Of 12,000 trucks per day, then you can see how these things easily get into our society, into our food chain, and on our dining room table.

Pesticides, if you take a look at it under NAFTA, and in the past agreements and the studies have shown, that basically we have waived our standards. When we come to food safety, we should not be waiving our high standards, and we have. It is not necessarily a trade issue, but reality is a health issue, about the health and safety for our families.

□ 2315

So those who would argue that those of us who may oppose any kind of NAFTA or fast track authority, it is not because we are against trade, it is the health and safety of our families that we are concerned about.

In fact, the concern is not just for our own families and what is happening from other countries and food being shipped into this country that we are consuming, but even if we take a look at it, what have we seen? Even the Department of Agriculture, Secretary

Glickman has been on Capitol Hill and has called upon us, the legislative branch, to push for more regulation of meats and poultry, and he continues to raise concerns about the pesticide safety in this country. But yet at the same time that administration and the Department of Agriculture, the opponents of a fast track extension actually make it easier for unsafe food to enter into this country.

So the gentleman from Ohio [Mr. BROWN], who sits on the Subcommittee on Health and Environment with me, will be sending a letter to the President urging him to include specific food safety provisions in his fast track proposal. Again, we did not hear much about it at the caucus today when the President and Vice President were there, but we welcome all Members of the Congress, Democrats and Republicans, to join on the letter.

What we are asking the President to do is to renegotiate the provisions of NAFTA which relate to border inspections and food safety and to ensure that any future request from this fast track authority includes strong food safety protections.

We would like to see increased funding for border inspections, or alternatively, limit the increasing rate of food imports to ensure the safety of our own food supply that we put on the table every night. We would like to see an aggressive program of labeling on all foodstuffs, including fresh and frozen fruits, meats, and vegetables, and also what country were they grown in, what is the country of origin. We think these are just some very basic things we should do to assure the health and safety and security of our families.

Mr. Speaker, I do not think it is fair to ask the American people, when we start talking about fast track or NAFTA, to start lowering our own high standards for the health, safety, and welfare of our children. When we take a look at it, what is the rush to enter into another fast track agreement? There are many arguments for and against, and I am not here to argue trade agreements but I am just trying to say, what is the rush here? Why are we continuing to enter into these trade agreements? Why do we have to have fast track agreements we cannot amend or alter?

I think it is a bad deal for American workers and American consumers. I think we need to take a very serious look, and I think if we do, the country would say, why are we making these trade agreements so quickly? Why are we giving the President so much power? It is really not necessary. The economy is going well; let us keep it going.

I see the gentleman from California [Mr. HUNTER] is here on the floor, and I yield to him.

Mr. HUNTER. Mr. Speaker, I want to say to the gentleman that I agree with him with respect to fast track and the fact that when Americans buy especially agricultural goods now that are

grown in other countries, they are really buying a pig in a poke. We have a number of countries that still allow the use of DDT-like pesticides, pesticides and chemicals that this country banned long ago due to the experience of our researchers who found that they had a very unhealthy effect on America's populace.

It is interesting, Mr. Speaker. My kids do a farmer's market every week, and the farmer's markets in San Diego County, in fact in all of California and I am sure in the gentleman's State, generally in farmer's markets one can only sell produce that is grown in the State. We have so many people who ask us, "Can you prove to us this does not come from Mexico, because we know that they can use DDT and other pesticides in Mexico and other places." We can assure them, because there is a certificate there that shows that in fact it is grown in the State of California, that it does not come from those places where some very dangerous substances are placed on the agricultural produce that our population ultimately buys. So I think there is a real value in slowing down the so-called fast track.

I can remember my friend was not a fan of NAFTA, at least I believe he was not a fan of NAFTA, and we were told when NAFTA was before us as an issue that since we had approximately in those days a \$3 billion trade surplus with Mexico, that we were going to build on that surplus by passing NAFTA. I glanced at the figures today, and the Clinton administration admits that this year we had a \$17 billion trade loss with Mexico. I just wonder what kind of a track record that is to justify a new fast track for other countries that have not yet been able to take advantage of the United States and drive us into such a trade loss.

I appreciate the gentleman for his remarks. I think it would be good, because we have so much produce now that comes from other countries, to at least allow the American people to see by some sort of a labeling system what in fact is grown in America, so that they know that that produce grown in America has protections that we afford it. I know the gentleman, and I think the gentleman from California [Mr. BONO] is offering legislation to that effect, and perhaps the gentleman from Michigan [Mr. STUPAK] is as well.

So I want to add my support for what has been said and tell the gentleman that I will work with him to see that we slow down this fast track.

Mr. STUPAK. Mr. Speaker, reclaiming my time, I thank the gentleman and I appreciate him coming out and saying a few words. I know some people thought, and I do not have much auto in my district, in fact basically none, maybe some parts but no cars are being built there, that it was all a manufacturing issue. A lot of us, and I know the gentleman did also, were against NAFTA, and he is from California and we see the wave of these trucks coming in every day and not getting inspected.

In particular, I know the gentleman was familiar with chapter 7, which dealt with NAFTA, the food trade chapter. Actually, when we read it, it limits our border inspections of food and similar items, and also chapter 9 basically comes right out and says we are going to have an open border to Mexican trucks of limited inspection.

We are seeing these problems developing. The gentleman mentioned DDT as being one of them, and the gentleman is right that they allow DDT being used on lettuce and tomatoes and carrots and vegetables and fruits. One of the things we are saying is, let us renegotiate some of these provisions of NAFTA which relate to border inspections and food safety, and ensure that future requests for fast track would include strong food safety protections. My concern in coming to the floor tonight is we did not hear that today in the caucus when the President appeared.

Also, we want to increase the funding for border inspections to limit the increasing rate of food being imported in. The gentleman was absolutely correct when he said the gentleman from California (Mr. BONO) has the legislation that puts in an aggressive program to label all foodstuffs, including fresh and frozen vegetables, meats and fruits, and label the country of origin, because the gentleman is correct. The farmer's market has an insurance that it is grown in his State and in the local area, it has been inspected, and not being brought from outside the country where we have all kinds of chemicals being used.

So we are concerned here as we start another round of fast track that we want to make sure there are adequate protections, that child labor laws are there, there are workplace and environmental safety standards and some basic human rights. But I would hope that we do not fast track our standards, our safety, and our family's health and security.

If I just may close, once again I find it amazing that at a time when the administration is pushing for more regulation in meats and poultry due to what happened with the Hudson hamburger, and they tell us Burger King, and I am not slamming the company, but in this State we still cannot determine where the meat that goes for those hamburgers comes from. We do not know if it is from Europe, we do not know if it is from Mexico, we do not know if it is from Canada or Kansas; we really do not know, but yet we certainly consume them as a nation, because we are a consuming nation. So those assurances we want in any kind of fast track legislation.

So we, certainly the gentleman from Ohio (Mr. BROWN) and I have been urging Members to make sure there are the food safety provisions in any fast track proposal, and we still have not seen it. As I say that I see that my friend the gentleman from Ohio has joined us on the floor, and I will yield to him at this time.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the gentleman from Michigan's time and the work that he has done with food safety, a real leader in the House of Representatives on that issue in regards to NAFTA and fast track, and whether or not this Chamber allows the President to continue to negotiate these trade agreements in a way that unfortunately Presidents of both parties, President Bush, President Reagan, President Clinton, have been negotiating over the last many years.

One of the statements that the gentleman was talking about, we do not know where food comes from. One of the things I thought of the other day, if one travels to Mexico, if an American citizen goes to Mexico, people will tell that visitor, that American, other Americans will say in certain parts of Mexico one should not eat the food, one should be careful about the water one drinks; one should just be careful, there are certain things one should not eat. Yet those same places in Mexico send food to this country and we do not really know where it comes from. Some irony. We should not eat that when we are in Mexico, but it is good enough for our kids when it comes here.

That is why it is so important that before we move ahead and rush headlong into another series of trade agreements that cost American jobs and trade agreements that endanger our food supply and trade agreements that put unsafe trucks on the roads throughout the United States, that we stop and we fix the North American Free-Trade Agreement, that we do take care of food safety issues, that we do in the North American Free-Trade Agreement take care of truck safety, that we do deal with the problems of drugs at the border, that we do take care of especially the jobs issues with NAFTA.

One of the real interesting aspects of this is that the administration loves to tell us and the Republican leadership of the House love to tell us that we are exporting more than ever to Mexico, we are sending all of these goods all over the world, that American exports are up and that is why our trade policy is working. Well, the fact is that while we do sell more goods to Mexico than we did 4 years ago, our balance of trade is worse because we import so much more. So we went from a \$2 billion trade surplus with Mexico 4 years ago to a \$20 billion trade deficit today.

Mr. Speaker, even the things that we sell to Mexico are not really exports. So often they are what somebody termed industrial tourism. We send parts to Mexico. They may be in Mexico only a day or two or three. Those parts are then made and assembled into a car or assembled into something else and then sent back to the United States. So those things that we are exporting to Mexico so often end up being just put together, assembled in Mexico and sent back to the United States.

The other thing we are sending a lot of to Mexico, are so-called capital goods or various kinds of machine

tools, where we are sending things to Mexico which they use to build high-technology plants and produce things and then send them back to the United States.

So we really are not sending more goods to Mexico, that really are exports that stay in Mexico, than we were in 1993. The fact is that we are doing things that are only costing us jobs more and more. The people that are the losers in this trade deal that we have going on, whether it is NAFTA or whether it is fast track down the line, the people that are the losers are people in this country that lose their jobs, work with their hands, the people that there are not enough people in Congress caring about.

□ 2330

That is why it is especially important that we slow down on fast track, we fix the things that are wrong with NAFTA, we fix things that are wrong such as the jobs issue, we fix the food safety issues, we fix the truck safety and the drug problems at the border. Because we owe it to the people whom we represent, we owe it to them that when they go to the store, that they do know, in fact, where this food comes from, whether it comes from Michigan or New Jersey or Ohio, or whether it comes from Mexico, or wherever it comes from.

Just like the food labeling that is now on soup cans or anything we eat, it says how much sodium is in that can of soup. We want to know what is in it. We want to know the ingredients in foods and where those foods come from. That is what we are asking.

That is one of the things we can do to fix NAFTA. We can do better inspections at the border, where, as the gentleman [Mr. STUPAK] said, less than 1 percent of fresh and frozen fruits and vegetables are examined and inspected at the border. We have to do better than that.

We are asking the President to simply slow down. Do not rush headlong into this new series of trade agreements. Let us fix what is wrong with NAFTA. Let us make those things better with food safety and truck safety, and all of the jobs issues. Let us make that better before we move on into another trade agreement that costs jobs and endangers our Nation's food supply.

Mr. STUPAK. Reclaiming my time, Mr. Speaker, the gentleman made a good point about the trade deficit, how we had a surplus, and now we have somewhere between a \$16 to \$20 billion deficit. And the idea of parts going down to Mexico, they are being assembled, and they come right back. The gentleman mentioned tourism. When we take parts and assemble them in another country and send them right back as a finished product at a high rate of cost, such as vehicles, we call those things industrial tourists. They just go down for a few days, enjoy the sunshine, come right back up and be

sold to us northerners up here. Industrial tourists is what we call this.

That is why we see the big trade deficit. I know the last time we did a special order we talked about the twin deficits, not just the budget deficit but also a trade deficit which needs to be addressed. What we are asking for, and it is not that we are against free trade, and we are not protectionists, but what we are really saying here is what are the rules of trade here?

We have standards for intellectual property, we have standards for patents, we have standards for compact disk players or CDs, as we call it. Can we not take those same standards, those same rules we apply to intellectual property, to CDs, and to patents, and should they not apply to things like labor standards, environmental standards, but especially food safety standards?

What we are saying, before we have this new fast track, what are the standards we are going to live by, what are the rules of the game, and let us all have the same rules of conduct, whether it is food safety, intellectual property, truck safety, whatever it might be, because we insist, and we have strong consumer standards in this country, and we insist that they be part of any trade agreement.

I see my friend, the gentleman from New Jersey [Mr. PALLONE] is here, and I gladly yield to him.

Mr. PALLONE. I thank the gentleman for yielding to me, Mr. Speaker.

I just want to start out by saying that I appreciate the remarks that my colleague, the gentleman from Michigan [Mr. STUPAK], and also my colleague, the gentleman from Ohio [Mr. BROWN], have been making in talking about fast track, and also talking about the experience that this country has with NAFTA, and expressing their concern over where we are going with this fast track legislation.

I know that the gentleman from Michigan [Mr. STUPAK] and the gentleman from Ohio [Mr. BROWN] have been doing special orders on this issue for a number of months now, and I have listened to some of it. I certainly agree with everything that the two of the gentlemen have been saying. They have really been taking the lead on this.

I just wanted to very briefly, if I could, follow up and talk about the environmental aspect, because it is something that concerns me a great deal. What I find so strange is that the advocates of this new fast track authority, and I guess we are going to be voting on this probably within the next week or two, keep suggesting that somehow we should not even make reference to NAFTA and the experiences of NAFTA in deciding how to vote on fast track. To me, that makes absolutely no sense at all, because if anything, the best indicator to me of what might happen once this fast track authority is given, and if it is given, and these trade

agreements are negotiated, that the best experience I have is the experience that we have with NAFTA.

I was very much opposed to NAFTA. I voted against it. For those who at the time were having a debate on NAFTA, I remember distinctly how we were being told that if we were concerned about labor conditions, if we were concerned about the environment, that certain so-called side agreements were going to be entered into, and that those should basically alleviate the concerns of people like myself who felt that enough was not being done to deal with the environmental and labor issues.

I did not buy that at the time, but it was sort of a bill of goods or whatever that was being sold to people at the time to try to persuade them to vote for NAFTA. Frankly, I think that the experience of the last few years with NAFTA has shown very dramatically that there was no result from those side agreements; that, in fact, labor conditions in Mexico got worse; that there were more job losses here in the United States as a result of the loss of jobs and the transfer of factories and manufacturing to Mexico.

The same thing was true of the environmental agreement. The environmental side agreement was supposedly going to improve environmental conditions in Mexico, and what do we have? For the last few years we have more companies going down to the border area, polluting the area so the level of pollution has gotten worse, coming back to the United States, and having a negative impact on the United States.

My understanding was there was about \$2 billion in funds that was supposed to be used to clean up some of the toxic wastes and other problems on the border area with Mexico, and not one penny of that money has been spent so far. So for those who say, do not look back at NAFTA in deciding whether to vote for fast track, the only reason they are saying that is because NAFTA has been a failure.

Mr. BROWN of Ohio. If the gentleman will continue to yield, Mr. Speaker, the gentleman is exactly right. When NAFTA passed, obviously the three of us and our friend, the gentleman from California [Mr. HUNTER], voted no on it back in 1993, but the people that supported NAFTA never really prepared, they never really prepared the border area for what was going to happen.

They really were disingenuous about it, because they knew that there would be more traffic coming across the border, they knew there would be more pollution, as the gentleman from New Jersey [Mr. PALLONE] says, more pollution along the maquiladoras, along the area near the border, and they simply did not prepare for building any kind of an infrastructure to deal with what was going back and forth across the border.

When truck traffic is such that I believe there are 12,000 trucks a week, something like that—

Mr. STUPAK. Twelve thousand trucks a day.

Mr. BROWN of Ohio. One truck every 7 seconds across the border, they knew truck traffic was going to increase. They knew more than likely there would be drugs in some of those trucks smuggled in. They knew there would be huge loads of fresh and frozen fruits and vegetables crossing the border coming north every day, and they knew a lot of these trucks would not be safe, and they knew there would be environmental problems because of the increased activity.

Yet, there was no planning in NAFTA; there was no real appropriation to build the infrastructure at the border to take care of that, to accommodate that. It did not just mean hiring more inspectors, because there simply are not enough stations, way stations, and the actual infrastructure itself, gates coming across the border, to be able to manage all that. So they did not prepare, I think, purposely did not prepare this country for the problems at the border.

There is no sign that they are doing it this time with fast track with Chile, with any other trade agreement. That is why we need to stop and say, wait a second, show us you can fix the infrastructure at the border, that you can clean up the environment at the maquiladora, that you can deal with the problems of truck safety and food safety and drug smuggling. Then we can talk about fast track, then we can talk about trade agreements that are actually in people's interests in the Western Hemisphere, American workers' interests, Chilean workers' interests, and not just the investors that benefit from these trade agreements that make the rich richer. That is really what these trade agreements have been all about.

Mr. PALLONE. Mr. Speaker, the gentleman talks about the investors getting richer. Those are the only people who have benefited from this. I look at these agreements and say, OK, you have the United States and you have Mexico. As far as I am concerned, from the United States point of view, if as a result of NAFTA more people have jobs and more people have higher wages for the jobs that they have, or, similarly, that somehow the environmental standards go up in the United States, or looking at it from Mexico's point of view, that the wages of the Mexican citizens go up or that the environmental standards or cleanup is improved in Mexico, then we might say, OK.

But here it actually makes it worse on both sides. The way I understand it, and I have it from my own district, I can give some examples, plants that have closed in my district, what is happening is our plants are closing, our workers are losing their jobs, or in order to make sure that the plant does

not move to Mexico, they have to give up benefits or lower their wages. Then at the same time, when we look at the situation in Mexico, my understanding is that wages have actually gone down there.

The same thing with the environment. The effort is to reduce our environmental laws and make them less stringent, because we are told that if we do not, the plant is going to move to Mexico. Similarly, in Mexico, nothing has been done to clean up any of the problems in the border areas, and the amount of pollution that is being spewed is even greater than before. So in reality, what is happening is things are being ratcheted down. The environmental standards and the air quality and the water quality in general between the two countries is getting worse, and the labor situation is getting worse. No one benefits.

The thing that is amazing to me is that even though we have this experience that shows that no one benefits from either the environmental or labor or wage point of view, other than the corporations and those who have invested in the corporations, even though we have that experience that shows that no one has benefited, in the case of NAFTA, nonetheless, we are now being told to move on, let us get the fast track authority, let us enter into similar agreements with other countries, and do not worry about what happened with NAFTA. That is not a good example. Somehow, the situation in Mexico is an aberration, and that will not happen with the other countries.

It is really hard for me to believe that we are being told to do this, based on the experience of NAFTA.

Mr. STUPAK. Right. Reclaiming my time, Mr. Speaker, when they say do not look back, do not look back at NAFTA, I think we do have to take a look at it. Remember, we had side agreements on tomatoes, and we had side agreements on lettuce, we had side agreements on citrus fruits, to try to protect the U.S. interests here.

Yet, if we take a look at it and take a look at NAFTA, and I think we have to, because it is the only agreement we can make a comparison to, but again we are expanding it to South America and Chile, and Mexico is right there in Central America, it is all part of that region, we have an increase. Fruit imports in the United States has increased 45 percent. Vegetable imports have risen 31 percent. So those are going up, the imports in the country, from Mexico.

But then yet, as the gentleman from Ohio [Mr. BROWN] pointed out, the inspections, and take a look at chapter 7 and chapter 9 of the NAFTA food requirements or food trade requirements, we have limited inspections. In fact, they will inspect a limited number of Mexican trucks, and there is a limited infrastructure to even carry it out, where 1 percent of 12,000 trucks per day are being inspected.

Actually, it is 3.3 million trucks entering this country, and we are inspecting 1 percent. And we say, how can there be an increase in drugs coming into this country? The truck may say "bananas," but we do not know what is really in there because we are not inspecting it. They all know that.

Then we have a NAFTA Agreement which limits our ability to make the inspection at the border and to limit the number of trucks that will be inspected. So the more trucks you bring up, the less are going to be inspected, the greater chance of getting through whatever you want, be it contraband, be it fruits or vegetables laced with DDT.

Again, this is not just us who oppose NAFTA saying this. This is found in the Government Accounting Office May 1997 report. It is all documented. And their recommendations that we have been talking about here tonight are certainly contained in here.

Again, I think the issue here is not necessarily a trade agreement, but really a safety agreement: What standards are we going to apply? Do we lower our standards to allow more goods to come in this country? Is that not what this is really about? What are the standards, and should we not all go by the same standards?

We have to have standards. We have them for, as I said earlier, for patent law, intellectual property, compact disks. Remember the big fight with China on that? We have these standards and enforce them, but somehow when it comes to food safety, the environment, labor, we are not going to enforce it? I think there are some very good arguments here that must be made. What is the rush? Let us slow this thing down.

Mr. BROWN of Ohio. That is exactly the point, Mr. Speaker, if the gentleman will continue to yield. We in this country for a long time, for a lot of years, have raised our living standards with pure food laws, with strong clean air laws, with good, solid safe drinking water laws, on fights that were conducted in this Chamber, where often groups of very conservative Members that had major backing from the largest corporations in the country would oppose clean water laws, would oppose safe drinking laws, would oppose pure food laws.

Over a period of decades after decades after decades, beginning in the early part of this century when books were written about contaminated food and all the problems with our food supply, over those many, many years, we have built probably the best standards to protect all people in this country; not just the rich, not just the poor, not just white, not just black, not just men, not just women, everyone.

We have protected people because they know when they go to the grocery store that meat is inspected. They know that there are clean air and clean water requirements. We know when we go shopping that the food we buy is

generally, almost 100 percent of the time, good, clean, safe food. What we are doing is we are having our standards pulled down by a country that has not had those kinds of protections built into their laws, and has not had that kind of history.

Rather than allow them to pull our standards down, we can negotiate trade agreements that would pull their standards up. And we are going in the exact opposite direction. That is why we need to pursue the kinds of efforts the gentleman from Michigan [Mr. STUPAK] is pursuing with his work.

Mr. PALLONE. I just wanted to say, I know earlier today the gentleman had spoken up at a meeting about the need for more enforcement, and I think the response was that, well, we need more money. Congress should appropriate more money for enforcement. I sort of laughed and said to myself, well, if we do not have the ability, if this body, if this House of Representatives and the other body are not going to appropriate the money to do the enforcement, to make sure the inspections take place, then we should not be supporting NAFTA and fast track.

□ 2345

I want to say that if this same group of elected officials are going to say that we are not going to provide the funding to make sure these enforcement measures take place, then they should not be supporting NAFTA and should not be supporting fast track.

I think my colleague from Ohio comes right to the point, because he is saying what are we going to put first here? We are going to put the mechanisms to make sure the laws are properly enforced; that the environmental laws are enforced; that there is not going to be the ratcheting down or the weakening of standards, whether it is labor standards or it is environmental standards. And once we have those guarantees in place, both here and in the country we are entering into this trade agreement with, then, sure, we can move toward free trade, but not have the cart before the horse, or whatever the term is, and that is what we are getting now.

We are being told the most important thing is to have the agreement, because the flag of free trade is the most important flag and we have to wave that wherever we are in the world. And in the meantime we will try to use our good devices to try to convince some of these other governments that they should have better environmental standards or better labor standards. But that is secondary and we cannot really talk to them about that now because they might be offended by it and we have to enter these agreements and wave that free trade flag.

I do not buy it, and I am glad the gentlemen with me here tonight do not buy it and, hopefully, we will not have a lot of other people buy it when this comes up a couple of weeks from now.

Mr. STUPAK. Mr. Speaker, reclaiming my time, it is amazing that the

President indicated at the caucus today that the way to get around this and to make sure there is inspection and food safety at the border is to increase the inspections. And if Congress will not appropriate the money, the heck with it, let us just move forward with this trade agreement anyway as the fast track trade agreement.

But, remember, it was 2 or 3 weeks ago the administration was up here pushing for more regulation, more regulation for more inspection in this country for meats, poultry, and they continued to raise concerns about pesticides being used in this country. If we cannot control and inspect adequately, and the Secretary of Agriculture wants more regulations and more authority to invoke emergency powers to take food off our tables and the grocery store shelves, if we cannot do it within our own country, because we do not have enough people and they need more authority, how will we do it on items coming into this country where we inspect 1 percent of everything that comes in? It defies their argument. It defies their logic.

So I certainly hope our colleagues on both sides of the aisle, and I am glad to see the gentleman from California [Mr. HUNTER] is here helping us out on this issue tonight and the gentleman from Ohio [Mr. BROWN] and the gentleman from New Jersey [Mr. PALLONE]. I hope they will all join us in sending a letter to the President urging him to include specific food safety provisions in his fast track proposal.

And we welcome all Members, Democrats, Republicans, Independents to sign this letter because, as we said earlier, what we want to know is what are the rules of the game? What are the rules of the trade game? We should not lower our standards as a country. We should not lower the health and safety requirements of this country. We have rules that affect intellectual property rights, compact disks, patent law. Why can those same standards, those same rules not be afforded to labor, the environment but especially food safety? Let us not fast track our standards, our safety and our families' health and security.

Mr. Speaker, I apologize to you and the staff, I said I would be brief, but I was joined by all my friends here tonight, that I could not anticipate, so we went a little longer.

CHANGES THAT HAVE TAKEN PLACE IN CENTRAL AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HUNTER] is recognized for the remainder of time until midnight, or 11 minutes.

Mr. HUNTER. I think I can do it all in 11 minutes, Mr. Speaker.

I thought I would just come to the floor tonight and talk about several issues. I was late to the special order of the gentleman from California [Mr.

BILBRAY] where he spoke about his bill which would disallow automatic citizenship to the children of people who have come into the United States illegally. He went through a fairly lengthy litany of court cases and legal precedent behind the rule of law, the idea that coming to this country and achieving citizenship requires certain accountability and certain responsibilities and that that status should not be conferred; that is, citizenship should not be conferred on people who have come into the country using trickery or deceit or simply forcing their way in or simply walking across a land border.

The theme I think of the gentleman's special order, and I thought it was an excellent special order, was that when an individual comes to the United States that they should use the front door; do not come in through the back door. And it is only appropriate that we reserve citizenship for people who have used the front door. I applaud him for that and wish I could have been here earlier, and I apologize to him for missing his special order. I think it was excellent and I think his legislation is very timely.

Mr. Speaker, I wanted to talk about another person tonight who is a very important person to many of us in Congress who fought in what I call the contra wars in the 1980's. Those were the legislative debates that drove, to a large degree, American policy in the 1980's during the Reagan administration with respect to Central America, and particularly with respect to the Soviet Union's attempt to transfer a terroristic guerilla operation from the Soviet Union and from its client states into the guerilla operations in El Salvador, Guatemala, and in Nicaragua, manifested there by the Sandinistan Government.

We saw the Soviets, then Soviets, moving in with tons of munitions, automatic weapons, all kinds of explosives, and fostering the guerilla movements in El Salvador that threatened to overthrow that very fragile government which even then had the makings of democracy.

It is interesting, when I came in in 1980, as a freshman, Guatemala, Honduras, Salvador, and Nicaragua all had some form of military dictatorship. None of them had, when Ronald Reagan arrived on the scene as President of the United States, none of them had democracies. Today, they all have democracies, albeit fragile.

It was important for us at that point, when they were struggling to achieve those democracies and to put off the terrorism, I can remember in El Salvador when the FMLN, the guerilla operations supported by the Communists, were blowing up electrical plants and were massacring people trying to engage in a harvest, were regularly assassinating state officials, and I remember when Ronald Reagan enunciated the idea that we need to provide a shield, a military shield for these governments like El Salvador and also for the free-

dom fighter movement in Nicaragua, where a few very brave souls were fighting the Sandinistas, the Communist Sandinistas, which were strongly supported by the Soviet Union.

There was enormous debate at that time in the United States, and a number of citizen groups were engaged on both sides trying to persuade the Congress either to stay out of Central America and let the Russians have their way or to engage in Central America and provide the shield that I talked about.

Bill Blakemore of Texas was a Texas businessman who wanted to engage in supporting the Reagan doctrine in Central America, and he put together a group of business people in Texas who came to the Hill and lobbied and did everything they could to see to it that people understood what was at stake in having democracies rather than tyranny in Central America in our own hemisphere.

Bill Blakemore did a great job at that. He did not ask for anything in return. He did not get any money for it. He did not make any contracts. He simply did that work because he thought it was important to be a leader as an American citizen and to fight for and persuade people to do what was right.

□ 2355

He is very ill today in Texas. He is down at his ranch, an Iron Mountain ranch near Marathon, TX. So I want to say to Bill Blakemore and all the people that helped him, thank you for what you did for this country. Because partly because of your efforts, we now have democracies, fragile democracies in that part of the hemisphere, and that has accrued to the benefit of the United States.

Lastly, Mr. Speaker, before I end my time, I wanted to say that my friend Bob Dornan has taken a lot of flak from Members on the other side of the aisle, Democrat Members, for the simple fact that after his election, which he won on Election Day by several hundred votes and then lost later when they counted absentee ballots, when they discovered that one group had fraudulently registered and voted a number over 300, that number of illegal voters, Mr. Dornan raised a question "Were there more?" And he raised a question as to whether or not he had really lost that election. In fact, the question was who had gotten the most votes, the most legal votes.

He had every right to do that. And we, as a House of Representatives, should be very concerned when we see one group that fraudulently votes 300 illegal voters on Election Day, telling them, manipulating them and telling them as non-citizens that they not only had the right but the duty as non-citizens to vote in an American election.

So we are now undergoing a very thorough review of that voting situation to validate or to follow through on

a very simple principle, and that is the person with the most votes wins in a democracy. Now why is that anathema to the other side? Why do they not want to see the votes counted?

So we are almost at the end of that situation. And I just wanted to say that I think Mr. Dornan has comported himself in an absolutely fine manner. He has raised the question. He has every right to raise it. I think we have as much interest as he has and as the gentlewoman from Californian [Ms. SANCHEZ] has in seeing who got the most votes in that election.

So the House administration committee is going to be coming up with the results of that analysis fairly soon, and I look forward to it.

On a personal note, nobody fought for the pro-life cause as hard, as energetically, as compassionately and as passionately as Bob Dornan. And I thought it was kind of appropriate here just a few days after Mother Theresa's untimely death to remind our colleagues how valiantly Bob Dornan fought for people who did not have big political action committees and did not have enormous clout on the House floor, and were not CEOs and did not have all the things that generally drive and manifest influence in the city of Washington, DC.

He fought for the most helpless of individuals, that is, unborn children. He never wavered. He always came up with the right amendments at the right time, standing side-by-side with guys like the gentleman from Illinois [Mr. HYDE] and the gentleman from New Jersey [Mr. SMITH].

We miss Bob Dornan. We miss that passion that he brought to the debate. As a member of the Committee on National Security, I can remember when our Rangers were killed in Somalia. And Bob Dornan, the only member of the committee who had the nerve and energy to do it, flew all the way to Somalia and debriefed all of the people or many of the people who had been involved in that combat, and came back and contacted the families of every Ranger who was killed in Somalia and talked to them about the incident and thanked them for the service of their loved one to this country.

Bob Dornan was a great, great member of the Committee on National Security. He was also one of the few guys that actually flew all the planes, went out and looked at all the equipment, had a great analysis of what worked and what did not work, and brought great energy and great expertise to that committee.

Lastly, Bob Dornan was a guy when I was a freshman who gave up his seat that he could have had on the Committee on National Security, then the old Armed Services Committee, to a new freshman from San Diego. That freshman was myself. I am very grateful to Bob for the friendship that he has shown me and many other Members of the House over the years.

So, Mr. Speaker, I would simply conclude my remarks by saying that I

wish Bob Dornan the very best and his wonderful family the very best, and I think that the results of this research and this analysis will be out before the House in the next several weeks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GONZALEZ (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EDWARDS) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:

Mr. WELDON, for 5 minutes, on September 17.

Mr. PAXON, for 5 minutes, today.

Mr. GOSS, for 5 minutes, on September 17.

Mr. HANSEN, for 5 minutes, on September 18.

Mr. METCALF, for 5 minutes, today.

Mr. PAUL, 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 Mr. EDWARDS) and to include extraneous matter:)

Ms. NORTON.

Mr. SHERMAN.

Mr. LAFALCE.

Mr. HAMILTON.

Mr. LANTOS.

Mrs. MALONEY of New York.

Mr. CAPPS.

Mr. SKELTON.

Ms. MILLENDER-MCDONALD.

Mr. NEAL of Massachusetts.

Mr. DELLUMS.

Mr. MILLER of California.

Mr. KENNEDY of Rhode Island.

Mr. ACKERMAN.

Mr. BENTSEN.

Mr. STARK.

Mr. HASTINGS.

Ms. JACKSON-LEE of Texas.

Mr. UNDERWOOD.

Mr. MENENDEZ.

Mr. RUSH.

Mr. FILNER.

(The following Members (at the request of Mr. BILBRAY) and to include extraneous matter:)

Mrs. JOHNSON of Connecticut.

Mr. TALENT.

Mr. HYDE.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. SHUSTER.

Mr. KIND.

Mr. BURTON of Indiana.

Mr. MCINNIS.

Mrs. MCCARTHY of New York.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock a.m.), the House adjourned until tomorrow, Wednesday, September 17, 1997, at 10 a.m.

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. GOSS: Permanent Select Committee on Intelligence. H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; with an amendment (Rept. 105-108, Pt. 4). Ordered to be printed.

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. PAUL:

H.R. 2477. A bill to enforce the guarantees of the 1st, 14th, and 15th amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Oversight.

H.R. 2478. A bill to require that candidates who receive campaign financing from the Presidential Election Campaign Fund agree not to participate in multicandidate forums that exclude candidates who have broad-based public support; to the Committee on House Oversight.

By Mr. ENSIGN:

H.R. 2479. A bill to authorize a study by the National Academy of Sciences on the migration of plutonium underground at the Nevada Test Site; to the Committee on National Security, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GANSKE (for himself, Mr. ABERCROMBIE, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. COBURN, Mr. COOKSEY, Mr. EHLERS, Mr. FRANK of Massachusetts, Mr. GRAHAM, Mr. HASTINGS of Washington, Mr. HASTERT, Mrs. KELLY, Mr. LINDER, Mr. MANTON, Mr. NORWOOD, Mr. OXLEY, Mr. PAUL, Mr. PORTER, Mr. SOUDER, Mr. TAUZIN, Mr. UPTON, and Mr. WELDON of Florida):

H.R. 2480. A bill to provide for the approval of a petition pending at the Food and Drug Administration to allow the use of low-dose irradiation to pasteurize red meat, and for

other purposes; to the Committee on Commerce.

By Mr. LAFALCE:

H.R. 2481. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 2482. A bill to require that the Secretary of Agriculture include an estimate of the cost to produce milk whenever the Secretary announces the basic formula price for milk to be used under Federal milk marketing orders; to the Committee on Agriculture.

By Mr. PAXON:

H.R. 2483. A bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement-related taxes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2484. A bill to amend part C of title XVIII of the Social Security Act to speed up by 1 year the application of risk adjustment factors under the Medicare Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. GOODLING, Mr. HEFLEY, and Mr. MCHALE):

H.R. 2485. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) to provide liability relief for small parties, innocent landowners, and prospective purchasers; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. BURTON of Indiana introduced a bill (H.R. 2486) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Southland*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. NEUMANN and Mr. SHUSTER.

H.R. 44: Mr. CHRISTENSEN and Mr. WELDON of Pennsylvania.

H.R. 59: Mr. KOLBE.

H.R. 65: Mr. RODRIGUEZ, Mr. KENNEDY of Massachusetts, Ms. STABENOW, and Mr. CHRISTENSEN.

H.R. 84: Mr. MINGE.

H.R. 107: Mr. BRYANT.

H.R. 182: Ms. CHRISTIAN-GREEN, Mr. UNDERWOOD, and Mr. WATT of North Carolina.

H.R. 292: Mr. KOLBE and Mr. SAM JOHNSON.

H.R. 303: Mr. RODRIGUEZ, Mr. HUTCHINSON, and Ms. STABENOW.
 H.R. 339: Mr. ENGLISH of Pennsylvania.
 H.R. 371: Mr. RIGGS.
 H.R. 372: Mr. SANDERS.
 H.R. 409: Mr. DREIER and Mr. CAMP.
 H.R. 411: Mr. RUSH.
 H.R. 438: Mr. SESSIONS.
 H.R. 563: Mr. CONDIT.
 H.R. 659: Mr. KLINK.
 H.R. 715: Mr. COX of California and Mr. MCGOVERN.
 H.R. 789: Mr. BOYD.
 H.R. 815: Mr. BALLENGER, Mr. SALMON, Mr. HASTINGS of Florida, Mr. BISHOP, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MORAN of Virginia, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. BORSKI, Mr. McNULTY, Mr. MANTON, and Mr. NEAL of Massachusetts.
 H.R. 820: Mr. PASCRELL and Ms. LOFGREN.
 H.R. 836: Mr. ENSIGN, Mr. BONO, and Mr. HOUGHTON.
 H.R. 875: Mr. PRICE of North Carolina.
 H.R. 922: Mrs. EMERSON.
 H.R. 923: Mrs. EMERSON.
 H.R. 981: Ms. SLAUGHTER and Ms. ESHOO.
 H.R. 1018: Mrs. ROUKEMA.
 H.R. 1041: Mr. WEYGAND.
 H.R. 1060: Mrs. EMERSON, Mr. KING of New York, Mr. HASTINGS of Washington, and Mrs. MCCARTHY of New York.
 H.R. 1114: Mr. MARTINEZ, Mr. ENGLISH of Pennsylvania, Mr. SKEEN, and Mr. WICKER.
 H.R. 1126: Mr. SNYDER, Mr. OBERSTAR, and Mr. BLILEY.
 H.R. 1134: Mr. SHAYS.
 H.R. 1165: Ms. DELAURO.
 H.R. 1202: Mr. GOSS, Mr. MALONEY of Connecticut, Mr. BLUMENAUER, Mr. EVANS, and Mr. HINCHEY.
 H.R. 1241: Mr. RODRIGUEZ and Mr. RADANOVICH.
 H.R. 1270: Ms. ROS-LEHTINEN and Mr. SHADEGG.
 H.R. 1322: Mr. HOLDEN, Mr. SPENCE, and Mr. GRAHAM.
 H.R. 1329: Mrs. ROUKEMA.
 H.R. 1410: Mrs. LINDA SMITH of Washington.
 H.R. 1411: Mr. UPTON, Mr. SOLOMON, and Mr. HASTERT.
 H.R. 1450: Mr. CUMMINGS.
 H.R. 1500: Mr. BLUMENAUER and Ms. HARMAN.
 H.R. 1531: Mr. TORRES, Mr. RUSH, Mr. KENNEDY of Rhode Island, and Mr. POSHARD.
 H.R. 1534: Mr. EVERETT, Mr. STEARNS, Mr. BACHUS, Mr. GOODLING, Mr. SOUDER, Mr. HOEKSTRA, Mr. RYUN, Mr. WHITE, Mr. FALEOMAVAEGA, Mr. McDADE, Mrs. CUBIN, Mr. HOBSON, Mr. NUSSLE, Mr. DICKS, Mr. ROGERS, Mr. BILIRAKIS, Mr. PITTS, Mr. PETRI, Mr. LAHOOD, Mr. HAMILTON, and Mr. MICA.
 H.R. 1541: Mr. BARRETT of Nebraska.
 H.R. 1555: Mr. REYES.
 H.R. 1580: Mr. MCHUGH and Mr. QUINN.
 H.R. 1619: Mr. HUNTER.
 H.R. 1704: Mr. PETERSON of Pennsylvania and Mr. BAKER.
 H.R. 1712: Mr. ENGLISH of Pennsylvania.
 H.R. 1719: Mr. CANNON.
 H.R. 1727: Mrs. TAUSCHER.
 H.R. 1753: Mrs. FOWLER.
 H.R. 1788: Mr. FALEOMAVAEGA.
 H.R. 1791: Mr. DAVIS of Illinois.
 H.R. 1792: Mr. DAVIS of Illinois.
 H.R. 1823: Ms. CHRISTIAN-GREEN, Mr. FROST, and Mr. CUMMINGS.
 H.R. 1842: Mrs. EMERSON.
 H.R. 1883: Ms. SLAUGHTER.
 H.R. 2004: Mr. PETERSON of Minnesota.
 H.R. 2040: Mr. REYES.
 H.R. 2070: Mr. RIGGS and Mrs. TAUSCHER.
 H.R. 2112: Mr. CAPPS and Mr. DOYLE.
 H.R. 2118: Ms. DEGETTE and Mr. EVANS.
 H.R. 2172: Mr. KLECZKA.
 H.R. 2173: Mr. SOUDER.
 H.R. 2174: Mr. JACKSON and Ms. SLAUGHTER.
 H.R. 2191: Mr. BLILEY and Mr. ROGAN.

H.R. 2198: Mr. DELLUMS.
 H.R. 2202: Mr. RUSH, Mr. LAHOOD, Mr. LEACH, Mr. REGULA, Mr. WOLF, Mr. GIBBONS, Mr. WICKER, Mr. HOUGHTON, Mr. BALDACC, and Mr. PARKER.
 H.R. 2206: Mr. BILIRAKIS, Mr. DOYLE, Mr. MASCARA, Mr. SMITH of New Jersey, and Mr. REYES.
 H.R. 2265: Mr. DELAHUNT.
 H.R. 2290: Mr. FALEOMAVAEGA.
 H.R. 2319: Mr. KUCINICH.
 H.R. 2321: Mr. CRANE, Mr. HOBSON, Mr. HORN, and Mr. RAMSTAD.
 H.R. 2365: Mr. LAFALCE and Mrs. KELLY.
 H.R. 2366: Mrs. EMERSON and Mrs. THURMAN.
 H.R. 2367: Mr. BILIRAKIS, Mr. DOYLE, Mr. MASCARA, Mr. PASCRELL, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. REYES, Mr. SNYDER, Mr. RODRIGUEZ, Ms. CARSON, Mr. BISHOP, Mr. KENNEDY of Massachusetts, and Mr. PETERSON of Minnesota.
 H.R. 2380: Mr. ANDREWS, Mr. TRAFICANT, Mr. FRANKS of New Jersey, Mr. SAXTON, Mr. GILCHREST, Ms. KAPTUR, Mrs. ROUKEMA, Mr. DOOLITTLE, Mr. HASTERT, Mr. WAMP, Mr. COLLINS, Mr. LIVINGSTON, Mr. GRAHAM, Mr. WICKER, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. LEACH, Mr. BURR of North Carolina, Mr. METCALF, Mr. BARR of Georgia, and Mr. SHAYS.
 H.R. 2385: Mr. ANDREWS and Mr. MINGE.
 H.R. 2397: Mr. TOWNS, Mr. UNDERWOOD, Mrs. KELLY, and Mr. DIAZ-BALART.
 H.R. 2405: Mr. TRAFICANT and Mr. DEFazio.
 H.R. 2469: Mr. GREEN and Mr. STRICKLAND.
 H.J. Res. 71: Mr. HOLDEN, Mr. SPENCE, and Mr. GRAHAM.
 H. Con. Res. 80: Mr. SOUDER.
 H. Con. Res. 109: Mr. GUTIERREZ.
 H. Con. Res. 114: Ms. ROYBAL-ALLARD.
 H. Con. Res. 134: Mrs. KENNELLY of Connecticut.
 H. Res. 64: Ms. RIVERS.
 H. Res. 171: Mr. LAZIO of New York.
 H. Res. 220: Mr. HOSTETTLER and Mr. SOUDER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2204

OFFERED BY: Mr. BURTON of INDIANA

AMENDMENT No. 1: Page 14, after line 15, insert the following:

(13) SOUTHLAND (United States official number 639705).

H.R. 2264

OFFERED BY: Mrs. LOWEY

AMENDMENT No. 67: Page 102, after line 24, insert the following new section:

SEC. 516. Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

H.R. 2267

OFFERED BY: Mr. BENTSEN

AMENDMENT No. 26: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement, administer, or enforce any fee or surcharge pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, for issuance of a nonimmigrant visa or border crossing card with respect to a child entering the United States for prearranged medical treatment at a hospital or comparable medical facility (or to a parent or guardian of such a child traveling together with the child).

H.R. 2267

OFFERED BY: Mr. HOSTETTLER

AMENDMENT No. 27: Page 49, line 9, insert "(reduced by \$101,000,000)" after "\$185,100,000".

H.R. 2267

OFFERED BY: Mr. KENNEDY of MASSACHUSETTS

AMENDMENT No. 28: Page 81, line 5, insert before ", of which" the following: "(reduced by \$3,000,000)" and on page 96, line 23, insert before the colon the following: "(increased by \$2,000,000)".

H.R. 2267

OFFERED BY: Mrs. LOWEY

AMENDMENT No. 29: Page 50, line 13, after the dollar amount insert "(increased by \$2,500,000)".

Page 50, line 23, after the dollar amount insert "(increased by \$2,500,000)".

Page 51, line 11, after the dollar amount insert "(increased by \$2,500,000)".

Page 51, line 13, after the dollar amount insert "(increased by \$2,500,000)".

Page 51, line 16, after the dollar amount insert "(increased by \$2,500,000, which shall be available for implementing the nonpoint source pollution control program authorized by section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b)".

H.R. 2267

OFFERED BY: Mr. MILLER of CALIFORNIA

AMENDMENT No. 30: Page 5, line 9, insert "(reduced by \$500,000)" after the dollar amount.

Page 7, line 6, insert "(increased by \$500,000)" after the dollar amount.

H.R. 2267

OFFERED BY: Mr. MILLER of CALIFORNIA

AMENDMENT No. 31: Page 7, line 6, insert "(increased by \$500,000)" after "\$973,000,000".

H.R. 2267

OFFERED BY: Ms. NORTON

AMENDMENT No. 32: In title I, under the heading "General Provisions—Department of Justice", strike section 103.

H.R. 2267

OFFERED BY: Mr. SCHUMER

AMENDMENT No. 33: Page 67, line 19, insert before the period the following:

: *Provided*, That, of such amount, not more than \$356,242,740 shall be available for obligation until the Secretary of State has made one or more designations of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104-132 (110 Stat. 1214, 1248)

H.R. 2267

OFFERED BY: Mr. SCHUMER

AMENDMENT No. 34: Page 67, line 19, insert before the period the following:

: *Provided*, That, of such amount, \$7,270,260 shall be for the designation of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104-132 (110 Stat. 1214, 1248)

H.R. 2378

OFFERED BY: Mrs. LOWEY

AMENDMENT No. 7: Page 80, strike lines 7 through 15.



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Vol. 143

WASHINGTON, TUESDAY, SEPTEMBER 16, 1997

No. 123

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God of our Nation, we ask You for the supernatural gift of wisdom. The Bible tells us wisdom is more precious than rubies, more important than riches and honors. Solomon called wisdom a "tree of life to those who lay hold of her." Your gift of wisdom enables true success, righteousness, justice, and equity. The Talmud reminds us that the aim of wisdom is repentance and good deeds. With wisdom, we turn our lives back to You in authentic repentance and commit ourselves to do and say what You guide.

Thank You for the clear invitation to receive wisdom given us by James, Jesus' brother: "If any of you lacks wisdom, let him ask of God who gives to all liberally and without reproach, and it will be given him."—James 1:5.

Having asked for wisdom, we praise You in advance for the x ray vision to see beneath the surface of issues and discern what is Your will for us and our beloved Nation. Bless the women and men of this Senate with a special measure of wisdom today. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning we are scheduled to have 30 minutes of debate prior to a vote on the motion to invoke cloture on the substitute amendment to S. 830, the FDA reform bill. This is the second cloture vote we have had to have on this very important bipartisan legislation to re-

form the Food and Drug Administration so that medicines and medical devices can get to the American people in a responsible and reasonable period of time so that they don't have worse health conditions, or even death in many instances. We are scheduled to have a rollcall vote at 10 a.m. this morning on cloture, if it is required. And we had hoped to go ahead and do that and then go back to the Interior appropriations bill and complete that, and then come back to FDA.

We have a Senator that has an illness this morning who would like very much to be able to make this vote. So we are contacting all of the managers of the legislation that is pending this morning, including the Interior appropriations committee, to see if we can maybe take some additional time this morning on Interior appropriations. If we can get that worked out, we may delay that 10 o'clock vote until either say 11:15 or 12:15 in an effort that I know all Members would want to make to accommodate this Senator who is anxious not to miss the vote.

So we will ask our colleagues on both sides to cooperate as we try to use this time for constructive debate and see then exactly what time we could expect these votes to occur.

Under the consent agreement that we entered into last week, Members have until 10 a.m. today to file second-degree amendments to the FDA reform bill. After the disposition of that cloture vote and/or the FDA reform bill, depending on what we can work out, then we will resume consideration of H.R. 2107, the Interior appropriations bill. Senators can expect additional votes throughout the day either on the FDA reform package or on the Interior appropriations bill.

I will ask the managers of the FDA bill to work with us on this and cooperate with us so that we can have some orderly consideration of both the FDA and the Interior appropriations bill. Hopefully we will go to Interior after we invoke cloture again on FDA reform, then allow Senators that are in-

terested to continue to work together, and then see if we can get an agreement to complete action on FDA reform in a reasonable time this week.

Does the Senator from Vermont want me to yield at this point?

Mr. JEFFORDS. Yes. If the Senator will yield, my understanding was when we went home this weekend that we would be ready to close the bill and have all amendments with time agreements. Now my understanding from the minority is that they are not in agreement on one particular provision of the substitute. Thus, I would believe we should go forward with the cloture vote. We are ready, though, with a number of amendments for which I believe we have agreements. We could address those in the interim while we try to work out the final amendment.

Mr. LOTT. I was under the impression last week that there was one remaining issue where there was disagreement, and there was a lot of discussion about that—the so-called cosmetics portion of the bill. I was not involved in the substance of that discussion. But I understand Senators did work out an agreement and that matter has been resolved. But I understand as well that there is another issue.

I just wonder how long this is going to go on.

Mr. JEFFORDS. I do, too. I understood that all matters were taken care of. But now I understand from the leader of the minority that is not the case—that they still have this problem with respect to one provision. But we are ready to go ahead with all of the other amendments and believe we should expeditiously go to the cloture vote whenever the situation presents itself, as the leader outlined.

Mr. LOTT. I thank the Senator from Vermont. I know he is committed to getting this legislation completed. There are very few bills that I have seen that have such broad bipartisan

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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support as this one does. It is costing millions of dollars to comply with the ridiculous delays from FDA, and the American people are being deprived of medicines and devices that should be approved much quicker. Some of them are just impossible to explain.

I hope that we can complete action this week.

I appreciate the efforts and the leadership of the Senator from Vermont.

Mr. HARKIN. If the leader will yield, I have a question.

So we are not having a cloture vote at 10 a.m. Was there a unanimous-consent agreement entered into that I missed before I came onto the floor?

Mr. LOTT. No. There was no unanimous-consent agreement.

Mr. HARKIN. Are we not voting at 10 o'clock?

Mr. LOTT. We have a Senator that is unavoidably detained that really is anxious to be present on that vote. We are trying to accommodate his schedule, as I know the Senator from Iowa would want us to do. We are working with the managers of both this bill and Interior appropriations and the interested Senators to see when we might have that vote. We would at some point try to enter into an agreement as to when it would be.

Mr. HARKIN. Are we going on the FDA bill?

Mr. LOTT. We will talk about it for a little while. But at 10 o'clock we will advise Members whether we are going to have a vote, or when we are deferring it to.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, leader time is reserved.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER. The Senate will now resume consideration of S. 830, with the time until 10 a.m. to be equally divided.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 830) 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.

The Senate resumed consideration of the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MODIFIED COMMITTEE SUBSTITUTE AMENDMENT
NO. 1130

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Mr. President, we are here to discuss yet again the need for cloture on S. 830, the FDA Modernization and Accounting Act. We have already had 14 hours

of floor debate on this measure and we have not yet discussed this amendment. This will be the second time that cloture has been voted on regarding this measure. The first vote was 89 to 5 to invoke cloture. The Senate has spoken. And, yet, we are here to repeat ourselves again and again.

My colleagues have already heard repeatedly from both sides of the aisle about the strong bipartisan commitment to crafting this measure, about the months of negotiations, deliberation and collaboration with the administration, the minority, and outside groups. Literally dozens of accommodations have been made and agreements reached. No one disputes that this is a good bill. No one should dispute that we have moved forward, or that we should move forward, with our debate on the remaining issues. Now we should move forward on that debate.

This measure accomplishes two very important objectives. First, it modernizes the way that the Food and Drug Administration accomplishes its mission. It streamlines the review and approval process for medical devices, pharmaceutical, and biological products. In so doing, it helps to ensure that the best and safest medical technology available in the world would be available to the American people. In so doing, it helps ensure that the best medical technology jobs will continue to be available for the American people.

Second, this measure authorizes the Prescription Drug User Fee Act—or PDUFA, as it is known. Everyone agrees that PDUFA has been immensely successful in helping FDA do its job better and more efficiently.

Mr. President, congressional authorization for PDUFA expires in 15 days. At the end of September this successful and innovative program will be at serious risk. It is the height of irony that a program like PDUFA that was designed to reduce delay at the FDA is now at risk of becoming bogged-down in a procedural delay on the Senate floor.

I would argue that the time for delay is over, and that the time for the Senate to do its work it was sent here to do is now.

Almost 50 amendments have been filed on this measure. And, frankly, virtually all of them are nongermane, or they have been worked out, or they can be worked out. A single provision remains that may require some extended debate, and we should move to its consideration and an up-or-down vote on it as soon as possible.

Last week we spent almost 15 hours talking about uniformity for cosmetics. We have an agreement on that provision, thanks to the efforts of Senator GREGG.

I say that we should move on. I say we complete this debate, and finish this measure, and let's vote.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, with all due respect to my friend and colleague, the majority leader, the fact of the matter is by the votes that we had last week requiring that we have some opportunity to examine a very important provision—and that is the preemption of various States' ability to protect their public—we have seen a rather dramatic change in the language of the provision that will continue to permit the States to protect their public. That was very important for the protection of the American public. I know that there are some people around here who want to see the trains run on time. But some of us—not only those of us here but the National Governors' Conference, the public health organizations, the women's network organizations that deal with women's health issues—a wide range of consumers believe, quite deeply, that we are absolutely within our rights to make sure that this provision was offered and changed, and we did so. And, by doing so, the public health interest is preserved.

Now here we are on the floor of the U.S. Senate the morning after having seen the headlines from two national journals—yesterday in the Wall Street Journal, talking about a particular prescription drug called fen/phen, that had been moved through, rushed through the FDA. It has been linked to everything from brain damage in animals to primary pulmonary hypertension; a rare but fatal lung disease; millions of Americans tried the drugs to slim down; some 60 million people worldwide were estimated to have taken the drug; the straw that broke the camel's back was a heart valve problem which now has been widely recognized.

Here is an item in the Washington Post. Two diet drugs are pulled off the market. Why? Because the products were used for purposes for which the drug was not approved.

We are talking about an identical provision in this body with regard to medical devices—the use of the medical device for purposes for which it has not been approved.

We have seen the whole world being awakened to this particular health problem. Some of us are trying to making sure that we don't have headlines like this in 3 months, 4 months, or 6 months with regard to the medical device issue. That is what we are talking about.

Mr. President, I would just point out that there are about six little words that, if the majority would be willing to accept, would move us right ahead, and get us very short time agreements on the other elements.

Let me just point out. Mr. President, there are the two provisions with regard to medical devices—one they call class II—devices which represent about 5 percent of the devices. Those are the new devices.

In the language of this bill, it says, whether or not there is reasonable assurance of safety effectiveness, if the proposed labeling is neither false nor misleading.

"Neither false nor misleading," that is in regard to class III devices. But, if you look at class I and II devices with regard to the representations that are made involving the FDA, there is no such language.

If the majority will take the language that we propose for class III and apply that to class I and II, we will call this cloture vote off. What person in the United States of America wants to permit medical devices to be approved if we cannot have agreement by the manufacturers that their statements to the FDA reflect the true uses for the devices?

My goodness, are we in that big of a hurry? That is why this issue is important. Now, the majority leader says we have just one more item. We are glad to deal with this issue, and we have offered compromise language to deal with it. It is of vital importance and we will have a chance later to discuss the health hazards associated with it. The medical device industry, which has been enormously cooperative in working out other provisions on this, had refused to go along with our proposed language. Medical device labeling has important health implications.

You can rush this through and say the rest of the bill is fine. It is fine. Senator JEFFORDS and his Republican colleagues deserve great credit. My Democratic colleagues deserve great credit. But do we have to be reminded again that the FDA has the responsibility for the protection of the public health. If we do, we don't need to look any farther than reading this morning's newspapers. All we are saying is let's not do with medical devices what was done with regard to these diet medicines. I think that is an important health matter. So do the overwhelming majority of patient coalitions and public health coalitions.

If the industry wants to debate that, we are going to take the time to debate it. If there are Members on the floor of the U.S. Senate who want to take the position that we don't need this change in the bill language on medical device regulation, let them make that case on the floor of the U.S. Senate. Because that is the case they are going to have to make, because the amendment has been filed. If the majority indicates they will accept that, that's all fine and well. Our amendment will ensure that FDA is able to comprehensively examine the safety of medical devices. We will move through this legislation very rapidly indeed. But this is one Senator who is not prepared to roll over on that issue. We will have the opportunity during the course of this morning or this afternoon or tonight or tomorrow, or however long it takes, to go through the various instances where medical device labeling could pose an important and significant public health

threat, a threat to the American people.

There may be those who do not think this is an important issue. I believe the overwhelming majority of the American public will think so. As they are reading their papers this morning and listening to those who say, let's rush this bill on through, I would think some Americans would say, let's take another look at what we have in this legislation, particularly with regard to the medical device provisions.

Mr. President, with all respect to my friend and colleague, we have talked about this. Senator DURBIN has talked about sections 404 and 406. This particular issue is the key issue.

If we can get the language in the bill ensuring that we will not permit the medical device industry to restrict the FDA's ability to make a full study of medical device safety, I think we would move ahead with the legislation.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I must answer that charge.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. To inflame this issue into being one of false information and filing of misleading information is totally incorrect. The issue here is not that. The issue here, on each of these medical devices, is whether or not they must file every conceivable, possible use that FDA thinks might be made of it. FDA should focus rather on the use that it is intended for or any other use that the manufacturers know it will be intended for. There is nothing involving false or misleading information. That, of course, is under the control of the FDA and that would be a serious matter with the FDA. It could, and should deny approval of a device where a manufacturer deliberately files false and misleading information.

Let us set the record straight. Manufacturers cannot file false and misleading language. To raise that as the issue is to really differ from what the important issue is, and that is how long do Americans have to wait to get access to important, new medical devices. In Europe it takes much less time and it is much more expeditiously handled. We can have the same kind of treatment here while ensuring that they are safe and effective for their intended use. For any device that is intended for a particular use and it is known by doctors to be effective for another use, that's fine. That is the practice of medicine. Doctors sometimes find other, valuable uses for medical devices. That is how medical practice and innovation proceeds—and we don't want the Federal Government telling doctors how to practice medicine.

But for the manufacturer to search out every conceivable use and then to study every conceivable possible use ends up in delays of these devices coming onto the market. That means that

Americans, doctors and patients, are unable to utilize medical innovations that are more readily available in Europe. So I wish we would get away from making this into a "false and misleading language" filing. There is no such issue here as that. The question is how much right does the FDA have to require a manufacturer to understand and get involved with the practice of medicine where some other use might be made. That is the issue.

I think there are ways we can solve this, but not just by raising it to the issue of emotionalism. That is not the solution here. There is no problem having false or misleading information filed on a medical device approval application, because that is against the law. I yield the floor.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 32 seconds remaining.

Mr. KENNEDY. I yield the remaining time to the Senator from Iowa. I think we will have more time later.

Mr. HARKIN. I thank the Senator for yielding. Let me agree with Senator KENNEDY on this issue. The stories in the paper this morning ought to alarm us all about the need to proceed very cautiously and very carefully about what we are doing. I spent a lot of time looking at devices. I had amendments on the bill itself, when it was in committee, on devices. The FDA has the authority now, if a device is used for a certain purpose, to make sure that there are not misleading or false advertising proposals. But when they want to use the device for a purpose for which it is not intended, there is nothing in the bill to prohibit that. That is what we are talking about, and I think we have to proceed very cautiously and carefully here.

Mr. President, I did want to talk about another issue. I thank Senator JEFFORDS and Senator KENNEDY for their hard work and leadership on this bill. I think we all agree we need some reform of FDA. I have been in favor of that. We need to streamline the processes. I agree with Senator JEFFORDS in that regard. There are many positive provisions in this bill.

AMENDMENT NO. 1137 TO MODIFIED COMMITTEE SUBSTITUTE AMENDMENT NO. 1130

(Purpose: To establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine)

Mr. HARKIN. Mr. President, I am disappointed, however, that an essential element was not included. A major goal of FDA reform was to include access to medical innovations without compromising public safety. I have an amendment, amendment No. 1137, which speaks to that. I would like to call up that amendment at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. HATCH, Mr. DASCHLE, and Ms.

MIKULSKI, proposes an amendment numbered 1137 to modified committee substitute amendment No. 1130.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, further, I ask unanimous consent that this amendment be in order, notwithstanding any vote on cloture.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JEFFORDS. I reserve the right to object. What is the regular order here with respect to amendments?

The PRESIDING OFFICER. Amendments are in order to both the substitute and the bill.

Mr. JEFFORDS. At this time, prior to cloture?

The PRESIDING OFFICER. Amendments may be called up prior to the cloture vote.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JEFFORDS. I object at this time.

The PRESIDING OFFICER. Objection is heard. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. HARKIN. Mr. President, this is cosponsored by a number of Senators on both sides of the aisle, Senators HATCH, DASCHLE, MIKULSKI, myself, and a number of Senators on both sides of the aisle. I don't believe it is going to be objected to.

However, we are facing the problem of cloture. That's why I asked for unanimous consent. I am sorry the manager of the bill would not allow this amendment to be in order.

The PRESIDING OFFICER. The Senator from Vermont controls the remaining time.

Mr. JEFFORDS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes 26 seconds remaining.

Mr. JEFFORDS. I yield the remaining time to Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I don't need all the 5 minutes. I would be happy to yield back to the Senator from Vermont to wrap up before the cloture vote. It is unfortunate that we are in this position again. We had a substantially bipartisan, overwhelming vote to invoke cloture on the motion to proceed. I believe the vote was 89 to 5. I think that indicates a very broad level of support for the need to move forward with this legislation that was 2½ years in the making. There is obviously a widespread, general consensus

that FDA reform is necessary to provide better protection for the health and safety of Americans and to provide access to drugs and devices that Americans have been denied due to delays at FDA. We are trying to expedite that process. We are trying to bring in expertise from outside to help FDA, whether it is through the tax that is levied on prescription drug companies that goes to hire additional workers and provide additional resources for FDA, or whether it is for outside agencies, certified by FDA, to help them in the process of reviewing this tremendous backlog of applications for health-improving, and in many cases lifesaving, devices and drugs.

What we are trying to do here is give FDA the kind of support and resources it needs, along with a pretty good shove in the right direction, to bring our agency up to world class standards and up to the task of effectively dealing with this exciting explosion of technology through which the American people can reap great benefits.

I regret once again we have to go to a cloture vote. We just ran into a problem here, procedurally, with the amendment, the Senator from Iowa fearing that cloture would cut off his ability to offer a relevant amendment under cloture. I would say to the Senator from Iowa, none of us really wants to go to cloture. But in order to move this bill forward, it appears that we have to invoke cloture once again.

I know under the rules of cloture, it limits the amendments as to relevancy. No one in favor of FDA reform wants to keep going through this process of invoking cloture, but unfortunately we have to do it in order to move the bill forward.

Again, 2½ years in the making, there were extensive hearings in the Labor Committee, efforts on a bipartisan basis to resolve problems and disputes, votes in committee, negotiations post-committee action, 30-some concessions or modifications in response to concerns that were raised postcommittee on this. So, none of us here supporting and promoting the movement forward of this legislation is trying to delay anything. We are just trying to expedite it. Nor are we trying to say, "Our way or no way." There has been extensive negotiation, extensive accommodation, extensive work to move this bill forward in any way that we possibly can.

So I urge my colleagues, as we did a week or so ago, I urge my colleagues to vote with us on cloture. We have no other choice, other than lengthy debate over items and issues that have been discussed over and over and over and voted on and negotiated. Clearly, we know where the Members of the U.S. Senate stand, both Republicans and Democrats, liberals and conservatives. There is about as widespread support for this reform bill as any major legislation that has come before the Senate as long as I have been in here, for 9 years. It is time to move for-

ward. Regretfully, we have to do it once again with a cloture motion.

I urge my colleagues to help us move this very needed and very important legislation the next step forward.

I yield back any remaining time I have to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as to the Senator from Iowa, I apologize that we are in an awkward situation this morning. I have assured him that we will have a hearing in October on NIH with respect to alternative forms of medicine. I look forward to that because I agree with him on that issue.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the previously scheduled cloture vote be postponed to occur at 12:15 p.m. today, and further, that second-degree amendments may be filed up to 10 a.m. this morning. I further ask consent that following debate this morning regarding the FDA reform bill, the Senate resume consideration of the Interior appropriations bill until the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I do not object to moving the vote to 12:15 today. I understand the leader wants to get to the Interior appropriations bill. I do not want to unduly delay that provision. However, it says under the proposal, "I ask consent that following the debate this morning regarding the FDA reform bill, that the Senate resume * * *." We would like to have at least a limited period of time. I know the Senator from Iowa wanted to speak. I was wondering if we can at least get a half hour debate on the FDA reform bill before finishing. It says here, "I further ask consent that following the debate this morning," I was wondering whether "following the debate" could go until 10:30?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, under the circumstances, I reserve the right to object since an additional proposal has been made here. Can I inquire of the Senator from Massachusetts exactly what he is proposing to add here?

Mr. KENNEDY. The Senator from Iowa wanted to be heard on a matter. I wanted to speak just briefly to clarify the record. I was wondering if we can divide that time between now and 10:30—we took up some of the time between 9:30 and 10 for debate and discussion—and then go to Interior.

Mr. LOTT. Mr. President, further reserving the right to object, we are moving at this time to accommodate one of our Senators who has a health problem right now. It does disrupt the whole schedule. We have work we need to do on Interior appropriations. If we delay it further and then come back to it and have to go off it at 12:15, it just confuses and complicates the whole process.

We have asked the managers of the Interior appropriations bill—now we have interrupted them—to come to the floor. They are scheduled to be on the floor. I know the Senator from Iowa is working to try and get an amendment included. I feel confident that will be done at some point. At this time, I have to object to the expansion of the unanimous consent request that was offered by the Senator from Massachusetts and support the request that was made by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, under those circumstances and to accommodate the Member, I will not press this, although I do think we will have an opportunity to address these issues later in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior appropriations bill.

The legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

The Senate resumed consideration of the bill.

Pending:

Ashcroft amendment No. 1188 (to committee amendment beginning on page 96, line 12 through page 97, line 8) to eliminate funding for programs and activities carried out by the National Endowment for the Arts.

Mr. LOTT. Mr. President, just so we will be clear what we have agreed to, Senator GORTON and the other manager of the bill will be here to, again, further debate amendments on the Interior appropriations bill. They have been good partners on this appropriations bill and have worked out some of the areas where there have been disagreements, but there will be amendments and, I presume, votes throughout the day on a number of issues, including the National Endowment for the Arts issue, perhaps on some mining issues. I understand perhaps the Senator from Arkansas has an amendment.

But we need to make progress on the Interior appropriations bill because we hope to finish it tonight or tomorrow and then go to FDA at some point. I hope we can work out a reasonable agreement where we can complete the debate on the Food and Drug Administration reform bill, and we hope to then pretty quickly, either late this week or early next week, go to the District of Columbia appropriations bill. That would be the 13th and last appropriations bill that we would have to deal with this session, and then we could focus the rest of next week and the next week on adopting conference reports to the appropriations bills. We will need to move them very quickly.

It will be my intent to try and hold time and focus on getting those conference reports agreed to.

I appreciate the cooperation of all Senators as we try to accommodate one of our most beloved Senators who has a problem this morning, and we will begin with the Interior appropriations momentarily. 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. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GORTON. Mr. President, we are now on the Interior appropriations bill once again. I believe that the first vote on that bill will be on the Ashcroft-Helms amendment to strike the appropriation for the National Endowment for the Arts. There has been discussion of several other amendments relating to that endowment. I believe it appropriate to continue that debate until the cloture vote at noon. I know that the majority leader hopes, and I hope, that shortly after we get back on the Interior appropriations bill, after our FDA vote, that we will begin to vote on amendments relating to the National Endowment for the Arts. In any event, that is the subject at the present time. I invite all Members who are interested in any of the amendments on the National Endowment for the Arts to come to the floor and speak on that subject between now and noon.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, is time controlled?

The PRESIDING OFFICER. There is no time.

Mr. GREGG. Mr. President, I wish to rise in support of the bill which has been brought forth by the Senator from Washington. I think he has done an extraordinary job in developing this appropriations language in this bill relative to the Interior and various departments which the Interior impacts. I especially want to thank him for his sensitivity relative to the Northeast.

There is a different view in this country between the Northeast and the West on a number of issues that involve land conservation and the question especially of protecting lands, public lands. In the Northeast, especially in northern New England, we are still struggling with the fact that we would like to protect some additional lands. We have a spectacular place called the White Mountain National Forest in New Hampshire, and it is the most visited national forest in the country. In fact, it receives more visitors per year than Yellowstone, which is a national park. It is under tremendous pressures from popular use because it is so close to the megalopolis of New York, Boston, and Washington.

It is an extraordinary place, but to maintain it and to maintain its character, it requires that we continue to address some of the inholding issues around the national forest, and the Senator from the West has been sensitive to the Senators from the East on this point. I thank very much the Senator from Washington for his sensitivity in allowing us to go forward in this bill and complete the purchase of a very critical piece of land called Lake Tarleton in New Hampshire.

In addition, he has assisted us in a number of other areas in this bill, and I thank him for it.

I also want to talk about a position that has been brought forward in this bill relative to the National Endowment for the Arts, because I think the Senator from Washington has reached the appropriate balance in the language which he has put in this bill relative to the National Endowment for the Arts.

The National Endowment for the Arts, as we all know, has been a lightning rod of controversy, especially on the House side, less so on our side of the aisle, because of some of the things that the Endowment over the years has funded, which have been mistakes, to say the least.

But the fact is that there is a role, in my opinion, it is a limited role, but there is a role for the Federal Government and for State governments in the area of assisting the arts in this country.

Arts are an expression of the culture of a country or a nation, an expression of the attitude, personality, and the strength of a nation. The ability to have a vibrant arts community in a nation is critical, I believe, to the good health and the good education of a nation.

The Federal role, in participating in this, should be one of an incubator. The Federal role should be one as the starter of the initiatives. And the dollars which are put in this bill for the purposes of assisting the NEA and the Humanities Council are just that—they are startup dollars.

Essentially, these dollars multiply two times, three times, sometimes five times their basic number.

Mr. HUTCHINSON. Would the Senator yield for a question?

Mr. GREGG. I am happy to yield to the Senator from Arkansas for a question.

Mr. HUTCHINSON. The Senator explained some, I think, valid points concerning the role of our Government support for the arts. My question concerns the very, very high administrative costs that the National Endowment has experienced, approaching 20 cents on the dollar in administration, and the fact that the distribution of the funds from the National Endowment have gone primarily to very few cities in the country. In fact, I think one-third of all of the direct grants go to six cities in the United States. And the fact is that the Whitney Museum in

one exhibit received \$400,000, received as much as the entire State of Arkansas last year.

So my question is, if we are to continue a Government role in funding the arts, would it not be better to eliminate the National Endowment, block grant those funds directly to the States, cutting out the 20 percent in administrative costs and the inequities in the funding formulas for the funding decisions of the National Endowment—and of course I have offered an amendment that would do exactly that—and provide 45 of the 50 States with more money for the arts than they currently receive under the status quo approach that we find in this bill?

Mr. GREGG. That is a good question. I think it is one of the questions which we need to answer as we go forward with this bill. And there are a number of amendments—I think the Senator has one; and I believe there are other Senators who are offering them—as to the proper allocation of the dollars between the States and between the National Arts Council which administers the Federal moneys.

But if I can come back to that point, I want to talk generally about the need for Government support of the arts; and then in the allocation area I would like to come back to that. Because I think, first, we have to reach a consensus that there is a need for any dollars in the arts community to come from the Federal Government or from the State governments, and that consensus is a long way from being reached. Certainly on the House side they appear to be very resistant to that.

My view is, as I was saying earlier, that there is a need for the Federal Government to play a role as basically the initiator of arts activities, as the incubator that allows the multiplier to occur that creates funding for the arts.

As Governor of New Hampshire I had the same issue before me as to whether or not the State government should be involved in funding the arts. And at a time when we were having the most severe recession probably ever in the history of the State of New Hampshire, regrettably, and we were having to curtail our funding in a variety of areas and cut them back dramatically, I maintained the arts funding, in fact increased it a little bit in the State because I felt strongly that, first, it gave definition and it gave a way of viewing our culture that was critical and, second, it also had a very positive impact, especially in New Hampshire, on our tourist industry.

The arts—performing arts especially; but all forms of arts—go hand in hand, at least in New Hampshire, with the ability of the tourist industry, which happens to be our largest employer, to be a successful and vibrant industry.

So there is an economic benefit of significant proportions to having a strong arts community. The investment which the State or the Federal Government makes in the arts community pays back not only in the way of getting more people involved in the

arts, getting more schoolchildren involved in the arts, getting more parents involved with their kids in the arts, but also in the manner of producing economic activity which is fairly significant.

The Senator from Arkansas has raised a very legitimate issue. I know his amendment raised this issue, an issue I raised in committee as a member of the authorizing committee. I sit on both the authorizing committee and have the good fortune to work with the Senator from Washington on the Appropriations Committee. But he has raised the issue, what is the proper allocation here? I think that is proper for debate. How much of the money should be retained with the central arts planning here in Washington and how much should go out to the States?

I have always felt a larger percentage should go out to the States because I think that you get more benefit for the dollars spent at the State level. Therefore, a change in the formula would be something that I might well be amenable to. I have actually proposed such changes in committee. But I do think there is also a role, and I do not happen to believe we should eliminate a central arts council that manages a percentage of the dollars out of Washington.

Why is that? Basically because there are a number of national efforts which do transcend State lines which need to get their funding out of a national fund as versus out of a State fund.

For example, I believe the No. 1 item chosen by the NEA this year to fund—they have a competition obviously and, unfortunately, sometimes they choose some really poor ideas—but the No. 1 item that was agreed to on their list was to bring back out of mothballs the Egyptian exhibit which is now owned by the Brooklyn Museum. This is one of the most expansive exhibits of Egyptian art and artifacts in the world. It is competitive with the English collection and not completely competitive but certainly representative of even the collections in Cairo.

These items had been sort of put in storage and collecting dust. Now the Brooklyn Museum has decided to bring them back. And I believe they are taking this around the country. It will be exceptionally educational for a large number of schoolchildren who participate in seeing this exhibit. It will be a national effort. That is the type of initiative that really should be supported from the national level as versus having to be absorbed by, for example, the State of New York which will obviously benefit from this exhibit but actually the whole country will benefit from it because it is going to travel around the country. There are other items, yes, that obviously are of a national nature and, yes, most of those institutions which are of a national nature, whether it be the New York Symphony or some sort of major proposal in Chicago or Los Angeles are centered in your major urban areas. That is just a fact of life. They are centered there for a variety of reasons and, therefore,

those major urban areas do get a disproportionate amount of the national share of the NEA funding.

But that is inevitably going to the happen that way as long as you have a national program that is trying to move these various cultural activities across the country. You are going to have to have a place where they are located where they start. The Boston Pops is in Boston, but it certainly has an impact across the country. Therefore, the main art centers of this Nation—and they do happen to be in your major urban areas—are always going to receive a disproportionate amount of the funds. So that does not bother me so much.

What I do think is legitimate is the question of the proper allocation between the funds going to the National Endowment for the Arts versus going to the States. I do think we can take another look at that formula. I know the Senator from Arkansas is going to make a very aggressive and effective point for restructuring that formula, for restructuring the entire institution.

I look forward to hearing his position on this. But I did want to make these initial comments first in support of the overall bill which I think the Senator from Washington has done an extraordinarily good job on and, second, in support of the basic thrust of his proposals relative to the endowments which are going to be the most controversial items I guess we will be hearing about on the floor. I yield back my time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Thank you, Mr. President.

Just responding to some of the comments of my colleague concerning the National Endowment for the Arts and the need to preserve and maintain that national entity, I think that if the record is examined, as it has been examined by the General Accounting Office and the inspector general's office, that the record of the National Endowment is not only deplorable but fails to justify its continued funding and continued existence.

The issue of whether or not the Government plays a role in funding for the arts aside, the best means of providing the limited funding, the \$100 million approximately that has been appropriated for arts this year directly in the NEA, I think is clear that that money would best be used by eliminating the existence of the National Endowment and allowing the funds to flow directly to the Governors, to the various States for distribution to those programs and those projects and those artists within the States that are most deserving.

In fact, the notion that we are better off with a national endowment that

funds six States disproportionately, that funds certain congressional districts and certain States disproportionately, cannot be validated and cannot continue to be justified.

We have a General Accounting Office report indicating that the administrative costs of the NEA, at almost 20 cents on the dollar, is higher than most other Federal agencies, much, much higher than the National Endowment for the Humanities.

The mission statement for the National Endowment is simply that they are to broaden access to the arts. In effect, they are mandated to provide arts to underserved areas in this country. Yet, if you look at where the National Endowment today is sending those funds, it in no way corresponds to the mission that they have been given by this Congress to serve those areas which are, if you will, culturally deprived or who have less access to these arts programs.

Six cities getting over one-third of the direct grants from the NEA cannot be justified. When we had—and the chairman is on the floor this morning—our hearing on the National Endowment in April, and Jane Alexander came in and testified before us, I questioned her as to why, in view of the mission of the NEA to provide arts for underserved areas, in view of that mission, why, out of 12 grant proposals from the State of Arkansas last year, was only 1 approved and the Arkansas Arts Council got approximately \$400,000 last year. That equates to little more than many grants for single exhibits across this country.

Her answer was that it is only in certain select States that we find the environment such to foster the arts. And she gave the analogy of growing apples. She said, apples grow everywhere, but there are certain areas of the country in which they are more productive. I think the implication that there are parts of this country that do not have potential artists, there are parts of this country that among their populations do not have those ready to blossom into writers and sculptors and authors, I think, is the very epitome of the elitism that the American people find so offensive by the National Endowment.

So to my colleagues who believe that there is an important role that the Government plays in subsidizing and supporting arts, to those of my colleagues who feel very adamantly that we must show our support to culture and to the arts in general in this country by providing some seed money, I ask you to consider the possibility that we would be far better off eliminating the controversial and I think indefensible actions of the National Endowment, eliminate the NEA as it has traditionally existed, and allow that appropriation, exactly the same amount of money, the \$100 million to be sent directly to the States on this basis: A \$500,000 grant to every State, \$200,000 to every territory, the remainder of the appropriation to be distributed on a strictly per capita basis.

I ask you, could anything be more fair than that? If we took that simple formula, and we said that there will only be 1 percent spent for administrative costs on the Federal level, that the Department of Treasury can spend no more than \$1 million to write those checks, and that the State arts councils or the State legislatures or the Governors can spend no more than 15 percent in overhead, that if we adopt that simple formula, the result is that 45 of the 50 States will come out ahead, that 45 of the 50 States will have more resources to fund arts in their States than under the current status quo which this bill, with all due respect, maintains.

I simply ask my colleagues in the Senate, how can we, with a straight face, no matter which side we are on on the concept of whether the Government ought to be involved in the arts, how can we, with a straight face, face our constituents and say, we are going to defend 20 percent administrative costs, we are going to defend one-third of the grants going to six cities, we are going to defend three-fourths of the grants going to congressional districts represented by Democrats?

I just want to tell you, Mr. President, I do not believe those congressional districts represented by Democrats in this country are intrinsically less cultured or more culturally deprived or in more need of those arts grants than those congressional districts that happen to be represented by Republicans. Yet there has been a clear bias, with 75 cents out of every \$1 going to congressional districts represented by Democrats.

It has been very selective funding by a group of elitists in Washington, bureaucrats in Washington, who make themselves the arbiters of what is good art and what is culture and where it should be funded.

So I say consider an option that would say we will end the National Endowment, we will block grant the money to the States on a fair, fair, fair formula based upon the resident population. The result is that 45 States are going to have more money for the arts, more money to help the local writer, more money to go to the schools for education programs in the arts, more money to help that struggling artist who may not have an opportunity and may not happen to live in the six blessed cities that have been honored by the NEA with over one-third of the grants.

So when this amendment is debated and when this amendment is voted on, I trust later today, I ask my colleagues to look at that breakdown, to look at that chart, and to consider the fact that their State will come out ahead, that their Governor, their State legislature, or their State arts council will have more money to support their local efforts than under the status quo.

Remember that we are not responsible to a few culture elitists. We are responsible to our constituents in our

States for how those limited resources are spent and how we can support the arts. I believe it is fair. I believe it is equitable. I believe it makes eminent common sense. If we will just break out of our lock that the status quo has held over us in the disproportionate influence that this group at the NEA has had in this Congress and consider that there might be a better way, then I think the moral high ground is certainly on behalf of this amendment. I ask my colleagues to support it later today.

I yield the floor.

Mr. SESSIONS. If the Senator from Arkansas has a minute, I would like to ask a question or two about this subject. I certainly support him in his effort.

I believe it was Senator HELMS yesterday who talked about substantial grants being given to Harvard University, which has an endowment of over \$6 billion, I believe, and Yale University. Does the Senator know if those figures are correct? Are there universities, let me ask, in Arkansas who could use funding from the National Endowment for the Arts equally as those great universities?

Mr. HUTCHINSON. I thank the Senator from Alabama for his question and thank him for his support and cosponsorship of this amendment.

My answer is an unequivocal yes, that is accurate; the incidents that Senator HELMS cited, to my knowledge, are accurate. And I secondly answer your question by saying, yes, there are many institutions in Arkansas very interested in the arts, very interested in promoting the arts within the State of Arkansas, many that have a great relationship with the local schools and foster arts education in those local schools who would rejoice at having additional funds.

The State of Arkansas would more than double what would be available for arts in the State of Arkansas by going to the block grant approach.

Senator GREGG, commenting earlier, was defending the distribution of these funds to a few select cities—one-third of all grants going to six cities. I say that many of those institutions currently receiving grants, like the Boston Symphony or like the Metropolitan Opera, are very well endowed, have very high annual incomes, have a huge base of support, and are less needy and less dependent upon any kind of Federal help than, say, the University of Arkansas or the University of Central Arkansas, or the University of Arkansas at Pine Bluff, or the many other fine institutions in Arkansas that would be able to work with our local schools and the Arkansas Arts Council, which received just a little over \$400,000 last year. That was all the State of Arkansas received. The Whitney Museum by itself received almost as much as the State of Arkansas, and if I am correct, I believe the State of Alabama was in a similar dilemma.

Mr. SESSIONS. Whitney funding almost matched the entire funding of the State of Alabama. It is a concern.

We have one of the finest Shakespeare festivals in the world. As a matter of fact, the Shakespeare theater in Montgomery is well renowned, and people have contributed very heavily of themselves. The former Postmaster General Winton Blount had gone beyond the call of duty in helping create this facility. We only got \$15,000 for that premier, world-class facility that is supported substantially by the gifts of local residents.

Let me ask you, if the money came to the State, would they be able if they so chose to give more money to the Shakespeare theater in Montgomery? Would they be able to do that?

Mr. HUTCHINSON. That, of course, is the whole concept behind our amendment—local control. Send the money back to the States, the Governors, the State legislatures, and the State arts council would have the discretion to increase funding.

In the case of Alabama, and I do not have the exact numbers in front of me, but the amount of resources available to the State of Alabama would be greatly enhanced under the block grants approach in which we send a \$500,000 grant to every State, and then simply distribute it on a per capita basis. That would allow the State of Alabama to give much more to the Shakespearean theater.

I was interested to hear your comments yesterday quoting Anthony Hopkins and his appreciation for that Shakespeare theater there in Montgomery.

So the needed resources would be much more available, and that would be controlled locally. So inasmuch as there was local support in Alabama for increased funding, I think the opportunity would be much enhanced.

Frankly, I am puzzled why anyone would oppose the approach that you and I are offering. I can understand the 5 States that would lose funding being opposed to this, but the 45 States and the Senators from the 45 States that would see their funding for the arts increased under our approach while eliminating bureaucracy in Washington, it is really difficult for me to see how someone objects to that.

Mr. SESSIONS. Let me ask the Senator this, and this is something I think we failed to think enough about, Mr. President. This money that is being spent in our States, the decision of where and how to spend that money primarily is being decided by a group of people in Washington. Under this procedure not only will 45 States have more money—correct me if I am wrong—45 States will have more money, but they will also have more control and be able to make the decisions that they feel would be the best use of that money; is that correct?

Mr. HUTCHINSON. Senator SESSIONS, you are exactly right. One of the areas that this Republican-controlled

Congress has pushed for most strongly has been local control. In welfare reform, in a whole host of areas, we said, "Let's flow that power back out of Washington, back to the States."

There is no better example, I think, of where we could do that than in the area of the arts. We not only have a 20-percent overhead that we are paying just by having this bureaucracy of almost 150 employees dispensing this money, but we have a small group that makes decisions on what will be funded across this country, if you will, making themselves the arbiters of what is good art, and the control of our constituents is minimized because of the distance, the inability to really affect the decisions that are made.

So, yes, I think the citizens of Alabama, the citizens of my home State of Arkansas, will have much greater input dealing with the Arkansas Arts Council or the Alabama Legislature, or the Governor's office than trying to affect the decisions that are made in Washington, DC, by a select group.

Mr. SESSIONS. I understand one of the grants that was reported yesterday went to Philipps Academy, one of the most exclusive private prep schools, I think, in America. That is what I understood the reference to be. Do you think there are schools, public schools, throughout Arkansas and Alabama and other States in this Nation that would also likewise be able to make a claim for this money? And are any of those receiving any moneys from the National Endowment for the Arts in Arkansas and Alabama? In Alabama no private or public schools are receiving money as happened in the Northeast.

Mr. HUTCHINSON. I believe those local schools in rural communities across our States and all across this country have a much more legitimate claim to those funds than where those funds have gone under the current status quo of the NEA.

I grew up in a town with a population, when I lived there, of 894. I can remember in junior high school it being one of the great thrills when we were able to take a field trip 40 miles to the University of Arkansas and watch a Shakespearean play. That is the first time I had ever seen a Shakespearean play.

Those kind of opportunities to the small communities of this country would be increased so much if we eliminated the Washington bureaucracy and allowed that money to flow back to the States.

The objectionable art, Senator SESSIONS, that you cited yesterday, that Senator HELMS spent a great deal of time on, that has characterized much of the debate around the NEA in recent years—if a local arts council, the State arts council, or State legislature or Governor made a decision to fund something that the mass of the people found highly objectionable, I guarantee you they will be more responsible in that State legislature or that State arts council, or that Governor will be

far more responsive to the complaints of the people than a faraway bureaucracy in Washington, DC, in some ivory tower making those decisions.

Mr. SESSIONS. Mr. President, I agree with that and I support this bill wholeheartedly.

I had an outstanding conversation with the three leaders and directors of three orchestras in Alabama. They are concerned about funding. They need the little funding that we do get. It helps them. They do not want to lose that. I can understand that. I asked them if we could come up with a way that will leave the bureaucracy and put more money in your hand, with more freedom to spend it as you wish, would you support that? And they said, yes, of course they would.

I know some people believe and have committed themselves to supporting the National Endowment for the Arts, but the truth is it is not performing in a good and healthy way, it is not doing a good job of putting money to the arts, it is not invigorating the arts and providing leadership for an enhancement of the good and beautiful and fine in America. Too often, it is, in fact, participating in a degradation of the quality of art in America.

What we need to do is make sure it is done right. I believe the people at the Alabama Arts Council, the arts councils in the other States around this country, if given the opportunity, would spend that money wisely. They would be much less likely to give it to the arcane, the pornographic, the bizarre, and the just plain silly that is so often happening today. It is just not acceptable.

It is time for this body to follow through. It is time for this body, after years of begging and pleading with the National Endowment for the Arts to do a better job to manage their money better, to put an end to it and make sure that what we do actually supports the arts in an effective way. That is why I support this amendment.

I am so proud of the Senator from Arkansas for his outstanding work on it, the Senator from Michigan, Senator ABRAHAM, and the Senator from Wyoming, Senator ENZI, for their outstanding teamwork in putting this proposal together, which is a win-win situation for all America. It puts more money in the arts, and it will eliminate waste, bureaucracy, and silly funding projects.

I think it is a good bill, and I urge my colleagues to support it.

I yield the floor.

Mr. DOMENICI. Mr. President, I want to use just a few moments this morning to talk about this appropriations bill that is pending before the Senate and two projects under the Land and Water Conservation Fund that the distinguished chairman, Senator SLADE GORTON, had put into the bill but subjected them to prior authorization: The so-called Headwaters acquisition in California which could cost \$250 million; is that correct, Senator GORTON?

Mr. GORTON. That is correct.

Mr. DOMENICI. And the so-called New World Mine in Montana, which is an effort to acquire a mine before it is mined. That is in Montana. I believe it would cost \$65 million.

Now, I am not here on the floor of the Senate to tell the Senate that these projects are good, should be done, or should not be done. But I am here to tell them absolutely and unequivocally that if the administration, through whatever source, is telling Senators that the budget agreement reflected that these projects should be funded, I am here to tell the Senate that is not true.

Now, if the administration wants to say these are their high-priority items, which they have told the distinguished chairman, they are free to do that. In fact, they are free to do anything. Let me tell you that in the ritual and integrity of the agreement, they have spoken about these projects and some others. But we did not agree how the \$700 million in new money that we included in this budget agreement should be spent. So one would say, well, how should it be spent? Well, obviously, it was to be spent in a typical manner of spending money out of the land and water conservation fund. Congress and the White House have to work together to decide what they want to do. There is no priority treatment in this budget arrangement in any way, shape, or form.

Now, what I would like to do just visually for everyone so that they will understand. I have before me and I am holding up an agreement called the bipartisan budget agreement, May 15, 1997. Now, it is historic. Nothing like this has ever been done in the history of the Senate, where the leadership from the Senate and House signed an agreement with the White House to do things in a budget. In this agreement, if you look at it, from its 1st page until its 24th page, and two attached letters relevant to taxes, you will not find the names of these two acquisitions—Headwaters Forest or the New World Mine—mentioned. It is not in this agreement. Now, one might say, does it have to be? Yes. If it is a priority item that negotiators agreed would be done, it is in this agreement. If anybody wants to look at it, they can do so.

Mr. GORTON. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. GORTON. But I take it, Mr. President, that the \$700 million for the land and water conservation fund is, in fact, in that agreement, is that correct?

Mr. DOMENICI. Senator, I am going to turn to that right now. It is in the agreement. Anybody who wants to look at it can look at page 19. There is a chart in here that says what this fund is about. Essentially, it says that we have decided that \$700 million can be set aside, at the option of the Congress, to be used for land acquisition, and a budget flow even shows how it will be

spent. And the language says the \$700 million, if spent for priority Federal land acquisition, can be done in excess of the caps for discretionary spending. That is why the U.S. House did not even put it in their appropriations bill, because there is nothing in this agreement that mandates it. It says that if you include \$700 million for land acquisition, then when you spend it, the budget credits it to the appropriations committee.

Mr. GORTON. But I ask the Senator from New Mexico, there is nothing there that mentions any specific project?

Mr. DOMENICI. I assumed everybody would be looking at the agreement. You are correct. Verbally, I state there are three footnotes, there are two charts, and nowhere in that do these two projects appear. They are not mentioned.

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DOMENICI. Senator, I want to tell you one other thing. The two instruments that judge our budget responsibility, vis-a-vis the President, what have we agreed to do with our President—frankly, they are not enforceable and everybody knows that, but we have agreed to do it. Might I say that this chairman, Senator SLADE GORTON, has taken the agreements that are stated and he has followed them. As a matter of fact, one found on page 24 of the agreement and is also in the budget resolution, which I will talk to in a moment, was approximately a \$74 million increase for Indian tribal priority allocation funding. Senator GORTON had a meeting and asked, "Is that a priority agreement that we agreed with?" I said, "Yes." He said, "So it will be funded." Is that not right?

Mr. GORTON. The Senator is correct.

Mr. DOMENICI. Now, the only other instrument that has anything whatsoever to do with implementing this 24-page historic agreement is the budget resolution itself because what we chose to do is to put in the budget resolution the priority requirements of this agreement. So that if you look at page 23 of the budget resolution, you find a description of the \$700 million for land acquisitions and exchanges, but no mention of any single project—not a single project mentioned. It merely states very precisely what I told the Senate 4 minutes ago when I said how the \$700 million was to be set up. That is what it says.

But conversely, throughout this agreement, throughout this budget resolution, when we have agreed on a specific program in this agreement, it is found in this resolution. So, Senator, if you want to look at this agreement and say, what did the Congress and the President say about Head Start, that might be a question you could put to me. I would say that we agreed in this agreement that Head Start was a priority. Lo and behold, you will find in the budget resolution that Head Start, in the function on education, is listed,

and guess what? The dollar amount that we agreed upon is in the budget resolution.

Now, frankly, I think it is absolutely patent that had we agreed to these two projects—and I repeat that I am not sure how I will vote when we really have them before us in a proper mode. I am not sure how I will vote in the committee that authorizes them. But the pure simplicity of what I have just explained would say that if we agreed to these two projects, you would find them in one of these agreements. In fact, if you found them in the 24-page agreement, you would find them in the function of the budget that funds these kinds of projects, and they would be stated there. Now, I note the chairman is on the floor with a question. I am pleased to yield.

Mr. GORTON. So, I ask the Senator from New Mexico, then the bill that I drafted and is being debated on the floor here today regarding appropriations for the Department of the Interior includes both the \$700 million for the land and water conservation fund and a specific mention and, therefore, a degree of priority, for the New World Mine and for the California redwood purchase; this bill, in fact, goes beyond and is more specific than the budget agreement itself, is that not correct?

Mr. DOMENICI. No question. But you might say, in this respect, it is contemplated that if the Congress, and thus the Senate as the initiator, at some point in time wanted to implement the \$700 million fund, they would at some time have to decide what they are going to spend it on. At that point in time, however they decided, the White House and Congress would engage in a political dialog in the normal way, with each having its strengths; namely, a vote here, and namely, the President says I don't want it, do it another way; that is typical. That would be envisioned as part of how you would decide how to spend it.

Mr. GORTON. And so when the chairman of the Committee on Energy and Natural Resources, the Senator from Alaska [Mr. MURKOWSKI], chairing the committee on which, incidentally, each of us serves as well, states that he has a number of questions about the very complicated transactions for these two projects proposed by the President and wishes to deal with those in the normal course of authorizing legislation, he, the Senator from Alaska, in the view of the Senator from New Mexico, is taking a quite reasonable position?

Mr. DOMENICI. As a matter of fact, the budget agreement doesn't say whether he should authorize them or not authorize them. The budget agreement speaks of allocating this money to this committee. But as I said, it does not prescribe the spending of the money in this committee on these projects. That is a legislative matter to be dealt with with the executive branch in the normal relationship that we have on spending money. It seems to me that the last thing that makes

this argument most rational is that if you didn't put the \$700 million in at all, there could not be a letter sent around saying "you violated the budget agreement."

As a matter of fact, the letter being sent by the administration—frankly, I want everybody to know I am trying desperately to get everybody to comply with the budget agreement. We are not complying in every respect. Nobody is finding this Senator running around saying you don't have to. Maybe others are, but I am not. Frankly, when the administration, under letter of September 11, a statement of administration policy, on the first page of that communication, it says: "In addition, the committee bill contains provisions that violate the Bipartisan Budget Agreement, such as the provision to require additional unnecessary authorizing language for key land acquisition in Montana and California."

It urges the Senate to strike that. They can urge that we strike it, but we are not striking it because it violates the budget agreement; we may or may not do it for some other reason. So, Senator, I wanted to come down here and make sure, since many Senators have stopped me and asked me if we agreed to these two projects, my answer is no.

Now, are we forbidden from agreeing upon them and the \$700 million to be used for them? Absolutely not. You are not disagreeing with that. As a matter of fact, you spend it. But you are saying that before we spend it we want to see what the authorizing committees say about that. I believe, to assume that you cannot authorize a project for the land and water conservation fund, which would give its resources from the \$700 million, is arguing an uncertainty. I mean, that can't be. We never said anything about that. Congress retained that right. Anything we didn't agree upon, the Congress can do. It is just that they can't do anything inconsistent with it.

I could go on, Senator, but I think the Senate will take my word that if you look at the agreement and find specifics that are priorities, you will find them in the budget resolution, which this Senate passed overwhelmingly. There's a lot of things in it that Senators said they didn't know were in it. That is not my fault. I will tell you that specifics like Head Start and specifics like a new program for literacy are found in the agreement as priorities, and they are found in the resolution—resolved that—priorities such as these shall be funded to the extent of so many million dollars.

Mr. GORTON. The Senator from New Mexico believes, under those circumstances, we are obligated to keep our part of the agreement?

Mr. DOMENICI. The Senator from New Mexico feels that if we don't follow those, that a letter like this one from the administration, under cover of September 11, could clearly say this bill does not fund a priority item that

was agreed upon. Therefore, it violates the budget agreement. I would not be here saying the correspondence is inaccurate, incorrect. It would be wrong. In this case, it is not.

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DOMENICI. I just ask the Senator, because I don't intend to speak longer and clutter the RECORD unnecessarily, but would he think I should make the bipartisan agreement a part of the RECORD?

Mr. GORTON. Why don't you make the relevant page of the bipartisan agreement a part of the RECORD.

Mr. DOMENICI. Mr. President, I ask unanimous consent that page 19 of the agreement between the executive branch and the Congress be printed in the RECORD for purposes of showing how the priority land acquisition was described on the page of the agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Environmental reserve fund

[Outlay increases in millions of dollars]

Orphan share spending:	
1998	200
1999	200
2000	200
2001	200
2002	200
5-Year Spending	1,000
10-Year Spending	2,028

The proposal would provide new mandatory spending for orphan shares at Superfund hazardous waste cleanup sites. Orphan shares are portions of financial liability at Superfund sites allocated to non-Federal parties with limited or no ability to pay.

The funds will be reserved for this purpose based on the assumption of a policy agreement on orphan share spending.

Priority Federal land acquisitions and exchanges

[Outlay increases in millions of dollars]

Priority Federal Land Acquisitions and Exchanges:	
1998	300
1999	150
2000	150
2001	100
2002	
5-Year Spending	700
10-Year Spending	700

Under this proposal, up to \$315 million would be available from the Land and Water Conservation Fund (LWCF) to finalize priority Federal land exchanges in FY 1998 and FY 1999.

Funding from the LWCF for other high priority Federal land acquisitions and exchanges (totaling \$385 million) would be available in fiscal years 1999 through 2001.

The funding will be allocated to function 3000 as a reserve fund exclusively for this purpose.

Mr. DOMENICI. I don't choose to put the budget resolution in the RECORD because it was adopted. I assume if anybody wants to refer to any changes on education or to find specifics on the crime section where we obligated funds for the FBI, et cetera, I assume you can look in the budget resolution and find it.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I have not heard every speech on the question of the National Endowment for the

Arts. I know about the principal amendments. Frankly, the amendments that most intrigue me are those that propose for block grant. I am not sure I am going to vote for anything that provides for a block grant, based on what I know about the proposals that are being made. But I will come back to that in just a moment.

I would like to share with my colleagues one of the reasons I am a strong supporter of the National Endowment for the Arts. If I were "king," we would be putting over \$1 billion a year into the program, maybe more than that, because I personally feel that it provides the kind of cultural benefit that is not only sorely lacking in this country, but is diminishing. Mr. President, \$100 million represents one-tenth of 1 percent of our \$1.6 trillion-plus budget. That is 38 cents for every American citizen to provide programs that enrich the culture of this Nation and give a lot of youngsters who would not otherwise have the opportunity the absolute, abject joy of enjoying music, good literature, and dance.

I can tell you that no nation has ever really prospered well that didn't have a culture that embraced the performing arts and the fine arts.

I am sorry Mapplethorpe ever got a grant. That is the thing that set off the firestorm in the country, from which we have never recovered in the Congress. But let me go back.

I grew up in Charleston, AR, with a population during the Depression of 851 people. The only cultural enrichment we got in that town was a high school band. It was started when I was a sophomore in high school. So I took band and became a trumpet player and later became trumpet player in the University of Arkansas band as well as drum major of the Razorback Band—because I had learned some music in the high school band. I might add that we were extremely fortunate because we had an unusual band director, a brilliant man. He used to gather some members of the band at his home in the evening. We listened to great music—Mozart, Bach, Beethoven, Sibelius—and that is when I developed, as a very young teenager, a keen appreciation for symphonic music. We went to Jackson, MS, to a regional band contest, and our sextet won first place. Not only were we learning something about good music, but we were also learning something about how one builds his ego, his self-esteem, and his pride out of this little town.

So when I went to the University of Arkansas, as I said, I was in the band, sang in the university chorus, went to all the drama presentations, and then I went into the Marine Corps.

After the war—I told this story a couple of years ago on the floor of the Senate—I was waiting to come home. I was in Hawaii. One day I saw a bulletin saying that anybody interested in Shakespeare should show up at such and such a barracks this evening at 7 o'clock. So I went. Lord knows I had

never been exposed to Shakespeare. The man who had put the sign up and who was going to teach Shakespeare turned out to be a Harvard professor of Shakespearean literature. He had a tape recorder. Tape recorders were unheard of then. I had never seen a tape recorder, and I certainly had never spoken into one, and, therefore, I didn't know what my voice sounded like.

So, after giving us about a 1-hour lecture on Shakespeare, he took his tape recorder, and he said, "I am going to deliver a couple of lines from Hamlet's Speech to the Players." He had a magnificent baritone voice with that Shakespearean accent. He spoke into his microphone, "Speak the speech, I pray you." And then he went on. I could tell it to you now. I do not want to bore you with it. But I can still remember every word of it.

So, when he played it back, it was so beautiful to hear this mellifluous voice. Then he handed it to me and said, "Here, you do it." He put the lines in front of me, and I spoke into the tape recorder. Then he played it back. I could not believe how poorly I spoke.

You know, I took a vow that evening that I did not want to sound like that. I wanted to have a rich tone of voice like he had. But, more than anything else, I discovered that there was a lot of literature that I knew nothing about that could be very enriching.

So, I came back, and I studied diction and debate. I began, on occasions when I got a chance, to go to all the drama presentations. Most people in this audience are frustrated actors. But my point is all of that had such a powerful influence on my life. I daresay, if it had not been for those experiences, I would have never been Governor of my State, and I certainly wouldn't be standing here as a U.S. Senator. These are the sort of experiences that the National Endowment for the Arts funds for so many youngsters, experiences that they would never otherwise have.

When I was Governor, my wife was looking for some way to use her position as First Lady to benefit the children of Arkansas. Nancy Hanks, who was then Chairman of the National Endowment, came to Arkansas at Betty's invitation. Betty talked Nancy Hanks into giving her a \$50,000 grant to do a small pilot program of art in the first grade. Betty had been an art major. She thought children ought to be exposed to art in the first grade.

So, the National Endowment, because of her appeal to Nancy Hanks, gave her \$50,000, and she started a few programs. Today programs of that sort are common. Every first grade in Arkansas has art. It is mandated now.

She had a little left over from the \$50,000, so she decided she would take it down to the prison and see if any of the inmates had any talent for art. It was absolutely amazing how much talent the inmates had. All I could think about was how many of those people might not have been in prison if some-

body had picked up on either their artistic talent or maybe some musical talent that had never been explored.

Do you know something, Mr. President? When I became Governor of my State, the prisons were in such horrible condition that they were under the control of the Federal courts. We couldn't do anything in the prisons without Federal court approval, they were so terrible. I was sort of hesitant to go down there. But I went. I was doing everything I could to improve the condition of our prisons. You know what Winston Churchill said once that you can tell more about a civilization by the way they treat their elderly and the conditions of their prisons than anything else. It is a strange thing but probably true.

So, I started going down to have lunch with the inmates. I would visit with them. I visited with the hardened killers that were on death row. I can tell you, I don't believe in all my conversations with the inmates in the Arkansas prisons that I ever visited one who had a role in the senior class play in high school, who played in the band, who had a college degree—though there were a few there—or who owned his own home. Nobody is shocked at that. We know who is in the prisons—people from broken homes, people who are uneducated, and people who never had a dog's chance as far as learning anything about art, literature, or music.

I can tell you that the \$100 million we spend on this program may be the most productive money we spend. It is tragic that it is not at least 10 times more than it is. You think about the greatest Nation on Earth, the United States, spending 38 cents per person per year to support the arts while Canada and France spend \$32, almost 100 times more per person than we do. In Germany, it is \$27 per person. My colleague and I share a concern. I heard his speech a moment ago. He comes at it a little differently than I would. But certainly his argument about how much our home State gets is, in my opinion, a valid argument. We got about \$400,000 this year. I think that in the past we have gotten as much as \$500,000. But, if you disbursed the \$100 million of the National Endowment for the Arts money according to population, we would get \$1 million. We have 1 percent of the population of this country. We would get \$1 million. We feel a little slighted.

But there is another dimension to it. That is, if we are going to do block grants to the States, some money should be held aside for national programs that serve all of the States, such as PBS, public broadcasting. I see a lot of fine shows on PBS that are partially funded by NEA grants. In my opinion, many of those shows would not be there for all to enjoy without that funding. If you didn't have the National Endowment, a lot of national programs that benefit everybody, even National Public Radio in Alaska and West Virginia, would not exist.

Second, the national programs that are funded by the National Endowment for the Arts raise an average of \$12 in matching money for every dollar that NEA provides. In my State, we leverage \$3 in matching funds for all the money you send to Arkansas. And we are proud of that.

So, I am not so sure that, if you put these block grants out, you are not going to wind up losing a lot of matching dollars.

Senator KAY BAILEY HUTCHISON from Texas has an amendment that has some appeal to me. It provides 75 percent of the money in block grants. I think maybe 60 percent for openers would be better. So I am not totally opposed to that. But I am not going to vote for any proposal to block-grant money that does not carry with it a mandate for matching money. If we are going to match money, as we do in Arkansas now, \$3 for every \$1, why not require the same of block grant recipients?

When you consider how much money the arts produce in this country—between \$30 and \$40 billion a year—and you think about how much income tax we collect a year from the arts, we are big winners. The \$100 million is peanuts compared to the \$3.4 billion in revenue the arts generate in this country.

I am not going to take much more time here. I see we have other speakers wishing to speak. But there are some national programs that we need to continue funding with this money. The YMCA is putting culture programs in its facilities throughout the country with NEA support. There are a lot of NEA-funded regional dance tours, a lot of national dance tours, and programs for children everywhere.

Incidentally, when I played in the high school band we thought we were pretty good. At the bi-State band contest with Oklahoma, the Iowa State band performed on the stage of the Fort Smith High School. I had never heard a really great band before. We only had 30 members in our band. Here was this Iowa State band with 150 members, and when that conductor brought his baton down, I thought I was going to faint. I had never heard such music. So it was, the first time I ever went to a symphony. I am telling you, these things are important to the culture of this country. I do not for the life of me understand the antipathy that some of the Members of this body have for what I consider to be absolutely essential and basic to the character of this country. It is important that we give a lot of citizens of this country access to the performing and fine arts. That would never happen if it were not for this program.

I look forward to the day—I will not be here, Mr. President, after next year—but I yearn for the day when we treat this program with the respect and the money it deserves. And, like so many other things, if we do away with it and let that bulwark of our culture slip into oblivion, we will pay a very heavy price for it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I can only add a little bit to what the Senator from Arkansas has just said. I wish he would not be leaving the Senate. I have told him that a hundred times, but I will say it one more time.

Mr. President, as a Senator from Minnesota, I rise in support of the National Endowment for the Arts and the National Endowment for the Humanities. I am troubled we are out here on the floor, again defending the Federal role in really supporting the arts in communities all across our country. Some of my colleagues are arguing that, with their block grant proposals to States, they really support the NEA. This will just get the money to States in a more efficient manner, a more timely manner. But these amendments do nothing more—and I think everybody should be aware of this before they cast their votes—than cut off the lifeblood of the National Endowment for the Arts. That is exactly what these amendments do. I think that is the purpose of these amendments.

There is a bitter irony to the timing of these amendments, because Jane Alexander has done such an excellent job of reorganizing the endowment. I come to the floor to recognize her fine work and to support the NEA. When Ms. Alexander was confirmed as Chairwoman of the NEA, she made a commitment that she was going to work closely with the Congress, that she would take necessary steps to reorganize the Endowment, and she has done that and, as a matter of fact, I think her effort has been nothing short of heroic. She has, through her leadership, helped form and lead a NEA that touches the lives of all citizens, regardless of their age, their race, their disability, their economic status or, I might add, their geographic location. Jane Alexander has been blessed with a lifetime of creativity and accomplishment and she has blessed our country with that creativity. She has done a marvelous job of bringing the arts into our classrooms and into every corner of our Nation.

Now, again we are out here having to defend the NEA. The budget is pathetically low. We could do much more to fire the imaginations of children all across the country. Yet we have another attack on the NEA, out here on the floor today.

In my State of Minnesota, the NEA has given support to the American Composers Forum, the Minnesota Alliance for Arts and Education, Gray Wolf Press, the Duluth Superior Symphony, the Rochester Civic Music Guild, as well as the nationally renowned Dale Warren Singers, the Saint Paul Chamber Orchestra, and the Guthrie Theater.

In addition, because of support from NEA, national theater and dance groups have visited many rural com-

munities all across the State of Minnesota. The NEA has supported some wonderful partnerships in Minnesota, including a partnership between the Minnesota Orchestra Association and the science museum, which has created an interactive work between actors, the full orchestra, and fifth and sixth graders. That is what this is all about.

One grant we are especially proud of that really goes to Minnesota, but goes to the whole Nation—and one of the most important things about these grants is the way in which a grant can go, in this particular case to the Minneapolis Children's Theater Company—and what they have done is this grant has supported the development and production of a new work which is called the Mark Twain Storybook, which has toured 35 communities in 9 States, from Fergus Falls, MN, to Mabel, MN, to Skokie, IL, offering a total of 73 performances and 5 workshops.

Sometimes when my colleagues look at funding that goes to particular States, they forget that one of the things the NEA has done under Ms. Alexander's leadership is taking a chance, this particular case on the Minneapolis Children's Theater Company, which is marvelous, and they then take that on the road and reach out to 9 States, 73 performances, 5 workshops. This is enriching work.

I just would like to make the point that the block grant amendments are not friendly amendments. As I say, they undercut the very heart of what NEA is about, which is national leadership of the arts in our country. We as a national community make a commitment to the arts. We understand how important the arts are to enriching the lives of all of our citizens. We make it one of our priorities—not much of a priority, because we have had attacks on the NEA over the past few years and it is so severely underfunded—but, nevertheless, we as a national community understand that we make a commitment to leverage the funding and to get it to organizations to, in turn, get it to communities all across the country.

The block grant proposal takes us in the exact opposite direction. I really do believe that the timing of these amendments is just way off. One more time, I just want to repeat for colleagues that regardless of the words that are uttered and regardless of the intentions of colleagues, I think the effect of these block grant amendments is to just cut off the very mission, the very lifeblood, the very richness, the very importance of what the NEA is all about.

We are only talking about \$100 million. It is an agency that has been severely undercut because of attacks of past Congresses. But I will tell you something, people in the country have rallied behind the NEA, I think in large part because of Ms. Alexander's leadership. We have an agency that is bringing the arts into classrooms and bring-

ing arts into the communities all across our country. We have an agency which has done a marvelous job of being in partnership with local communities and States, doing a really superb job.

Mr. President, I also want to have printed in the RECORD a letter from James Dusso, who is assistant director of the Minnesota State Arts Board. He writes in behalf of Robert Booker, who is the Minnesota State Arts Board executive director, who is currently away at a conference, making it very clear that the Minnesota State Arts Board is opposed to the block grant amendments, making it very clear that Minnesota, and I think many, many people in the arts community, appreciate the work of NEA, and making it very clear that these amendments, rather than improving NEA's work, would severely undercut what this agency has been about.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNESOTA STATE ARTS BOARD,

St. Paul, MN, September 8, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate,

DEAR SENATOR WELLSTONE: I am writing on behalf of Robert C. Booker, the Minnesota State Arts Board's executive director, who is currently away from the office at a conference addressing enhanced accessibility to the arts for people of all abilities.

It is my understanding that the Senate is currently discussing the amount and the type of support to be provided to the National Endowment for the Arts. In that light, I think it is important that you are aware of the following:

The National Endowment for the Arts currently provides over two million dollars to the state in grants to the Minnesota State Arts Board and Minnesota arts organizations.

Since 1994 the Arts Board has experienced a 48% reduction in support from the National Endowment for the Arts. This decrease parallels the NEA overall budget cuts from \$175 million to the current \$100 million and reflects their ongoing problems in Congress.

Minnesota is proud of the outstanding caliber of its cultural institutions and its arts community. The citizens of this State and our corporations and foundations have provided extensive financial support to the arts in order to achieve their current high artistic level. Within our state borders, we are proud to have world-class arts organizations and artists of international stature.

Because of the quality of the arts in Minnesota, we consistently have been ranked third to fifth among all states in receiving National Endowment for the Arts support.

Under a block grant funding structure at the National Endowment for the Arts, Minnesota would drop to sixteenth or lower in the amount of federal support it receives for the arts.

Block grants would minimize, if not eliminate, any national leadership for the arts in the country.

NEA support historically has been a valuable tool in leveraging matching private support for the arts. Block grants to states would take that tool away from arts organizations, hampering their ability to raise needed private support.

Please let me know if you have any questions, or if there is any additional information I can provide.

Sincerely,

JAMES DUSSO,
Assistant Director.

Mr. WELLSTONE. I think these amendments represent a different kind of attack. We had amendments to just eliminate the NEA. We may have one of those amendments on the floor now, maybe, to eliminate NEA. We have had amendments in the past to severely undercut the funding for NEA.

I just don't know what will satisfy colleagues. Jane Alexander made a commitment to us that she would be very tough in her management, she would do the necessary reorganization work, she would take all of her creativity and use that creativity to make the NEA an agency that clearly was rooted in communities all across our country. And for Minnesota, for rural America, the east coast, west coast, North and South—that is exactly what has been done. So I hope we will defeat these amendments and we can as a Senate vote for a commitment which is a national community commitment that we care about the arts, that we are committed to enriching the lives of children, all children in this country, and we are committed to making sure the arts reaches out and touches all of our citizens no matter their income, no matter their race, no matter disability, no matter age. That, I think, is what its mission is all about, and I think the NEA under Ms. Alexander's leadership deserves the strong support of the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, today we are for arts. Last week we were for education. Before that we were for housing. In fact, we are in about a 60-year cycle where the way you show you are for something is to have the Federal Government take the money of working Americans and spend that money for them on the thing you want to show that you are for. For 60 years, the choice that has been presented on the floor of the Senate is a choice about whether or not you are for something based on spending the Federal taxpayer's money on it. The choice is not, "Are you for art?" in the sense that you want to let working families keep their money to invest it in art, the choice is not whether you are for education but letting families decide how to spend their money on education. For 60 years, the only real choice we have had is whether or not we are for things based on spending the taxpayer's money.

It is like the compassion debate we have in Washington. Compassion is not what you do with your money, it's what you do with the taxpayers' money.

Rather than getting into all of the different elements of the debate today, I want to talk about this central point. This is the 12th appropriations bill that

we have dealt with this year, and when it is passed today, we will have spent \$268,195,000,000 on just domestic appropriations. Nobody knows how much money that is. I have a constituent, Ross Perot, who knows what a billion dollars is, but nobody knows what \$268 billion is. But it comes down to \$2,126 for every working American. When we pass this bill, we will have, in the last few weeks, spent \$2,126 of the income on average of every working person in this country, and what we have decided and, in fact, what we are debating about the arts today is whether or not we are going to spend their money on this purpose.

I know we hear our President say the age of big Government is over, but the plain truth is that next year, we are going to spend more money in Government as a percentage of the income of working Americans than we have ever spent in the history of the United States of America. We are going to have the largest Government that we have ever had in the history of America next year as a result of the money that we are spending here, as a result of the money that we have committed to programs we call entitlement programs and as a result of money that is being spent by State and local government. In other words, the tax burden on the average working American next year will be higher than it has ever been in the history of the country in terms of how much of their money the Government will be taking.

How does this debate about the arts fit into that big picture? It seems to me that we are having the wrong debate. The debate here shouldn't be whether or not you are for the arts based on how much money the Government is going to take from working people and spend on arts. Why don't we have a debate about who should do the spending?

I was examining the figures on spending for the National Endowment for the Arts, for the National Endowment for the Humanities, and the Corporation for Public Broadcasting, programs where we are taking money out of the paychecks of working American families and we are bringing the money to Washington and deciding on their behalf that we want to spend it on NEA, NEH, and the Corporation for Public Broadcasting.

We have heard a lot of debate about whether we are spending it wisely, whether what is being defined as art with the expenditure of our taxpayer money through NEA is, in many cases, art. I think the vast majority of Americans would say in many cases it is not.

But the point is, if we took those three agencies and eliminated them, we could give an art and entertainment tax credit of about \$200 to every working family in America. It is in that context that I want to talk about the National Endowment for the Arts, because what we are deciding today is not that we are for the arts by voting to continue funding NEA. What we are

deciding is that by funding NEA, NEH, and the Corporation for Public Broadcasting that we are doing more for the average working family in terms of the arts and the humanities and access to information through broadcasting than they could do if they were able to keep \$200 more and spend it as they chose.

Granted, I am sure there are some here who would get up and say, "Wait a minute, with this \$200, we are funding the symphony, and if we let working families keep the \$200, they might go see Garth Brooks, they might decide to spend it going to three or four Texas A&M football games." I guess I would argue that families ought to have a right to choose what is art and what is entertainment to them rather than delegating that responsibility involuntarily through the IRS to 100 Members of the Senate.

In a very real sense, this is the choice that working families are making. How many families would choose to get an Internet hookup rather than to fund public broadcasting if they had the choice to make? How many families would choose to get the cable rather than to fund public broadcasting?

So my point is, this is not a debate about whether you are for the arts or not. This is a debate about whether Government should be the final decisionmaker about what is art and what should be funded.

Our colleague from Minnesota said, "Well, this is only \$100 million." Well, \$100 million is a lot of money.

I personally would like to begin the process of making fewer decisions in Washington so that we could have more decisions made back home. I think part of our problem in the arts, part of our problem in Government, is that too many spending decisions are made around these committee room and Cabinet tables and too few decisions are made by families sitting around their kitchen tables. The question that we face as Republicans is, if we are not for less Government and more freedom, what are we for? What do we stand for? If we really want to reduce the size of Government and to let people keep more of what they earn to invest in their own family and their own future, to invest in their own art, to invest in their own entertainment, to invest in their own education and housing and nutrition, if that is what we really want, where do we begin?

We are not eliminating a single program in the Federal Government this year that I am aware of. Not a single program in the Federal Government will be terminated as a result of this budget which will spend a record amount where we are increasing discretionary spending and, in the process, deciding that the Government ought to direct more goods and services and where they go.

I don't, quite frankly, know a better place to start than the National Endowment for the Arts. It is not that I am against the National Endowment for the Arts or the National Endowment for the Humanities or against

public broadcasting. But the question is, why not eliminate these programs and let working families keep \$200 more per family and decide what they want to invest that in, what brings the most to their family. It seems to me that that is the choice.

As I understand it and they proliferated a little, we have three amendments that are before us in some form. One of the amendments would block grant the money to the States and eliminate the National Endowment for the Arts by giving the money directly to the States. Another amendment would give 75 percent of the money to the States, have 20 percent of the money go to national art organizations and give the National Endowment for the Arts 5 percent so we can maintain their infrastructure. The third proposal is to eliminate the National Endowment for the Arts.

Since I see all three of these as an improvement over the status quo, I am going to vote for all three of them. But the position that I want to take today and make clear is that you are not saying whether or not you are for the arts based on how you vote on spending the taxpayers' money. I am for the arts, but I think families ought to have the right to decide what is art and what is not art. I think families ought to have the right to make these decisions. I don't think we should be making those decisions for them.

Finally, if we are really serious about less Government and more freedom, if you really believe that Government is too big and too powerful and too expensive, if you really believe that having the average family give Government almost a third of its income is too much, if you believe all of those things, as I do, I don't see how you can then justify having the Government take \$100 million from working families to spend on what we define as art.

So I think this is a fundamental choice. I would have to say that for 60 years, I think we have been making it the wrong way. For 60 years, we have been losing in the appropriations process, because the choice is always spending money and being for something, rather than not spending money. What I would like to do is to have the ability to put all these appropriations bills out here and go through them one by one and basically decide, would you like to do less of this and let families keep more of this money themselves? I think when we start changing the way we make these decisions, when we start looking at them from a bigger perspective, I think ultimately freedom will start winning in this debate instead of losing.

The vote on NEA today is not a vote about arts to me, it is a vote about freedom. It is a question of whether or not we want the Government, with the highest tax burden in American history set to be imposed on working families next year, to spend another \$100 million trying to tell people what is and what is not art, and I think given our

record on the subject and given the issue itself, that we would be better off letting families keep this money. If they call Garth Brooks art, I call it art. If they would prefer spending their money on an Internet connection instead of public broadcasting, or if they would prefer going to Texas A&M football instead of going to the symphony, maybe there is wisdom in each and every household. And what is wisdom in each and every household can hardly be folly, even in the greatest nation in the world.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I spoke at length yesterday. I will try not to beat that record, but I do want to make a few comments.

First of all, if you take \$100 million and divide it by 250 million, you come up with about 38 cents a person and that represents what the endowment costs. I think we have to put in focus what we spend on the arts and why we spend it there.

We had some excellent presentations yesterday and we had some this morning on different views of how the money for the Endowment ought to be spent. I guess if you analyzed the Senate, we would have probably 70 or 80 people who say, "OK, let's spend the money, but we have a different way to spend it."

A number would spend it with more going to the States. Some would spend it with all going to the States. Others would spend it in different proportions. But I guess that if it was just a question of whether there ought to be that much money out there available, that we would have a big vote, 70, 80 votes in the Senate, and that is what we need to do—analyze and figure out whether the way we are spending it is the best way.

That, I think, is what is being asked of this body, and I think is being asked of the people throughout the country: Are we spending too much on administration? Are we directing too much of the money to the big cities? Are we spending too much in other areas rather than out in the States? So I hope we keep that in mind as we go forward and examine the amendments that we will be faced with.

I would also like to point out some of the very excellent points that were made by other Senators yesterday. I think Senator BENNETT from Utah probably made one of the best presentations I have heard on why the Endowments are so important and what it does mean to have your particular program get the stamp of approval. As he stated, it is like the Good Housekeeping Seal of Approval for a program. What this does is allow you to not only utilize the money, the small amount of money you get from the Endowment, but to use that as a fundraiser to be able to let people know, "Hey, this is a good program and it has

the sanction of the Endowment and, therefore, you should help us put that program on." It was an excellent presentation.

We have had others this morning, Senator TIM HUTCHINSON and others, as well as Senator HUTCHISON of Texas saying, well, yes, it is a good program, but more of it ought to be distributed to States and a lot less of it ought to be spent from Washington.

I spent my time yesterday stating that I might have an amendment which would spend more of the money in the area of education, indicating that the studies demonstrate that those people who participate in programs of art and music do substantially better on SATs than those who do not. I think that is something we should take note of. And there are a lot of reasons for that.

Some of the basic problems we have in education is the lack of discipline and respect by students. Both of these qualities come along with the arts and the programs with the arts—I delineated a number of those programs that I have viewed as I traveled around the country where students have done exceptionally well, from the east coast to the west coast. When the authorization bill came out of the committee, we suggested that NEA ought to look at trying to evaluate and assist the rest of the country, understand which programs do work, what programs are helpful in improving the access to the arts in education.

Also, as I pointed out yesterday, there are many programs which have been successful in the cities around the country in helping those who are impoverished. I mentioned one program in New York City where there was a horrible situation—so many young people had come from homes of violence, where a member of a family had been killed. Through art and art therapy they were able to bring out the horrible experiences in that child's life and begin to open up a vista of perhaps a life without violence and fear introducing instead hope and other positive things like that.

I think there is a general consensus—or close, a substantial number of Members of this body—that we ought to keep the Endowment but perhaps take a look at how those funds are utilized. So I expect that the Senator from Alaska will have an amendment along those lines.

Also, I would like to just raise a few things. I did not talk about the importance of the Endowment in extending the benefits of the arts and the benefits of museums around the country.

For instance, the Portland Arts Museum moves out to support the Northwest Film Festival, showcasing the works of artists from Alaska, Idaho, Montana, and Washington; the Paul Taylor Dance in New York received a grant to tour through Alaska, Texas, and California; the NEA-supported Educational Broadcasting Corporation in New York to put "Great Performances" and "American Masters" on TV

for the enjoyment of millions. The New England Foundation for the Arts received a grant to bring the "Dance on Tour" program to Connecticut, Maine, New Hampshire, Rhode Island, Vermont, and Massachusetts. The YMCA in Chicago received a grant to expand its Writers Voice centers—writing workshops for young people—to Georgia, New Hampshire, Florida, and Rhode Island.

States have little incentive to fund projects which benefit people outside its borders, yet it is those partnerships which enrich our Nation. These are examples of why national leadership is important. So I hope that as we move forward we remind ourselves that there are many activities of the Endowment other than some of the areas of controversy that we have heard of.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Washington.

Mr. GORTON. Mr. President, we are less than 30 minutes from moving on to another subject, the cloture vote on the bill relating to the Food and Drug Administration. If I may, I would like to summarize where we are on this interesting and multifaceted debate on the National Endowment for the Arts.

The Senator from Missouri, Mr. ASHCROFT, who is present on the floor, and Senator HELMS have proposed an amendment that will terminate the National Endowment for the Arts in much the same way as the House of Representatives has already voted.

I hope that we will be able to vote on that amendment in not too great a time after the completion of whatever the majority leader seeks to do with respect to the Food and Drug Administration bill. The Senator from Missouri may very well tell us how much more time he thinks he needs on his amendment.

After that, logically the next amendment would be that proposed by the Senator from Michigan [Mr. ABRAHAM], which would also close down the National Endowment for the Arts but would transfer the money to, I believe, the National Park Service for the preservation of historic American treasures.

The next proposal would be that of the Senators from Alabama and Arkansas who would essentially block grant the entire appropriation for the National Endowment to the States; following that the proposal by the Senator from Texas [Mrs. HUTCHISON], that would have 25 percent, roughly, governed by the National Endowment for the Arts here and 75 percent block granted for the States.

Those are the proposals that have been discussed on the floor at some length yesterday afternoon and this morning. I hope that we can reach an orderly method for voting on each of those amendments so that the will of the Senate with respect to the National Endowment will be made known.

I regret deeply to say that my partner on this bill, Senator BYRD, is indis-

posed today and will not be able to be here at all, something he regrets. He hopes that maybe at least some of these votes could be postponed until tomorrow. I will have to leave that up to the majority leader, who I think wants to move forward as quickly as we possibly can.

It is appropriate now, however, I think, for me to state my own view at least on the four amendments that are in front of us. My views reflect those of the Appropriations Committee and, most particularly, my subcommittee. I believe the National Endowment for the Arts does in fact play a constructive role in culture in the United States. I believe that reforms in the last 2 or 3 years have cut down tremendously on some of the truly objectionable grants which were rightly objected to by the vast majority of the American people.

So with respect to the first two amendments, I will vote no. I also am unable in my own mind to feel that we would somehow deal more sensitively if all of these grants were decentralized to State arts commissions.

Finally, I find myself somewhat in sympathy with the proposal of the Senator from Texas. I believe that perhaps a greater focusing, but not a universal focusing, on State and regional arts organizations may well be appropriate but that there are also grants that are appropriately national in nature and that many of the institutional grantees, while they may be located in a particular city or a particular State, have an impact on the arts that goes far beyond the locale of their principal office, their museum, their symphony orchestra or their opera company.

Because, however, the Ashcroft-Helms position has governed the House of Representatives, my inclination is to vote against all of these amendments that change the present system simply because we will have to take into account the views of the House of Representatives in a conference committee, a conference committee that I think is likely at least to come out with a proposal that is perhaps closer to that of the Senator from Texas than any other that I have heard at this point.

So at the present time, unless I am persuaded to the contrary, Mr. President, I am going to suggest to the Members of this body that they leave the appropriation for the National Endowment for the Arts contained in the bill as it is before us now untouched and discuss the very important questions that all of them have raised with the House of Representatives that has taken a quite different view in a conference committee. With that, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1188

Mr. ASHCROFT. Mr. President, thank you very much.

I rise to address the issue of the National Endowment for the Arts and

some of the arguments that have been raised in this debate.

I think it is important that we debate this issue thoroughly. I think it is important that we have the discussion of as many Members of this body on this issue made as explicitly as is possible for the American people.

I am not in any rush to judgment or to election on this. To say because the House of Representatives has taken a position that here the Senate should not take a position or that it should merely endorse the position of the Committee on Appropriations I think is to do less than the American people expect of us.

The American people understand that the issue before us is whether or not arts are to be funded by Government and whether that is a role for Government to play. We must look at the reason why we have Government, the reason why we take money from people that they have earned and they cannot spend on their own families. That is a major issue. And whether or not we are going to take it and then give some of it back to a State where we do not have the ability to control it, or whether we are going to give part of it to the State and we are going to control the rest of it, is another major issue.

I think we ought to debate these things. So I, frankly, want the Senate to move forward, and I want us to move forward with dispatch and make sure that we do not unduly delay things. But this is an issue worthy of the American people, it is worthy of our understanding. I think there are substantially basic, philosophic items that are of importance here: Does the Government have a responsibility to shape the culture by paying for artistic expression, and by paying for some artistic expression and not paying for other artistic expression? I think that is a very important point.

I say that it is important to understand that both artists and nonartists are on both sides of this issue. There are people who love the arts so much that they do not want the Government to contaminate the arts. They feel that when the Government gets in the position of starting to say that this art is good and is worthy of being subsidized and this other art over here is not good and is not worthy of being subsidized, they think that is likely to distort the arts and to leave the arts in a situation of impurity, with artists who are seeking not to express themselves but to express what the bureaucrats in Washington or in a State capital would want them to express.

As a matter of fact, that is exactly the point that Jan Breslauer, the critic from the Los Angeles Times, has written about. Eloquently she states—and as a matter of fact, it is more than an eloquent statement. This is a rather embarrassing indictment of the National Endowment for the Arts. Let her words speak this position as I quote them. And she says—or he says. I do

not know whether Jan, J-a-n, is a "he" or "she." I apologize if there would be any offense in what I have said.

[T]he endowment has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else. The art world's version of affirmative action * * *.

She is describing the way the bureaucracy, known as the National Endowment for the Arts, has operated, that it has emphasized separatism, emphasizing racial, sexual, and cultural differences above all else.

I think we need to get to an America that emphasizes our identity, the common things we enjoy, the freedom we embrace, not the differences we have. I think the Statue of Liberty has stood there without wincing for a long time. She stood through hurricanes and the tests of time, storms, good times and bad, in war and in peace, but I think she winces a little bit when she thinks about all the people that have come here to pursue common goals of freedom being driven by Government to be separate, to be forced apart.

Jan Breslauer says, "The Endowment has quietly pursued policies rooted in identity politics," this idea of separating us into separate identities. I kind of like a single identity for the United States of America. What are the different identities, she says, that are being emphasized by the National Endowment for the Arts? She says that the National Endowment is pushing us into separate racial identities, that it is pushing us into separate sexual and cultural identities. These differences are being elevated, instead of minimized, in the way, she says, the funds are given out from the National Endowment for the Arts.

Fundamentally, I do not believe that Government should be striving to drive wedges between Americans. Whether it is an arts program or anything else, I think we ought to come to the point where we realize there is only one word that ought to describe us in a way that unites us, and it is "America." I don't need someone to try and push me into some politics of separatism or some identity politics and provide a basis for separating me from my fellow Americans. I think the great unity of America is so very important.

I think of the millions of lives lost in the Civil War for unity, so that this would be one Nation united under God with liberty and justice for a few or for this group or that group, with preferences? No, for all.

The National Endowment for the Arts "has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual, and cultural differences, above all else." These are not my words. These are not the words of some individual who is against art. These are words from a critic from the Los Angeles Times. The art world's version of affirmative action, to prefer people on the basis of their group identity rather than to prefer people on the basis of their own merit. The United States of America is a place where individuals

should have the ability to succeed or fail based on their own merit. She says the art world's version of affirmative action, and its policies have had a profoundly corrosive effect on American art.

A corrosive effect—I don't know how you can define that as lifting up the arts or improving the arts. We have heard individuals come to the floor over the last several days and say the reason we need this is because it allows the arts that are sponsored to be shared with the entire culture. Do we want to corrode the arts before we share them?

I want to mention I believe there are some artistic endeavors here that are supported that are good ones. Sure there are. You are spending \$100 million, you will probably have some good ones. The question is, Is this what Government is for, to take the hard-earned money of individuals and say we can spend that money better on art than you can spend it on your family?

At a time when real wages for individuals for over half the Americans, according to a recent national article in one of our business journals, are lower than they were in 1989, some 8 years ago, do we still believe that we want to take money that people could be spending on their own families and we want to spend it on art that separates us, that emphasizes racial differences, cultural differences, that has a corrosive effect on the arts itself? That is incomprehensible.

Some people think it is great to have the symphony, it is great to have great art and they think about the great artists of the past, they think about artists from my State whose works are shown in art galleries of this country and have been for hundreds of years. But that is not all that we are talking about here.

Here is a piece of art that is interesting to me. This art was funded by the National Endowment for the Arts. This is a poem. No, Senators, this is not the title of the poem, this is a poem. This poem, spelled L-I-G-H-T, I am not sure what it means—maybe light—this poem cost the taxpayers \$1,500. This was the subject of a grant. Now, this is the English version of the poem, I have to tell you. This is not the French or the German version. Maybe it is the German version of the poem. Maybe it is not the English version. This is it. This is why we would tax individuals, take money that they earned, working hard on their jobs, and we want to say to the rest of the world, this is what you should be doing.

I was stunned by the fact that my colleagues came to the floor and said we need this not because the arts need the money. They recognize it is 1 percent of the art funding in the country. As a matter of fact, less than that. But 1 percent of the art funding in the country comes from the Government. But we need it so we can have the Good Housekeeping Seal of Approval, that somehow when Government comes and puts its seal of approval on things like

this, it signals to the country that this is what we are supposed to really look up to.

I am sure getting this poem around to schoolchildren will inspire lots of them to be poets. I don't know whether this is a typographical error or whether this is profoundly insightful, but I don't think it is inspirational. I don't think we have to have the U.S. Government taking tax money from people who get up early and work hard all day and go home late, families with two parents working, one to pay the Government, the other to support the family. I don't think we do that in order to be able to put a Good Housekeeping Seal of Approval on this.

I want to talk a little bit about this concept that you put a Good Housekeeping Seal of Approval on things by having Government tell people what is good and what is bad. Let me just indicate that one of my colleagues yesterday spoke, and I quote from the CONGRESSIONAL RECORD of September 15, 1997:

The National Endowment for the Arts is something like a Good Housekeeping Seal of Approval put on a local effort which allows people who are running that local effort to then go out and do their fundraising and say you see what we have here is really a class operation. It is something worthy of your support, worthy of your private contributions. Look, it's good enough that the National Endowment for the Arts has put their seal of approval on it.

And the argument is that somehow the American people don't have the intelligence or the judgment or the capacity to know what values they want expressed in their culture. They need someone from the Federal Government to tell them that this is great poetry and that they should buy it or subsidize it.

I don't believe the genius of a democracy is having the Government tell people what is good or bad. The genius of a democracy is not that the Government informs the people. The genius of a democracy is that the people inform the Government. The genius of a democracy is that the collective wisdom of the people is reflected in what is done in Washington. We have inverted the flow of information here. The people are supposed to be represented in Washington to do the will of the people. The Government is not supposed to be represented by a good seal of approval so that the people can then do the will of Government. The whole idea of a democracy is not that the Government puts its good seal of approval on anything and then the people do it. The ideal of a democracy is that the people express their wisdom to the Government, sending their representatives to achieve the will of the people, not the will of the Government.

It is kind of amusing to me that we have this information flow. We are so conditioned to believing that Washington is the source of wisdom that now

we have to tell the people what good poetry is, and stuff like this is good enough for their support or something else is good enough for their support. You would think we would learn that the central government is not the place to direct investment, whether it be in art or whether it be in industry.

There are different cultures, there are different ways to do government. There are different ways to allocate resources. One way is to have central planning, to have the Government make the decisions, encourage or allocate the resources on its own. That is a way which was tried for a long time.

Communism was a system which said we will do central planning. We will not trust the marketplace. We will not trust the judgment that people will reach on their own. We will trust the central planners, the superior intellects of Government to make those decisions. We will ask them to decide how many potatoes are grown and how many cars are made and how many TV's are made, and with the superior wisdom of centralized government, we can tell the people how things are and it will all be better.

I love the joke Ronald Reagan used to tell about the guy going to buy a car.

The guy said, "You have to wait 10 years for your car but on the 12th day of February, 10 years from now, in the morning, we are going to deliver your car to you."

The guy said, "Oh, no, you can't deliver the car on the 12th day of February 10 years from now."

The car salesman says, "Why not?"

He says, "Well, the plumber is coming then."

The whole point is planned allocation of resources by central government is a failure, an abject failure.

Yet we have people come to the floor of the Senate and say people really do not know the good art from the bad art, what to support, what not to support, and they need the Government to come look and be the Good Housekeeping Seal of Approval. We cannot trust the private marketplace, the will of the people, the understanding of the people to allocate the resources that they ought to put or want to put into art. We have to confiscate resources from them and then we have to use those resources as some sort of gold stock. This is what you must support, you ought to support this, this is great.

Well, if you put the Good Housekeeping Seal of Approval on material that emphasizes, above all else, racial, sexual, and cultural differences, in the words of Jan Breslauer, the art critic, what we have is the Government telling us what is good and telling us that all these things that divide us are good and the things that unite us are not worthy of funding.

In my judgment, I think we should have learned something. We should have learned that when the Founders of this great country considered this question, they voted overwhelmingly

not to have the Federal Government involved in subsidies for the arts. This is not new. This idea came into being in Lyndon Johnson's plan for a Great Society. We know how the governmentalism of the Great Society has been so eminently successful in other areas—such as attempting to deal with poverty. We see there are more children on poverty now than there were when the so-called Great Society began. And in an attempt to deal with situations where there were children being born to parents who would not be parents—there were no families there, really—we have seen that problem exacerbated and intensified rather than assuaged or reduced. Here we have one of the Great Society programs and here is another one that says we know best from Government.

In the area of the Great Society, as it relates to the welfare program, we have that figured out that the central government should not have a sort of a Good Housekeeping Seal of Approval. We have abandoned the old Federal approach that says there is a way you are going to do this and this is the way, the truth, and I guess it would not be the light, would it? The Federal Government's welfare program, we found out, was a failed program.

I yield to the Chair, if there is an item that needs to be brought to my attention.

The PRESIDING OFFICER. Under a previous order, the hour of 12:15 having arrived, the Senate is to conduct a cloture vote.

Mr. ASHCROFT. I ask unanimous consent for 1 more minute in which to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I thank the Chair. It is clear to me that the National Endowment for the Arts takes resources from taxpayers to spend in a way that the Government thinks it can spend better than taxpayers. Even art critics indicate that that taking has not only a bad effect on people, it divides them, seeks to separate them, but it has a corrosive effect on the arts. I believe that having the Government establish values that it tries to impose on people is a denial of the genius of America, which is when the American people impose their values on Government, not when the Government imposes its values on the people. The so-called Good Housekeeping Seal of Approval theory of support for the National Endowment for the Arts reveals the bankruptcy of the concept of Government telling people what they should believe and what they should value.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Since the Senator from Missouri has taken all the time, I ask unanimous consent that I may have an additional 60 seconds before the vote to make some comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank Senators for their indulgence. I do not have the time to lay out all the reforms that we have made in the National Endowment for the Arts, nor to give you the details on how every single dollar that my colleague talked about is leveraged by \$12 in every community across this great country of ours, because the arts, just as they are in the military, preserve our culture. We spend twice as much on military bands as we do on the National Endowment for the Arts. If the military bands make a mistake and play a song that we don't think is appropriate, we don't stop funding the military bands, because they are a very important part of our culture. If a postman acts wrong and is obnoxious, we don't stop delivering the mail.

So I think it is very important that when we go back to this debate—and I think right now it won't be for a couple of days—that we lay out all of the reforms that have been made and all of the wonderful programs, such as the Youth Symphony, the ballet, and all the things we do with the arts, and have a fair debate.

I thank the Chair, and I yield the floor.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 105, S. 830, the FDA reform bill:

Trent Lott, James M. Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher S. Bond, Strom Thurmond, Judd Gregg, Don Nickles, and Paul Coverdell.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 830, the FDA Administration Modernization and Accountability Act, shall be brought to a close?

The yeas and nays are required under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. FORD. I announce that the Senator from West Virginia [Mr. BYRD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—94

Abraham	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wyden
Faircloth	Lieberman	
Feingold	Lott	

NAYS—4

Akaka	Reed
Kennedy	Wellstone

NOT VOTING—2

Byrd	D'Amato
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The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GENERAL SHELTON

Mr. WYDEN. Mr. President, I have asked for this time to notify my colleagues that I no longer intend to object to the U.S. Senate proceeding to the nomination of General Shelton to be Chairman of the Joint Chiefs of Staff.

Last Thursday morning, I announced publicly that I would object to the Senate proceeding to General Shelton's nomination. My colleague from Oregon, Senator SMITH, supported me in this effort. We did so not out of any reservation about the general's qualifications but because he is about to become the Nation's top ranking military officer.

Mr. President, General Shelton is in a position to assure that the military—and in this case the Air Force—respond to rather than ignore the requests of the Congress and our constituents. It is not too much to ask that the Nation's top general help us address the con-

cerns of the widows of the American airmen who have died serving our country. What they have wanted is simply to have the Air Force explain the reasons for the crash of a C-130 off the coast of California last November that killed 10 airmen on board. In April of this year, the Air Force informed the widows and families that the cause of the crash was engine failure due to fuel starvation. No further explanation was offered at that time. When the widows and families sought further explanation, they were told that the case was closed. Later that month, they came to me, and asked if we could help. I approached my colleague, Senator SMITH. And, at every step of the way, Senator SMITH has been exceptionally helpful in our joint efforts to work to make sure that the Air Force would provide the loved ones of these airmen an answer to what happened in this tragedy. The families, my colleagues, have a right to know.

We asked that an independent group be allowed to review the file. We asked that information about the crash be made available to the families. We asked that the Air Force give the National Transportation Safety Board's aviation experts access to the file.

The denying of the request to provide the National Transportation Safety Board access to the files was especially difficult for Senator SMITH and I to understand, because in the interim the Air Force had allowed a private contractor to look at these materials. On September 10, the National Transportation Safety Board informed us that, based on the limited data available, the Board was unable to determine whether the Air Force had conducted a thorough investigation.

Having exhausted all other avenues to get this critically needed information for Oregon families, it was my hope that we could command some attention at higher levels of the military by appealing to the soon-to-be most senior officer. General Shelton's staff responded quickly. The Air Force has now proposed an agreement with the National Transportation Safety Board that should provide us the information we seek. It is a solid agreement and we wish to thank the Air Force for the prompt response to this case.

The agreement between the Air Force and the National Transportation Safety Board is supported by the widows and the Oregon families, and provides for a joint, high-level review of the accident involving King-56 and other C-130 incidents. The agreement calls for the team to issue a preliminary report within 90 days. It is our hope the full participation of the National Transportation Safety Board in a manner that assures its independence of action will finally get the families and the widows the answers they have awaited for so long.

I want to yield to my colleague, Senator SMITH. Before I do, I thank the chairman of the Armed Services Committee, Senator THURMOND, and Sen-

ator MCCAIN, his colleague, and Senator LEVIN, for assisting Senator SMITH and me. In yielding to my colleague, I again express my appreciation and thanks for the opportunity to work together on this matter in a bipartisan way.

Mr. President, I yield the remainder of my time to my colleague from Oregon, Senator SMITH.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank my colleague, Senator WYDEN, for yielding. I publicly commend my senior colleague from Oregon, with whom it has been my great pleasure to stand on this issue and ask for justice for our State. I want to point out a very pivotal role that Senator STROM THURMOND played in breaking a logjam, if you will, for the State of Oregon. For a very long time now, Senator WYDEN and I have been trying to get answers from the Air Force for widows and orphans, literally, as to why their loved ones, these airmen, perished in this tragic accident. For one reason or another, we were stalled and put off at every turn.

It was Senator THURMOND who, when he heard of Senator WYDEN's hold on this nomination—and, frankly, my encouragement of that—that he intervened in our behalf. I acknowledge it. I thank him. He asked me to go immediately with him to the cloakroom where we got on the phone with the Chief of Staff of the U.S. Air Force.

We laid out the terms of a deal that will include a new investigation into C-130 air transports generally, and this one in particular. It was promised to Oregon's families, that these widows and orphans would be given the information they need as to why this accident occurred. It was promised that a member of the National Transportation Safety Board would be a part of this investigative team. And I think that is important for the Air Force that has, in my State, lost some credibility. I thank the Air Force for their promise to provide to our State, and this issue generally, the kind of investigation that was conducted for Commerce Secretary Ron Brown, who perished in an accident in Bosnia.

So, I thank the Air Force for responding. I regret it took this level of intervention, but I compliment my senior colleague for his leadership on this. I have been proud to stand with him. I am grateful to Senator THURMOND. I am thankful the Air Force has come around to help us on this issue. I only hope that out of all of this will come information that will protect our men in the Air Force who fly C-130 air transports from this ever occurring again to anyone else.

With that, I encourage my colleagues in the Senate to vote for the confirmation of the Chairman of the Joint Chiefs of Staff and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, it was a pleasure to work with the Senators from Oregon to resolve this matter. I am very pleased it has been resolved.

EXECUTIVE SESSION

Mr. THURMOND. I now ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination, reported from the Armed Services Committee, Calendar No. 244, Gen. Henry H. Shelton.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF GEN. HENRY H. SHELTON FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The PRESIDING OFFICER. The clerk will report.

The bill clerk read the nomination of Gen. Henry H. Shelton to be Chairman of the Joint Chiefs of Staff.

Mr. THURMOND. Mr. President, I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid on the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The nomination is confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILEY K. CARTER

Mr. COCHRAN. Mr. President, the U.S. Senate lost one of its most colorful and well liked staff members last Thursday night when my administrative assistant, Wiley Carter, died. His sudden and unexpected death at 61 years of age following surgery at a hospital in Jackson, MS, has deeply saddened us all. He began his work with me as manager of my campaign for reelection to the U.S. House of Representatives in 1974. In that turbulent election year, with his good assistance we received over 70 percent of the vote. After the election, Wiley joined my congressional staff in Mississippi where he served as my liaison to local governments and case worker. Two years later he became a member of my Washington staff and soon thereafter became my administrative assistant.

During these 23 years of close association, I developed a deep appreciation for Wiley Carter. His warm good nature

was constant, his loyalty never failing, and his enthusiasm an ever present inspiration. He was adept at handling constituents' problems, and he reminded all of us by his example that one of our highest priorities was to help solve the problems of the people of our State and to treat everyone who called on us with respect and courtesy. He really loved his job. He loved people. He loved politics. He loved campaigns. He loved Mississippi State University. But, most of all he loved his family. He cared about his children and his efforts to support and assist them in every possible way were well known.

One experience with Wiley and his wife Gwen, and their children, and their extended family is particularly memorable for me. We were all in Starkville, MS celebrating the donation of his political memorabilia and papers to the Mississippi State University Library. The love the family members felt for each other was obvious to me, and the pride they had in seeing Wiley's career celebrated with such ceremony—well attended by many friends—was evidence of their deep appreciation of him. And, he loved every minute of it as he should have.

One of his former classmates said to me, "Where did Wiley get any papers? When he was in school at State, he didn't have any papers."

Of course, there were a lot of clippings, photographs, and letters that had accumulated over a career dating from the organization of the Mississippi Young Democrats in the 1950's and the Carroll Gartin and John Bell Williams campaigns for Governor, to the present.

The skills he developed along the way led our mutual friend, Bill Simpson, to say to me recently, "Wiley Carter in my book is the best street politician in Mississippi."

I didn't know whether that was such a high compliment or not until I told Wiley what Bill had said about him, and Wiley said, "You know, that's one of the best compliments I've ever gotten."

In this day of cynicism about politics and government, more Wiley Carters would be good to have. People who devote their energy to doing their best to make our government respond to the needs of ordinary people and respect the opinion of average citizens.

Wiley engendered good will wherever he went. He warmed our hearts, and he put a smile on our faces.

Without Wiley, life will not be as interesting, and political campaigns won't be the same either. He would say, for example, "In a campaign, if you haven't heard a rumor by noon, you ought to start one." Wiley organized a War Room before Lee Atwater and James Carville made the term famous. He was so well-liked by so many in Mississippi and here in Washington too. A Capitol Hill policeman, Andy Anders, was one of the first Washington friends whom I called on Friday morning. Andy had taken his vacation a few years ago to come visit Mississippi at Wiley's suggestion, and

Wiley gave him the royal treatment. They walked up to the State Capitol. The legislature was in session. He introduced him to Gov. Kirk Fordice, the Speaker of the House, and many others. Of course Andy was impressed and delighted.

That says a lot about Wiley and his capacity and his sense of duty to reciprocate true acts of friendship and kindness.

There will never be another one like him. We all are so fortunate that we have had the benefit of his unique insights into human nature and his example of loyalty to his friends and family.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I join my colleague to express my sadness at the loss of our friend and THAD's administrative assistant, Wiley Carter. I extend my sympathy to Senator COCHRAN and his staff, and certainly to the family and all the many friends that Wiley Carter had in Mississippi.

Senator COCHRAN did a wonderful job of talking about his indomitable spirit. He was a lovable guy, a great pleasure to be around. He was a friend of mine. And on many occasions when I needed advice and counsel, I can remember seeking out Wiley Carter. He did always have good spirits. I have never seen anybody who actually enjoyed Government and politics, which is the art of Government, any more than Wiley Carter. He was dedicated to maintaining an America in which we want our children to grow up. I am not the only person to note that more Wileys would serve us all well.

In the initial part of his 40-year career, Wiley worked for the State's economic development department, the Mississippi Democratic Party, former Lt. Gov. Carroll Gartin and former U.S. Representative John Bell Williams of Mississippi. But it was during his 23-year stint as Senator COCHRAN's administrative assistant that people throughout Mississippi knew him best.

Wiley spent much of that time crisscrossing our State, listening to its citizens, and working on THAD's behalf to carry out their mission. People trusted Wiley. They were comfortable sharing their concerns with him, and they knew that their words would go straight to THAD's ear.

THAD and I were not the only ones who counted on Wiley's knowledge. Very few people knew more about Mississippi politics than Wiley, and in past years, few young political hopefuls in our State have considered a run for office without first consulting him. He also provided advice and perspective for many who had been around for quite a while, and he did it with his infectious smile and sense of humor.

His wit always seemed to put political life in perspective. While running Senator COCHRAN's Senate race, Wiley

quipped, "In a campaign, if you haven't heard a good rumor by noon, you better start one." Needless to say, Wiley knew how to have fun in serious situations, and he always got the job done.

Wiley's outstanding work and invaluable knowledge were not the only reasons he was well loved by Mississippians. Many benefited from his tireless work as an ambassador for his beloved Mississippi State University. Wiley was a servant of the people, and he was one of them.

He is best described as the kind of person who never met a stranger or knew an enemy. He reached out to individuals at all levels, and his friendliness was contagious. Quite simply, everyone liked Wiley.

I understand that the church in Jackson couldn't hold all those who showed up yesterday to pay tribute and show appreciation for Wiley. To anyone whose life he touched, this is no surprise.

There is not a story that can be told or a memory brought to mind about Wiley that wouldn't bring a smile to the faces of those who knew him, which is a tribute in itself to his character. Wiley will be sorely missed, but more importantly, he will be fondly remembered.

I am sure all my colleagues in the Senate join me in extending condolences to the members of his family, to his friend Senator COCHRAN, and to the many others who loved him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I know we all join in expressing those feelings about Wiley. They were so adequately and eloquently expressed. We appreciate that.

UNANIMOUS-CONSENT AGREEMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15 there be an hour for debate only on the FDA bill to be equally divided between Senators JEFFORDS and KENNEDY, and immediately following that hour the Senate will resume the Interior appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ASHCROFT). The Chair, in his capacity as a Senator from the State of Missouri, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

For the pending request for unanimous consent, no objection being heard, without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:25 p.m., recessed until 2:14; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Chair and I thank my colleague from Vermont, the chairman of the committee.

Let me begin these brief remarks by commending all of our colleagues on the Labor and Human Resources Committee. This has been a long process, 2½ to 3 years. The Presiding Officer is a member of this committee as well and all have worked very hard, I think, to bring a bill which I think most would agree is a very good bill.

There obviously still are some issues that will have to be resolved, but this has been a very fine product that has been assembled by both Democrats and Republicans for the first time in several decades of reforming the Food and Drug Administration and the processes by which we bring important pharmaceutical products and medical devices to patient groups and individuals across this country in an efficient, safe, and expeditious fashion.

Let me begin as well by thanking our colleagues for their overwhelming support earlier today of the cloture motion to proceed with this bill. Mr. President, 94 Senators, of both parties, loudly and clearly told us they are ready to move forward to reauthorize PDUFA and begin debating the other critical reforms this bill contains.

There is no Federal agency with a more direct or significant impact on the lives of the American people than the Food and Drug Administration. The foods that we serve our family, the medicines we take when we are sick, even the drugs we give our pets are all approved and monitored by the Food and Drug Administration. We must not lose the opportunity that we have before the Senate today to enact legislation that ensures that the FDA has the authority it needs to bring safe and effective products to the American people quickly, efficiently and safely.

I again thank both Senator JEFFORDS and Senator KENNEDY for their perseverance on this issue. Time after time they have been willing to return to the bargaining table after many others would have just walked away. With open minds and good faith they have extensively negotiated this bill line by line.

Mr. President, we have now come to a point where issues on which Members were previously completely polarized—third-party review of medical devices, off-label dissemination of information, health claims for food products, the number of clinical trials needed for drug approval, and just today, national uniformity of cosmetics—we have now reached agreement.

I don't know that any of us would have thought unanimity possible on these provisions even a month or two ago. Yet here we are, this afternoon on this day, with full agreement on all but a handful of issues, or less.

I know we have a better bill for all the arduous negotiations that have occurred. As an example of how far we have come, let me just briefly describe third-party review of medical devices. The bill would expand the pilot program currently administered by the FDA. This is a program, I should note, that is supported by the FDA as a way to make more efficient use of its resources.

In last year's debate on this issue, which many may recall as being one of the more acrimonious, we were told that this provision was a nonstarter, no room for compromise, subject closed.

This year, I am pleased to say a spirit of bipartisanship and compromise has prevailed. Senator HARKIN, Senator KENNEDY, and Senator COATS, the Presiding Officer, worked diligently to draft language that ensures that higher risk devices are not inappropriately included in this pilot program and that strong conflict of interest protections are in place.

Late last week, again on an issue that appeared unresolved, national uniformity for cosmetics, we have reached agreement. Senator GREGG of New Hampshire has offered what I think is a very reasonable compromise. In the area of packaging and labeling, States can continue to regulate where the FDA has not acted. Conflicting State requirements that could confuse consumers will be removed. But where the FDA has not chosen to act, where it does not have either the manpower nor the authority to protect the public, States can still play their historic role in regulating cosmetics.

This is the kind of effort, Mr. President, made over and over again on this bill—some 30 times just since the markup 2 months ago that we have made improvements in this legislation. A great many of us take pride in the product that we have created—a bill that would speed lifesaving drugs and devices to patients and that clearly retains the FDA as the undisputed arbiter of the safety and effectiveness of the products.

I will speak about some of the positive reforms contained in this bill, as well.

At the heart of this bill is the 5-year reauthorization of PDUFA, the Prescription Drug User Fee Act, a piece of legislation remarkable for the fact

that there is unanimous agreement that it really works. PDUFA has set up a system of user fees which drug companies pay to the FDA. These fees have enabled the agency to hire more staff. As a result, drug approval times have been cut almost in half, getting new and lifesaving therapies to patients more quickly.

In addition, by improving the certainty and clarity of the product review process, S. 830 encourages U.S. companies to continue to develop and manufacture their products in the United States, not an insignificant matter. The legislation emphasizes collaboration early on between the FDA and industry during the product development and product approval phases. This will prevent misunderstandings about agency expectations and we think should result in quicker development of approval times.

Mr. President, in addition, S. 830 establishes or expands upon several mechanisms to provide patients and other consumers with greater access to information and lifesaving products. For example, the legislation will give individuals with life-threatening illnesses greater access to information about the location of ongoing clinical trials of drugs.

Based on a bill originally championed by Senators SNOWE of Maine and DIANNE FEINSTEIN of California, I offered an amendment in committee, which I was pleased to see adopted, to expand the existing AIDS database to include trials for all serious or life-threatening diseases.

Experimental trials offer hope for patients who have not benefited from treatments currently on the market. Currently, patients' ability to access experimental treatments is dependent on their spending large amounts of time and energy contacting individual drug manufacturers just to discover the existence of trials.

Mr. President, this is not a burden that we should place on individuals already struggling with chronic and debilitating diseases. This database will provide one-stop shopping for patients seeking information on the location and the eligibility criteria for studies of promising treatments.

Mr. President, I am particularly pleased that this legislation incorporates the Better Pharmaceuticals for Children Act, legislation originally introduced by our former colleague from Kansas, Senator Kassebaum, and now cosponsored by myself and Senator DEWINE of Ohio, along with Senator KENNEDY, Senator MIKULSKI, Senator HUTCHINSON, Senator COLLINS, and Senator COCHRAN.

This provision, Mr. President, addresses the problem of the lack of information about how drugs work on children, a problem that just last month President Clinton recognized publicly as a national crisis.

According to the American Academy of Pediatrics, only one-fifth of all drugs on the market have been tested for

their safety and effectiveness on children. This legislation provides a fair and reasonable market incentive for drug companies to make the extra effort needed to test their products for use by children.

It gives the Secretary of Health and Human Services the authority to request pediatric clinical trials for new drug applications and for drugs currently on the market. If the manufacturer successfully conducts the additional research, 6 extra months of market exclusivity would be given.

I recognize that there are a few matters unresolved in this bill despite the best efforts of all involved, and we will need to hold votes on those issues. One issue, which I plan to discuss further when we debate the bill this week, involves section 404 of the bill, which relates to the FDA's medical devices. This provision, the so-called labeling claims provision, clarifies current law by stating that while reviewing a device for approval, FDA should look at safety and efficacy issues raised by the use for which the product was developed and for which it was marketed.

Again, this is current law. Unfortunately, in a few instances the FDA has inappropriately expanded the scope of its review by requiring manufacturers to submit data on potential uses of the product. Some have raised concerns that under this provision a manufacturer could propose a very narrowly worded label for a device and that the FDA would be barred from asking for information on other obvious uses.

I don't believe this is the case. The FDA retains its current authority to not approve a device if features of the device raise new questions of safety and efficacy. Clearly, if a bad actor device manufacturer attempted to get a misleading label past the FDA, the agency would have full authority to disapprove the product.

Again, I urge, on this matter, that some common ground be sought to see if we cannot resolve this, but I do believe the present legislation is more than adequate to protect the concerns that have been raised about a use for a device beyond what its intended purpose would be.

I was pleased to join Senator JEFFORDS, the chairman of the committee, as the first Democratic cosponsor of this bill. I thank him again for the hard work and long hours that he and his staff, as well as Senator KENNEDY, Senator MIKULSKI, Senator WELLSTONE, Senator COATS, Senator GREGG and others, have contributed.

Mr. President, this has been a long process, and while there are still some outstanding issues, I think this committee deserves a great deal of credit for having been open to the suggestions of others. There are about 50-some-odd amendments that are kicking around that may be offered. I don't know how many will actually survive the germaneness test when they are raised, but I hope, for those who are bringing up new matters here that we have not

had a chance to look at, that they would reserve those unless there is an overwhelming need for them. In many cases, if the matters had been brought before the committee earlier, we might have been able to handle them.

We have a few days left to get the bill done. PDUFA goes out of existence on September 30. We have been 2½ years at this now. My hope is we will not delay this to such a degree that we lose a historic opportunity to make a difference. When it takes 14 to 17 years to get some cancer treatments approved, there is something fundamentally wrong with that kind of a process. We ought to be able to make it far more efficient than that and also be able to provide people with the safety that they demand. It is a wonderfully encouraging thing in this country, when we think how many places we go and how many products we ingest and how many products we apply to our bodies and to our children and families, that we have a high sense of confidence that when we do that, it is safe and, by and large, efficient and effective. We don't want to lose that.

We also believe in this day and age with all the technology available to us that we ought to be able to not give up on safety or efficacy and be able to move that process forward.

I thank my colleague from Vermont for yielding.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts for yielding.

We can all remember 2 years ago when there was a debate on Capitol Hill about closing down the Federal Government. Rush Limbaugh and people like him went on the radio and said, "Go ahead and do it, no one will notice. No one will notice if you close down these Federal agencies. They are just a drain on the Treasury and our tax dollars."

But the agency that we are talking about today is an agency you would notice immediately—immediately—because the Food and Drug Administration, as small as it is by Federal standards, is one of the most important. There is not a single thing you buy in the drugstore or look at in your medicine chest at home that the Food and Drug Administration has not taken a look at to make sure it is safe for you, your kids, and your family.

That is why this FDA reform bill is so critically important to this Nation to make sure we make this agency more efficient. I want to salute the Senator from Vermont and the Senator from Massachusetts. They have had their differences on issues, but I think most Senators, Democrats and Republicans, agree reform is needed. This bill is a step in the right direction.

It is in that spirit that I will offer several amendments. Let me tell you about two that I think people should take notice of. If you went out today and decided to buy a car for your family—a few years ago I went out and

bought a Ford—you will have your name and address entered into a computer. If at some later date something is found wrong with that car, the brakes are faulty or there is some mechanism on the door that is not safe, they will notify you, they will track you down, and they will send you a notice. A lot of Americans have received them, "Come on in to our shop, and we will fix your car." That is reasonable. None of us want to drive an unsafe vehicle.

My amendment says is it not now reasonable, when it comes to heart valves and pacemakers and items like that, that we do the same thing? If you or your loved one is told by the doctor you need a pacemaker, you think long and hard about it but say, "Doctor, if you think that is what I need to live, so be it." You go through the surgery, and everything works out just fine. Wouldn't you like to be on a list somewhere so that if a defect is found in that pacemaker 6 months, a year, or 2 years later, that you can be notified? That is what my amendment says. Track and surveillance, find the customers that use the products. If there is a change, let the customers know, let the people know, so they can go back to their doctor, back to the hospital. I don't think that is unreasonable.

The second thing is we want to move some of the drug surveillance, for example, and drug approval off the Food and Drug Administration campus and take it to third-party reviewers. Now, this is being done in Europe and other places. It is not unreasonable that we would go to a laboratory and say, "You do the testing, you read the results; you tell us whether this drug is ready for the market." I think that is a reasonable thing for us to try to do, under supervised circumstances. But my amendment says let us make certain, absolutely certain, that this third-party reviewer does not have an economic interest in the drug company seeking approval. Would you trust a reviewer who just happened to have a thousand shares of stock of the company making the product that he is deciding whether it will go to market or not? Would you have second thoughts if that person was being offered a job by the same company whose drug he is reviewing just happened to get a vacation in the Caribbean last summer at the expense of the same company?

Conflict of interest statutes are important here. If we are going beyond the Federal Government and we are going to have private laboratories doing this, for goodness sakes, let's be certain that their judgment and decisions are based on sound science and not on financial gain. That is what my second amendment will do.

I think these will move us along toward making the FDA an even better agency. There are a lot of critics of the Food and Drug Administration. I have worked closely with this administration for over 12 years. Some of the fin-

est people in Government are working out there. Sometimes they are frustrated that we wish they would bring things to market more quickly. Did you read the newspaper this morning? Occasionally, things are moved to the market that aren't safe. Thank goodness, the FDA can say it is time to take the item off the market, or decide the benefits are not outweighed by the problems this drug creates. We have to keep this agency strong and independent and above political criticism. The two amendments which I will be offering on the floor are an attempt to do that.

I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 25 minutes, 20 seconds under his control.

Mr. KENNEDY. I yield myself 20 minutes, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mr. KENNEDY. Mr. President, I thank my colleague and friend from Illinois for reminding us how important this debate is here on the floor of the U.S. Senate. We are talking about the agency of Government that has the prime responsibility for protecting the health of the American consumer. We all have an interest in making sure that medical products are available earlier. Every one of our families have benefited from the innovation and resourcefulness of the medical device industry and from the advances of pharmaceuticals. I doubt there is any Member of the body that has not. So all of us want to be able to make sure that medical advances will be available to the American public.

We are in a situation today where the United States through the FDA is leading the world, in terms of approving new drugs as well as medical devices. That has changed from recent years. I think all of us have seen some very dramatic and important progress made in recent years. As I have said many times before, I want to give a tribute to the chairman of our committee who has worked tirelessly on this issue. He has brought together those individuals on our committee and outside that have differing views, all struggling to try and advance the interest of the public health. I think he has made remarkable progress in moving us forward to where we are today. But there are important remaining items that I hope we can dispose of in the Senate within a reasonable time period so that the process could move forward. I take exception from the understanding of the language that has been included in this bill with regard to ensuring that the consumers of medical devices and users of medical devices have the kind of protection that has been referred to here by my friend and colleague, the Senator from Connecticut, and others.

I have here, Mr. President, a letter from the Secretary of Health and Human Services, which indicates that they have four major concerns with this particular legislation. One of them was the area of cosmetics. Another area is environmental considerations, and another area is device manufacturing procedures. But the other important area is the one that I am going to address here today, and that is what I call the safety issue, the fen/phen issue as it applies to medical devices.

The Secretary, speaking for the President of the United States, has identified this as being a major issue. So when others gather around and say, "Look, we have debated this and discussed it, why are we bringing these matters up in this debate at this time?" The reason that we are bringing it up is, as the Secretary of Health and Human Services has recognized, there are very powerful health consequences we ought to take note of and deal with and that we ought to alter and change.

It isn't only the Secretary of HEW. Here is the National Women's Health Network, who points out:

The network is extremely concerned with the section 404, which prevents FDA from requiring medical device companies to perform complete reviews on the safety and effectiveness of a medical device. This must be amended to give FDA the authority to verify that the label is not false or misleading. Section 404 is a serious danger to women's health, which must be fixed before S. 830 is acted upon by the Senate.

Then the Patients' Coalition indicates a similar concern. It outlines probably eight or nine major issues and section 404 is one of them.

The Consumer Federation of America wrote:

We are writing in support of your amendment to change section 404 to prevent serious injuries to patients and consumers from medical devices with false or misleading labels.

This isn't just the Senator from Massachusetts that is saying this. Here is the Secretary of HEW saying it. Here are the primary groups defending women's health and consumers' health, all who have joined in recognizing the dangers that this particular provision provides, and why it is so important that we are going to change it and alter it.

The Consumer Federation says:

Section 404 has been crafted to permit medical device manufacturers of class II devices to limit FDA's review of the safety and effectiveness of a device based upon conditions of use listed on the label. Even if it were clear from the device's technical characteristics that its real use would be for risky purposes, FDA would be prevented from looking beyond the conditions of use on the label.

There it is. That is what the issue is. The Consumer Federation understands it. They are pointing out that 404 was crafted to permit the device manufacturers of class 2 devices to limit FDA's review of the safety and effectiveness of a device based upon conditions of use listed on the label. Even if it were clear from the device's technical characteristics that its real use would be for

risky purposes, FDA would be prevented from looking beyond the conditions of use of the labels.

That is what we are addressing, Mr. President, and why this is important. Mr. President, all we have to do is look at today's newspapers. Look at this morning's newspapers, the Washington Post, Wall Street Journal, all across the Nation, talking about the off-label use of pharmaceuticals, those pharmaceuticals that were used on an off-label basis. That is similar to the issue we are talking about here today with regard to medical devices, the off-label use of medical devices.

But the issue that we have before the Senate this afternoon is more insidious. Why? Because it says that if a medical device company is submitting an application for a certain use, FDA can't look at any other uses even if there is a clear intention—and we are glad to spell out what that criteria would be—for example predominant use—to use the device or market the device for another use. That is what we are interested in—having FDA look at the safety and efficacy of a use clearly intended by the design of the medical device.

I am going to illustrate this in just a few moments. The issue is whether the FDA has the authority to look at whether that medical device has been tested for the off-label use, which is the clear intention of the medical device company. And the answer is, no, they cannot. This isn't off-label use of two products that are being put together and then prescribed by various medical professions. This is the guardian of the American public, the FDA, that is being denied the ability to look beyond the label at the technological differences of a device in terms of safety and effectiveness. That is the issue.

Now, there are those that say—and we heard the argument by my friend from Connecticut—that FDA inherently retains that power. If they do, let's spell it out. If we spell it out, we haven't got a problem. But the Secretary of HEW does not believe they have the inherent power. The Consumer Federation doesn't believe they have the inherent power. The various patient groups don't believe they have the inherent power. The various groups that are out there protecting the public, virtually none of them believe they have the inherent power. If they have it, let's spell it out. We can work that language out. We have been attempting to do that for a considerable period of time, but we have not been able to do so.

The answer on the other side is, well, we can't anticipate every possible use that a medical device might have and we are not going to submit safety data for every possible use and that FDA shouldn't get in the minds of various doctors using that medical device, for whatever purpose. That is not the argument. That will be the argument you will hear out here on the floor of the Senate. That isn't what we are talking about.

We are talking about a limited number of medical device companies that will go to FDA and abuse this process because they are able to get through the process with a label that in so many respects matches a previously approved one, but the medical device has an entirely different technology that clearly indicates a different intended use. That is what we are talking about.

For example, the new lasers that are being approved by the FDA labeled as general lasers that are for cutting various tissue, but clearly designed to treat prostate cancer. We want the FDA to be able to say, if you are going to use that for prostate cancer, we want to make sure that it is safe and efficacious. We don't want to permit the medical device industry to submit false and misleading statements.

That is a powerful statement. But I daresay if they are going to submit a statement that says they are going to use a particular medical device for one purpose and FDA can demonstrate that the company has intended the device for another purpose, and they are already involved in, advertising and promoting that particular medical device in countries all over Europe for an entirely different purpose, I say that is false and misleading. The Members of the U.S. Senate are going to have a chance to decide whether or not they are going to stand and say we will not permit the medical device industry to submit false and misleading information on labeling. We will see how that vote will go.

We include false and misleading under what they call the PMA's, which means the various medical devices that have to go through a more elaborate procedure. We have protections against false and misleading advertising on that. But we are going to say that the American public shouldn't be assured that when the medical device industry submits a particular product, that they do not submit information that is false and misleading. And what we mean by that is that they have an intention to use that various medical device for an entirely different purpose for which there have not been adequate safety standards established or safety records advanced. That is the issue, Mr. President.

That is a very, very important health issue. It is a very important one. You can say it is only one section out of a whole piece of legislation, but it is very important. First of all, let me review very quickly about how medical devices are approved in the FDA, so that we understand and put this into some criteria.

I want to go through examples of some of the problems that we are facing today. I'd like to let the American people make judgments and decisions about whether they think adequate safety information should be available for digital mammography and digital diagnostic x rays. Let the American people judge whether these devices

should be used in surveying women who may have cancer when they haven't been approved for that.

Mr. President, let's get back to where we are today. In the light of today's revelations about fen/phen should we be thinking about a provision in this bill that would allow device manufacturers to get their products approved for off-label use on the basis of a false and misleading label.

There are two stories in the Wall Street Journal—one yesterday and one today—as well as one in the Post today, which tell us why the Senate should give a resounding “no” to this fen/phen device division.

The first article explains in detail how an unscrupulous drug company engaged in a broad conspiracy to illegally promote the use of a product for treatments that have not been shown to be safe and effective. This conspiracy involved the laundering of money, deceptive deals, and hospital physicians' coercion of honest employees who objected to these corrupt practices. Fortunately, companies which engage in these kind of fraudulent practices are the exception rather than the rule. But it is precisely the exceptions that make a strong FDA so critical.

The second story outlines the tragic results of off-label use of two approved drugs, dexfenfluramine and fenfluramine. These two drugs, used in unapproved combination for weight reduction, were found to have caused irreversible heart damage in thousands of women. In addition, there are early revelations that fenfluramine phentermine, known as fen/phen, had also caused severe heart damage.

This is truly appalling—women receiving medical assistance for weight reduction, assistance they have been led to believe was entirely safe but which has not been tested adequately for that use—ended up suffering severe heart damage.

The provision that is before us, rather than increasing protection for American consumers against products that have not been safe and effective, would actually reduce those protections. It would permit a device manufacturer to design a product for one use and falsely claim on the label submitted to the FDA that the device was for a different use. The FDA would be barred from protecting consumers. It would require the FDA to accept the manufacturer's label at face value. The FDA under this legislation has to accept the labeling that the manufacturer has put forward, even if it were false or misleading. Fen/phen should teach us that the American consumers deserve to be protected against unsafe product uses. But the provision before us goes in exactly the opposite direction. That is why the President has threatened to veto it. That is why a broad coalition of consumer health groups oppose it. And that is why the Senate should reject it.

Mr. President, as we know, there are two categories of medical devices. Let me give a brief explanation of how the

FDA regulates and clears medical devices for marketing. It will help clarify the need for this amendment.

Under the current law, the manufacturers of new class I and class II devices get their products onto the market by showing that they are substantially equivalent to devices already on the market. For example, the manufacturer of a new laser can get that laser onto the market if it can show the FDA that the laser is substantially equivalent to a laser that is already on the market.

Similarly, the manufacturer of a new biopsy needle can get that biopsy needle onto the market by showing that it is substantially equivalent to a needle already on the market. These manufacturers are obligated to demonstrate substantial equivalence to the FDA by showing that the new product has the same intended use as the old product, and that the new product has the same technological characteristics as the old product. If the new product has different technological characteristics, these characteristics must not raise new types of safety and effectiveness questions in order for the product to still be substantially equivalent to the older product.

So, if the product is substantially equivalent and doesn't raise new safety effectiveness questions, it moves on through. The logic of the process for bringing medical devices onto the market is simple. If the product is very much like an existing product, it can get to market quickly, but if it raises new safety or effectiveness questions, those questions should be answered before it gets on the market.

This process for getting new medical devices on the market, commonly known as the 510(k) process, is considered by most to be the easier route to the market. That process accounts for how 95 percent of all devices get to the market. Devices that are not substantially equivalent class I or class II devices already on market must go through a full premarket review. Thus, device manufacturers have an incentive to get new products on the market through the 510(k) process. In fact, well over 90 percent of the new devices get on the market through the submission of a 510(k) application. Section 404 of the bill prohibits the FDA from requiring safety and effectiveness data on any device following the 510(k) route except for uses the manufacturer chooses to put on the label, even if the label is false and misleading—even if the manufacturer says, "We are just going to use it for cutting tissue, we are not going to use it for prostate cancer," knowing full well that they intend to use it for prostate cancer. All the world knows that they are going to use that device for prostate cancer. The FDA is prohibited from saying, "Let us see where the safety is." Where is the safety information on that? That, Mr. President, is the issue.

Let me give you a few more examples.

On the biopsy needle for breast tumors, the needle is labeled for performing a biopsy. But the design clearly indicates that it is designed to remove tumors. Here you have a case where you have a small needle with a very narrow opening at the one end which is used for testing a biopsy of a particular tumor. Now the manufacturer comes in with a much broader needle, a much wider needle, and says, "Look, our needle is for the same thing, just to biopsy the tumor." The design clearly indicates that it is built to remove tumors. Under the bill language, FDA could not ask for safety and efficacy data for the needle's use for tumor removal, even though that is clearly indicated by the designer of the device. The company comes in, and says, "Look, we have a biopsy needle right here. Sure, ours is a little larger. But this biopsy needle is really absolutely intended to do the same thing as the others out there and, therefore, we are substantially equivalent," even though they are out there advertising that this needle can be used for removing a tumor. They don't have to provide any safety information about how safe or effective that device is for the removal procedure.

There is also the "laser for cutting" issue. The labeled use is for general cutting. But the laser has been adapted specifically and clearly to cut prostate tissue. Under the bill language, FDA could not ask for safety and efficacy data for cutting prostate tissue.

Digital mammography is currently approved and labeled for diagnostic x rays—which are used to confirm the suspicion of a breast tumor. If digital mammography is clearly going to be used for screening, based on the design of the instrument, which requires a higher degree of accuracy, FDA should be able to look at the effectiveness of that technology for that use. Without this assurance, too many women may undergo biopsies or be misdiagnosed. But this bill would prevent FDA from asking for the data needed to protect women.

Orthopedic implants—plates and screws for long bones—some implants are made to be removed after the bone has healed and, therefore, labeled for short-term use. But if the FDA determines from the design of the device, or from the particular materials that the implant will clearly be left in the patient on a long-term basis, FDA should be able to ask for safety and efficacy data. For example, how does the bone react to having the implant there over a long period of time? Is the bone weaker? But this bill would prevent the FDA from asking these questions.

Mr. President, I can go on, and will go on when we have the more general debate. But these stories exemplify the issue. The issue is safety. The issue is protecting the safety of the American consumer in regards to the use of medical devices which clearly demonstrate that the dominant use of those medical devices differs from what is put on the label.

It would surely seem to me that men and women of reason would be able to work this out in a spirit of order to provide those protections. But we have been unable to do so. Being unable to do so we should understand the real implications. As when you have the off-label use of fen/phen, and the concern of the American people and all of the newspapers all over the country. You would think that here in the U.S. Senate we would be thinking about how we are going to provide further protections for the American people instead of fewer protections. Here in this particular medical device provision, we are hamstringing the FDA and its ability to gather data on safety and efficacy when it is so clear that the devices are going to be used for in a manner that differs from the one claimed.

That is why many of us—not only the administration, but many public health groups and organizations that represent women—have been so concerned about this issue.

I withhold the remainder of my time. The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for 10 minutes.

Mr. JEFFORDS. Mr. President, I think I would like to talk a little bit about where we are right now in the process.

We had an agreement this last weekend which would have allowed us to dispose of this bill without the necessity of going through the cloture process. But then fen/phen happened. All of a sudden the Nation is alarmed and concerned, and reasonably so. But to bring the pharmaceutical fen/phen issue into the device issue is disingenuous. The situation with fen/phen is that two different, approved drugs were used in combination on the basis that doctors found out that when used in combination they were more effective in achieving their purpose of reducing weight. It was determined by some astute doctors who noted that there were some problems being caused with respect to heart valves that there was a relationship between those problems and the drug combination. This was brought by the doctors to the attention of FDA, and the FDA immediately alerted the marketplace and called for a prompt in-depth evaluation. On the basis of further data the companies voluntarily removed them from the market.

Now we are talking about a very, very different issue when it comes to the device issue discussed by the Senator. For instance, let's go back to fen/phen. If a drug company had to test its drug in combination with every other drug that is on the market with which it might reasonably be expected to be used in combination, it would take decades before anything would be approved. Right now I have had a whip-lash. I am taking two different drugs to

manage the injury. But I don't think anybody has done a study to figure out whether Ibuprofen and the other drug I am taking is going to create some problem for me. I hope they don't spend all of that time researching that question because we would never get anything approved. That is certainly the case with the devices, we must not allow the FDA to endlessly question device manufacturers about how physicians might or might not use their product in the future, especially if the manufacturer does not seek permission to market or promote for that use.

Again, we had an agreement going into this week that we would argue this device thing out, and then we would vote on it. Now that is off because of fen/phen. So we are now in the a post-fen/phen situation.

But let us remember that we just had a vote. It was 94 to 4 that we ought to go forward. Why? Last week we were delaying consideration over 6 pages of a 152-page bill, we are now talking about 2 pages of a 152-page bill. I agree that section 404 is an important issue. We need section 404 to correct problems at FDA.

Also, I am concerned that my good friend from Massachusetts is getting into an emotional argument about the security of people in this Nation, and that somehow we are threatening their security by this particular provision—I have been chastised in my own State, and perhaps the country, saying I am threatening the lives of all Americans with this bill. That is life in politics. You have to take that.

Let me talk about the issue that we have with respect to the devices.

While the past has been marked by advances for both patients and the economy, the present is increasingly troublesome, and the future is by no means assured. For both premarket-approved products and the 510(k) product—that is, nearly identical products—the FDA's review requirements have become more burdensome and are taking more time. This has resulted in the delay of approving new devices. That is the issue here. Should we have to wait years to get something which will help us, help our health, help save our life, because FDA wants to explore hypothetical uses of the product by physicians, acting on their own initiative?

This has resulted in the delay of approving new devices. Furthermore, the current regulatory system is not keeping pace with medical innovation. U.S. patients face delayed access to the newer, more advanced generations of devices. In some cases, Americans are going abroad to take advantage of these technologies. U.S. device firms are themselves moving production and research facilities to other countries.

A study conducted by Medical Technology Consultants, MTCE Ltd., found that patients in the United States wait up to three times as long as their European counterparts for Government approval of new medical devices. The

study also found that higher risk, breakthrough medical devices were approved in Europe within 80 to 120 days, provided the manufacturer has passed an EU facility inspection, which is completed within 120 days. Similar devices take an average of 773 days to be approved in the United States. New lower risk devices entered the European market with no delay once a manufacturer has passed the initial facility inspection. Similar devices take an average of 178 days to be approved in the United States.

The FDA already takes four times as long to approve breakthrough medical devices as is allowed by U.S. statute—it has to do them faster—according to the Health Industry Manufacturers Association, HIMA. The approval times for these devices have nearly doubled since 1990. The FDA's record on approving incremental improvements to existing devices is similar, with approval times also nearly doubling since 1990. Manufacturers will not continue to research and develop devices in the United States—they will all be overseas—if they face such egragious delays. Patients presently have to wait for devices stuck in the FDA's pipeline, and manufacturers have little incentive to bring new devices into that pipeline in the first place.

According to another study conducted by the Wilkerson Group, a New York-based independent consulting firm, FDA delays in approving devices will lead to the loss of U.S. jobs to nations where approval processes are more streamlined—an estimated 50,000 jobs over the next 5 years. Governments in Ireland, the Netherlands and elsewhere have already begun to highlight the impediment of FDA regulatory delay in their marketing materials to attract United States businesses overseas. Such actions will erode our Nation's medical research infrastructure over time.

So we are going to be getting them all from Europe. That is not going to help us obtain better health care for our citizens.

I would say one of the problems we have had, and the reason we have PDUFA and everything else, is to try to help the FDA be more efficient and effective in getting through their duties. It is important that we become more effective and efficient in reviewing these devices. I point out we here in this country have a wonderful record, but it can be a better record.

Certainly another thing I would like to point out—why are the patients' representatives in favor of amendments that we have and consumers opposing them at times? Because consumers, obviously, are looking at it from a different perspective. They are not ill. They don't need it. So they say, "Don't do anything that might hurt us. It is better to be safe and take a long time and delay it, than it is to put it on the market." That's fine. But if you are a patient, you say, "Hey, wait a minute. I am willing to take a little

risk. I am willing to take a little risk. I'm in bad shape." So you have to keep those things in mind when you listen to the arguments. In most all the cases, the patients certainly are on one side, in a sense, and the consumer is on the other.

With that, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. KENNEDY. I yield 1 minute to the Senator from Rhode Island.

Mr. REED. I thank the Senator from Massachusetts for yielding time. Very briefly, what we have done in the overall FDA law is create an incentive for companies, under section 510(k) to get approval of class I and II devices, to go out and pick out existing devices and say the new device is substantially equivalent. This, I think, provides pressure for companies to go out and simply say we are going to do exactly what these other devices do, even though their new design might have many more capabilities. This is not an academic problem.

Take, for example, the issue of a biopsy needle. Typically these needles are very small. They remove a very small amount of tissue, about the size of a pencil tip. If the FDA was presented with a new biopsy needle that was claimed to be simply for biopsy of tissue but in fact removed 50 times that amount of tissue, a much, much larger bit of tissue, the suspicion would be that this is not just for biopsies, it's actually to remove the lesion. Yet under this law, today, as we speak, they could not look behind that claim on the label. They could not look behind it and say, give us some data about the removal of lesions. This is a serious public health problem. That is what we are addressing today. I hope, with Senator KENNEDY's direction and leadership, we can resolve this along with Senator JEFFORDS and his colleagues. I yield the remainder of my time.

Mr. JEFFORDS. I yield to the Senator from Indiana 2 minutes.

Mr. COATS. Mr. President, I don't intend at this particular point to get in a specific discussion over section 404. I just urge—clearly, there is a differing point of view. We heard from Senator DODD from Connecticut, who was involved in the drafting of the bill; and Senator JEFFORDS from Vermont, the committee chairman, explained this. This was someone who was directly involved in the 404 question and has been drafting the language and negotiating the language. This is clearly an issue we are going to have to address. The committee debated it. There has been negotiation subsequent to that. We are now in a position where we are going to have to agree to disagree. I just urge the Senator from Massachusetts, at the earliest possible time—I know it can't be done today given the problems we

have with scheduling the Interior appropriations bill—to bring the amendment to the floor and then let us have the debate and then let the Senate work its will by vote and then go forward. Hopefully, this is not something that is going to further delay passage and then implementation of FDA reform.

Every day we delay, many things happen, most of them bad. No. 1, we move ever closer to September 30, at which time the PDUFA, the drug prescription user fee which is used to provide the individuals with the resources necessary to expedite drug approval, expires. That expires on September 30. The House has yet to act on this. They are waiting for the Senate to act. We are trying to wrap up appropriations bills. The clock is ticking and we need to move forward with this so we can allow the House to go forward, get into conference, get the bills back here.

I wonder if I can ask additional time from the Senator from Vermont? Maybe an additional minute or two. I don't know how much time is left.

Mr. JEFFORDS. The Senator can have whatever time he wants.

Mr. COATS. I thank the Senator from Vermont.

Mr. President, it is going to be extraordinarily difficult for us to finish our business on this bill, unify the different positions between the House and the Senate, and get the legislation to the President of the United States before September 30 so we do not have to lay off people at FDA, so we do not have to further delay review of devices and drugs and health-saving and health-improving and lifesaving products for the American people. That is what all this is about, is expediting the process; not to short-circuit the process but just to bring some efficiencies to the process.

The United States lags dramatically behind our foreign competitors. But more important than that, we have American citizens who are being denied access to health-improving and lifesaving drugs and devices because of this huge backlog at FDA. So, we can continue to go through these debates, as the Senator from Vermont said, 2 pages out of 150 pages—an important part but a small part of the entire, overall reform bill.

I hope we can come to some reasonable agreement in terms of bringing forward amendments; where there are disagreements, agreeing to a time limit on debate of those amendments, let each side present their case and then let the Senate vote on the matter and then move forward. Delay, delay, delay simply postpones what is, or at least what I believe is, inevitably going to happen and what should happen. That is that a majority of the Members of the U.S. Senate, on a bipartisan basis, and a majority of the Members of the U.S. House of Representatives, on a bipartisan basis, and the vast majority of the American people, want to see changes in the current FDA so they

can bring lifesaving devices and drugs and health-improving devices and drugs safely but efficiently to the marketplace so that people can utilize those without having to get on a plane and go to Mexico or a foreign country, so we do not have to keep shifting manufacturing facilities and jobs out of the United States into areas which have a more reasonable and effective review process.

Many of us thought the device section was resolved and closed and that—at least last week it was presented that the only remaining item left on the agenda was the cosmetics. We went through great drama here over the problem with cosmetics. Now cosmetics has been agreed to. All of a sudden we are back onto devices. Many of us are concerned that even if this issue is resolved, we will suddenly have a new issue appear that will further delay the steps that we need to take here in the Senate to move this legislation forward.

So, I ask our colleague from Massachusetts if we could at least set some schedule here to ensure that we do not go another week, that at least this week we complete debate on the amendments, move to final passage, and then allow the House of Representatives to begin their process. I am not asking him to respond. It's just a plea here that we have spent 2½ years, and each day we delay we run into problems with reauthorization of PDUFA and we run into serious, considerable delay in terms of bringing in the processes which will allow us to more efficiently do the work, the legitimate work, of the Food and Drug Administration.

How much time is left? I will be happy to yield whatever time is remaining back to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just say to my good friend from Indiana, as well as the Senator from Vermont, I think if we could work this particular provision out we would probably be able to end this legislation today—to-night. I think this is really the last remaining major issue.

I know the Senator mentions the cosmetic issue and then this new issue was raised. This was one of the four items that were identified in the President's letter. I have identified this issue previously. We had a brief discussion on section 404 during the cosmetic debate.

But this, I believe, is really the last issue. There are other issues that other colleagues have spoken about, but I urge early time considerations if we are able to resolve this legislation. I shall try to do the best I can to continue to work on these issues.

If I can ask consent to have 1 more minute and then 1 more minute on his side, too? I ask unanimous consent to have 1 more minute on either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We will try to work with the Senator hoping that we might now be able to work something out that will meet both the legitimate objectives that the Senator has and the concerns that I have discussed and share with the administration. I am not suggesting that FDA read the minds of all the device companies and determine every conceivable way that a device might be used. Instead that they be limited to the very narrow case where there is a predominant or dominant use or clearly defined use that would be intended that was not on the label. Perhaps an advisory group could make these decisions. I am not interested in trying to anticipate every possible use, just in those very narrow areas which I think pose a threat.

I will try to explore a compromise with both the Chair and the Senator. We are going to the Interior bill and then come back to the FDA reform bill, but as I indicated to Senator JEFFORDS earlier I thought there could be a very timely disposition of all of the remaining amendments.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I thank the Chair.

Mr. JEFFORDS. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will say, we will continue to cooperate to bring this to an expeditious ending. I thought we had that agreement. I am ready to enter another one. I hope by the time the Interior bill is over, we will have one. I urge us to work together. I yield back whatever time I have.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am not sure what unanimous consent is required.

The PRESIDING OFFICER. One minute, I believe.

Mr. COATS. Mr. President, I ask unanimous consent for 1 additional minute to respond to the remarks of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, the Senator from Massachusetts offers expediting of this process. No one wants to keep delaying it. We have been in negotiation for months, if not years. This particular item has been discussed, debated, turned upside down, dissected. I think we are at the point where the best way we can expedite this is simply to have the amendment offered, have the debate, let the Senate work its will. There are Members on both sides who are willing and able to present the case, and then let the Senate work its will.

Having said that, this Senator has on two occasions now responded to the Secretary of Health and Human Services, who personally called and asked

that I look at new language. I said I will be happy to look at new language, but it just seems every time we look at new language and make a concession, there is another issue that pops up. We made 30 some concessions. We don't want to have 31 and then 32.

I appreciate the offer of the Senator from Massachusetts, and we will continue to operate in that spirit.

The PRESIDING OFFICER. The time of the Senator has expired.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior appropriations bill.

The bill clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1188

Mr. GORTON. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Ashcroft amendment is the pending business.

Mr. GORTON. Mr. President, I understand that the proponents of the Ashcroft-Helms amendment are not willing to vote on that amendment today and wish that vote to take place tomorrow so that they have a greater opportunity to discuss it both here on the floor of the Senate and in public. I am firmly of the opinion, because that is the amendment that deals with the National Endowment for the Arts in the most radical fashion, that it should be voted on first, because if it is defeated, there are other amendments, including one sponsored by the Presiding Officer, that may get a fairer and broader view if they are voted on in an appropriate sequence.

So I intend, and I believe the majority leader intends, to try to see to it that all Members who wish to speak on the National Endowment for the Arts and any of the four amendments that have been offered and spoken to so far have the opportunity to do so and that, at an appropriate time tomorrow, we vote first on the Ashcroft-Helms amendment, second on the Abraham amendment, third on the amendment of which the Presiding Officer is the sponsor, fourth, the amendment of Senator HUTCHISON of Texas, with I hope relatively small or short debate times in between the amendments, hoping

that people will have had the ability to say all they wish to say about them in the course of discussing all of them together. There is no agreement at this point that this will be precisely the procedure, but I think it is likely.

In the meantime, for the remainder of the afternoon, we are open for business. There are two controversial provisions relating to Indian matters. I am attempting to get the other Senators, in addition to myself, to the floor as soon as possible to consider those. They will not require a vote but will take a certain degree of discussion.

I have been told that Senator BUMPERS will be willing to present one or more amendments this afternoon, to have them debated and perhaps to have a vote by early this evening. Assuming that he and/or his staff are within hearing, I hope that he will come to the floor as soon as possible and present his amendment and will notify his opponents or ask us to notify his opponents of the fact that he is doing so, so that we can talk about them.

We should not waste this afternoon, Mr. President. If we get some business accomplished today, there is still a very real possibility that we can finish debate on the Interior appropriations bill by tomorrow evening and go on to other questions. The debate so far has been healthy. I look forward to any Member who wishes to come to the floor and propose an amendment. With that, I yield the floor.

Mr. DOMENICI. Will the Senator yield?

Mr. GORTON. Yes, I will be happy to.

Mr. DOMENICI. Mr. President, I want to ask the Senator a question. I think he knows I am interested in the two Indian issues, and I gather at some point he is going to try to get the three or four Senators who have been working on this with him here?

Mr. GORTON. I asked, or caused to be asked, Senator CAMPBELL, chairman of the Indian Affairs Committee, Senator MCCAIN, yourself, Senator STEVENS, and Senator INOUE to gather together as soon as most of us can make it. I think the lead in that is Senator CAMPBELL as chairman of the Committee on Indian Affairs. As soon as we can arrange that, even if we are on something else, I will see if we can interrupt and get this part of the bill completed.

Mr. DOMENICI. I thank the Senator very much. I yield the floor.

Mr. GORTON. For the time being, 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. SPECTER. 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. SPECTER. I ask unanimous consent that I be recognized for 10 minutes to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEED FOR INDEPENDENT COUNSEL IN CAMPAIGN FUNDRAISING PROBE

Mr. SPECTER. Mr. President, the competency and appearance of integrity, if not the integrity itself, of the Department of Justice was called into sharp question when Attorney General Reno, FBI Director Freeh, and CIA Director Tenet briefed the Senate Intelligence Committee last Wednesday and the Senate Governmental Affairs Committee on Thursday.

In last week's briefing, the CIA Director advised that an individual, referred to here as "X", who had been identified in many news accounts as a major foreign contributor to political campaigns and campaign committees, has made significant contributions as part of a plan of the Government of China.

The CIA Director further advised that the CIA obtained that information about "X" from the FBI, and it only put the FBI information on "X" together with the news reports on "X" after an analysis which was made following a request by Senator BENNETT at the July 1997 FBI-CIA briefing of the Governmental Affairs Committee.

The FBI Director advised that the information about "X" had been in the FBI files since September or October of 1995 on one report and since January 1997 on a second report. The FBI Director advised that the Governmental Affairs Committee was not told about that information at the July 1997 briefing because the FBI did not know it had the information.

These disclosures raise a fundamental question of whether the FBI deliberately withheld the information or was not competent enough to know what information it had in its own files. Either alternative is a strong indictment of the FBI.

With the new information on "X," the question is: Where do we go from here on dealings with the Department of Justice and the FBI?

When the FBI Director said the FBI did not know the FBI had the information on "X" in its files, based on my extensive dealings with Director Freeh, I accept and believe that he personally did not know the FBI had the information in its files. Frankly, I am not so sure that others in the FBI did not know of the import of that data.

This matter obviously adds fuel to the fire on recent questions about the FBI and Director Freeh's leadership of that agency. There are questions on many matters, including the FBI laboratory, the FBI's handling of the interrogation of Mr. Richard Jewel in the Atlanta pipe bombing case, the FBI allowing White House people to look at confidential personnel background files, and the FBI's handling of the Ruby Ridge incident after Judge Freeh became director, as well as before.

But notwithstanding those matters, I believe that Director Freeh is doing his job about as well as it can be done with that giant agency which is ever-expanding and taking on new worldwide assignments. But I do believe that Director Freeh is going to have to find out what went wrong here, take corrective action, including punitive measures, if warranted, and establish procedures to protect against its recurrence.

It is really not a very complicated matter. All that is required is an index of names like "X" who have connections with the Government of China and then to cross-check those names against people who have appeared in the news media as major contributors to candidates or campaign committees.

When I refer to this context, it is obviously not intended to be a comment on any special group. It is hard to understand why that cross-checking of a simple index was not done by the FBI. And it is even harder to understand why the Department of Justice investigators did not find out about it, if in fact they did not.

In a context where the Attorney General has consistently refused to petition the court for appointment of an independent counsel, it may well be that either consciously or subconsciously, those under her command may be less inclined to pursue, vigorously, leads which may embarrass the administration. After all, the fundamental purpose of appointing independent counsel was to have someone in charge who was not allied with the administration, not beholden to the administration, and not motivated in any way to favor the administration.

It is not unusual, as a matter of common experience, for subordinates to do what they think their superiors want whether or not they correctly speculate on their superior's wishes. Beyond giving a clear signal to all the subordinates, an independent counsel would be in a position to press hard on a continuing basis for people to make all searches and analyses which were not done here.

Leadership and intensity establish a tone and purpose. From numerous indicators, that tone and purpose are not present in the current Department of Justice.

The Attorney General said at last Thursday's briefing that she was "not comfortable now" to discuss cooperation with the Governmental Affairs Committee but would "want to sit down and talk with the Department of Justice task force."

There are two problems with her statement. First, she had ample time to discuss the matter with the task force since she had met with the Intelligence Committee the day before and certainly had some advanced knowledge prior to that meeting. Second, she has continually said she would be willing to consider our request, but consistently there has been no followup.

The Governmental Affairs Committee was further advised at last

Thursday's briefing that if in the future the Department of Justice found information like that on "X", they would "very seriously consider and talk about bringing that information to the committee." That is palpably insufficient.

An independent counsel should be appointed so that the individual can press to obtain all such information on a continuing basis and so that there is no doubt about the duty of all units in the Department of Justice, including the FBI and other governmental agencies, to follow the direction of the independent counsel.

In short, Mr. President, we have a situation here where the FBI has information in its files since September or October 1995—almost 2 years ago—and other information since January 1997. That information is very important in linking an individual who is reputed to be a major campaign contributor, as noted in many news accounts, with a plan of the Government of China. Yet, that information was not made available to the Governmental Affairs Committee, and on the representation of the FBI not even known to the FBI.

It came to light only because the FBI provides that information to the CIA. And the CIA had done an independent analysis at the request of Senator BENNETT. Absent that request by Senator BENNETT, absent the independent analysis of the CIA, today, we would not have that important link as we seek to understand the puzzle, put together the pieces on the so-called dotted lines, and understand what is going on in this matter.

If we had independent counsel vigorously pursuing these matters and a clear-cut understanding throughout the entire Department of Justice and all Federal agencies, then we would have a realistic opportunity to get to the bottom of whatever is going on and take the corrective action.

This is another link that I suggest is a very, very powerful link in the chain of evidence and circumstances really demanding appointment of independent counsel.

I thank the Chair and yield the floor.

In the absence of any other Senator seeking recognition, 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. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

AMENDMENT NO. 1188

Mr. ASHCROFT. Mr. President, I am aware there are other Members of this

body who are going to be coming to the floor to speak on other amendments. However, because of the absence of debate at this moment, I will add additional thoughts to the thoughts I have already expressed regarding the need to cease funding the National Endowment for the Arts.

I have made my position clear here, and I hope I can add something by way of suggesting that there are a variety of reasons why it is time for us to stop spending the hard-earned resources of taxpayers to theoretically support or engender culture or the arts in this country.

I find it somewhat amusing for individuals to suggest we need to have a Federal subsidy in order for people to be artistic. For us to come to that conclusion involves us in what is a substantial repudiation of American heritage, culture and art.

We began as a nation long before the midnight ride of Paul Revere. As a matter of fact, we remember the poem:

'Twas late in April of '75,
Hardly a man is still alive
That can remember that special day and year
Of the midnight ride of Paul Revere.

Those who say you have to have subsidies in order to have art or poetry would have to wonder how that poem ever came into existence. Or they might say you have to have a subsidy in order to have quality art. Well, I don't know, but I believe that some of the poems and some of the art and some of the literature of bygone days will stand inspection very well and stand in comparison very well with items that have been produced more recently.

So I want to say for the first several hundred years of this culture on this continent we managed to muddle through, but I don't think we muddled through it all. We mastered, through creating things that were truly artistic and truly things of value, the kind of art that would speak to people and that they could understand.

I was interested in noting an article by William Craig Rice, who is a poet and an essayist, who teaches expository writing at Harvard University. As an individual who went to a competing institution, I am not accustomed to citing Harvard University, but you would think if there would be anyone who would be able to have insight about this, it might be someone from Harvard University, and you might expect them to be uniform in their support of the NEA. He lists objections to the NEA. He says that the NEA refused to fund a conservatory in New York City because its students were required to master the human figure in drawing like the old masters did. They could actually draw people and not just put paint on paper. That disqualified the particular institution from participating in the NEA funding.

He points out that the NEA said that being able to draw people that looked like people would hamper the creativity of artists.

I wonder whether the NEA has this figured out. I don't believe that people are not creative because they can draw the human figure. I don't think you would want to say that Rembrandt was not a creative individual. I don't think you would want to say Thomas Hart Benton, from my home State, with his ability to capture people at work, people bringing this Nation into existence, people conducting themselves in a way that makes America strong—was not a creative individual. He showed people in the fields, he showed people in the Civil War, he showed people at play, but he showed America as America was and for the strength of it. I don't think being able to do that hampers creativity.

William Craig Rice, who is a poet and essayist, who teaches expository writing at Harvard, says, "The NEA recently refused funding to an art colony on aesthetic and sociopolitical grounds and then made the inclusion of performance artists and installation artists a condition of future funding." So you start criticizing people because they are the wrong sociopolitical mix.

Here we have the National Endowment for the Arts taking taxpayers' resources, trying to impose on people some political correctness or sociopolitical correctness, the right kind of mix, in order to satisfy the bureaucracy. These kinds of things—denying funding because they insist that people learn how to draw so that they are recognizable figures, denying funding because there is an inappropriate sociopolitical mix among the artists—sound to me like Government management of what people are thinking and of the kind of people with whom they would associate. It seems to me that is not what we earn money for and pay taxes for: so Government could discriminate against someone because they were not of the right sociopolitical mix.

Mr. Rice, of Harvard University, further writes that "Nowadays, NEA grants are weighted toward multiculturalism, a political cause."

I wonder if, really, we as Americans want to try to foster and advance political causes through a subterfuge which we might label as the National Endowment for the Arts.

Now, his is not the only voice that has been raised in the arts community against the NEA. His is not the only voice which has alleged that the NEA is really an enemy of the arts, which he does say. He puts it this way: "The marketplace, with its potential for democratic engagement and dissemination, is hardly the enemy of the arts. The burgeoning American theater of the 19th century owed nothing to Washington. In fact, any system of selective, expert-dictated federal support for the arts would have been anathema to the rollicking impresarios of that era." He says had we had a National Endowment for the Arts a century ago, it would have hurt the arts in America, it would have curtailed, it would have stifled the creativity of individuals in the arts community.

Responding to a written piece by Robert Storr and Lawrence W. Levine, Rice puts it this way: "What both authors fail to recognize in their own examples is that the NEA actually harms artists and the arts by its methods of selective sponsorship and top-down control."

America prides itself on the freedom of expression, free speech, the ability of people to stand and speak their mind, and America has also understood that speech is not merely what you say but it is your ability to communicate. If you want to communicate artistically, in poetry, graphically or pictorially, that is one of the privileges and rights of an American, within certain bounds of decency to protect children and others from obscenity. We say you are entitled to be able to express yourself. We have never thought that the Government should be meddling in the way people express themselves. It should not be subsidizing one person's expression as opposed to another person's expression.

Here is a good reason for it. Here the author says, "The NEA actually harms artists and the arts by its methods of selective sponsorship and top-down control."

We have to measure what is meant by free speech. I don't think we would say that one of the things included in free speech is top-down control. The control of speech is the kind of thing we associate with other cultures.

Now, we know about what happened in Eastern Europe, we know what used to happen in the Soviet Union, and we abhor what we hear about the control of communication in China. Yet we have an arts bureaucracy which is saying to the arts community, if you want to have the favor of your Government, you have to be willing to participate in a system of selective sponsorship and top-down control.

To put it additionally, Jan Breslauer, of the Los Angeles Times, in a special to the Washington Post said it this way: The effect on the American art system is "pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts."

You have to understand, it takes me a minute to put this in perspective. Artists might operate at their best creative instincts in one system and they might distort or twist what they would otherwise say in order to satisfy something else in the other. She is saying that the National Endowment for the Arts pigeonholes artists, it gets them to create within a very confining space, a space they didn't create, but a place where they would be put if they wanted to satisfy the bureaucracy. Then it says it pressures them to produce work that is politically correct rather than work that is the best of what they can offer.

America succeeds when it operates at its highest and best. America fails when it accommodates or induces peo-

ple to operate at their lowest and least. I think it is tragic that we have in the National Endowment for the Arts what is confessed by the art critic of the Los Angeles Times, the person who spends her endeavors studying art and commenting on art, a situation where artists are pigeonholed and pressured to produce work that satisfies a politically correct agenda rather than producing work that reflects their best creative instincts. I think that is a pretty serious charge.

I think there are other reasons why the National Endowment for the Arts ought to be zeroed out in funding. It does not spend money well. It is not really something authorized under the Constitution. The founders of this country considered it, they voted on it, they rejected it. Somehow, the elasticity that some people find in the Constitution is supposed to now grow with the document to include something that no one ever voted to ratify as part of the Constitution but somehow it is appropriate now but it was not appropriate back then.

The National Endowment itself is not an efficient organization. It spends 20 percent of its resources on overhead, so that by sending the money to Washington, DC, we get a 20 percent shrink factor immediately just by including the bureaucracy in that which we are pursuing.

So my judgment is that we ought to think carefully about saying what the House has said. Let's stop. This thing was never intended as a governmental responsibility by those who constructed this country and founded it and developed the Constitution to limit what we would do. This was not to be within the limits. Let's stop the waste of money. Let's stop the frivolous things that are done.

I was interested to see one of the projects, and I mentioned this before. This represents a poem funded by the National Endowment for the Arts. This is not the title for the poem, this is the entirety of the poem. I had represented earlier that I think this is the English version of the poem but because this is not a word which I recognize in the English dictionary, it could be some other language version of the poem. This poem cost taxpayers \$1,500 to write. So it would be about \$214 a letter we paid for this poem. I wonder if this deserves what some Members of this body have called the need for the Federal Government to be placing the Good Housekeeping Seal of Approval on various art projects.

It is obvious to me that the average American is not smart enough to recognize this as genius and it may take the special imprimatur of the U.S. Government to tell us just how profound this is—whatever it is—and that we should support this because, well, because Government says to support it.

There are those who came to the floor yesterday who said we need the National Endowment for the Arts not because it is a big part of arts funding—they recognize it is 1 percent or

less. The truth of the matter is 99 percent of arts funding comes from other sources. They said we need it because when the National Endowment for the Arts funds something, it tells everybody that it is something good and that by putting that sort of Good Housekeeping Seal of Approval on it, it lets people know to support it as opposed to people being able to make up their own minds.

I have to concede the argument is partly correct. I don't think the average American would think this is worth \$1,500 unless he was told it was by his Government. It may be that, once told by Government that these seven letters are worth \$214 apiece, the average American citizen will nod in complete complicity and agreement, and say, "Well, Thelma, I never thought of it that way before, but now that the Federal Government has told me of the value of those letters, whatever they mean, I sure hope we get a chance to do that over and over again." Well, as a matter of fact, they do get a chance to do it over and over again.

But the truth of the matter is, there is something more profound than the light that I would make of this poem—would I be making light of light poetry? I don't know whether that means light or not. The truth is—and it is a fundamental truth—that the values are not to be ascertained in this culture by Government and then imposed on the people. The genius of America is that the values are to be developed by the people and imposed on the Government. The genius of a democracy is that people have values that they say should be reflected in their Government and not that the Government has values that it imposes upon citizens.

Similarly, when they said that we need this kind of guidance from Government so that we will know what to support in the marketplace, that smacks of marketplace planning of other economies. You know, communism is the system whereby the government decided what should be produced and what should not be produced. It allocated the resources of the culture. It said, well, we are going to have this many potatoes and airplanes, and we are going to have this many chairs, and we are not going to allow the marketplace to operate. They tried that for 70, 80 years. Cuba is still trying it; so is North Korea, and their people are in serious distress, and we hear the subject of relief over and over again to try to give them something to eat. But in this country, we have all said that the marketplace should determine this, and we don't believe Government should decide how to allocate resources.

Finally, most of the world has come to that conclusion. The Soviet system tried to manage production based on the values of the central government and say how money ought to be spent, and it collapsed. And when it came down, it wasn't long before the Berlin wall fell, too. Thankfully, the people

are free there, and they are rejoicing over their freedom, and the government that was at the center of things no longer tells them what to produce or what not to produce. It is their privilege as free citizens to decide about how things ought to be produced and when and where. The marketplace either rewards them or punishes them. If they don't produce things that are particularly good, they don't sell well. That has a way of suggesting that they should change their minds.

Here we have the National Endowment for the Arts with the argument or suggestion that it is a good thing to have Government telling people from the center of the Nation what they should or should not reward with their own support. Well, frankly, that is a failed system. I could understand short memories, but it seems to me that while we are continually reminded of the poverty of that system and the abject failure of that system by countries like North Korea and Cuba, we should at least remember long enough to know that we should not be embracing some sort of resource allocation strategy in the United States of America whereby we put a Good Housekeeping Seal of Approval on seven letters that may make some sense somewhere, and say, folks, with our help, you can learn to recognize a real buy in art when we tell you that it is a real buy.

I appreciate the opportunity to make these remarks. I appreciate the opportunity for the debate to go forward on the National Endowment for the Arts. I think it is time to say to the American people, who are taxed at a higher level than ever before, we believe you work hard for your resources and we should not take your hard-earned dollars and try to tell you what to support and what not to support artistically. We should let you have some of those resources to spend, believing you can spend your resources better on your own family than we can to subsidize what the Government has decided is art.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Ms. Collins). The Senator from Washington is recognized.

Mr. GORTON. Madam President, I note the presence on the floor of Senator CAMPBELL, who is the chairman of the Committee on Indian Affairs. He and I and Senator STEVENS, Senator INOUE, Senator DOMENICI, and Senator MCCAIN have had extensive discussions over sections 118 and 120 of this bill, both of which relate to appropriations for or conditions under which Indian tribes operate in our American system. Both are of considerable importance.

We have reached agreement with respect to the bill and with respect to what will take place after this bill has passed. In that connection, I think it will be a matter of some intense relief to many of my colleagues that what we are going to do is not require a rollcall vote at this point. So it does seem to

me, in the absence of any Member here who is willing to send up an amendment that will require a rollcall vote, that we should go through this matter. Two of the Senators are present on the floor. I believe others are coming.

With that, I yield the floor and hope that the Chair will recognize Senator CAMPBELL.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Madam President, I have an amendment, but before I send it to the desk, I want to make a few remarks on H.R. 2107, the fiscal year 1998 Interior spending bill. I certainly want to commend the managers, Senator GORTON and Senator BYRD, for their efforts in constructing a spending bill that balances the competing interests of the approximately 27 different agencies and programs included under the jurisdiction of this committee. As the chairman of the Committee on Indian Affairs, I want to acknowledge both Senator GORTON's and Senator BYRD's efforts in funding Indian programs that are administered through the Bureau of Indian Affairs and Indian Health Service at the levels that meet or exceed the President's fiscal year 1998 budget request.

Overall, the funding for these two agencies, which accounts for the great bulk of Federal spending on Indian-related programs, is significantly increased over fiscal year 1997 enacted levels to the tune of about \$150 million. The committee has given priority to funding basic services that are provided to Indian communities through tribal priority allocation [TPA] of the BIA and through direct services provided by the Indian Health Service, while also funding several important construction initiatives, of which there is currently a tremendous backlog.

While I have supported the priorities given to funding Indian programs, I have shared my concern with many colleagues over two provisions that remain in the bill. Senator GORTON has alluded to those two sections, section 118 relating to the means testing of TPA funding, and section 120 relating to the broad waiver of immunity imposed on tribal governments. Both are broad policy-related items that I felt should not be included in this spending measure.

I am happy to announce that after several meetings—and Senator GORTON alluded to one we had yesterday afternoon—with concerned Members on these provisions, an acceptable accommodation has been made with regard to both of these provisions. At the appropriate time, I will offer an amendment that will reflect this agreement.

I want to speak briefly to each of these provisions and why, as presently written, they would adversely impact tribal government activity to a degree that is all but unknown.

As I informed my colleagues on the Appropriations Committee prior to

markup, these two provisions constitute a dramatic departure from existing Federal Indian policy, which is based on promoting tribal economic development, tribal self-sufficiency, and strong tribal governments. Sections 118 and 120 would seek to condition the receipt of TPA funding, requiring in section 120 that Indian tribal governments unilaterally waive their immunity from any and all lawsuits. Further, section 118 would require all tribal governments that receive TPA funding to be subjected to a form of means testing analysis of all the available tribal resources as a determining factor in future TPA funding allocations.

The nature of these provisions would suggest that because TPA funding constitutes approximately \$760 million, or over half of the overall BIA operating budget, there needs to be some higher level of accountability to the Congress and to the taxpayer over how these funds are allocated and that the appropriate means to this end is the proposed blanket waiver of immunity and an imposed means testing formula allocation.

I want to be very clear and try to inform my colleagues that the impacts of these provisions, if enacted, have yet to be fully contemplated. We can't begin to contemplate what effect they would have on the native American people.

For example, with regard to a broad waiver of immunity, as proposed in section 120, we could ask several questions:

What are the potential liabilities that would be incurred by the executive branch agencies who serve as the Federal trustees to Indian tribal governments and, therefore, would have to defend the tribal governments in lawsuits?

What specific actions would become the purview of the Federal courts under a broad waiver of immunity? Is it limited to non-Indian disputes with Indian tribes, or could any and all intertribal disputes also be heard in Federal court?

More importantly, what will be the impact on the Federal courts as a result of section 120? Would it simply clog the courts with more litigation?

Further, regarding section 118, we should ask:

What resources should be included in any analysis of how to better allocate TPA funding?

Could the BIA begin to implement any alternative allocation method beginning in fiscal year 1998, which begins in just 2 weeks, without any public input or hearings?

These are very practical problems that arise when addressing both of these provisions. It is for these reasons that I have strongly advocated that the appropriate authorizing committees be involved in finding practical solutions to these very complex issues. As the chairman of the Committee on Indian Affairs, I have made it very clear that I am committed to examining these

issues through the hearing process. I have told that to Senator GORTON and have followed it with a letter to him guaranteeing that we would hear a bill and we would also attempt to have a markup by April 30, 1998.

Madam President, I want to thank my colleagues for their wisdom in supporting this accommodation.

I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 52, LINE 16

The PRESIDING OFFICER. The question before the Senate is the excepted committee amendment beginning on page 52, line 16.

The excepted committee amendment is as follows:

SEC. 118. (a) No funds available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs and internal transfers pursuant to other law) may be allocated or expended by the Bureau of Indian Affairs (hereinafter in this section "BIA") until sixty days after the BIA has submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the report required under subsection (b).

(b) The BIA is directed to develop a formula through which TPA funds will be allocated on the basis of need, taking into account each tribe's tribal business revenues from all business ventures, including gaming. The BIA shall submit to the Congress its recommendations for need-based distribution formulas for TPA funds prior to January 1, 1998. Such recommendations shall include several proposed formulas, which shall provide alternative means of measuring the wealth and needs of tribes.

(c) Notwithstanding any other provision of law, the BIA is hereby authorized to collect such financial and supporting information as is necessary from each tribe receiving or seeking to receive TPA funding to determine such tribe's tribal business revenue from business ventures, including gaming, for use in determining such tribe's wealth and needs for the purposes of this section. The BIA shall obtain such information on the previous calendar or fiscal year's business revenues no later than April 15th of each year. For purposes of preparing its recommendations under subsection (b), the BIA shall require each tribe that received TPA funds in fiscal year 1997 to submit such information by November 1, 1997.

(d) At the request of a tribe, the BIA shall provide such technical assistance as is necessary to foster the tribe's compliance with subsection (c). Any tribe which does not comply with subsection (c) in any given year will be ineligible to receive TPA funds for the following fiscal year, as such tribe's relative need cannot be determined.

(e) For the purposes of this section, the term "tribal business revenue" means income, however derived, from any venture (regardless of the nature or purpose of the activity) owned, held, or operated, in whole or in part, by any entity (whether corporate, partnership, sole proprietorship, trust, or cooperative in nature) on behalf of the collective members of any tribe that has received or seeks to receive TPA, and any income from license fees and royalties collected by any such tribe. Payments by corporations to shareholders who are shareholders based on stock ownership, not tribal membership, will not be considered tribal business revenue under this section unless the corporation is operated by a tribe.

(f) Notwithstanding any provision of this Act or any other Act hereinafter enacted, no funds may be allocated or expended by any agency of the Federal Government for TPA after October 1, 1998 except in accordance with a needs-based funding formula that takes into account all tribal business revenues, including gaming, of each tribe receiving TPA funds.

AMENDMENT NO. 1197 TO THE EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 52, LINE 16

(Purpose: To provide for tribal priority allocations.)

Mr. CAMPBELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 1197 to the excepted committee amendment beginning on page 52, line 16.

Mr. CAMPBELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52 beginning on line 16, strike all through page 54, line 22, and insert in lieu thereof the following:

SEC. 118 Any funds made available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs, internal transfers pursuant to other law, and proposed increases to formula driven programs not included in tribes' TPA base,) shall only be available for distribution—

(1) to each Tribe to the extent necessary to provide that Tribe the minimum level of funding recommended by the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs Report of 1994 (hereafter "the 1994 Report") not to exceed \$160,000 per Tribe; and

(2) to the extent funds remain, such funds will be allocated according to the recommendations of a Task Force comprised of two (2) representatives from each BIA area. These representatives shall be selected by the Secretary with the participation of the tribes following procedures similar to those used in establishing the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs. In determining the allocation of remaining funds, the Task Force shall consider the recommendations and principles contained in the 1994 Report. If the Task Force cannot agree on a distribution by January 31, 1998, the Secretary shall distribute the remaining funds based on the recommendations of a majority of Task Force members no later than February 28, 1998.

Mr. CAMPBELL. Madam President, I am very pleased to offer this substitute amendment that our colleagues have worked on, which accomplishes several things.

First of all, it holds the tribes harmless to the fiscal year 1997 TPA levels; it follows the recommendations of the 1994 Joint Tribal/DOI/BIA Task Force report by providing funding to the 309 small and needy Indian tribes; it provides \$15.5 million for fixed costs and internal transfers; it provides for \$17.1 million in increases to formula-driven programs; instead of having the BIA or the Congress allocate the remainder, it

creates a mechanism comprised of Interior and BIA officials and tribal representatives from around the country to distribute the remaining \$27.8 million.

I think that is probably all we need for an explanation.

With that, I move the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, first of all, I want to express my appreciation and high regard for the leadership of my friend from Colorado, Senator CAMPBELL, on this issue. In his role as chairman of the Indian Affairs Committee, he has taken an active and vigorous role on Native American affairs. I am proud of the job he is doing. I know I reflect the view on both sides of the aisle on the outstanding job that he is doing. We all recognize he is uniquely qualified—uniquely qualified, Madam President—to address the issues that affect Native Americans in our society today.

Second, I thank the Senator from Washington, Senator GORTON. He has strongly held views on these issues, as we know. Senator GORTON's issues have been made clear to those of us on the Indian Affairs Committee, of which he is a distinguished member. He has worked very hard on these issues. We have significant and profound philosophical differences, but our debate and discussions on these issues have been characterized by respect for each other's views. I have the utmost regard not only for his views, but Senator GORTON has long experience in these issues dating back to when he was attorney general of the State of Washington and tried cases before the U.S. Supreme Court regarding Native Americans.

I understand his advocacy, and, frankly, sometimes his frustration. I am very pleased to see the path of the agreement is that the chairman of the Indian Affairs Committee has agreed to hold hearings to consider Senator GORTON's legislation, which is the proper way to carry out our legislative work.

I did point out to Senator GORTON—and he knows full well—that his proposal will probably not receive the majority approval of the Indian Affairs Committee. But the purpose of hearings and the purpose of the debate and discussion is to educate our colleagues. I am very pleased that Senator GORTON will withdraw that provision which would have provoked profound, intense, and emotional debate on the floor of the Senate and has decided, albeit with some reluctance because of his impatience over his view of our failure to address these issues, to agree to take it through the Indian Affairs Committee.

I thank Senator GORTON. I really do, because without his agreement and his position as chairman of the subcommittee, he had every right—even though I disagreed from time to time

about legislating on appropriations bills—to bring this issue to the floor as part of his bill. We proved in recent days that we do give the utmost respect to committee chairmen and subcommittee chairmen in their work.

I thank Senator STEVENS, chairman of the full committee. Senator STEVENS, who is as knowledgeable on Native American issues as anyone in this body, played a key role in negotiating the agreement and settlement that we came to, along with my friend, Senator DAN INOUE, who is most respected, along with Senator CAMPBELL, on these issues.

Senator DOMENICI, I might point out, in his usual articulate, vigorous, and certainly nonconfrontational fashion played an important role in the spirit of the discussions that we had in Senator STEVENS' office.

The upshot of it all is that really, Madam President, there are six old guys here that know each other pretty well. We know that we have to act in what is the best interests of Native Americans, the interests of this body, and, very frankly, the continued bipartisan—indeed, nonpartisan—addressing of Native American issues.

I think we have a very, very good resolution. It would not have been possible without all the figures that I mentioned, and I believe that we will continue.

If I could, finally, caution my colleagues, there will continue to be issues before this body and the Nation concerning Native Americans. There is population growth, which brings Native American tribes and non-Native Americans into collision with one another. There is an increase in Indian gaming, which in the view of many Americans has made all Indians rich. And, by the way, that is far, far from the case. There is a total of about 10 tribes that have become wealthy. There is continued issues, such as taxation. There will be continued Supreme Court decisions, including the recent ones concerning and affecting the State of Alaska.

I urge my colleagues to get involved in understanding these issues. But I have some comfort in the knowledge that we have experienced people such as Senator CAMPBELL, Senator INOUE, Senator STEVENS, Senator GORTON, and Senator DOMENICI who have many, many years of experience with these issues.

Again, I thank my colleagues for resolving this very difficult issue in a more than amicable fashion.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I thank my good friend from Arizona for his comments concerning my participation in the dialogue on this amendment which has just taken place in my office. Let me state at the outset that I believe that in this country there is a period of rising expectations on the

part of our Alaska Native and native American peoples that there will be more assistance coming to them from the Federal Government. And, of course, we all seek to have greater self-determination on the part of those people who are part of the Indian tribes and native peoples of our country. The great difficulty is that this is not just an expectation but an increasing demand now for additional money to enable these peoples to carry out the legitimate roles that they have in their own tribal and native organizations. This comes at a time when we are living under a budget ceiling with diminishing resources, as far as the Department of Interior is concerned, caused primarily, in my opinion, because of the vast increase—the enormous increase—in the amount of interest we are paying on the national debt, which is literally squeezing out a lot of the items that we were able to afford previously. We are working on that in connection with the balanced budget process. But it is hard for many people on the reservations in the contiguous States and small villages throughout my State, and throughout our Nation, to understand that there is a limit on the amount of money we have available to put into such funds, like the Tribal Priority Allocation Fund. We face this year a situation where there is a budget request for an increase in money. Yet, because of actions that have taken place in the last 3 years, there are almost 100 percent more tribes in number than we previously dealt with under this account. Those are primarily in my State, the State of Alaska. Alaska now has 226 different entities that are called tribes by the Department of Interior. In the past, they were Native villages. The population of the Native villages belonged to the several different tribes in our State.

The net result of this is that, despite the increased request for funds, it is not really possible to meet these legitimate requests, and, as I said, in some instances, demands for increased money. This has led to a series of alternative suggestions—some from the Senator from Washington, as the chairman of the Appropriations subcommittee dealing with these issues, and others from those who serve on our Indian committee, led by my good friend from Colorado. And I say to the Senate that I think it is time that we really have some more information to deal with this. I know some people are reluctant to solicit that information. But I have joined the Senator from Washington in asking the GAO to do some examination into the various types of options that may be available to Congress to deal with these increasing demands which exceed our ability to provide funds in all these areas.

It does seem to me that we have to realize, despite our own personal feelings that some people might have on the subject, that the people who live on Indian reservations and in these very

isolated Indian and Native communities in my State are literally the poorest of our poor. They are the people that need our consideration, and our help, more than any I know in the Nation. Many of us have spent years trying to find ways to help them deal with their problems. There has been no real panacea. We have not discovered a way yet. But we clearly now have increasing participation in governmental affairs in a democratic way in most of these tribes and villages of our Nation.

I am hopeful that these tribal priority allocations will, in fact, be used to provide a greater degree of democracy, a greater degree of participation, and a greater attempt to satisfy the needs of the people who should be receiving the benefits of the Federal money that we provide through the Bureau of Indian Affairs. We all have some serious questions about the BIA. It is an institution that may well have outlived its usefulness in the sense of being able to deal with the problems of the native American and Alaska Native people. But, for the time being, it is the only institution we have.

As Members of Congress we are vitally interested in the affairs of the Indian tribes and Alaska Native people. We need to take more time in trying to not only work out the differences among us, but also work out solutions with respect to how the Federal Government can further the aspirations of these people to become more able to deal with the problems of the present and the future and better able to find a way to preserve their own culture and have greater participation in American affairs.

For that reason, I am pleased that we have had these meetings. I think that the meetings that have taken place between the Senators who are on the Appropriations Committee and the Indian Affairs Committee have been most helpful for us not to only understand one another but understand some of the problems that are different. They are different in Colorado, they are different in Arizona. They are different in Hawaii. Most people do not think of Hawaii having Indian problems. But there are issues involving the indigenous peoples in Hawaii that are very, very complex. My friend from Hawaii is spending a lot of time on this issue, as is the Senator from New Mexico, and legitimately so.

Our constituents, by the way, don't all make the same requests. They don't necessarily seek the same goals. They don't even seek the same solutions to their common goals. What I'm saying is that it is not an easy thing right now for us to deal with this issue in appropriations.

Therefore, I am delighted as the chairman of the Appropriations Committee that we have this commitment from the Indian Affairs Committee that there will be hearings on the subject, that there will be really an examination in depth into the possible solutions to the problems presented by

these issues arising out of the allocation of funds in the tribal priority allocation.

I thank the Senator from Washington for his willingness to step down from some of the requests he has made of the Senate, and to give us a chance to go back and get some basic data and information that will be necessary for us to deal with this. I hope and pray we will deal with it next year in a fair and open way, and find a way to ensure that the moneys that are available are made available first to those who have the greatest need for them, and particularly that the people who are seeking this money understand what it is for. It is for assistance in maintaining the governance of these tribes and villages. These aren't slush money accounts. They are very strictly limited by law, and we want to make certain that they are, in fact, used for the benefit of the people who are on reservations, as well as in those very isolated villages in my State.

Let me thank all of the Members who have participated in this. I do hope that the Senate will accept our compromise amendment to the amendment on this subject that was originally in the bill as reported from our committee.

I thank all concerned for their participation.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Hawaii.

Mr. INOUE. Mr. President, thank you very much.

Mr. President, this is a battle day—an important day in Indian country. And I am certain that Indian country applauds the resolution that has been reached concerning sections 118 and 120 of this bill.

So, Mr. President, I rise to join my colleagues in applauding and commending the distinguished Senator from Washington for making this day possible.

I am well aware—and I am certain that all of us are well aware—of the controversy that sections 118 and 120 have engendered over the past 2 months. It has been a difficult time for all of us.

Indian country has been vocal in its opposition to these provisions—and I believe rightly so—for these sections go to the very essence and the very foundation of our relationship with Indian governments.

As my chairman, the distinguished Senator from Colorado, Senator NIGHTHORSE CAMPBELL, has indicated, section 118 will cause us to revisit the commitments this Government made to Indian nations in over 800 solemn treaties. Most Americans are not aware that our relationship with the Indian country is based upon treaties, the Constitution of our land, decisions of the Supreme Court, and the laws of this land. These 800 treaties enable the United States to exercise dominion and control over 500 million acres of land which once belonged exclusively to our

Nation's first citizens. As Chairman CAMPBELL has indicated, section 120 would have stripped tribal governments of one of the most fundamental attributes of their sovereignty.

So, in the days ahead, I hope we can focus our attention on the concerns that sections 118 and 120 were designed to address in a venue that will enable the full participation of those who would be most directly affected by these provisions, the tribal governments and the citizens of Indian country. For it is my sincere belief that the solutions to these matters can be found in Indian country and that the tribal government leaders will join us in this effort, and that is the way it should be. If we are to legislate, it should be only after we have given careful and thoughtful consideration to these matters. We should have the benefit of all affected citizens, Indians and non-Indians, and whatever we come up with ought to have the benefit of some consensus.

With this in mind, I have given my personal assurance to the chairman of the Interior appropriations subcommittee, the Senator from Washington, that we will seriously and deliberately address these matters in the authorizing committee. We have received assurances of the chairman of that committee, Senator BEN NIGHTHORSE CAMPBELL.

In the interim, I am pleased we have been able to reach agreement and that we have done so in a manner that will enable us to work together in partnership with Indian country as well as other affected citizens to assure the best outcome within the context of our history, our laws and our policy.

So, Mr. President, once again, may I applaud and commend my friend from Washington, Senator SLADE GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in the interests of clarity in dealing with two related but distinct issues, I have asked, and the Senator from Colorado has agreed, to deal separately with two amendments on his part to sections 118 and 120. So, while most of the speakers have talked about each, to this point, now, before we vote on the proposal of the Senator from Colorado, I am going to address only section 118, the section that calls, in the form in which it was reported by the Indian Affairs Committee, for a study not only of the needs of Indian communities across the land but the resources available to those Indian communities to support, in whole or in part, their governmental entities.

These tribal priority allocations, in the amount of just over three-quarters of a billion dollars, are directed at the activities, on the broadest possible scale, of the self-governing Indian tribal organizations all across the United States, numbering several hundred in total. And there are, it seems to me, two distinct questions even as we deal with this appropriation of more than three-quarters of a billion dollars of

the money of all of the taxpayers of the United States. The first is: Is the historic distribution of money from this account to the various Indian tribes done in a fair and rational manner? And, if not, what can be done to improve that method of distribution?

The second and quite distinct question is whether or not full support of Indian tribal governments is a permanent duty of the people of the United States; a form of entitlement or a matter of discretion in which the people of the United States, in addition to encouraging the development of self-governing institutions, are also entitled to demand on the part of successful Indian governments an increasing duty of self-support of these governing institutions—the tribal legislatures, the court systems, the police systems, and the like, systems that in our Federal system are paid for by the people of the United States in connection with this Congress, the people of the States with their legislatures, and the people of cities, counties, and towns with respect to their governing institutions. And we ran into opposition in connection with each of these; a protection of the status quo in connection with each.

I took over the chairmanship of this subcommittee 2 years ago, and for 2 years asked the Bureau of Indian Affairs, when it justified its budget, about the formula through which it distributed its moneys to Indian tribes, without getting a satisfactory answer. Asked whether or not it had any ability to determine the relative needs of the varying tribes in the United States, the reluctant, ultimate answer was, no, the Bureau of Indian Affairs didn't have that kind of information, did not know in any detail the income of tribal governments through gaming, through gambling operations, through natural resource extraction, through rental of its properties and the like.

Moreover, it became quite clear that the Bureau of Indian Affairs didn't care to get that information. The reason that the Bureau of Indian Affairs doesn't really care about getting that information is that it does, in fact, believe that these payments are a permanent entitlement, a permanent burden on all of the other taxpayers of the United States, and that, therefore, while perhaps an examination of needs is appropriate, an examination of resources is not appropriate in any respect whatsoever.

With both of those propositions I disagree. While section 118 that exists in the bill today does not change the system and require a mandated distribution on the basis of a system of needs, which of course implies something about the resources that cover these needs on the part of each individual tribe, it became evident that there is so much disagreement in Indian country with even a determination of the facts on which we can make a later determination of needs and resources that section 118 was unacceptable.

The proposal that Senator CAMPBELL has made, and with which I agree, deals

rather narrowly with the distribution of the money in this appropriations bill, increased by something more than \$75 million over the current year, and most particularly with the way in which any excess over last year's distribution and over a formula already developed in the Bureau of Indian Affairs will be made. In that connection, it is a significant step and it is something with which I agree. Because it is insufficient, however, because it doesn't even mention either needs or resources, in my view something else very significantly is needed.

Before I get into that, however, much of the debate on the other side of this issue, many of the newspaper editorials, have spoken of the appropriation for tribal governments, so-called TPA, as an entitlement based on treaty—because there are several hundred treaties with various Indian tribes, the last of which was ratified in 1868—that we are in fact dealing with an entitlement, that we should not look at relative needs, we should not look at the ability to provide for governments through the resources of Indian tribes at all because this is a matter of treaty obligation between the Government of the United States and these various Indian tribes.

I wish to make the point, as we look forward to a future debate on this issue, that there is no such treaty right. Mr. President, there is no such treaty right. We found one treaty with one tribe that calls for payment in perpetuity of several thousand dollars a year. Most Indian treaties, however—and we use here the treaty of Point Elliott in my own State, a treaty signed in 1855, that includes a clause very much like this one:

In consideration of the above cession [that is the lands the Indians were signing away] the United States agree to pay to the said tribes and bands the sum of \$150,000 in the following manner.

And it sets out declining annual payments for a period of 20 years, ending, presumably, in 1875, or in 1876. That is the typical Indian treaty with respect to a fiscal obligation on the part of the people of the United States. Obviously, that period of time ran out over a century ago. The optimism with which it was signed, the implication being that by that time the Indians would be integrated into the larger society, did not take place, and the Congress of the United States has gone through several phases of attitudes toward Indian tribes, toward their integration, toward their self-determination and the like. We are now in a period of time in which the strong public opinion, and opinion in this Congress, is in favor of self-determination, conscious self-determination in the Indian institutions.

The point I am making here is not to disagree with that policy. I think it is a perfectly appropriate policy and one that I have supported. The point that I am making here is that it is a discretionary policy, and that this three-quarters of a billion dollars is appro-

priated as any other discretionary account is in the Congress of the United States. Therefore, it is totally appropriate for us to determine whether we think the money is being well spent, whether we think it is being fairly distributed, whether we think there is a better formula, whether we think there should be some obligation on the part of wealthier tribes to pay all or part of the cost of their own tribal governments.

So we have taken a sample number of tribes with respect to this year's distribution, about 20, on this chart. I may say that this is not one of these telescoped graphs that only works between No. 100 and No. 200. This graph goes from zero to \$2,452. Tribal allocation per person to the Pequot Tribe in Connecticut from this year's distribution is \$2,452. That is the tribe with the most successful gaming operation in the United States. Unemployment in the Pequot Tribe is zero.

At the other end of the scale, the Fond du Lac Tribe, which gets \$24 per person in its TPA allocation, has 67-percent unemployment.

This, of course, doesn't include anything like all the tribes in the United States. I think it is a fair sampling, and any Member who desires to know where on this scale a tribe in his or her State falls can get that information through us. But you have a range of between \$24 per capita and \$2,452 per capita—a range of 100 to 1. The net result of failing to deal with that issue this year is that the ratio will be greater in 1998 in the bill we are voting on, it will be greater than it is at the present time.

The original formula, I think, dates from sometime in the 1930's. Under those economic circumstances, having no relation to the present day, these tribes' governing authorities, of course, have various powers. Some provide more services than others do. But nonetheless, each year's change has made this system worse and is exacerbated.

I will show you the same chart in a slightly different form, Mr. President. This form works from the Rosebuds in the Dakotas, which have the highest unemployment, 95 percent, down to the Pequots that have zero. In other words, to the best of our ability to determine need—because we don't have all of the figures, unemployment figures have to be a shorthand here for need—the most needy tribe gets \$225 per capita. Again, the Pequots, \$2,400. But if we don't want to take that one, let's take this one in Alabama; it is \$1,195.

Interestingly enough, the second highest distribution here is to the tribe that has the second highest unemployment. But the obvious import of these charts is that there is simply no relationship whatsoever—between the need, the economic poverty, the unemployment on a given Indian reservation and the distribution of moneys to the governing

body of that institution from the Federal Government pursuant to these TPA's.

One further point, of course, in connection with this question about treaties, most of the tribes in the United States are not treaty tribes. The Senator from Alaska referred to the fact that by fiat, the administration created, I think, a couple of hundred new tribes in Alaska, none of which are treaty tribes, but all of which, by that administrative action, will in a year or so fall into this kind of distribution of money. So the distribution has nothing to do with whether or not tribes are treaty tribes or nontreaty tribes. The tribes really don't have anything to say about the issue.

We are distributing the money at the present time in a manner that is highly irrational. As a consequence, Mr. President, Senator STEVENS and I have authored a letter dated today to the Comptroller General of the United States in the General Accounting Office, asking for a General Accounting Office study of the system I have described here, how we got to that system and how we can do better.

Our request does, of course, include in it a request to the GAO to make a determination, not only of the needs of the tribes, but of their ability to meet those needs with their own resources. We may well learn from the GAO that even it cannot answer that question, because the tribes will not release a sufficient degree of information for us to make an intelligent decision. Then we will be told what kind of legislation is necessary so that Congress can deal with this matter in a rational fashion.

I ask unanimous consent that the letter that Senator STEVENS and I have authored to the General Accounting Office be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 16, 1997.

JAMES F. HINCHMAN,
*Acting Comptroller General, General Accounting
Office, Washington, DC.*

DEAR MR. HINCHMAN: We are writing to request that the General Accounting Office ("GAO") immediately undertake a study of issues related to the distribution of funds by the Bureau of Indian Affairs ("BIA") through Tribal Priority Allocations (TPA). The GAO is requested to complete the study and submit a report by June 1, 1998. The study should address in detail the following:

- (1) any inequities in the current distribution of TPA funds among Tribes;
- (2) the results of the distribution of TPA funding in FY 98 (to the extent such results are available);
- (3) the tribal and non-tribal resources, including tribal business revenue, available to each Tribe for meeting governmental needs;
- (4) the extent to which each Tribe can or should, in whole or in part, become self sufficient, in terms of its ability to provide government services, through the use of resources available to it;
- (5) the impact of recognition of new Tribes on TPA funds;
- (6) recommendations for determining the level of funding needed for a Tribe to provide governmental services; and

(7) recommendations for a formula for the distribution of TPA funds that takes into account the disparate needs, population levels, treaty obligations and other legal requirements with respect to the provision of governmental services, and the resources available to each Tribe to provide such services.

In undertaking the study the GAO should consider the formulas currently used by the BIA for the distribution of funds for other programs, the formulas previously used by the BIA or other federal agencies for the distribution of funds under the Indian Priority System that was developed after enactment of the Indian Reorganization Act, and any formulas recommended by the 1994 Joint Tribal/DOI/BIA Task Force on Reorganization of the BIA, the Commission on Reservation Economics, the American Indian Policy Review Commission, and any other relevant commissions or reviews.

In evaluating the resources available to each Tribe for meeting governmental needs, the GAO should enumerate in its report the nature and availability of the information BIA needs to determine accurately the level of resources available to each Tribe for the provision of governmental services. The report should include recommendations regarding any changes in law that may be necessary in order to obtain such information and what constitutes a de minimus level of revenue for which the cost of reporting or assessing such revenue would outweigh the benefit of obtaining that information. For the purposes of this study, the GAO should consider the term "tribal business revenue" to mean income, however derived, from any venture owned, held, or operated, in whole or in part, by any entity on behalf of the collective members of any Tribe. Such term shall also include any income from license fees or royalties collected by a Tribe. The term "any venture" includes any activity conducted by an entity, regardless of the nature or purpose of the activity, and shall include any entity regardless of how such entity is organized, whether corporate, partnership, sole proprietorship, trust, cooperative, governmental, non-profit, or for-profit in nature.

The recommended formula for the distribution of TPA funds should include a means of assigning priority among Tribes for the allocation of funding, so that those with the greatest need for governmental services and the fewest resources to meet that need, relative to the needs and resources of all other Tribes, are given the highest priority. The GAO shall include as an appendix to the report suggested legislative language to accomplish any changes in law or regulation necessary to ensure the distribution of TPA funds according to the recommended formula.

Thank you for your prompt attention to this request. If you or your staff have any questions regarding this request, please contact Anne McInerney of the Senate Subcommittee on Interior and Related Agencies at 224-2168.

With best wishes,

Cordially,

SLADE GORTON.
TED STEVENS.

Mr. GORTON. I do want to say this, Mr. President. A number of complaints have been made about the way in which Members deal with issues that are highly controversial and on which they have great differences of opinion. I say, with respect to every one of those who have spoken here today, that I have gotten from each of them the greatest consideration, even when they have disagreed with me.

Each of them holds his views as firmly as I do and as significantly as I do.

The chairman of the committee has agreed, and will speak to that later, to dealing with a specific bill on the other subject. I haven't asked him to deal with this subject in his committee, but I rather suspect that he is going to wish to do so in order to be able to deal rationally and intelligently with this issue as well.

So I have not gained the goal that I have set for myself when I was writing this bill to make substantive changes, but we are going to be able to vote these issues intelligently in the course of the next year in a way that has not been done in this Congress, certainly since I first arrived here in 1981 and probably for some time before that.

I believe the debate on this issue is long overdue, Mr. President. I am persuaded, quite persuaded, that we can't engage in it in its full substantive fashion at the present time, for lack of information, and that what we are doing here is going to give us a greater ability to make our points at some time in the future.

For their cooperation in seeing to it that we are moving forward on this issue, I thank each one of them, and we will be back here, I suspect, at some time in the future to debate this and the other issue more on its merits. Because the other issue is distinct from this one, I hope as soon as others who wish to speak on it have spoken, we will adopt the proposal, the amendment proposed by the Senator from Colorado, and then move on to the second one, and I will have a set of different remarks on that one.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from Colorado, Senator CAMPBELL, and the distinguished Senator from Washington, Senator GORTON, would it be appropriate for me to speak now or would they rather proceed with something else? If they have to introduce a measure and want to get it done, it will be all right with me.

Mr. President, I say to my fellow Senators, I think the important thing for the hundreds of thousands of Indians in the United States and Indian country and the 10 percent of the population of the State of New Mexico who are Indian people. There are 22 different Indian tribes and pueblos in my State, living in a completely different style, but all Indians nonetheless.

The most important thing for them is we have won today. We did not lose on the issue of sovereignty as it pertains to their immunity in their court systems. We did not lose, in an appropriations bill, without adequate hearings, without adequate information on one of the most complex and historic-filled situations in our Government and our governance. We won, because those decisions to take away tribal judicial immunity, whether it be for 1

year or forever, have been withdrawn from this bill.

I thank the distinguished Senator, Senator SLADE GORTON, for withdrawing his judicial immunity provision. I think it has become absolutely and unequivocally discernible by everyone that is a very complicated issue.

Later, I am sure, in this discussion, we are going to hear proposals about how that is going to be fleshed out and how we are going to talk about judicial immunity, the right to sue Indian tribes or not to sue them in the courts of America and the courts of the States. We are going to hear discussions perhaps on how hearings ought to be structured to get to the bottom of certain issues where inequity may require that some modifications be made. But essentially, for the Indian leaders and the Indian people who came here by the hundreds, at least, this year, their tremendous concern about what was going to happen to them if this occurred is gone from the scene.

The Senator from New Mexico is fully aware that the distinguished Senator, Senator GORTON, desires to fix some things that he feels are wrong with Indian law and the distribution of money, and he feels that just as strongly as I feel that we ought to be very careful about what we do and that it is not a simple proposition. Even the two graphs that were put up that show the disparity in incomes and the disparity in the distribution of our Federal resources don't tell the complete picture.

The picture is one of a tribal allocation system evolving over time filled with history, filled with court decisions, filled with Senators who have purposely helped certain tribes and not helped others, which causes some of these funding levels to be out of whack.

Nonetheless, the needs in Indian country are not debatable, because for every Indian person that has an average American income and an opportunity for a job and some assets, tribal or otherwise, that are significant, my guess would be 50 that don't have these assets. For every one that does, my guess would be 50 don't, 50 are poor. Their tribes are poor. Their reservations are economically depleted. So I suggest, as I did early on when the issue of means testing arrived, that we ought to be equally concerned about the needs of the Indian people.

Frankly, the GAO letter that my friend, Senator GORTON, proposes, is fully within his rights. Any Senator can write to the GAO, whether it is joined by the chairman of the Appropriations Committee or whether it is the most junior Member here. You can write to GAO and ask them for information. Now I intend to ask them to assess the needs of the Indian people: How poor are they, and why are they poor? I want to ask them what physical needs they have—water systems, sewers, roads—for they live, in most cases, in a pretty bad economic situation and a pretty deteriorated public environ-

ment with reference to infrastructure and the like.

So it is mighty easy to say, let's fix this formula and have somebody in government formulate a new means test for us, but I will tell you, it is a lot more difficult to find out what our responsibility should have been over the years and how much of the Indians' plight is because of the laws we have and our failure to take care of the related trust responsibilities that we have.

The history of Indian people versus the United States of America is as old as some of the Supreme Court opinions written by Justice Chief Marshall back in 1830's. I am sure Senator GORTON, who is an expert on the legal debates, knows about all those cases. While I am not as legally perfected, I know that there is not one simple evolution of the relationship of the Indian people to the American Government and to the States. It has evolved because of court opinions, it has evolved because Presidents have articulated American policy with reference to Indians. President Nixon articulated a policy of self-governance and self-determination, which has then been carried out by the Government of the United States.

So the next time we debate this issue, we will not just have three exhibits here, one of which quotes from one treaty, for I am sure that more than one of us will be steeped in the history of how we got to where we are. It is not going to be as simple as devising a new means formula and distributing federal money based upon some kind of new means testing.

It may be that treaties don't govern all of these responsibilities, but I can guarantee you, the statutes are filled with commitments to the Indian people. Before we have this next debate and during the next hearings, we ought to be talking about all of those statutes that said we are going to educate the Indian people, and then we never provided enough money; that says we are going to house them, and then did not provide enough money. Where does that come into the equation?

We said we wanted economic prosperity for Indians—but until the 1980's through the highway trust funds, we hardly funded any roads for them. I can remember, when I arrived in 1973, \$10 million was the level of funding for Indian roads. We were thrilled to get it up as high as \$30 million. When we included Indians in our highway trust funds for the first time, the funding jumped dramatically to \$80 annually, and in the most recent highway bill 6 years ago, we finally got it over the \$150 million mark for all of Indian country out of the highway trust funds. In spite of them paying into the funds everytime they bought gasoline, we weren't building any roads from this fund for them until the mid 1980's.

Just a few remarks on judicial immunity. I believe it is incumbent upon the Indian leadership of this country to work with us, those of us who are genu-

inely concerned about their well-being and protecting their rights to self-determination and self-governance. We ought to work on some of the troubling areas where the lack of judicial review is something that is beginning to offend many people and that many of us who are protective of our Indian people are beginning to ask questions about.

In that regard, Senator GORTON, in conversations that are off the record and not on the Senate floor, has talked about the fact that maybe the solution isn't a total waiver of their judicial immunity. Maybe we need to examine these judicial areas that cry out for some kind of equity and fairness. I assume in the next year those will be looked at by various committees.

But in the final analysis, the important thing that happened here today is that, in my humble opinion, fairness prevailed because it would have been grossly unfair to waive tribal sovereign immunity. In fact I think it would have been wrong in the appropriations process to waive judicial immunity across Indian country so that Indian tribes can be sued by almost anyone for anything in any court. I believe we would have wreaked havoc on Indian governance and we would have destroyed the tribes of our country in many cases. And this too is an evolving situation.

For in many of the cases where we have cited that the Indian tribes cannot be sued, they have insurance, I say to Senator INOUE. We found many of them are in fact settling lawsuits because they bought liability insurance. We have even found that some of the suits that people talked about here on the floor were indeed covered by liability insurance. So those who sued tribes were not without a remedy.

But let us say the process has worked because we have not jumped precipitously into changing that very large body of law with reference to the governance and status of a recognized Indian tribe in terms of the courts of our land and judicial review of their actions.

And on the previous issue on means testing, in summary, I believe that justice prevailed and the right thing is done by us not acting to establish some formula or even indicate that we are setting down that path.

All we have done today is to set in motion some questions to the Government, the GAO. As indicated, there might be a lot of other questions of them. Then, in due course, means testing will be looked at in a manner that it should be looked at by appropriate committees.

I thank Senator GORTON. I was privy to the meetings where this resolution was finally arrived at. I was not there at every meeting, but nonetheless I was there in time. I was there in time to make sure that some ideas that were apparently gaining credence were denied their credence. And I feel very good about that. And we are now back together saying, let us work together and see what we can do.

I say to Senator CAMPBELL, as chairman of the committee, our new chairman, I have served on your committee for a while, never as chairman because I could not do that, but I pledge to you my support as we move through the next year or so in trying to solve some of these problems. I am firmly convinced that it will not be a simple proposition of "let's have a means testing formula," because there will be a lot more to it before we finish as we try to understand just what we ought to be doing in fairness.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think it is certainly appropriate, for a few moments, to speak to the issue at hand here on the floor and my support for what the Senator from Washington has chosen to do with the two issues that he brought to the Interior appropriations bill dealing with native Americans and sovereign immunity.

I discussed these issues with him at length and certainly with native Americans of my State—four different tribes. I have spent a good number of hours discussing this issue and how it relates to their rights and how it relates to the rights of all citizens in this country.

I am extremely pleased also to have worked very closely with the Senator from Colorado who I respect greatly for his opinions in this area and certainly his long-term knowledge about issues of native Americans because he is so proudly one of those amongst us who can claim that title and does so proudly and represents them so well in this body.

I am pleased that we are willing to take this back to hearings. It is an issue of immense proportion for both non-Indian citizens of our country and Indian citizens because of the nature that is evolving upon many of our reservations and the questions that are mounting outside of them as it relates to fairness and equity.

In my State of Idaho we have at this moment some conflict that must, I think, in the end be resolved so that there is a sense of fairness for all parties involved. There is now on both sides of this issue a lack of that sense. I hope that we can resolve some of it. It is our responsibility. We are talking about Federal law and the recognition of that law and that which has built up around it now for well over a century.

I certainly trust my colleague from Colorado to deal with it in an evenhanded, straightforward way and the Senator from the State of Washington who forced this issue upon us, in the right way, to cause us to look at something that sometimes we are not willing to or we find difficult to deal with.

Yet there are times in our country's history when it is appropriate to look at what we intended in the past and how it has revolved into the present and whether it fits today's modernness

or if there are some reasonable adjustments that can be made within law that affect people in their lives. That certainly is our responsibility.

So I thank both of my colleagues for their willingness to cooperate and work with each other and to resolve, out of what could have been substantial conflict, an approach that I think in the end meets all of our interests in a way that serves this body and native Americans in our country well along with non-Indian citizens.

I yield back my time.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, as my distinguished friend from New Mexico suggested, the matter before us is a very complex one. The history that we will be considering in the days ahead, when we debate this matter, is also a complex one filled with tragedy and filled with sadness.

It is true, as stated by my friend from Washington, that many of the tribes are not treaty tribes. But I will explain why I believe it is not so.

Mr. President, when the first European came upon this land, anthropologists have suggested there were anywhere from 10 million to 50 million native Americans residing in the present 48 States. Today, the number is less than 2 million.

The history of our relationship with our first citizens is not a very happy one, Mr. President. In the early days, we looked upon them and counted upon them to help us in our wars. The record indicates that if it were not for certain tribes belonging to the Iroquois Confederacy, General Washington and his troops at Valley Forge could very well have perished. These Indians traveled hundreds of miles carrying food on their backs so that our troops would be fed.

Well, that was a long time ago, Mr. President. But this is part of our history. There was a time when Indians sent ambassadors here because they were sovereign nations, just as sovereign as Britain or France or China or Japan. And we treated them as sovereigns.

So sovereign nations conferring with other sovereign nations usually come forth with an agreement which we call treaties.

Our history shows that we entered into 800 treaties with Indian nations. Of that number, 430 never came to this floor. They are somewhere in the archives of the Senate of the United States. For one reason or another, we decided not to act upon these treaties, treaties that were signed either by the President of the United States or his designated representative. They were solemn papers, documents that started with very flowery words such as: "As long as the sun rises in the east and sets in the west, as long as the rivers flow from the mountains to the oceans, this land is yours."

It is true, as I indicated, that not all Indian nations are treaty nations, because 430 of the 800 treaties were not ratified, were not even discussed, were not debated, were not considered. But most of the remaining treaties are treaties that were signed in perpetuity.

It is true that there are some that were not signed in perpetuity. But most of them had the flowery language: "As long as the sun rises in the east and sets in the west, that is yours."

Then we decided that the 370 remaining treaties may have been a mistake. And, Mr. President, this is a chapter that many of us would try to forget and it is almost difficult to believe. But we proceeded to violate provisions in every one of them.

Ours is a proud Nation. We always point to other nations and say, "You have violated a treaty. You have violated START II. You have violated the nuclear proliferation treaty," and we convince ourselves that we always fulfill every provision in our treaties. Yes, today we do so.

But there was a time when we disregarded these solemn promises. After the treaties were signed, we decided that Indians were a nuisance. That is a harsh word to use, but we established a policy of extermination. We may not have used that word, but the actions we took were extermination.

We often hear about the trail of tears. We have had hundreds of trails of tears. For example, the Cherokees were rounded up in the Carolinas—thousands of them. They were rounded up in the summertime, and in the wintertime, with their summer attire, some in shackles, had to travel across the country to Oklahoma. It is no surprise that over half of them perished. These were the trails of tears.

Oklahoma, Mr. President—we hate to admit this—is a dumping ground. There are tribes there that cannot trace their ancestral land in Oklahoma. What are the Apache doing in Oklahoma? What are the Seminoles doing in Oklahoma? What are the Cherokees doing in Oklahoma? They were sent there, and oftentimes sent to areas that no one wanted. Yes, if we found gold on certain land, that treaty was violated.

So, Mr. President, this is a very complex issue. After the Indian wars—and we oftentimes look back to those days with great pride; there were great soldiers, great generals, like General Custer—at the end of the Indian wars, as a result of wartime death, disease, and such, the Indian population of the land had come down to 250,000—250,000.

Yet, with this background, with this history, I think we should recall this footnote.

In all of the wars that we have been involved in since World War II of this century, native Americans have put on the uniform to participate in the defense of our freedoms, our liberties, our Constitution, our people, and our land. They have sent more men on a per capita basis than any other ethnic group.

More men from Indian reservations served in Desert Storm on a per capita basis than any other ethnic group.

In fact, we oftentimes look at that great statue of the raising of the flag at Iwo Jima on Mt. Suribachi. It should be noted that of the five Americans that are raising the flag, one is an Indian. That has been the contribution of Indian men and Indian women throughout our history. They have done so notwithstanding their strange and tragic history in the back. So I think they have earned the right to say, "Let's not break any more treaties." Enough is enough.

Mr. President, like my distinguished friend from Washington, my friends from Colorado, New Mexico, Arizona, and Alaska, I look forward to this great debate where we can finally with some definitiveness and with some depth discuss our relationship with the first citizens.

In closing, I will read part of the statement of Governor Stevens of the State of Washington when he asked the tribe in the Pacific Northwest to sign the treaty of Point Elliott. The Governor used some extraordinary words:

There will be witnesses. These witnesses will be tides. You Indians know that the tide goes out and comes in, that it never fails to go in or out. You people know that streams that flow from the mountains never cease flowing. You people know the sun rises and sets and never fails to do so. Those are my witnesses. And you Indians, your witnesses and these promises will be carried out and your promises to me and the promises to the Great Father made to you will be carried out as long as these three witnesses continue.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank Senator INOUE for those very thoughtful comments. Until he introduced a bill just a few years ago that established a museum of the American Indians as part of the Smithsonian—and I was a House sponsor when I was on the House side—until that happened, there was a common saying here in Washington, DC, by Indians throughout the Nation. That saying was, "There are more dead Indians in Washington than live ones." It was because at that time there were over 16,000 remains, mostly skulls, but other body parts, housed by the Smithsonian.

Senator DOMENICI, when he was here, I think put it in a good and proper perspective. We are dealing with a couple of sections. My primary opposition was not that I was trying to lock anybody out from debate, but I felt it was the wrong vehicle for putting these very, very important policy changes on an appropriations bill. But Senator DOMENICI put it in a proper perspective. Since he did, I will make a point of that, too.

Senator INOUE mentioned the number of treaties that were dealt with. It is my understanding that 374 were ratified by the U.S. Senate and 374 broken—every single one—but not by the Indians. That is something that ought to be in a historical perspective when we talk about section 120 or 118.

Most of the things that the Indians lost in the centuries past were done through two manners: either at gunpoint or through some subterfuge. Certainly if they had known the value of Long Island, they would never have sold it for \$27 worth of beads. In the case of the Black Hills, they did not have a choice; it was at gunpoint, as many other lands were, too.

Some authorities, including Herman Viola, head of the National Archives and a prominent author on American Indians, has written about 14 thoughtful books on American Indians, and he says in some writings that estimates are as high as 30 million aborigine people—30 million—died in North and Central America between 1492 and 1992—30 million. It was not like this place wasn't inhabited. There were complete nations.

If you go back in history and you look at the great cities of Cahokia, which disappeared 400 years before the landing of Columbus, which had 20,000 acres in cultivated crops and astronomers, doctors, artists, and every imaginable kind of profession in their own way—gone, 400 years before anybody landed on a boat here from any of the European countries.

The great city of Tenochtitlan, which the modern city of Mexico City is built on top of, had thousands of years of their own history before the coming of post-Columbian people. I live about half an hour from Mesa Verde, called the Cliff Dwellings. They were there before Christ walked the Earth, the people living on the mesas, planting their corn, raising their kids, praying to their Lord, passing on generation to generation. They left there almost 400 years before Columbus even got here.

So when we talk about who owes what to whom around here, I think it is very important that we remember that Senator DOMENICI and Senator INOUE have tried to put this in a proper perspective. They were a culture. They did not have prostitution. They did not have jails. They did not have communicable diseases. They did not have unemployment. They did not have taxes, by the way, Mr. President. They did not have welfare, mental institutions, literally all of the social problems that we now think are consuming America, eating up America. They did not have those. They could not even swear. They could not even swear. They had no swear words in the Indian language.

They were a pretty good culture. We could learn a lot from them. We did not learn very much because we found it was easier to take things at gunpoint or to get one to sell out another. That was common in those days. If the negotiators with the Federal Government could not talk some of the chiefs out of the land, they would simply say, "OK, we will set up our own chiefs. We will set up these guys over here. They belong to the tribe. We will say they are the guys that have the authority to sign the agreements and the treaties." That is the way some of the land disappeared.

If we decided we could not deal with the Government of France or Great Britain or any other foreign country, we would simply say, we will set up our own puppet leaders in your country and then we will sign an agreement with them and that will become the law of the land. That is how a lot of the land disappeared.

They had none of these problems. It was not in their nature and it was not in their culture. They inherited it all. Many, many tribes are still trying to find their center, find their way, and make a better life for themselves and their kids. It is an uphill battle all the way because this Government, by and large, has never been very sensitive of their needs.

If you remember, historically, in fact, the Bureau of Indian Affairs was not part of the Department of the Interior when it was set up. It was part of the Department of War. Do you think anybody that sets up a framework to try to find fairness after fighting decades of battle, where some of their own people were lost in their battles, do you think they will be fair? Probably not.

That is what led to the rise of the Surgeon General in the 1800's asking the War Department to send out a request to collect body parts from American Indians. If they were already dead, that was OK, dig them up and send them in. If they were not, kill them and then send them in. The point of that whole study is a matter of historical record. It was to do one thing: They took measurements of the skulls, the bones; they measured how far apart were the eyes, and the cranial cavity and so on, and in their infinite wisdom decided, because those measurements were different from the Anglo majority of this country, they could not have had the intelligence to own land. That was one of the reasons and one of the driving forces of westward expansionism.

I didn't want to get into a big history lesson here, but that is all a matter of record.

It seems to me that if Senator DOMENICI and Senator INOUE did anything, they tried to put this in a proper perspective. There have been many, many bills and many laws passed dealing with American Indians where they have had very little input and no voice in this body. All they are asking now is to have a voice in this body by having these bills introduced in a legislative forum so they can speak to them, too, and not just slipped in in an appropriations bill.

In the past, there have been many devastating laws passed by this Congress. Certainly one was simply called relocation. That was not so long ago, it just happened in the 1950's, in which Congress decided Indians had lived on reservations long enough and they could be assimilated, and they uprooted families and sent them to the city and taught them to be electricians, plumbers, automobile mechanics, and after they finished school,

they dumped them on the streets of Los Angeles, New York, Fresno, and all over this country with no jobs and no skills or ability to get the jobs with which they could make a living doing the things they had been taught under relocation.

That is the reason why we have such high alcoholism rates among urban Indians now, still to this day, 40 years after the relocation act.

In its infinite wisdom, this body decided, through the Termination Acts of the 1950's, they would arbitrarily say the Indians have been living around the city long enough, therefore we will not call them Indians now but terminate them as a legal body. The heck with the whole treaties, the heck with what we agreed to, our word is no good, we will terminate them. I have never understood that. It is like telling a black American you have been around the cities long enough, you are no longer black. I don't know how they could have even done that, but they did it.

To this day, many of those tribes that were terminated and left in limbo, not quite in the Anglo world and certainly not in the Indian world because they were no longer legally Indians, and they have been trying to find their center. That is why in the last few years we have allowed more and more tribes to go through the Bureau's procedure to be reinstated as tribes.

I guess in closing I should say we do an awful lot around here based on the law book. It seems to me we ought to do a little more based on the Good Book. You can be legally right and morally wrong. Everybody in this body knows that. I think we can put something in place that might be legally right and stand up in any court of law, but we have to ask ourselves, was that the right thing to do? Was that a fair thing to do to 2 million people without their input, without them knowing, without them having a voice? I don't think so.

If you look at the unemployment rate on the charts that Senator GORTON showed, it was 95 percent on the reservation in Pine Ridge, SD. When you talk about a 9 percent unemployment nationwide, this country comes unglued. We think we are in a major catastrophe if we have a 9 percent unemployment. Try 40, 50, 80, 90, or 95 percent, like in Pine Ridge, SD, and all the dysfunctional problems, including fetal alcohol syndrome. One out of five or six babies born is destined to lead a life in an institution because his mother drank too much because she didn't know the difference or did not know it would hurt her unborn baby. Try to apply those statistics to the outside world.

Half of our high school kids don't finish high school. We have kids sniffing glue, eating paint, blowing spray paint in their face, burning our their mind. They don't know what they are doing because they have not had proper education or training. We have a suicide rate on some reservations where one

out of every two girls, one out of every two, tries suicide before she is out of her teenage years, and one out of every three boys, and too many of them succeed.

That is the historical perspective that I try to put this in when I say we went the wrong way in trying to add this to an appropriations bill with no input. I am delighted and honored that so many Senators came forward and spoke to this, and at least for this year, we got it right and we are telling people this Nation is no better than a human being when we give our word. We are now in the process of dealing with fast-track for NAFTA, expanding that; we dealt with the Chemical Weapons Ban Treaty, and we are dealing with another treaty dealing with landmines. They are all going to affect millions of people. It just seems to me that if this Nation can give their word in treaties to everybody else in the world that live halfway around the world, we can darn sure give our word to the first Americans and keep it.

With that, Mr. President, I would like to get back to the amendment and clarify that. I did ask unanimous consent on the pending question that is now referred to as section 118, beginning on page 52, line 16; is that correct?

The PRESIDING OFFICER. The Senator's amendment does propose a substitute for that language. The Senator is correct.

Mr. CAMPBELL. I am not sure. Did I ask for the yeas and nays?

Mr. GORTON. No. I think we are ready to vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment by the Senator from Colorado?

If not, the question is on agreeing to amendment No. 1197 by the Senator from Colorado.

The amendment (No. 1197) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT BEGINNING
ON PAGE 52, LINE 16, AS AMENDED

The PRESIDING OFFICER. The question is now on the Committee amendment, amended by the amendment of the Senator from Colorado.

The excepted committee beginning on page 52, line 16, as amended, was agreed to.

Mr. CAMPBELL. Mr. President, I will move to section 120.

EXCEPTED COMMITTEE AMENDMENT BEGINNING
ON PAGE 55, LINE 11

The PRESIDING OFFICER. The question before the Senate is the excepted committee amendment beginning on page 55, line 11.

The text of the excepted committee amendment is as follows:

TRIBAL PRIORITY ALLOCATION LIMITATION

SEC. 120. The receipt by an Indian Tribe of tribal priority allocations funding from the Bureau of Indian Affairs "Operation of In-

dian Programs" account under this Act shall—

(1) waive any claim of immunity by that Indian tribe;

(2) subject that Indian tribe to the jurisdiction of the courts of the United States, and grant the consent of the United States to the maintenance of suit and jurisdiction of such courts irrespective of the issue of tribal immunity; and

(3) grant United States district courts original jurisdiction of all civil actions brought by or against any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States.

Mr. CAMPBELL. I ask unanimous consent that the committee amendment referred to as section 120, beginning on page 55, line 11, be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The excepted committee amendment beginning on page 55, line 11, was withdrawn.

Mr. CAMPBELL. Mr. President, I wasn't going to speak to that, but I might make one comment. As I read the language of the bill, there were so many unanswered questions. One that came to mind was this. As I understand section 120, tribes who did not want to give up their sovereign immunity would be denied Federal funds. If they did willingly give up Federal funds, then they would not have had to give up their sovereign immunity, which seemed strange to me because the tribes that are the most destitute and therefore the most dependent on Federal help, would have been the ones who would have had to give up immunity and therefore would have been sued more, where the very few, perhaps 1 out of 100, who do have a casino and have some money, simply would have said we don't want Federal money, we have enough; therefore, their immunity would have been intact. It seems that paradox should be the thing that we discuss in a proper forum, which is the committee legislation.

With that, I have no further comments, Mr. President. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, section 120 of the bill is a section that conditioned tribal priority allocations on the abandonment of a doctrine called sovereign immunity on the part of Indian tribes. There has been much said during the course of the day about justice, about simple justice, about there being more important concerns than the letter of the law. With that proposition, I find myself in agreement. And the proposal with respect to sovereign immunity was aimed at just precisely that goal—simple justice.

In fact, Mr. President, there is a letter to the editor in the Washington Post today that goes under the title of "Simple Justice."

I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1997]

SIMPLE JUSTICE

I read with disappointment the comments of Sens. Ben Nighthorse Campbell and John McCain regarding Sen. Slade Gorton's provision to the Interior Appropriations bill that would require Indian tribes to waive their sovereign immunity from suit before they can receive federal funds ["Keeping Our Promise to the Indians," op-ed, Sept. 10]. Their argument misses the point.

Sen. Campbell said recently that the legislation that would provide my family access to the federal court system to seek justice for my son's death would pass over his [Campbell's] "dead body." Now Sen. McCain has joined the rhetoric.

On Oct. 25, 1994, two of my sons were returning home from a school function in our farm pickup truck. When Jered, 18, and Andy, 16, were crossing an intersection on an Indian reservation, a tribal police vehicle hit their truck at a speed calculated at 68 mph. My son Jered was killed instantly, and Andy suffered serious injuries.

I then learned that my family has no recourse in the federal and state court systems, because tribes have protection for such actions under the principle of sovereign immunity. According to University of Washington law professor Ralph Johnson, sovereign immunity is based on European law—"you can't sue the King." There are no kings in America. Sovereign immunity is not a right held by Native Americans; it is an authority granted to them by Congress.

I was told that my only avenue to seek justice would be through the tribe's makeshift court system that operates without a constitution. Indian tribal courts have routinely shown their inability to administer justice fairly. The tribes don't even have to allow a person to seek damages against them if they choose not to.

Sen. Gorton has written a provision that tribes receiving federal tax dollars must accept responsibility for their actions in the same court system that every other American must. This proposal is a simple and fair one. Sen. Campbell's objection to this legislation is denying my family's right to seek justice for a tragic incident that has profoundly changed our lives forever.

When Sen. Campbell talked about this legislation passing over his "dead body," it hit a deep and emotional chord with me; that is why I am urging the passing of this legislation. But the death I speak of is real, no political talk. The justice I ask for is no more than any other American enjoys when not dealing with Indian reservations.

The two senators wrote that Native Americans "don't come from large voting blocs, and most cannot afford the kind of access in Washington other Americans have." In addition to that, they referred to Native Americans as a "silent minority."

The Center for Responsive Politics totaled the monies spent by Native American interests on lobbying, soft-money donations to national and state party committees, individual contributions and PACs to be \$4,248,464. Common Cause listed the top 25 gambling industry soft-money donors during the 1995 and 1996 campaign cycle. The No. 1 donor was an Indian tribe, as was the ninth, 16th, 17th, 18th, 20th and 23rd.

I am just the father of a son who was killed on a reservation. I have spent \$20,000 of my own money to seek justice for his death—money earned by working on my farm. If the Native Americans who have spent more than \$4 million influencing politicians are the "si-

lent minority," I wonder where that leaves me in the senators' eyes.

BERNARD GAMACHE

Wapato, Wash.

Mr. GORTON. The simple justice referred to in this article is the death of an 18-year-old high school student in an automobile accident in the lower Yakima Valley in the State of Washington. That accident, according to the father of the boy and the police agencies, took place when a Yakima tribal policeman ran a red light in a pursuit and broadsided the pickup being driven by the young man and killed him.

The Yakima Tribe, the employer of that police officer, cannot be sued because of the doctrine of sovereign immunity. In other words, there is no State or Federal court in which the father, the author of this letter, can seek simple justice. He is absolutely precluded by the doctrine of sovereign immunity. Now, if that police vehicle had belonged to the Yakima County sheriff's office, a suit could have been brought against Yakima County. If it had belonged to the Washington State Patrol, the father could have brought a lawsuit against the State of Washington—but not against the Yakima Tribal Council, the employer of that police officer.

The Yakima Tribal Council states that the facts are somewhat different and that perhaps the police officer was not negligent. Neither you nor I, Mr. President, nor any Member of this body can be certain of those facts. But it is for exactly that reason that we set up courts in the United States, so that there could be a neutral body to make that determination and to reward damages where a judge and a jury felt damages were due.

So when we discuss this question of tribal immunity, we aren't dealing with an abstraction, we are dealing with a very real question of justice involving very real people and involving responsibilities that are undertaken by every other governmental corporation in the United States.

During the course of the debate over sovereign immunity, we have also heard, as one of the principal defenses, that it is created by these 367 treaties with Indian tribes. Unlike the debate on the previous question, a treaty-created right of financial support, I can't put a display behind me here showing a treaty and what it does to deal with tribal immunity because, bluntly, there isn't a word about sovereign immunity in any one of those 367 treaties. The reason is not surprising. Governmental immunity from lawsuits is not a concept that traces from that relationship. It is a doctrine of English common law that you could not sue the king, a common law inherited by the United States upon our Declaration of Independence in 1776, and abandoned, in most part, by the Government of the United States, by the governments of varying States, and through them by local governments all across the United States. One of the most recent

statements of a Member of the Supreme Court on sovereign immunity is Justice Stevens, in 1991:

The doctrine of sovereign immunity is founded upon an anachronistic fix. In my opinion, all governments, Federal, State, and tribal, should generally be accountable for their illegal conduct.

And, of course, Mr. President, we never, under our system of judgment, allow the determination of whether or not something is illegal to be made by the person accused of illegality. We use an independent court system for that determination. The Supreme Court has dealt very specifically with the question of where the authority to make that determination about Indian tribal sovereign immunity is lodged.

Chief Justice Rehnquist, in 1991, at the end of a series of cases on this subject, wrote:

Congress has always been at liberty to dispense with such tribal immunity or to limit it.

It is not a matter contained in any treaty. It is a matter that the Constitution of the United States of America lodges right here in the Congress of the United States.

Now, I have agreed to the amendment that was just accepted because the Senator from Colorado, the Senator from Hawaii, and others have also graciously agreed that a subject that, for all practical purposes, has not previously been taken up by the Committee on Indian Affairs will in fact be taken up.

I will, in the next few days or weeks, introduce a bill on sovereign immunity. They have agreed that there will be a series of hearings in which we will hear from victims of sovereign immunity, like the author of this letter, and from many others, and hear the justification of the various tribes for the retention of this anachronistic concept. They have also agreed that we will have a markup and a vote on such a proposal in the committee.

My friend, the Senator from New Mexico, who is not here now, who vociferously and successfully argued for the removal of this section from this bill, has said, as he just did a few moments ago, that he feels that there may be real room, in connection with this doctrine, for changes, for some removal of that tribal immunity, even if not a total abandonment of it. I find that to be a most encouraging statement. I hope he reflects on others of his own view. The particular example that he has used is one that is pretty close to home, because as long ago as 1981 when I was attorney general of the State of Washington, I was involved in a lawsuit in which the Supreme Court of the United States made the judgment that Indian tribal smoke shops were required to collect the State's cigarette tax on the sale of cigarettes to non-Indians and to remit them to the State. It is curious that now we are debating actively just how much more we should pile on in the way of cigarette taxes in order to discourage smoking.

But in the 17 years since the Supreme Court made that decision, a decision renewed in another case in the Supreme Court of the United States just a few years ago, Indian tribes have systematically and successfully ignored the judgment of the Supreme Court of the United States and have refused to collect those cigarette taxes, and sell cheap cigarettes, often to minors, without collecting the State sales tax, and to successfully defy the Supreme Court because the smoke shops are considered tribal enterprises and the State taxing authorities can't sue to enforce the collection of those taxes because of the doctrine of sovereign immunity. Just what justification we are going to get in these hearings for defying decisions of the Supreme Court of the United States and selling cheap cigarettes in the year 1997 and 1998 I am not sure about. I am going to be very interested in listening to that argument. We are talking about fairness here. We are talking about taxes that support the schools to which members of the tribe go. We are talking about a tax system that creates fair competition between sellers who hold that tribal immunity and those who do not. And, in a third area, we need to examine whether or not the ordinary forms of contract law ought to allow the enforcement of contracts, as against a claim of tribal immunity preventing a determination as to whether a contract has been violated or not.

Those are three areas. I don't know that they are necessarily exclusive, and probably the considerations in each one of them may be different.

Should States be allowed to enforce the collection of taxes that the Supreme Court says they have lawfully imposed? Should persons alleging violations of contract be able to go into a court to get a fair and equitable determination of whether a contract has been violated? Should the victim of negligence, or even an intentional harm in an automobile accident, or an assault, or the like, be able to seek redress in the courts of his or her State, or his or her Federal system, against an Indian tribe under pretty much the same circumstances in which they can seek that redress against any other governmental entity in the United States?

The Supreme Court, Mr. President, has said the buck stops here. It is up to us to make that decision. We have not even talked about it for 20, 30, or 40 years.

I think it is a major step forward that we will in fact talk about it. I suspect that it will still be a controversial issue, though it may be that the Senator from New Mexico has come up with a way for us to say, "Well, perhaps we are not going to go all the way; perhaps we will try to deal with areas which are really quite open and shut, and see whether or not it works to the administration of justice; whether or not it does undercut any kind of tribal right of self-determination."

That offer, as well as the generous statements from the Senator from Hawaii, and the Senator from Colorado, I greatly welcome. And I think we can deal with this in an orderly fashion of committee hearings and committee action.

I now think perhaps for the first time we have some hope that we may not only be able to talk about the issue but to come to some kind of an accommodation in which we meet somewhere in the middle of the road—hopefully we will not get hit by a car on the way—and see whether or not we can't move forward on this.

So, I agree with the amendment of the Senator from Colorado which has just been agreed to. I thank him for his agreement to move forward on an issue on which he feels strongly, just as I do. But that, of course, is the way in which we deal with controversial issues, and I look forward to the next round.

Mr. President, I think we have exhausted this subject. With respect to the bill as a whole, we will return I believe to the debate over the various amendments on the National Endowment for the Arts. The majority leader informs me that he in the strongest possible terms wishes to complete all action on this bill by adjournment tomorrow. Once Members who wish to speak to the National Endowment for the Arts, or any other issue, come to the floor and do so, we will have a further opportunity this evening.

There is an amendment on forest roads to be proposed by Senator BRYAN of Nevada, which I understand will be proposed early tomorrow, which will be highly controversial. And this will require a vote. The Senator from Arkansas, Mr. BUMPERS, and the other Senator from Nevada, Mr. REID, may well have settled the controversy involving them, and others.

So I am not certain, on the Bryan amendment and the various amendments on the National Endowment for the Arts, that there are any others that will require rollcall votes. If there are, I urge Senators, or their staffs, to notify us and come to the floor and discuss them.

We need to pass this bill. We need to get it into a conference committee. There are many controversial differences with the House bill.

With that, Mr. President, and the request of anyone who wants to say anything tonight to say it, 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. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. REED. Mr. President, last November, the people of Rhode Island gave me the great honor of succeeding one of this Chamber's true giants: Sen-

ator Claiborne Pell. Throughout his years of service, Senator Pell committed himself to increasing access to education and, fittingly, his name has become synonymous with the fight to open the doors of higher education to all of our Nation's citizens, regardless of income.

Senator Pell also dedicated himself to increasing access to the arts for all Americans, regardless of an individual's or a community's wealth. He recognized the power of the arts to inspire people of all ages, through national and local exhibitions as well as arts education. With his wise and steadfast leadership, Congress made a commitment to advancing these aims, creating a National Endowment for the Arts.

I am proud to follow in Senator Pell's footsteps in supporting the NEA and a strong Federal commitment to the arts. Across the country and in my home State of Rhode Island, the arts enhance our culture and strengthen our economy.

The events of recent years in Rhode Island's capital city of Providence are a testament to the power of the arts. The last half decade has seen the revitalization of Providence's downtown area. One major factor in this rebirth has been the emergence of Waterplace Park, which uses architecture to take advantage of the Woonasquatucket and Providence Rivers' natural beauty. This summer, with NEA support, the WaterFire exhibition was introduced to the park. In the few short months since its installation, this artistic display has already encouraged thousands of Rhode Islanders to rediscover Providence's treasures.

The arts have also contributed to Providence's revival in other ways. Institutions like the recently renovated Providence Performance Arts Center and Trinity Repertory Company, both of which receive NEA support, provide our State's residents with opportunities to see well-renown and innovative theatrical works. In addition, the passage of new tax incentives for artists residing in downtown Providence has attracted a vibrant and increasingly active artistic community to the city. Taken together, these developments led USA Today to name Providence a "Renaissance City" in 1996.

The Federal investment in the NEA is minimal. The \$100 million this bill would provide for the NEA, for which I commend the chairman and ranking member of the subcommittee, represents less than 40 cents for each of our Nation's citizens.

But with this tiny investment, the NEA does great things, offering our Nation's citizens increased access to all forms of the arts. In my State, the NEA supports not only theatrical productions, but also the work of the Children's Museum of Rhode Island, the youth concerts given by the Rhode Island Philharmonic Orchestra, and the interactive music program that Rhode Island Hospital offers to its patients. In my hometown of Cranston, the NEA

supports the annual Labor and Ethnic Heritage Festival, which brings people of diverse backgrounds together to celebrate and learn about each others' traditions and cultures.

These programs reach a wide range of Rhode Islanders, but even those who choose not to participate in these events benefit from NEA support and our State's vibrant arts communities. There is a close relationship between the arts in Rhode Island and economic growth.

Working closely with the NEA, the Rhode Island State Council on the Arts supports many arts organizations, social service organizations conducting arts programs, and arts educators. One of the Rhode Island Council's funding categories, which supports 26 of the State's largest arts organizations, is known as general operating support. In 1995-96, the council's grants in this category totaled \$355,000, with an average grant size of \$10,000.

For this investment of \$355,000, the State of Rhode Island saw an enormous return. The 26 general operating support organizations directly contributed more than \$24 million into the Rhode Island economy. More than 1.1 million people attended these organizations' programs last year, further spurring the economy. Using modest Department of Commerce multipliers, these figures suggest that the activities of the general operating support organizations alone contributed a total of more than \$97 million to Rhode Island's economy last year. The figure for all arts organizations would be even greater.

These impressive findings are repeated on a national scale. Recent studies have shown that the national nonprofit arts industry generates some \$36.8 billion annually in economic activity; supports 1.3 million jobs; and produces \$790 million in local government revenue and \$1.2 billion in State revenue. For each dollar the NEA invests in communities, there is a twentyfold return in jobs, services, and contracts. Without question, this is a wise investment of our resources.

We must also recognize the importance of national leadership in the arts, which only a strong, sufficiently funded National Endowment can provide. As my colleague from Utah, Mr. BENNETT, noted yesterday, the NEA's seal of approval helps countless organizations across the country to raise matching funds from private sources to support the arts.

In addition, by identifying arts education and increased access to the arts as its priorities, the NEA has promoted these issues nationwide. In recent years, we have seen a resurgence of our commitment to include the arts in elementary and secondary school curricula in Rhode Island, largely spurred by the NEA's emphasis on how exposure to the arts helps young people to grow more proficient in all subjects.

I am proud to serve on the Labor and Human Resources Committee, which has examined many of these issues. I am also proud to be a cosponsor of S.

1020, which the committee passed earlier this year by a bipartisan 14-to-4 vote. S. 1020 reauthorizes and continues to reform the NEA, while maintaining a strong Federal commitment to the agency and its ideals. I look forward to the consideration of this important legislation on the Senate floor.

Standing on this floor 32 years ago, Senator Pell observed that "the arts throughout history have greatly enriched all truly worthwhile civilizations. The arts can put into tangible form the highest of man's creative ideas, so that they may become permanently memorable."

Today, I wish to echo Senator Pell's wise counsel. I urge my colleagues to support the NEA at the funding level requested by the subcommittee and to preserve a strong Federal commitment to the arts.

VANISHING TREASURES

Mr. DOMENICI. Mr. President, I would like to take a moment to bring an issue to the Senate's attention related to the National Park Service and its new initiative called Vanishing Treasures.

In a number of park units throughout the Southwest, the Park Service is responsible for maintaining and interpreting numerous ruins and historic structures, some that date back over 1,000 years.

One example of the wonderful ruins that exist in our National Parks is the Chetro Ketl kiva found in Chaco Canyon in New Mexico; a fascinating structure demonstrating the advanced architectural skills of the ancient Anasazi culture.

Many of these structures have become unstable and are constantly being degraded, primarily by the effects of the harsh desert climate. Furthermore, the almost artistic skill required in the stabilization methods that are necessary to preserve these structures is being lost because of the emphasis on other programs within the Park Service.

The Vanishing Treasures initiative will provide a 10-year program to stabilize these kinds of ruins to the point where they can be preserved by routine maintenance activities. Additionally, the initiative will place an emphasis on the training of younger employees, both permanent and seasonal, in the skills needed to perform this needed work.

In all, over 2,000 prehistoric and historic structures in 41 Park Service units, and countless numbers of future visitors will benefit from the work performed under this initiative.

The bill before us provides \$1.5 million for this program, which is \$0.5 million more than provided by the House, and \$2 million less than requested by the administration.

I hope that the chairman will work with me to ensure the Senate level is at least maintained in conference, and I look forward to working with him to explore other opportunities to see that this initiative has sufficient resources to do this important work.

I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VANISHING TREASURES INITIATIVE

Vanishing Treasures (+\$3,500,000; 18 FTE): The initiative proposed here would enable the NPS to reduce threats to ancient prehistoric ruins and historic structures that have grown to serious proportions in recent decades. "Vanishing Treasures" will improve the preservation of over 2,000 prehistoric and historic ruins in 41 parks in the arid west, all located within the Intermountain Field Area of the Park Service. The NPS estimates that half of these structures, the remains left by ancient American Indian societies such as the Anasazi, their historic descendants, and later pioneers, are in less than good condition. About 60 percent of these structures are being impacted severely or substantially, mainly by weathering and erosion. The severely impacted structures are at risk of collapse in the near future. Others are deteriorating a bit less quickly, but with continued deferred maintenance this process will accelerate. Also of special concern is the poor documentation of these structures, about 60 percent of which are not well recorded and are poorly known.

An estimated 20 million visitors annually come to see these prehistoric and historic ruins and to learn about the ancient and historic cultures that created them. This visitation contributes over \$1.6 billion to the economies of the States where the parks are located, helping to create over 33,000 jobs there. If the NPS is unable to maintain these structures, they will be lost. There is no Servicewide base funding for this program in FY 1997.

"Vanishing Treasures" is proposed as a 10-year program to bring NPS capability and the prehistoric and historic structures to a condition in which they will be preserved by routine preservation maintenance activities. The initiative includes: immediate emergency actions to be carried out in the first year; documentation, planning and management of projects to be carried out over the 10-year period of the initiative; a focus on skilled maintenance expert development and training; and provisions for appropriate expertise in other disciplines to make the program successful. Projects will be carried out by parks or centers, depending upon the nature of each project. Following is a summary of the four components of the Vanishing Treasures program:

Emergency Needs. Wind, rain, ice, snow, visitor use, site looters and vandals, insects, birds, rodents, and other forces wear down, break up, and deteriorate prehistoric structures unless counteractive steps are taken. Lack of such steps in recent decades has placed some structures in grave danger. In FY 1998, \$2.045 million will fund the most acute emergency preservation projects where collapse and permanent loss of irreplaceable resources is imminent. Approximately 18 to 24 projects will be undertaken to meet most of the acute emergency need. A few examples of types of projects to be undertaken include:

Wupatki and Walnut Canyon National Monuments: These units include 202 sites that have standing prehistoric architecture, including large interpretive sites as well as smaller sites whose structural conditions have been identified as threatened with imminent loss. Only one position is currently devoted to ruins preservation.

Chetro Ketl, Chaco Culture National Historical Park: Large elevated circular kivas are a hallmark of Classic Bonito Phase great

house architectural design. Among many, only Kiva G in the Chetro Ketl ruin has been extensively excavated. Kiva G is a series of eight superimposed, independently constructed ancient kivas, representing at least 18 separate prehistoric construction episodes and elevated 35 feet in the central building mass of the ruin. A support system of masonry and wooden piers, wooden sheathing, and steel beams installed more than 60 years ago to preserve the site have rusted, twisted, bowed, fractured, and rotted so that stresses are now transmitted to the prehistoric walls the system was intended to protect. The area is hazardous to the very workers who preserve the walls. Because of the extreme height and mass, collapse would be catastrophic to the kiva and 15 surrounding rooms. Funding would allow a structural/safety evaluation, design plan, and preservation treatment for this important resource.

Fort Union National Monument: In late July of 1995 a major architectural feature located in the Quartermaster's Office fell, and in the summer of 1996 another wall gave way to strong winds. Resources needed preservation work at Fort Union include but are not limited to a minimum of 250,872 square feet of adobe, 83,725 cubic feet of rock foundations, 25 new and replacement braces, and an undetermined amount of fired brick in over sixty structural remains.

Mesa Verde National Park: This park and two associated units protect 5,000 documented prehistoric sites, including 585 cliff dwellings and 45 mesa-top towers. Only about 100 of these sites have received treatment over the last ninety years, and structures renowned for their remarkable state of preservation are deteriorating at an alarming rate. Collapsing walls, undermining foundations, sagging roofs, rising damp and eroding mortar all place the integrity of this architecture in danger. Moreover, the recent fires at Mesa Verde National Park revealed as many as 500 new sites that will add further to the conservation workload.

Upper Ruin, Tonto National Monument: Unexcavated Room 15 contains as much as eight feet of dirt fill, creating immense stress between it and adjacent excavated Rooms 7 and 14. Stress is exacerbated as seasonal rains swell the fill with moisture. Walls are bulging and cracking despite various temporary shoring and runoff diversions. Without correction, the inevitable collapse will soon destroy important prehistoric architecture and unstudied archaeological deposits.

[From the New Mexico Journal, Sept. 2, 1997]
SUN, WIND, RAIN CRUMBLE RUINS
PRESERVATION EFFORTS HINDERED BY LACK OF FUNDS

(By Peter Eichstaedt)

CHACO CANYON, N.M.—Harsh winds, driving rains, and an unrelenting sun are as common here as the timeless stone and dried mud dwellings of the ancient Anasazi.

But wind, rain and sun could spell the end of these mysterious ruins unless measures are taken soon to preserve them, say National Park Service officials.

The common notion is "you don't need to fix them because they're ruins," says Dabney Ford, archaeologist at the Chaco Culture National Historic Park.

Because most visitors come and go quickly, spending only an hour or two at the parks, they rarely notice the annual deterioration of the ruins, Ford says in a recent interview.

"There are some genuine disasters," she says of Chaco and 40 other national parks, monuments and historic sites across the West in need of preservation. Walls are falling down and sites are being washed away by flash floods and downpours, she says.

To generate public sympathy and federal funds to preserve these ruins, Ford and other national park employees earlier this year launched a drive to secure \$3.5 million from Congress.

But Congress, scheduled to reconvene this week, is poised to provide less than a third of that request.

If approved, the money would begin a 10-year project called the "Vanishing Treasures Initiative" to improve and protect more than 2,000 prehistoric and historic ruins in 41 national parks in New Mexico, Arizona, Colorado, Texas, Utah and Wyoming.

The money would also set up a mentor program where the parks' experienced Native American preservationists would train another generation to do the work, Ford says.

GONE WITH THE WIND

As Ford leans into the wind while balanced on the rim of a large round kiva, she points to a bulge in the sandstone masonry work below her feet.

The bulge has been caused by underground moisture that has weakened the ancient mud mortar between carefully laid rock. Natural pressure did the rest, she says.

The rock must be removed and replaced, she says. "It takes about one hour to repair one square foot."

The hands-on work is done by Navajos such as Charles Lanell, who began working part-time at Chaco Canyon in 1973 and who uses techniques that preserve the historic integrity of the sites, she says.

The parks also face a loss of expertise, Ford says, because the most knowledgeable of the Native American restoration specialists are soon to retire. There are no apprentices to replace them, she says.

What repairs are performed on the ruins are dire emergencies, Ford says, and only as much work is done as can be paid out of various park funds.

In some cases, the best thing to do for preservation is simply to backfill some of the multi-room stone structures and kivas, Ford says. Burying these ruins protects them from the ravages of rain, wind and sun.

"We haven't been taking care of these things," she says. "There are reasons, and they are mostly fiscal."

The situation at Chaco is not unique. At Aztec Ruins in Aztec, N.M., ancient rock walls are tilting and some have fallen. Some of the country's best-preserved and hand plastered rooms are being washed away by periodic rains that leak through deteriorating chamber roofs, says Barry Cooper, Aztec Ruins' superintendent.

Mike Sherris, facility manager at Aztec, was among the three people who launched the preservation program.

"They just were not well-funded for many years," Sherris says of preservation work at Aztec and other monuments. "We're going to lose sites here if we don't maintain them."

A third major ruin in New Mexico also has been deteriorating.

Mike Schneegas, facility manager at Salinas Pueblo Missions National Monument, near Mountainair, also helped initiate the program.

The preservation needs at Salinas "were much greater than we thought," he says. With just three or four seasonal employees to do the repair work, "we just can't keep up."

Erosion is the biggest problem at Salinas and threatens the many towering rock walls, he says. Moisture from the soil creeps into the mud mortar and weakens the walls.

A little bit of preservation work goes a long way and can save money in the long run, he says. Repairing a deteriorating wall is much cheaper than rebuilding one.

FINDING A MEANS

Like other federal agencies in recent years, the National Park Service suffered

deep budget cuts and preservation funds were lost, Ford says.

"We've downsized and it's been for the good," she says, but "money is tight" and budgets focus on simply keeping the parks open.

The House and Senate, in separate measures in July, proposed \$1 million and \$1.5 million respectively for the Vanishing Treasures program.

In addition, another \$2 million has been proposed for "stabilization" work across the country, only a portion of which would be used by the western parks, says Jerry Rogers, superintendent of the Southwest Office of the Park Service.

The \$2 million will be available to all 375 parks and historic sites in the country, Rogers says, while the Vanishing Treasures funds are just for the 41 parks in the West.

"The final amount for Vanishing Treasures will presumably be worked out in a conference committee and will be somewhere between \$1 million and \$1.5 million," he says.

Rogers says he hopes to get more money in future years, but is happy about any money Congress provides.

"The need for \$3.5 million is very real," he says. "We understand the difficulties Congress faces in setting priorities. The National Park Service will make Congress glad it gave us what they did."

AMENDMENT NO. 1200

(Purpose: Clarifies that funds provided for land acquisition in south Florida may be used for acquisitions within Stormwater Treatment Area 1-E)

Mr. GORTON. Mr. President, I send an amendment to the desk sponsored by Senators MACK and GRAHAM, and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending committee amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MACK and Mr. GRAHAM, proposes an amendment numbered 1200.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 2, strike the colon and insert in lieu thereof "": Provided further, That the Secretary may provide such funds to the State of Florida for acquisitions within Stormwater Treatment Area 1-E, including reimbursement for lands, or interests therein, within Stormwater Treatment Area 1-E acquired by the State of Florida prior to the enactment of this Act: "

Mr. MACK. Mr. President, I rise today to thank the distinguished chairman of the subcommittee for his hard work in getting this bill to the floor today. I also want to express my personal thanks for his including a truly historic appropriation for land acquisitions related to the Everglades restoration effort in my State of Florida. I would like to take a moment of the Senate's time today to engage the Senator from Washington in a colloquy.

As the chairman well knows, the restoration effort encompasses all of south Florida, from the Kissimmee River in the north to the Florida Keys in the south. I understand that while

the \$66 million has been allocated for land acquisitions in Everglades National Park, the bill contains language allowing the Secretary to use these funds to purchase lands elsewhere in the south Florida ecosystem. Is that correct?

Mr. GORTON. The Senator from Florida is correct. The legislation before us today allows the Secretary to use this funding to assist the State of Florida in acquiring land in Stormwater Treatment Area 1—East, should he determine it appropriate and deemed necessary by the Secretary.

Mr. GRAHAM. I join my colleague from Florida in thanking the chairman for his hard work on behalf of the Everglades. As my friend from Washington is aware, the Federal Government—under an agreement enshrined in the Everglades Forever Act of the State of Florida—is committed to purchase land for Stormwater Treatment Area 1—East. This land will be used to create a buffer marsh bordering on the Everglades agricultural area to help restore water quality. As I understand it, nothing in the bill before us today prevents the Secretary from using a portion of the Everglades National Park land acquisition funding to assist in STA-1E land acquisitions. Is that correct?

Mr. GORTON. The Senator is correct. The Secretary may use the funding in this provision to improve and restore the hydrological function of the Everglades watershed. Nothing here prevents the Secretary from providing park acquisition funding to assist the State of Florida in the purchase of land for the project you described.

Mr. GRAHAM. I appreciate the chairman's comments and assistance.

Mr. MACK. I thank the chairman for his work on behalf of Florida's environment and for his help here today. I yield the floor.

Mr. GORTON. Mr. President, this amendment has been cleared by the managers on both sides and is non-controversial. I recommend its adoption.

Mr. REID. I would say these amendments have been cleared on this side, on behalf of Senator BYRD.

I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. GRAMS). If there is no objection, the amendment is agreed to.

The amendment (No. 1200) was agreed to.

AMENDMENT NO. 1201

(Purpose: To permit the Virgin Islands to issue parity bonds in lieu of priority bonds)

Mr. GORTON. Mr. President, I send an amendment to the desk sponsored by the junior Senator from Alaska. I ask unanimous consent the pending committee amendment be set aside and we proceed to the consideration of the Murkowski amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1201.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Sec. . (a) PRIORITY OF BONDS.—Section 3 of Public Law 94-392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds of other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(b) APPLICATION.—The amendments made by subsection (a) shall apply to obligations issued on or after the date of enactment of this section.

(c) SHORT TERM BORROWING.—Section 1 of Public Law 94-392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid."

Mr. MURKOWSKI. Mr. President, the amendment that I am offering would amend the Revised Organic Act of the Virgin Islands to permit the Virgin Islands to issue parity bonds rather than priority bonds as now required under the organic legislation. The amendment would also permit the Virgin Islands to issue short-term revenue bonds in anticipation of the receipt of taxes and other revenues. These are authorities generally available to the States. The Governor requested this authority. The Delegate supported the legislation. The administration testified in support of the provisions and the Committee on Energy and Natural Resources unanimously adopted the provisions as part of S. 210, which has passed the Senate. Inclusion of this language on this measure may facilitate providing the Government of the Virgin Islands with this authority and I thank the managers of this legislation for their cooperation.

Mr. GORTON. Mr. President, I believe this amendment has been cleared by both sides and we are prepared for its adoption.

Mr. REID. This amendment has been cleared. On behalf of Senator BYRD, I urge its adoption.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1202

(Purpose: Technical amendment clarifying that committee provision regarding Forest Ecosystems Health and Recovery Revolving Fund applies only to Federal share of receipts)

Mr. GORTON. Mr. President, I send an amendment to the desk for myself and Senator BYRD.

This is a technical amendment regarding the Bureau of Land Management's Forest Ecosystems Health and Recovery Revolving Fund. The Recovery Fund is used for the planning, preparing and monitoring of salvage timber sales and forest ecosystem health and recovery activities. The amendment clarifies that the Federal share of any receipts derived from treatment funded by the account shall be deposited back into the Recovery Fund. A percentage of the receipts that are collected from salvage timber sales are returned to the States.

That applies to only the Federal share of receipts.

I ask unanimous consent the pending committee amendment be set aside and this amendment be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD proposes an amendment numbered 1202.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 20, strike "Any" and insert in lieu thereof "The Federal share of".

Mr. GORTON. Mr. President, the amendment has been agreed to by both sides.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 1202) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1203

(Purpose: Technical amendment clarifying provision allowing TPA funds to be used for repair and replacement of school facilities)

Mr. GORTON. Mr. President, I send a further amendment to the desk sponsored by myself and Senator BYRD. It is another technical amendment clarifying the provision allowing TPA funds to be used for repair and replacement of school facilities.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD, proposes an amendment numbered 1203.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, beginning with the colon on line 13, strike all thereafter through "funds" on line 18 and insert in lieu thereof the following: "Provided further, That tribes may use tribal priority allocations funds for the replacement and repair of school facilities which are in compliance with 25 U.S.C. 2005(a) so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocations funds".

Mr. GORTON. Mr. President, the amendment is technical. In response to the growing backlog of unmet need for replacement and repair of BIA schools, the committee recommended that tribes be allowed to use their Tribal Priority Allocations funds for replacement and repair of schools if they wish. The technical amendment we are recommending today would clarify that, if a Tribe decides to use its TPA funds for the improvement, repair, or replacement of a school, that work must be preapproved by the Secretary of the Interior. In addition, future work must be completed with TPA or non-Federal Tribal funding. The Bureau correctly noted after the committee included the original language that, absent such conditions, it cannot currently meet the needs as they exist now. We are attempting to give Tribes some options; however, we do not wish to simply add to the need.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 1203) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I would like to spend a few moments discussing the issues pertaining to the National Endowment for the Arts. There are a number of amendments which are either already filed at desk or will be filed between now and, I gather, tomorrow afternoon. There will be further debate on this tomorrow as well. But I wanted to add additional comments, as well as to reiterate some of the points I made yesterday, both in support of the amendment which I have filed, as well as the general issues that have been raised by a number of the others who have spoken with regard to the NEA.

Again, I would like to begin as yesterday by pointing out that, like many of the people here in the Senate, I am a strong proponent of the arts; a supporter. In our State we have a number of outstanding institutions too numerous to mention without forgetting im-

portant ones. I will just say in our State we make a major commitment and investment in arts activities. There are problems, though, as have been discussed at great length in the last day and a half, with the way the National Endowment for the Arts has functioned. I don't have specific criticisms of individuals, but I do think the results have been ones that have raised concerns. They have been concerns I have had since I came to the Senate in 1995.

The principal concern I have is that the way we have proceeded has sort of established an ongoing debate which, on the one hand, has people arguing that the funding of specific types of, either arts institutions or artists, has meant that, in effect, tax dollars have been used for unacceptable or, in some cases it is argued, obscene activity. On the other hand, we hear from those who seek to be recipients of NEA grants, the argument that every time we add more controls here in Congress on the way these dollars are distributed, we are in effect performing a type of censorship on art and creativity in our country.

My fear is that ultimately this leads us in a direction where there is a no-win outcome. Everybody loses. I met and discussed this with Jane Alexander. We have talked. I have outlined to her my concern that all it will take is one or two or maybe three more objectionable or provocative grants and we could well see an immediate cessation of support for the National Endowment or for any concept like it. In my State, that would be a bit of a problem because a lot of the institutions, I think, need lead time before we would totally cease support.

Also, I think if we continue this debate we are really, in many ways, undermining the arts themselves. Because every time we have national focus on the problems with respect to artistic activity in this country, I think if anything it causes people not only to want to see fewer tax dollars supporting the NEA, and more strings attached to those tax dollars, but I think it diminishes the overall level of interest in and positive feelings toward arts activities.

I also am concerned, and have expressed this before, about the way the NEA makes its decisions. Because, as we have seen in the very excellent presentation by the Senator from Arkansas and the Senator from Alabama and others, the Senator from Texas as well, the distribution of these dollars has not been in any sense based on any kind of ratios based on population or similar criteria, but rather are very disproportionately focused in a small number of communities in our country. I think a lot of people, at least in my State, probably in others as well, are frustrated, again, with the sort of Washington knows best mindset that makes those allocations.

When I came to the Senate I spent a lot of time trying to decide how best to

address the problem. The conclusion I reached in 1995, about which I have spoken on this floor since, which I worked on when I was a member of the Labor Committee, which I have written about in editorials, is that we ought to move in the direction of a private, privately financed, privatized NEA. In my judgment, moving us outside a situation where it is supported with direct tax dollars will allow the National Endowment to retain its independence, to not have to get embroiled in this debate between censorship and obscenity; to fund projects that this national entity would decide makes sense, and not have to worry about whether there would be political consequences each time it made said decisions.

I believe such an approach is in the best interests of the arts. I certainly think it's in the best interests of the NEA. And I think it's in the best interests of the taxpayers who sent us here to make these decisions.

Privatization of the NEA cannot happen overnight. So when I was first elected to the Senate, I proposed a 5-year plan to slowly reduce the Federal Government's support for the NEA, giving that entity the opportunity, the time necessary to become privately chartered, to raise money, to build the kind of support necessary to sustain itself at least at the current levels, and in my judgment it would be sustained at a much greater level if it was privately supported.

I believe, if we provide a similar kind of timeframe from now forward as I originally contemplated—that is through the year 2000, that is now 3 years away—that would be adequate to accomplish this mission.

So, first we need time. Second, we would need to provide, I think, some mechanism, some assistance to the NEA to allow it to move to a situation where it was privately supported. As I say, my proposal is that it be phased out over 3 years. That will give organizations who are looking to receive support, lead time to make long range plans. It will give the NEA time to build support in the private sector for its continuance.

As a consequence, I am offering an amendment that would set in motion the first year of that 3-year plan, by reducing the budget for the NEA accordingly, by approximately one-third. At the same time, I think we need to provide help. Consequently, my amendment would provide the NEA with the authorization to go forward and use some of its dollars to begin the fundraising activities needed for it to be an independent entity.

In addition, it would be my plan, if my amendment is agreed to, to subsequently introduce a sense-of-the-Senate resolution which would encapsulate the full privatization plan that I contemplate. It would also be my plan to work with other interested Members of the Senate to provide additional tools that would make it more feasible for the NEA to function in a private sense.

For example, ideas which we have looked at already would be the creation of a special postage stamp which would be marketed and sold at a greater amount than 32 cents, with the proceeds being made available to the private entity.

Other ideas which have been discussed would include such things as a tax checkoff on the tax form through which people could direct a small number of dollars they would otherwise be paying to the NEA. So, in fact, the people who really wanted to support it would be given this opportunity. There are a variety of other ways that we can do it.

The point is, I believe it is very feasible to generate private-level support at least as great as we are providing currently, at approximately \$100 million a year. I say that for the following reasons. First of all, we already know that in this country the arts are supported on an annual basis by approximately \$9 billion of activity and support of this type.

In addition, we have specific institutions, arts institutions, in this country, such entities as the Lincoln Center, the Metropolitan Museum of Art and many others, that have an annual operating budget considerably greater than the National Endowment for the Arts. So it is certainly the case that support is out there across this country to provide the kind of resources necessary for the entity to function privately and absolutely would be the case if such funds were available if we provided some of the tools that I mentioned earlier.

In addition, as I have indicated in previous speeches on this, I think there are a number of other mechanisms that could be available to the National Endowment for the Arts if it became a private entity to raise funds. They range from fundraising events, where the artists, the very artists, in fact, who come and knock on our doors urging us to support the entity, could produce and support fundraising activities on behalf of that private entity.

My belief is that such events, whether they are simple dinners or they are concerts and performances of that sort, could generate enormous amounts of money. In fact, I was noting the other day that one of the artists who has been down to see Members of Congress, Garth Brooks, just had a concert in Central Park, NY. Approximately 700,000 people attended that concert. It was broadcast on the HBO network. I am sure a huge amount of revenue was generated by the event. Those are the kinds of things I would think artists would be available to do in support of the NEA, especially those artists who have come to us and have said, this is a worthwhile project that ought to be supported.

I also believe there could be support generated for special events. As I pointed out in the Labor Committee when I brought a similar amendment before that committee a couple of

years ago, each year during the various televised awards ceremonies celebrating the arts, such as the Oscars, the Emmys, the Tonys, the country and western musical award shows, and so on, we hear a great deal of support expressed for the NEA by the very performers who attend those events and give away awards. Those programs are literally built around the appearance of these pro-NEA entertainers, and it is my suspicion that those programs generate extraordinarily substantial profits for the networks that broadcast them. Indeed, I believe just a couple of years ago it was estimated that the Academy Awards show drew a worldwide audience of over 500 million people.

Certainly, that is the type of programming that could be turned into a fundraising opportunity for a private entity supporting the arts. Indeed, as I pointed out a couple of years ago, only 5 percent of the audience that watched were still willing to pay to watch through a pay-per-view broadcast of that type of program. It would generate more revenue, given the rates that one charges for those pay-per-view shows, more revenue than the NEA's current budget.

Again, all these are opportunities that I think exist out there, and I believe we should move in the direction of providing the NEA with the chance to benefit from that type of support.

There are others as well: Collaborative efforts of artists ranging from the kind of support we saw a few years ago for USA for Africa when the "We Are the World" recording produced approximately \$60 million of support for that cause, to similar types of collaboration, or the possibility of reimbursements for commercially successful grants and events which the NEA provides the seed money for.

In short, Mr. President, a variety of opportunities, I think, exist, and I think, therefore, it is feasible for the private entity to at least generate the type of support that we provide annually and, in my judgment, probably considerably more support as if it truly was, as I believe it can be, a national level organization.

Another question, of course, that also has been raised by my amendment is, are there other important American treasures—perhaps arts related, perhaps not—that we ought to be considering funding? So what my amendment does, in addition to beginning the process of privatization of the NEA, is to expend the dollars which would be reduced from the NEA's budget on the preservation of American treasures, the restoration of national treasures. Let me outline the specifics.

First of all, \$8 million for the restoration of the Star Spangled Banner. The cost to transfer the flag to begin its restoration will be approximately \$1 million alone. It was recently reported in the media that the total cost could run as high as \$15 million. Currently, the Smithsonian's calculating this

amount will not confirm this number, but the \$8 million we would earmark in my amendment represents a responsible amount to begin the preservation effort of the Star Spangled Banner itself, the actual flag which prompted Francis Scott Key to write America's National Anthem.

The amendment would also provide \$8 million for the preservation of Presidential papers. Our former Presidents were prolific writers, Mr. President. Their works survive to this date. Private enterprises worked for over 40 years to preserve the works of Jefferson, Adams, Madison, Franklin, and other Founding Fathers, and they will not survive another two centuries.

The National Archives has focused its resources on preserving modern electronic records of local and State archives. The National Historic Publications and Records Commission once provided about one-third of the funding for the preservation of the Presidents' works, but has recently announced that the projects will now have to contend with whatever is left after it has satisfied the local archives proposal.

The fact is the preservation of Presidential papers is now at some risk. As a consequence, approximately \$8 million of these earmarked funds would go to maintaining active support adequate to maintain our Presidents' documents.

Two million dollars in this amendment is directed at the restoration of Ellis Island, the site of the arrival of so many people in the United States. On islands 2 and 3, the old hospital ward, the crematorium and housing for immigrants are in desperate condition and appear in the same condition as when they were abandoned by the U.S. Coast Guard in 1954.

The National Trust for Historic Preservation has listed these buildings as 1 of the 11 most endangered historic sites in America. The \$2 million which my amendment would earmark to Ellis Island restoration would prevent water intrusion and provide the ventilation and other support services necessary to preserve this national treasure.

There are other components, as well, to my amendment, one which would go toward helping to address a serious problem at Mount Rushmore, to maintain that facility in good condition, as well as preservation of the manuscripts and original works of great American composers which are at some risk now of being, like the Presidents' papers, inadequately supported.

In short, my amendment does several things. It sets us on the course to privatize the National Endowment for the Arts as opposed to an immediate abolition, a 3-year timeframe in which we would slowly give that entity the opportunity to move in the direction of privatization.

Second, it would protect and provide support to protect key national treasures—the Star Spangled Banner, our Presidential papers, the manuscripts and original works of great American

composers, Ellis Island, and Mount Rushmore.

Finally, I think it would help end the division that continues to exist at all levels with respect to the National Endowment for the Arts. By making the Endowment a private entity, we will take this issue, this very divisive issue, out of the Congress, give the arts the opportunity to act and give this entity the opportunity to act in an independent fashion without a lot of strings and a lot of limitations and allow us, as a consequence, I think, to move on in other directions.

We would still have a national entity. We would still have that entity supporting worthwhile projects as it deemed, but we would no longer have the ongoing battle I have outlined between the argument on the one hand that we are too often using taxpayers' dollars for objectionable activities and the argument on the other that every time we apply strings to these dollars, we are engaging in a form of censorship.

Mr. President, I think this is the right course to follow because it would accomplish the goals I have set forth, and tomorrow I will be speaking in greater detail on this during the debate time that has been set aside.

At this point, I yield the floor. I thank the Presiding Officer for the time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1196

(Purpose: To authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualifying rivers by Act of Congress)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to set aside the pending committee amendments and call up amendment No. 1196.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 1196.

Mr. HUTCHINSON. 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:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environ-

mental Quality shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Mr. HUTCHINSON. Mr. President, this amendment supports one of our most fundamental rights, the right of property ownership. This fundamental right, I believe, is threatened by an Executive order signed by the President on September 11 designating the American Heritage Rivers Initiative. This initiative is intended "to help communities and protect the river resources in a way that integrates natural resource protection, economic development, and the preservation of historic and cultural values."

Who could be opposed to that? That, I think, is a goal that all of us share. However, in the eyes of those who live along these historic rivers, this initiative is just another Washington power grab for valuable river front property. It is another Washington intrusion under the guise of a program that has never—has never—been authorized or appropriated.

This Executive order allows for eight Cabinet Departments—the Departments of Defense, Justice, Transportation, Agriculture, Commerce, Housing and Urban Development, Interior, and Energy—along with four Government agencies—the EPA, the NEA, the NEH, and the Advisory Council on Historic Preservation—to decide what happens to America's rivers. I ask you, what does a Washington bureaucrat know about the Arkansas River or the White River, or any of the 16 leading candidates to be designated as American heritage rivers?

I have listened to my constituents, and they want vibrant river front communities that are reflective of the needs of the values of the local community in which they live and work. They want a community-led process that will make the right decisions for their particular community, not a federally dominated process that could dictate to property owners how they can use their land.

The amendment that I offer allows for the river front renaissance that so

many of our communities desperately need, while offering protections for the average property owner and members of the community that must live with the decisions that are made.

My amendment provides the necessary safeguard for property owners and communities, while at the same time allowing these river communities to benefit from the Federal funds that are available to improve their polluted or damaged river areas and spur economic development.

Specifically, my amendment requires that the list of 10 rivers, nominated through the American Rivers Heritage Initiative, be submitted for congressional review. It also ensures that the nominations for the initiative will be subject to existing priorities that have been established by the Clean Water Act and the Safe Drinking Water Act.

Most importantly, this amendment ensures protection of private property owners who live and own property along the river proposed for nomination as an American heritage river. It requires that all property owners holding title to land directly abutting the river bank shall be consulted, shall be asked to offer letters of support or letters of opposition to the nomination as an American heritage river.

This amendment also protects vital community interests by defining what constitutes a river community. Under the Executive order—a flawed Executive order, indeed—anyone who is so inclined can nominate a river or have input into the nomination process without any relationship—business, property ownership, any kind of connection—anywhere near the river under consideration.

My amendment defines the river community as those persons who own property, reside, or who regularly conduct business within 10 miles of the river considered for designation. This ensures that the real interest of the community is truly reflected in the development, design, and operation of a river that receives the designation of an American heritage river.

This, I think, is an important issue. It is an issue that many of my constituents have been energized about. It has just recently come onto the scene, in one sense, because the Executive order was issued September 11, and the President is seeking to implement this. So I think it is appropriate for us on this Interior appropriations bill to provide some safeguards and to ensure that while the initiative moves forward, that the right of the property owners along these rivers is protected; that there is a process that is in place to ensure that those who are most vitally affected by the initiative will have input in the process, will have some input, have some say as to whether or not that river should be so designated.

While it ensures the environmental protections of the Safe Drinking Water Act and Clean Water Act, it will also ensure that these communities, many

times with damaged rivers and polluted waters, will have access to vital Federal funds to ensure that those communities can be reinvigorated.

So I ask my colleagues to join me in support of this amendment as a safeguard for private property and for American communities.

Thank you, Mr. President. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I share many of the sentiments expressed by my colleague from Arkansas. I believe that he has brought up an important issue, an issue that should not be decided simply by fiat from the President and the President's administration, but one that ought to be carefully considered here by the Congress.

Without having read every word of his amendment, I am inclined to tell him that I agree with it. I must tell him at the same time, in this relatively empty Senate Chamber, as he knows, his amendment will be quite controversial. I am certain it will require a rollcall. For that reason, I am particularly happy that he did bring it up tonight so that other Members can consider its provisions so that it can be debated further tomorrow. But while I had said not too long ago that I did not know of a number of other amendments that will require a rollcall, I will have to amend that statement and say that I think that the amendment of the Senator from Arkansas will require a rollcall.

I do hope that he and others will speak on it tomorrow. I just say that I think the statement he has made is correct, that this is an issue in which the Congress should be involved.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

THEMES FOR BANKRUPTCY REFORM IN THE 105TH CONGRESS

Mr. GRASSLEY. Mr. President, I rise today to address an important topic which will be coming before the Senate in the near future. In 1994, Congress created the Bankruptcy Review Commission and charged this Commission with developing suggestions for changing the bankruptcy code. As the ranking member of the subcommittee with jurisdiction over bankruptcy at that time, I assisted in creating the Commission. When I became the chairman of the subcommittee after the 1994 elections, I fought to ensure that the Commission was funded. The Commission's report is due on October 20, 1997.

I will have much to say at that time about the Bankruptcy Review Commission and the way in which it was conducted. As some of my colleagues may know, there have been some troubling instances that have come to my attention regarding the way the Commission has operated.

For now, however, I simply want to outline my views on the substance of bankruptcy reform.

I believe that the current bankruptcy system needs to be fixed in several ways. Under current law, it is just too easy to declare bankruptcy. And it is too easy for people who declare bankruptcy to avoid repaying their debts when they have the ability to do so. Of course, decades of irresponsible and runaway spending by Washington has set a bad example for the American people, so Congress bears some of the responsibility for this new attitude of deficit living that seems to push many Americans into bankruptcy.

With record numbers of personal bankruptcies in this country, American businesses are losing millions of dollars a year to bankruptcy. And this results in higher prices for homes, cars and other consumer goods for those Americans who pay their bills on time, and as agreed. In other words, those of us who play by the rules are picking up the tab for those who don't.

I think that Congress needs to tighten the bankruptcy system so that bankruptcy is reserved for only those Americans who really need the extraordinary protections of the bankruptcy code. At the same time, I'm very aware that creditors can sometimes use abusive tactics. In fact, Sears was recently forced to pay a multi-million dollar settlement for engaging in abusive activity. So, in my opinion, bankruptcy reform which will help creditors get more of what they are owed should also include reforms to enhance protections for debtors from harsh or abusive conduct.

Section 707(b) is one example of a situation where the bankruptcy code sends the wrong signal to the American people and may encourage irresponsible conduct. Section 707(b) allows a bankruptcy judge to dismiss a chapter 7 case only to prevent substantial abuse. In other words, Section 707(b) says that it's OK to abuse the bankruptcy system somewhat, so long as you don't abuse it so much that the abuse becomes substantial. I think we in Congress ought to change this to say that debtors can't abuse the bankruptcy system at all. The consideration of Section 707(b) will be very important when Congress considers reforms in the context of consumer bankruptcy.

I also believe that chapter 11 of the bankruptcy code needs fundamental reform. In hearings before my subcommittee on how bankruptcy disrupts funding for education, I learned that many businesses which attempt to reorganize flounder for too long, thereby deleting the assets of the company. That's less money for creditors and em-

ployees of the company. I think that this should change. The Bankruptcy Review Commission has adopted a proposal to speed things up for small businesses in chapter 11 cases. I look forward to supporting that proposal in the next session of Congress.

I believe that Congress needs to look long and hard at the way attorneys are compensated in bankruptcy. It seems to me, from the reports I receive from around the country, that attorneys are using up the assets of the bankruptcy estate without really contributing very much. And attorney's fees are paid ahead of—and at the expense of—schools, workers and children entitled to child support. I think that's something we need to change. I'm a little disappointed that the Review Commission did not really get into this issue, but it is something that I will be pursuing in the bankruptcy reform bill.

Another area which needs attention is the effect of the new global economy on bankruptcy. With the increase in international trade, many complex questions arise when a multinational company declares bankruptcy. Right now, international insolvency is an issue where there isn't very much international cooperation. The United Nations recently approved a model law on international insolvency and bankruptcy and I look forward to considering that model law in the coming year. In the United States, we put a great deal of emphasis on reorganizing companies under chapter 11. Chapter 11 protects jobs and creditors. But other nations don't put such an emphasis on reorganization. So these foreign nations sometimes aren't as respectful of our bankruptcy laws as they should be. Of course, the United States has exercised a leadership role in the area of international bankruptcies for many years through section 304 of the Bankruptcy Code which recognizes the validity of foreign bankruptcies. It is time to take the next step and make sure that all companies—wherever they are located—are treated fairly when they confront the bankruptcy laws of a foreign nation. If companies fear that they won't be treated fairly under a foreign nation's bankruptcy system, they may be less willing to invest. And that would hamper international trade, which America needs if it is to remain a strong and vibrant economy.

Mr. President, unfortunately there is a very parochial perspective among many bankruptcy professionals. The idea has somehow flourished that bankruptcy should be as broad and all-encompassing as possible. I don't share this point of view. I think we have to remember that bankruptcy should be a last resort. And that means the bankruptcy laws should be narrow and provide only as much relief as is necessary. The so-called automatic stay provides a clear example of the parochial attitude of many in the bankruptcy community. The automatic

stay is a court injunction which automatically arises whenever anyone declares bankruptcy. Earlier in this Congress, as part of the authorizing legislation for the Chemical Weapons Convention, I authored an amendment which gives the Government an exception to the automatic stay so that public health and safety regulations can be enforced. So, the philosophical question posed by my amendment is this: Which policy should win out, bankruptcy policy or public health and safety policy? For me, that choice is simple. I want to protect the American people from unsafe food and unsafe airlines. But many in the bankruptcy community believe that Congress should make the opposite choice.

When we begin the process of bankruptcy reform, I will be looking to find other instances in which the Bankruptcy Code harms the public so that Congress can make changes to protect the public.

The broad themes that I believe will dominate bankruptcy reform in the 105th Congress, include the following: Promoting personal responsibility; protecting consumers, debtors, and the public; promoting international commerce; and protecting States' rights where possible.

I look forward to coming before the Senate next year with a good bankruptcy reform bill which promotes these themes. I hope to do that in a bipartisan manner. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I thank the Chair.

(The remarks of Mr. KEMPTHORNE and Mr. CHAFEE pertaining to the introduction of S. 1180 and S. 1181 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOSNIAN ELECTIONS

Mr. BIDEN. Last weekend the people of Bosnia and Herzegovina went to the polls to elect municipal governments. These local elections had been postponed from last year because of tampering with registrations, chiefly by the Bosnian Serbs.

I am happy to report, Mr. President, that this year's municipal elections were a success. Despite dire threats of violence against refugees and displaced persons who wanted to cross over to their former homes to vote, over 2 days not one single incident of serious violence occurred in the entire country.

Why? Because SFOR, led by recently reinforced American troops, made clear to all parties that violence would not be tolerated.

Every single time over the past several years when the West has been forceful in its behavior, the ultra-nationalists in Bosnia have backed down.

The elections were carried out by the Organization for Security and Cooperation in Europe [OSCE], in which the United States is an active member. The OSCE deserves a great deal of credit for its successful labors.

The results of the elections will not be known for several days. Already, however, some encouraging signs are emerging. In Tuzla, the Muslim Party for Democratic Action [SDA] conceded defeat by Mayor Selim Beslagic's multi-ethnic joint list. I met Mayor Beslagic last month. He represents just the kind of democratic, tolerant, pragmatic politician that can rebuild Bosnia.

Until now the three ethnically based parties that profess to represent the interests of the Muslims, Serbs, and Croats have dominated the airwaves and the patronage system. Tuzla—and perhaps other cities in both the federation and the Republika Srpska—show that if SFOR and the international community guarantee equal access, their monopoly on power can be broken.

Moreover, it is likely that thanks to absentee voting and to the protection offered by SFOR to returning refugees, the election may reverse the vile ethnic cleansing of the war. For example, the town of Drvar in western Herzegovina was 97 percent Serb until the town's inhabitants were driven out in the fall of 1995. Last weekend the Croats who displaced the Serbs did their best to harass returning Serb voters. International election officials from the OSCE, however, insisted that the Serbs be allowed to vote.

Several other towns like Jajce and Srebrenica, site of the largest civilian massacre in Europe since World War II, may see their former inhabitants, in these two cases Muslims, forming the governments.

The international community is now faced with the stark question of whether it will enforce the results of the elections by guaranteeing that the newly elected councils not remain governments in exile.

Enforcing the election results, of course, means that the right of refugees and displaced persons to return must be honored. In most cases that would be able to be accomplished only by the international community under the protection of SFOR.

Mr. President, I believe we have no choice in this matter. Both for moral and practical reasons we must move rapidly to enforce resettlement of refugees. This will be a difficult task, and time is short before the onset of the Balkan winter. Most likely we will have to begin with highly visible demonstration returns in one to two selected towns. But we must keep the democratic momentum going.

Rebuilding shattered Bosnia is an immense undertaking. Now for the first time in years, there has been a string of successes. The United States has been the prime mover in these, and we must continue our valuable and honorable work.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 15, 1997, the Federal debt stood at \$5,388,983,472,859.37. (Five trillion, three hundred eighty-eight billion, nine hundred eighty-three million, four hundred seventy-two thousand, eight hundred fifty-nine dollars and thirty-seven cents)

Five years ago, September 15, 1992, the Federal debt stood at \$4,033,874,000,000. (Four trillion, thirty-three billion, eight hundred seventy-four million)

Ten years ago, September 15, 1987, the Federal debt stood at \$2,353,169,000,000. (Two trillion, three hundred fifty-three billion, one hundred sixty-nine million)

Fifteen years ago, September 15, 1982, the Federal debt stood at \$1,113,183,000,000 (One trillion, one hundred thirteen billion, one hundred eighty-three million)

Twenty-five years ago, September 15, 1972, the Federal debt stood at \$436,866,000,000 (Four hundred thirty-six billion, eight hundred sixty-six million) which reflects a debt increase of nearly \$5 trillion—\$4,952,117,472,859.37 (Four trillion, nine hundred fifty-two billion, one hundred seventeen million, four hundred seventy-two thousand, eight hundred fifty-nine dollars and thirty-seven cents) during the past 25 years.

HISPANIC HERITAGE MONTH

Mr. HATCH. Mr. President, it is with great pleasure that I join with my colleagues in celebrating Hispanic Heritage Month.

Since 1968, we have formally recognized and celebrated the tremendous contributions of Hispanic-Americans to the history, strength, security, and development of our great nation. This year, we once again embark on this

month-long celebration. It is right to honor more than five centuries of contributions by Hispanics to the development not only of our great nation, but of the Western Hemisphere and the world.

As I look back on the history of my own State I see the many great contributions Hispanics have made to its development and progress. It was Father Escalante who first chartered the territory of what is now Utah and made way for the major trade routes that followed. It was through the determination, sweat, and dedication of Mexican-Americans and other Hispanics, working alongside nonHispanics that our railroads, great steel plants, and mining industries were established, making our State competitive in national and global markets. And our State is home to many great Hispanic-Americans, past and present, including Antonio Amador, former Vice-chair of the U.S. Merit Systems Protection Board; Judge Andrew Valdez, Maria Garciaz, the executive director of Neighborhood Housing Services, Inc.; and John Medina, chair of Utah's Coalition of La Raza.

My experience has shown me that Hispanics are a strong and proud people, loyal, patriotic, courageous, and dedicated to their families, their country, and their communities. Hispanics have a strong work ethic and tremendous faith in the American dream. They have made great contributions to the advancement of all people in every area, to music, the arts, science, engineering, mathematics, and government.

I am thrilled to see so many wonderful Hispanic role models help light the way for Hispanic youth to attain the American Dream.

Jaime Escalante, the Garfield High School mathematics teacher, helped an unprecedented number of Hispanic students prepare for and pass the advanced placement tests in calculus. And, Amalia V. Betanzos, president of the John V. Lindsay Wilcat Academy, an alternative high school with tremendous success rates, has helped us all to see what faith and encouragement can do for the soul.

Such great recording artists as Los Lobos, the late Selena, Freddy Fender, and Gloria Estefan have brought joyous latin rhythms into our homes and our hearts. Great authors, like Luis Valdez, Victor Villasenor, and Nicholasa Mohr, and great screen artists like the late Raul Julia, Andy Garcia, Jimmy Smits, Edward James Olmos, and Rita Moreno have entertained while they inspired us. And the leadership and foresight of Permanent United Nations Representative and former Congressman Bill Richardson, and Carmen Zapata, director and co-founder of the Bilingual Foundation of the Arts, helps pave the way for our children as they enter the 21st century.

And, of course, Nancy Lopez, Chi Chi Rodriguez, Pedro Morales, Gigi Fernandez, and Trent Dimas are but

five of the great athletes who have shared with us the pride and success born of great sacrifice and a hunger for perfection. We are proud of their accomplishments. It is important that, when they win, all America cheers.

But for all their contributions to the strength of our Nation, many Hispanics have not yet fully shared in the dream. The national dropout for Hispanics exceeds 30 percent—for nonHispanics the rate is 11 percent, and for blacks, the rate is 12 percent—the highest for any ethnic group, and their educational attainment levels are among the lowest for any ethnic group. Hispanic children are most likely to be among America's poor, even though Hispanic males have the highest labor participation rates. Hispanics are most likely to lack health insurance and access to regular health care, yet suffer disproportionately from certain diseases. We must do better.

As the youngest and fastest growing minority community in the Nation, Hispanics must share equally in the benefits and opportunities of this great Nation, so that our country might grow stronger and compete in global markets.

For this reason, in 1987, Senator JOHN CHAFEE and I established the U.S. Senate Republican Conference Task Force on Hispanic Affairs, which now numbers 24 Senators. The task force provides a unique forum for Hispanic leaders to raise awareness and support on the national level for key issues facing the Hispanic community in the areas of education, economic development, employment, and health. The task force is aided by a bipartisan, volunteer advisory committee, for whose service we are very grateful.

We have made great strides and we continue to progress. But I long for the day when a task force on Hispanic affairs no longer exists because there is no longer a need; because Hispanics will have succeeded in full measure in joining the ranks of the public officials, the managers, the CEO's and presidents of corporations, the teachers, doctors, lawyers, the U.S. Senators, Congressmen, and Presidents of the United States. As we gather this month to celebrate Hispanic Heritage Month, let us celebrate the accomplishments of this year's Hispanic Heritage Awards: Andy Garcia, Nancy Lopez, Amalia V. Betanzos, Nicholasa Mohr, Bill Richardson, and Carmen Zapata.

And, let's also give a nod to those many, many other Hispanic-Americans, whose daily contributions often go unrecognized, but whose legacy continues to demonstrate the viability of the American dream.

Mr. CAMPBELL. Mr. President, today I join my friend and colleague from Utah, Senator HATCH, and other colleagues in recognition of Hispanic Heritage Month and to offer a few remarks regarding the Hispanic tradition in my home State of Colorado and their many contributions to our great country.

To begin with, Colorado is the Spanish word for red, thus we owe the name of our State to Hispanics. The town where I live is Ignacio which is Spanish for Ignatius, and the county I live in is La Plata which is Spanish for silver. To the east you will find Alamosa, San Luis, Monte Vista, Antonio, Las Animas and La Junta, to name but a few towns in Colorado.

As you can see, Mr. President, in my State it is next to impossible to look in any direction without being reminded of Hispanic heritage and influence. More than two thirds of the territory of the 48 contiguous States was discovered, settled or governed by Spanish speaking people. The Hispanic tradition in the United States is as new as the families who enter every year in search of a better life and as old as 1513 when Ponce de Leon landed on the east coast of the peninsula he called La Florida.

Hispanics have enriched us with their cultural traditions and their commitment to la familia, the family. Their language, art, music, literature and food are today very much part of the American landscape. These contributions help make America stronger.

Let us not forget their contributions in defense of our country. Hispanic blood has been spilled in every conflict and war since the Civil War when John Ortega of the U.S. Navy was awarded the Congressional Medal of Honor on December 31, 1864, and as late as May 24, 1970 when it was awarded to Louis Rocco of Albuquerque, NM, for service in Vietnam. In between these two distinguished soldiers, Hispanics have been awarded 36 more medals making them the most decorated minority in our history proportionate to their numbers. Jose P. Martinez of Ault, CO, is also a past recipient of this highest honor we can bestow on our fighting men and women.

Equality is a value central to the promise of America, and we must be conscious and proactive in insuring that equal opportunity is available to all who serve and contribute to the betterment of our country. Hispanics have fought for the idea and ideals of America and are deserving of an equal share of all of its rewards, not more, not less, but equal. That is the promise of America, and it is the promise we must make, and keep, to America's Hispanics.

Mr. President, throughout my life, both personal and public, Hispanics have honored me with their friendship and support. It is with great pleasure I honor them here on the floor of the U.S. Senate in recognition of Hispanic Heritage Month.

Mr. McCAIN. Mr. President, I am pleased to speak today as co-chair of the Senate Republican Task Force on Hispanic Affairs about this month's festivities honoring Hispanic heritage. Although this special month has been celebrated every year at this time since 1968, Hispanics have been making

tremendous contributions to our Nation and to my State of Arizona for many generations.

American culture has been enriched by numerous Hispanic influences. Many Americans claim Hispanic culture as their own in everything from food to music, and even celebrate their holidays. This month, set aside by Presidential proclamation, marks several historical events including Independence Day for Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and El Dia de la Raza.

It is important to recognize the rich variety of backgrounds that make up this burgeoning segment of society. All too often the various groups that make up Hispanics are lumped together and non-Hispanics forget the dynamic differences between Mexicans and Puerto Ricans or Salvadorans and Cubans, for example. But when Hispanics come together—tied by social and cultural similarities—they form a powerful group that we need to listen to closely.

With more than 22 million Hispanics living in the United States, their importance cannot be understated. The number of Hispanic children is only exceeded by the number of non-Hispanic white children. This generation of children will enter all sectors of public and private life and shape the course of the Nation. And our Nation will be a better place for it.

Their contribution to the economy is significant, with studies indicating that Hispanic businesses remain the fastest growing segment of the small business community. In Arizona alone, the current Hispanic buying power is approximately \$6.8 billion with an expected growth of 2.3 percent annually.

While these statistics are compelling, surprisingly, there is much more to be done. The Hispanic dropout rate has hovered around 30 percent for the past 20 years, and Hispanics are the minority least likely to have health insurance. The negative repercussions of these conditions are not acceptable and are detrimental to America's future.

To further the social and economic well-being of Hispanics we must address their needs with conscientious policy and remember these in all our legislative efforts. That is why I am co-chair of the Senate Republican Task Force on Hispanic Affairs. The task force helps ensure that the needs of the Hispanic community are represented in Federal policy. Through meetings and forums, I speak with Hispanics both in Arizona and from all over the country.

Some of the Hispanics we will be hearing from and recognizing this month include Sandy Ferniza, president of the Arizona Hispanic Chamber of Commerce [AHCC], who recently received the Exemplary Leadership Award. She is credited with turning AHCC into an agency that provides technical assistance and training to small businesses across the State. Also there is Mr. William Y. Velez, a mathematics professor at the University of Arizona, who this month received the

Excellence in Science, Mathematics and Engineering Mentoring Presidential Award. He recruits Hispanic and native American students to study mathematics. We thank them for their contributions to America's future.

During Hispanic Heritage Month we will learn about the colorful and proud heritage of the Hispanic people who are dedicated to their families, communities, and country. And when this month's celebrations have come to a close, let us not forget that the success of Hispanic Americans is critical to the future of the United States.

Mr. DEWINE. Mr. President, I am very pleased to join my colleagues here today in recognizing Hispanic Heritage Month.

Americans of Hispanic descent are in this country because they, their parents, or grandparents, or great-grandparents, or even more distant ancestors, made a choice. They were decisive, motivated individuals who made an act of faith in America.

They came here, much as my own great-great-grandfather, Denis DeWine, did back in the 1840's—because they wanted a chance at a brighter future. And in return, they were willing to work hard to build up this country.

That same spirit lives on in today's U.S. Hispanic community—and we ought to look at that spirit as an inspiration to ensure that America remains the kind of place people would want to come to.

There's one area of law I'm working on that is especially important in this context. I'm talking about the attempts to change America's immigration law and make it more restrictive. I read one article in which advocates of restriction repeatedly called new Americans “aliens”—not “immigrants” but “aliens,” as if they were a different kind of people from us, who come from someplace as strange as outer space.

I call these people something else. I call them Americans.

Now, we all know that there's nothing new about anti-immigrant movements. We've had them again and again, throughout American history. But we have established a proud tradition in this country of overcoming them, of resisting the temptation to turn inward to ourselves—of welcoming new people and new ideas, and choosing hope over fear.

When Franklin Roosevelt reminded America that even those who came over on the Mayflower were immigrants—when John F. Kennedy wrote a book called “A Nation of Immigrants”—when Ronald Reagan moved the Nation with stories about how the light from Liberty's torch was keeping hope alive for millions of people in oppressed countries—they were expressing something truly fundamental about what it means to be an American. And make no mistake about it—that same spirit is still alive and well in today's America.

Ohioans of Hispanic ancestry have helped build the Buckeye State into an

economic and cultural powerhouse. We are grateful to these fellow Ohioans, because they took the talents they or their ancestors were born with to a foreign land, and chose to bestow their benefits to us.

In fact, next week the Hispanic Youth Foundation [HYF], an organization that provides financial assistance to undergraduate and graduate students seeking degrees in areas of political science or other fields related to government of public service, will meet in Washington, DC, to distribute scholarships to only seven outstanding students. I am proud to announce that one of the seven students receiving this scholarship award is from the great State of Ohio.

I join all my fellow citizens in saying thank you—and saluting Ohio's Hispanic community on the occasion of Hispanic Heritage Month.

REPORT OF DRAFT LEGISLATION
ENTITLED “THE EXPORT EXPANSION AND RECIPROCAL TRADE AGREEMENTS ACT OF 1997”—
MESSAGE FROM THE PRESIDENT—PM 65

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 Finance.

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the “Export Expansion and Reciprocal Trade Agreements Act of 1997.” Also transmitted is a section-by-section analysis.

This proposal would renew over 60 years of cooperation between the Congress and the executive branch in the negotiation and implementation of market-opening trade agreements for the benefit of American workers and companies.

The sustained, robust performance of our economy over the past 5 years is powerful proof that congressional-executive cooperation works. We have made great strides together. We have invested in education and in health care for the American people. We have achieved an historic balanced budget agreement. At the same time, we have put in place trade agreements that have lowered barriers to American products and services around the world.

Our companies, farms, and working people have responded. Our economy has produced more jobs, more growth, and greater economic stability than at any time in decades. It has also generated more exports than ever before. Indeed, America's remarkable economic performance over the past 5 years has been fueled in significant part by the strength of our dynamic export sector. Fully 96 percent of the world's consumers live outside the United States. Many of our greatest economic opportunities today lie beyond our borders. The future promises still greater opportunities.

Many foreign markets, especially in the developing world, are growing at tremendous rates. Latin American and Asian economies, for example, are expected to expand at three times the rate of the U.S. economy over the coming years. Consumers and industries in these countries prize American goods, farm products, services, and the many expressions of American inventiveness and culture. While America is the world's greatest exporting nation, we need to do more if we want to continue to expand our own economy and produce good, high-wage jobs.

We have made real progress in breaking down barriers to American products around the world. But many of the nations with the highest growth rates almost invariably impose far higher trade barriers than we do. We need to level the playing field with those countries. They are the nations whose markets hold the greatest potential for American workers, firms, and agricultural producers.

Today, the United States is the world's strongest competitor. The strength of the U.S. economy over the past several years is testimony to the creativity, productivity, and ingenuity of American firms and workers. We cannot afford to squander our great advantages by retreating to the sidelines and watching other countries conclude preferential trade deals that shut out our goods and services. Over 20 such agreements have been concluded in Latin America and Asia alone since 1992. The United States must continue to shape and direct world trading rules that are in America's interest and that foster democracy and stability around the globe.

I have pledged my Administration to this task, but I cannot fully succeed without the Congress at my side. We must work in partnership, together with the American people, in securing our country's future. The United States must be united when we sit down at the negotiating table. Our trading partners will only negotiate with one America—not first with an American President and next with an American Congress.

The proposal I am sending you today ensures that the Congress will be a full partner in setting negotiating objectives, establishing trade priorities, and in gaining the greatest possible benefits through our trade agreements. The proposal expands upon previous fast-track legislation to ensure that the Congress is fully apprised and actively consulted throughout the negotiating process. I am convinced that this collaboration will strengthen both America's effectiveness and leverage at the bargaining table.

Widening the scope of consultations will also help ensure that we will take all of America's vital interests into account. That is particularly important because today our trade agreements address a wider range of activities than they once did. As we move forward with out trade agenda, we must con-

tinue to honor and reinforce the other values that make America an example for the world. I count chief among these values America's longstanding concern for the rights of workers and for protection of the environment. The proposal I am transmitting to you recognizes the importance of those concerns. It makes clear that the agreements we conclude should complement and reinforce those values.

Ever since President Franklin Roosevelt proposed and the Congress enacted America's first reciprocal trade act in the depths of the Great Depression, the Congress and the President have been united, on a bipartisan basis, in supporting a fair and open trading system. Our predecessors learned from direct experience the path to America's prosperity. We owe much of our own prosperity to their wisdom. I urge the Congress to renew our longstanding partnership by approving the proposal I have transmitted today.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1997.

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON, chairman, appointed on March 13, 1997: Mr. BEREUTER, Mr. GOSS, Mr. STEARNS, Mr. MANZULLO, Mr. ENGLISH of Pennsylvania, Mr. SANFORD, Mr. HAMILTON, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Ms. DANNER, and Mr. HASTINGS of Florida.

At 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. CALLAHAN, Mr. PORTER, Mr. WOLF, Mr. PACKARD, Mr. KNOLLENBERG, Mr. FORBES, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. LIVINGSTON, Ms. PELOSI, Mr. YATES, Mrs. LOWEY, Mr. FOGLIETTA, Mr. TORRES, and Mr. OBEY, as the managers of the conference on the part of the House.

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-2944. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated September 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, and to the Committee on the Judiciary.

EC-2945. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, report on the impact of the closure of the Wagner Indian Health Service Hospital; to the Committee on Indian Affairs.

EC-2946. A communication from the Secretary of Defense, transmitting, a notice of a retirement; to the Committee on Armed Services.

EC-2947. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a notice relative to institutions of higher education; to the Committee on Armed Services.

EC-2948. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Field Programs for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-2949. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the summary of Chapter 2 annual reports for the 1994-1995 school year; to the Committee on Labor and Human Resources.

EC-2950. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2951. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the status of Exxon and Stripper Well Oil Overcharge Funds as of December 31, 1996; to the Committee on Energy and Natural Resources.

EC-2952. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, two rules including a rule entitled "Energy Conservation Program for Consumer Products" (RIN1904-AA68, AA76); to the Committee on Energy and Natural Resources.

EC-2953. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2954. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97-40; to the Committee on Finance.

EC-2955. A communication from the Chief of the Regulations Branch, U.S. Customs

Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "The Port Passenger Acceleration Service System Program" (RIN1515-AB90); to the Committee on Finance.

EC-2956. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a memorandum of justification to draw down articles, services, and military education and training; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 15, 1997:

By Mr. ROTH, from the Committee on Finance, discharged pursuant to section 1023 of P.L. 93-344:

S. 1144. A bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105-33.

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. D'AMATO (for himself and Mr. SARBANES) (by request):

S. 1179. A bill to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. 1180. A bill to reauthorize the Endangered Species Act; to the Committee on Environment and Public Works.

By Mr. KEMPTHORNE:

S. 1181. A bill to amend the Internal Revenue Code of 1986 to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ABRAHAM, and Mr. GRAMM):

S. 1182. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. SARBANES) (by request):

S. 1179. A bill to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

THE NATIONAL FLOOD INSURANCE REAUTHORIZATION ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to introduce the National Flood

Insurance Reauthorization Act of 1997 (NFIRA). This legislation provides for a simple and straightforward 5-year extension of the National Flood Insurance Program (NFIP) which is scheduled to expire on September 30, 1997. This legislation will ensure that this important program is placed on a steady and secure foundation to continue the invaluable protection it provides to flood insurance policyholders and the Federal taxpayers. I am pleased that my colleague, Senator SARBANES, the distinguished ranking member of the Banking Committee, has cosponsored this measure.

The National Flood Insurance Program, which is administered by the Federal Emergency Management Agency [FEMA], enables over 3.5 million American families to insure their homes and possessions. In my home State of New York, 85,000 families participate in the NFIP. The NFIP allows these families, on Long Island and along the Great Lakes and the State's many rivers, to purchase adequate insurance coverage to protect their homes in the event of a catastrophic flood.

The NFIP employs a comprehensive approach to alleviating the risks posed by catastrophic floods. Floodplain communities participate in FEMA's Community Rating System and are offered incentives to adopt and enforce measures to reduce the risk of flood damage and improve flood prevention building criteria. To avoid the danger of repetitive losses, the program provides stringent building standards, including increased elevation, designed to reduce the risk of future damage. These flood protection standards must be met before any structure which suffers substantial damage may be rebuilt. In addition, persons who receive disaster assistance and fail to subsequently purchase flood insurance are barred from receiving future assistance.

Mr. President, the NFIP plays a critical role in reducing the costs of Federal disaster relief. Current NFIP policyholders pay approximately \$1.3 billion annually into the NFIP fund. Without this premium income, the Federal Government would likely pay spiraling costs in disaster relief. The NFIP has the added benefits of improving State and community planning and Federal support for locally driven disaster prevention and mitigation activities.

Reauthorizing the NFIP is an important step forward in reaffirming the commitment of the Federal Government to help American families protect their homes and to protect the Federal taxpayer from the risks of catastrophic floods. Clearly, we must do more. Lenders and private insurers who participate in the NFIP must do more to ensure compliance. States and local communities must improve their disaster planning, prevention, and response activities. FEMA must redouble its efforts to increase participation in

the program to improve the safety and soundness of the NFIP fund. Also, the Federal Government must do more to prevent and mitigate against the losses which will inevitably occur from future floods.

Mr. President, I note that this bill is supported by the administration. I urge my colleagues to support the adoption of this legislation and I look forward to working with the members of the Banking Committee to ensure a swift and speedy passage.

By Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. 1180. A bill to reauthorize the Endangered Species Act; to the Committee on Environment and Public Works.

THE ENDANGERED SPECIES RECOVERY ACT OF 1997

Mr. KEMPTHORNE. Mr. President, 2 years ago, in Lewiston, ID, as chairman of the Drinking Water Fisheries and Wildlife Subcommittee, I held a hearing to review the current Endangered Species Act and to identify ways to improve the act. It was clear from the testimony we heard that the current law simply is not working. It isn't working for species and it isn't working for people. That message was loud and clear. Senator CHAFEE was there with us at that meeting.

We must do a better job of protecting species without jeopardizing our communities. The legislation that I am introducing today with Senator CHAFEE, Senator BAUCUS, and Senator REID will do just that. It will bring real and fundamental reform to the Endangered Species Act, and it will minimize the social and economic impact of the ESA on the lives of ordinary citizens, and it will benefit species. That is the critical point.

I want to thank Senators CHAFEE, BAUCUS, and REID, who have worked diligently with me as we have crafted this legislation, which brings about balance and a bipartisan approach to a very sensitive issue.

There are over 1,000 species on the endangered species list today but fewer than half of them have ever had a recovery plan written for them. The best evidence that the current law isn't working may be the fact that not a single species has recovered as a result of a recovery plan. It is as if you have a recovery room filled with patients and one by one these patients are brought in, given an examination by the doctor, and at the conclusion of the examination the doctor says, "Yes, you are critical. Next." "What do you mean, next, doctor? What is the prescription? What is the recovery for this critical condition?"

The emphasis has not been on recovery. It has been on continuing to list, list, list, without the emphasis on recovery.

But the law must also have balance. It must recognize the rights of people, too.

During our hearings, we heard many compelling stories from people who have had to live with the real life impact of the Endangered Species Act. We heard from families in Owyhee County, ID, who cannot get bank loans for their homes because the listing of a tiny snail—the Bruneau Hot Springs snail—has caused their property value to plummet.

We heard from a woman in Laramie, WY, who told us that the mosquito control program in their community had been suspended because of the ESA, causing severe health risks for the citizens of Laramie, including her son who contracted encephalitis from a mosquito.

We heard from a rancher in Joseph, OR, who described how Federal regulators, under the threat of lawsuit from environmentalists, tried to stop all grazing on forest lands up in the mountains because salmon were spawning in streams that ran through the private land below, but in his words, "The cows were up in the high country as far from the spawning habitat as you could get."

And we heard from mill workers who lost their jobs when the ESA all but shut down logging in certain national forests. I think that Ray Brady from Grangeville, ID, may have captured best the underlying feeling of frustration and anxieties:

We had a choice of moving, of going someplace else. Why should we? I chose to live in a small community like Grangeville. I chose to work there. I worked there for 28 years and somebody else in a different part of the country makes a decision that has cost me my job and occupation and 28 years worth of experience. Now I am having to start all over again. I don't have any income. I don't have any insurance for my family or myself; and I attribute it directly to this Endangered Species Act. Somebody has to do something about it. I mean, not in the future, I mean now.

Ray Brady is right. We need to improve the way that the ESA works, and we need to do it right now. We need an ESA that will make advocates out of adversaries. As it's administered today, it separates people from their environment. It invites Federal regulators to become land use managers over some of the best stewards of our environment—our farmers and our ranchers and our landowners. And we need their help if we are truly going to save species. Just remember, well over half of our endangered species depend on private property.

The ESA must provide more incentives to encourage property owners to become partners in the conservation of a rare and unique species.

The bill we are introducing today will achieve those goals. It will make the law work better. It will reduce unnecessary bureaucracy; it will enhance the recovery of species; and it will treat property owners fairly.

Let me highlight just a few of the significant improvements that we have included in this legislation.

The bill will put new emphasis on the need to use good science in everything from the listing process through recovery. The Secretary will be required to use the best available science in all of his decisions and to give greater preference to information that is empirical and peer reviewed. In addition, all listing and delisting decisions will be subject to independent peer review. That means that we can all have greater confidence in the decisions made under the ESA.

The bill will add teeth to the recovery planning process so that we're no longer just running an endangered species emergency room without also providing the prescription for recovery. For the first time, we will set deadlines for the development of recovery plans for every listed species. Each recovery plan will be developed by a recovery team that includes scientists, economists, and representatives of the communities that are affected by the listing of the species. And we establish new substantive requirements for each recovery plan, including recovery measures, benchmarks to measure progress, and a biological recovery goal that will trigger delisting when it is met. We'll know that the law is working well when species are no longer just being listed, but when they're also being delisted as a result of a successful recovery plan.

The bill recognizes that we can reduce bureaucracy and unnecessary Federal interference with land management decisions without harming species. In the consultation process, for example, the fact is that people spend too much time trying to comply with too many regulations from too many Federal agencies. That cannot only significantly increase the cost of a project, in some cases, it can be deadly.

In 1996, in Yuba County, CA, for example, the Corps of Engineers was prevented from repairing levees south of the city of Marysville because of the impact that the repairs might have on the hibernating garter snake. The work wasn't done and on January 2, a levee failed in Olivehurst, CA, killing three people and flooding 500 homes.

Under our bill, the Federal action agency, in that case the Corps of Engineers, will have the authority to make the initial determination that its repairs would not be likely to adversely affect the species. The levee repair could then proceed, unless the Fish and Wildlife Service objected to the initial determination within 60 days. This simple procedural fix will allow projects to be completed on time without jeopardizing endangered species.

Perhaps most important, the bill includes a number of incentives for property owners so that they can become partners in saving species.

The key is maximum flexibility and our bill provides that. For example, if you're an individual who wants to clear a few acres of land to build your vacation home in red cockaded woodpecker territory, our new low effect conserva-

tion plan may be just what you need. On the other hand, a county planning its development needs for the next 50 years might choose to enter into a multiple species conservation plan to preserve habitat for all of its rare and unique species. State and local governments can even enter into conservation plans to protect unlisted species.

All of the conservation plans are backed by a no-surprises provision that gives landowners certainty that their obligations will be defined by the plan. They won't be required to pay additional money for conservation measures or to further restrict their activities on the land covered by the plan.

In addition to conservation plans, the bill offers landowners the option of entering into separate agreements to manage land for the benefit of species. A small timber company whose lands are suitable habitat for spotted owls might enter into a safe harbor agreement to let the trees grow to attract the owls with the understanding that at the end of some agreed-upon period of time, it can harvest the trees. And a farmer might agree to set aside buffer strips for a species in return for compensation under a habitat reserve agreement.

Finally, the bill limits the ability of the Federal Government and environmental groups to restrict otherwise legal activities on private lands. Under the law today, the Government and environmental groups have used the take prohibition to try to prohibit logging and development on private lands and a city's pumping of an aquifer for drinking water, even where there was no scientific evidence that the activity would in fact harm an endangered species. Our bill will change that, reaffirming that the Federal Government, or an environmental group, has the burden of demonstrating that an activity will actually harm a species and they must meet that burden using real science, not just assumptions or speculation.

When we started this process just over 2 years ago, we asked ourselves the question: Should we make a concerted effort to save species? The answer was yes.

But could we do it without putting people and communities at risk?

Today, I think that we've demonstrated that we can. We can save species with less bureaucracy, using good science, incentives, and where necessary, public financial resources.

Charles Mann and Christopher Plummer wrote in their book "Noah's Choice," "If we truly want to improve the lot of endangered species, we should stop shooting for the stars, because the arrows will fall back to our feet. By aiming a little closer, we might shoot farther in the desired direction."

And I will add, and hit the target more often. This bill hits the target.

I would like to use my prerogative to just thank my staff for their efforts on this—Buzz Fawcett, Ann Klee, Jim

Tate, and other members of my staff. I know the other Senators feel as I do about my staff, that they do a tremendous job. As we stand here with results of 18 months of hard effort, we know of the many hours they have contributed as well in making this a success.

Mr. President, we now have a bill that is bipartisan. We have a bill that is scheduled for a hearing 1 week from today and for markup in committee where amendments will be considered 2 weeks from today. It is our full expectation that we will be able to bring this bill to the floor of the Senate for debate and for a vote sometime near the middle of October. It has been many months, if not years, in the making, to create this legislation which improves the Endangered Species Act, so that we can, again, save species and do it without putting people and communities at risk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1180

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 “Endangered Species Recovery Act of 1997”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Listing and delisting species.
Sec. 3. Enhanced recovery planning.
Sec. 4. Interagency consultation and cooperation.
Sec. 5. Conservation plans.
Sec. 6. Enforcement.
Sec. 7. Education and technical assistance.
Sec. 8. Authorization of appropriations.
Sec. 9. Other amendments.

(c) REFERENCES TO ENDANGERED SPECIES ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or provision of the Endangered Species Act (16 U.S.C. 1531 et seq.).

SEC. 2. LISTING AND DELISTING SPECIES.

(a) BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE.—Section 3 of the Act (16 U.S.C. 1532) is amended—

(1) by striking the title and inserting the following: “DEFINITIONS AND GENERAL PROVISIONS”;

(2) by striking “For the purposes of this Act—” and inserting the following:

“(a) DEFINITIONS.—For purposes of this Act—”;

(3) by adding at the end the following new subsection:

“(b) GENERAL PROVISIONS.—

“(1) BEST SCIENTIFIC AND COMMERCIAL DATA AVAILABLE.—Where this Act requires the Secretary to use the best scientific and commercial data available, the Secretary shall when evaluating comparable data give greater weight to scientific or commercial data that is empirical, field-tested or peer-reviewed.”.

(b) CONFORMING AMENDMENT.—The table of contents in the first section (16 U.S.C. 1531) is amended by striking the item relating to section 3 and inserting the following:

“Sec. 3. Definitions and general provisions.”.

(c) LISTING AND DELISTING.—

(1) FACTORS CONSIDERED FOR LISTING.—Section 4(a)(1) is amended—

(A) in subparagraph (C) by inserting “introduced species, competition,” prior to “disease or predation”; and

(B) in subparagraph (D) by inserting “Federal, State and local government and international” prior to “regulatory mechanisms”.

(2) CRITICAL HABITAT.—Section 4(a) is amended by striking paragraph (3).

(3) DELISTING.—Section 4(b)(2) is amended to read as follows:

“(2) DELISTING.—The Secretary shall, in accordance with section 5 and upon a determination that the goals of the recovery plan for a species have been met, initiate the procedures for determining, in accordance with subsection (a)(1), whether to remove a species from a list published under subsection (c).”

(4) RESPONSE TO PETITIONS.—Section 4(b)(3) is amended to read as follows:

“(3) RESPONSE TO PETITIONS.—

“(A) ACTION MAY BE WARRANTED.—

“(i) IN GENERAL.—To the maximum extent practicable, within 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to—

“(I) add a species to,

“(II) remove a species from, or

“(III) change a species status from a previous determination with respect to

either of the lists published under subsection (c), the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. If a petition is found to present such information, the Secretary shall promptly commence a review of the status of the species concerned the Secretary shall promptly publish each finding made under this subparagraph in the Federal Register.

“(ii) MINIMUM DOCUMENTATION.—A finding that the petition presents the information described in clause (i) shall not be made unless the petition provides—

“(I) documentation that the fish, wildlife, or plant that is the subject of the petition is a species as defined in section 3;

“(II) a description of the available data on the historical and current range and distribution of the species;

“(III) an appraisal of the available data on the status and trends of populations of the species;

“(IV) an appraisal of the available data on the threats to the species; and

“(V) an identification of the information contained or referred to in the petition that has been peer-reviewed or field-tested.

“(iii) NOTIFICATION TO THE STATES.—

“(I) PETITIONED ACTIONS.—If the petition is found to present the information described in clause (i), the Secretary shall notify and provide a copy of the petition to the State agency in each State in which the species is believed to occur and solicit the assessment of the agency, to be submitted to the Secretary within 90 days of notification, as to whether the petitioned action is warranted.

“(II) OTHER ACTIONS.—If the Secretary has not received a petition for a species and the Secretary is considering proposing to list such species as either threatened or endangered under subsection (a), the Secretary shall notify the State agency in each State in which the species is believed to occur and solicit the assessment of the agency, to be submitted to the Secretary within 90 days of the notification, as to whether the listing would be in accordance with the provisions of subsection (a).

“(III) CONSIDERATION OF STATE ASSESSMENTS.—Prior to publication of a determina-

tion that a petitioned action is warranted or a proposed regulation, the Secretary shall consider any State assessments submitted within the comment period established by subclause (I) or (II).

“(B) PETITION TO CHANGE STATUS OR DELIST.—A petition may be submitted to the Secretary under subparagraph (A) to change the status of or to remove a species from either of the lists published under subsection (c) in accordance with subsection (a)(1), if—

“(i) the current listing is no longer appropriate because of a change in the factors identified in subsection (a)(1); or

“(ii) with respect to a petition to remove a species from either of the lists—

“(I) new data or a reinterpretation of prior data indicates that removal is appropriate;

“(II) the species is extinct; or

“(III) the recovery goals established for the species in a recovery plan approved under section 5(h) have been achieved.

“(C) DETERMINATION.—Within 12 months after receiving a petition that is found under subparagraph (A)(i) to present substantial information indicating that the petitioned action may be warranted, the Secretary shall make one of the following findings:

“(i) NOT WARRANTED.—The petitioned action is not warranted, in which case the Secretary shall promptly publish the finding in the Federal Register.

“(ii) WARRANTED.—The petitioned action is warranted, in which case the Secretary shall promptly publish in the Federal Register a general notice and the complete text of a proposed regulation to implement the action in accordance with paragraph (5).

“(iii) WARRANTED BUT PRECLUDED.—The petitioned action is warranted, but that—

“(I) the immediate proposal and timely promulgation of a final regulation implementing the petitioned action in accordance with paragraphs (5) and (6) is precluded by pending proposals to determine whether any species is an endangered species or a threatened species; and

“(II) expeditious progress is being made to add qualified species to either of the lists published under subsection (c) and to remove from the lists species for which the protections of the Act are no longer necessary,

in which case the Secretary shall promptly publish the finding in the Federal Register, together with a description and evaluation of the reasons and data on which the finding is based.

“(D) SUBSEQUENT DETERMINATION.—A petition with respect to which a finding is made under subparagraph (C)(iii) shall be treated as a petition that is resubmitted to the Secretary under subparagraph (A) on the date of such finding and that presents substantial scientific or commercial information that the petitioned action may be warranted.

“(E) JUDICIAL REVIEW.—Any negative finding described in subparagraph (A)(i) and any finding described in subparagraph (C)(i) or (iii) shall be subject to judicial review.

“(F) MONITORING AND EMERGENCY LISTING.—The Secretary shall implement a system to monitor effectively the status of all species with respect to which a finding is made under subparagraph (C)(iii) and shall make prompt use of the authority under paragraph (7) to prevent a significant risk to the well-being of any such species.”.

(5) PROPOSED REGULATIONS.—Section 4(b)(5) is amended by—

(A) striking “(5) With respect to any regulation” and inserting the following:

“(5) PROPOSED REGULATIONS AND REVIEW.—With respect to any regulation”;

(B) striking “a determination, designation, or revision” and inserting “a determination or change in status”;

(C) striking “(a)(1) or (3),” and inserting “(a)(1),”;

(D) striking "in the Federal Register," and inserting "in the Federal Register as provided by paragraph (8)."; and

(E) striking subparagraph (E) and inserting the following:

"(E) at the request of any person within 45 days after the date of publication of general notice, promptly hold at least 1 public hearing in each State that would be affected by the proposed regulation (including at least 1 hearing in an affected rural area, if any) except that the Secretary may not be required to hold more than 5 hearings under this clause."

(7) FINAL REGULATIONS.—

(A) SCHEDULE.—Section 4(b)(6)(A) is amended to read as follows:

"(A) IN GENERAL.—Within the 1-year period beginning on the date on which general notice is published in accordance with paragraph (5)(A)(i) regarding a proposed regulation, the Secretary shall publish in the Federal Register—

"(i) a final regulation to implement the determination,

"(ii) notice that the 1-year period is being extended under subparagraph (B)(i), or

"(iii) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which such withdrawal is based."

(B) CONFORMING AMENDMENTS.—Section 4(b)(6) is amended—

(i) in subparagraph (B)(i) by striking "or revision";

(ii) in subparagraph (B)(iii), by striking "or revision concerned, a finding that the revision should not be made,"; and

(iii) by striking subparagraph (C).

(8) PUBLICATION OF DATA AND INFORMATION.—Section 4(b)(8) is amended by—

(A) striking "a summary by the Secretary of the data" and inserting "a summary by the Secretary of the best scientific and commercial data available";

(B) striking "is based and shall" and inserting "is based, shall"; and

(C) striking "regulation; and if such regulation designates or revises critical habitat, such summary shall, to the maximum extent practicable, also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify such habitat, or may be affected by such designation." and inserting "regulation, and shall provide, to the degree that it is relevant and available, information regarding the status of the affected species, including current population, population trends, current habitat, food sources, predators, breeding habits, captive breeding efforts, governmental and non-governmental conservation efforts, or other pertinent information."

(9) SOUND SCIENCE.—Section 4(b) is amended by adding at the end the following:

"(9) ADDITIONAL DATA.—

"(A) IN GENERAL.—The Secretary shall identify and publish in the Federal Register with the notice of a proposed regulation pursuant to paragraph (5)(A)(i) a description of additional scientific and commercial data that would assist in the preparation of a recovery plan and—

"(i) invite any person to submit the data to the Secretary; and

"(ii) describe the steps that the Secretary plans to take for acquiring additional data.

"(B) RECOVERY PLANNING.—Data identified and obtained under subparagraph (A) shall be considered by the recovery team and the Secretary in the preparation of the recovery plan in accordance with section 5.

"(C) NO DELAY AUTHORIZED.—Nothing in this paragraph shall be deemed to waive or extend any deadline for publishing a final rule to implement a determination (except

for the extension provided in paragraph (6)(B)(i) or any deadline under section 5.

"(10) INDEPENDENT SCIENTIFIC REVIEW.—

"(A) IN GENERAL.—In the case of a regulation proposed by the Secretary to implement a determination under subsection (a)(1) that any species is an endangered species or a threatened species or that any species currently listed as an endangered species or a threatened species should be removed from any list published pursuant to subsection (c), the Secretary shall provide for independent scientific peer review by—

"(i) selecting independent referees pursuant to subparagraph (B);

"(ii) requesting the referees to conduct the review, considering all relevant information, and make a recommendation to the Secretary in accordance with this paragraph not later than 150 days after the general notice is published pursuant to paragraph (5)(A)(i).

"(B) SELECTION OF REFEREES.—For each independent scientific review to be conducted pursuant to subparagraph (A), the Secretary shall select 3 independent referees from a list provided by the National Academy of Sciences, who—

"(i) through publication of peer-reviewed scientific literature or other means, have demonstrated scientific expertise on the species or a similar species or other scientific expertise relevant to the decision of the Secretary under subsection (a);

"(ii) do not have, or represent any person with, a conflict of interest with respect to the determination that is the subject of the review; and

"(iii) are not participants in a petition to list, change the status of, or remove the species under paragraph (3)(A)(i), the assessment of a State for the species under paragraph (3)(A)(iii), or the proposed or final determination of the Secretary.

"(C) FINAL DETERMINATION.—The Secretary shall take one of the actions under paragraph (6)(A) of this subsection not later than 1 year after the date of publication of the general notice of the proposed determination. If the referees have made a recommendation in accordance with clause (ii) of subparagraph (A), the Secretary shall evaluate and consider the information that results from the independent scientific review and include in the final determination—

"(i) a summary of the results of the independent scientific review; and

"(ii) in cases where the recommendation of a majority of the referees who conducted the independent scientific review under subparagraph (A) are not followed, an explanation as to why the recommendation was not followed.

"(D) FEDERAL ADVISORY COMMITTEE ACT.—The referees selected pursuant to this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.)."

(10) LIST.—Section 4(c) is amended by—

(A) inserting "designated" before "critical habitat"; and

(B) striking "determinations, designations and revisions" and inserting "determinations".

(11) PROTECTIVE REGULATION.—Section 4(d) is amended by—

(A) striking "Whenever any species is listed" and inserting the following:

"(1) IN GENERAL.—Whenever any species is listed"; and

(B) adding at the end the following:

"(2) NEW LISTINGS.—With respect to each species listed as a threatened species after the date of enactment of the Endangered Species Recovery Act of 1997, regulations applicable under paragraph (1) to the species shall be specific to that species by the date on which the Secretary is required to approve a recovery plan for the species pursuant to section 5(c) and may be subsequently revised."

(12) RECOVERY PLANS.—Section 4 is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(13) CONFORMING AMENDMENT.—Section 4(g) (as redesignated by paragraph (12)) is amended in paragraph (4) by striking "subsection (f) of this section" and inserting "section 5".

(d) PUBLIC AVAILABILITY OF DATA.—Section 3(b), as amended by subsection (a), is amended by adding at the end the following:

"(2) FREEDOM OF INFORMATION ACT EXEMPTION.—The Secretary, and the head of any other Federal agency upon the recommendation of the Secretary, may withhold or limit the availability of data requested to be released pursuant to section 552 of title 5, United States Code, if the data describes or identifies the location of an endangered species, a threatened species, or a species that has been proposed to be listed as threatened or endangered, and release of the data would be likely to result in increased take of the species."

SEC. 3. ENHANCED RECOVERY PLANNING.

(a) REDESIGNATION.—Section 5 of the Act is redesignated as section 5A.

(b) RECOVERY PLANS.—The Act is amended by inserting prior to section 5A (as redesignated by subsection (a)) the following:

"RECOVERY PLANS

"SEC. 5. (a) IN GENERAL.—The Secretary, in cooperation with the States, and on the basis of the best scientific and commercial data available, shall develop and implement plans (referred to in this Act as "recovery plans") for the conservation and recovery of endangered species and threatened species that are indigenous to the United States or in waters under the jurisdiction of the United States in accordance with the requirements and schedules described in this section, unless the Secretary finds, after notice and opportunity for public comment, that a plan will not promote the conservation of the species or because an existing plan or strategy to conserve the species already serves as the functional equivalent to a recovery plan. The Secretary may authorize a State agency to develop recovery plans pursuant to subsection (m).

"(b) PRIORITIES.—To the maximum extent practicable, the Secretary, in developing recovery plans, shall give priority, without regard to taxonomic classification, to recovery plans that—

"(1) address significant and immediate threats to the survival of an endangered species or a threatened species, have the greatest likelihood of achieving recovery of the endangered species or the threatened species, and will benefit species that are more taxonomically distinct;

"(2) address multiple species including (A) endangered species, (B) threatened species, or (C) species that the Secretary has identified as candidates or proposed for listing under section 4 and that are dependent on the same habitat as the endangered species or threatened species covered by the plan;

"(3) reduce conflicts with construction, development projects, jobs or other economic activities; and

"(4) reduce conflicts with military training and operations.

"(c) SCHEDULE.—For each species determined to be an endangered species or a threatened species after the date of enactment of the Endangered Species Recovery Act of 1997 for which the Secretary is required to develop a recovery plan under subsection (a), the Secretary shall publish—

"(1) not later than 18 months after the date of the publication under section 4 of the final regulation containing the listing determination, a draft recovery plan; and

"(2) not later than 30 months after the date of publication under section 4 of the final regulation containing the listing determination, a final recovery plan.

"(d) APPOINTMENT AND ROLE OF RECOVERY TEAM.—

"(1) IN GENERAL.—Not later than 60 days after the date of the publication under section 4 of the final regulation containing the listing determination for a species, the Secretary, in cooperation with the affected States, shall either appoint a recovery team to develop a recovery plan for the species or publish a notice pursuant to paragraph (3) that a recovery team shall not be appointed. Recovery teams shall include the Secretary and at least one representative from the State agency of each of the affected States choosing to participate and be broadly representative of the constituencies with an interest in the species and its recovery and in the economic or social impacts of recovery including representatives of Federal agencies, tribal governments, local governments, academic institutions, private individuals and organizations, and commercial enterprises. The recovery team members shall be selected for their knowledge of the species or for their expertise in the elements of the recovery plan or its implementation.

"(2) DUTIES OF THE RECOVERY TEAM.—Each recovery team shall prepare and submit to the Secretary the draft recovery plan that shall include the team's recommended recovery measures and alternatives, if any, to meet the recovery goal under subsection (e)(1). The recovery team may also be called upon by the Secretary to assist in the implementation, review and revision of recovery plans. The recovery team shall also advise the Secretary concerning the designation of critical habitat, if any.

"(3) EXCEPTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may, after notice and opportunity for public comment, establish criteria to identify species for which the appointment of a recovery team would not be required under this subsection, taking into account the availability of resources for recovery planning, the extent and complexity of the expected recovery activities and the degree of scientific uncertainty associated with the threats to the species.

"(B) STATE OPTION.—If the Secretary elects not to appoint a recovery team, the Secretary shall provide notice to each affected State and shall provide the affected States the opportunity to appoint a recovery team and develop a recovery plan, in accordance with the requirements and procedures set out in subsection (m).

"(C) SECRETARIAL DUTY.—In the event that a recovery team is not appointed, the Secretary shall perform all duties of the recovery team required by this section.

"(4) TRAVEL EXPENSES.—The Secretary is authorized to provide travel expenses (including per diem in lieu of subsistence at the same level as authorized by section 5703 of title 5, United States Code) to recovery team members.

"(5) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the selection or activities of a recovery team appointed pursuant to this subsection or subsection (m).

"(e) CONTENTS OF RECOVERY PLANS.—Each recovery plan shall contain:

"(1) BIOLOGICAL RECOVERY GOAL.—

"(A) IN GENERAL.—Not later than 6 months after the appointment of a recovery team under this section, those members of the recovery team with relevant scientific expertise shall establish and submit to the Secretary of recommended biological recovery goal to conserve and recover the species that, when met, would result in the deter-

mination, in accordance with the provisions of section 4, that the species be removed from the list. The goal shall be based solely on the best scientific and commercial data available. The recovery goal shall be expressed as objective and measurable biological criteria. When the goal is met, the Secretary shall be required to initiate the procedures for determining whether, in accordance with section 4(a)(1), to remove the species from the list.

"(B) PEER REVIEW.—The recovery team shall promptly obtain independent scientific review of the recommended biological recovery goal.

"(2) RECOVERY MEASURES.—The recovery plan shall incorporate recovery measures that will meet the recovery goal.

"(A) MEASURES.—The recovery measures may incorporate general and site-specific measures for the conservation and recovery of the species such as—

"(i) actions to protect and restore habitat;

"(ii) research;

"(iii) establishment of refugia, captive breeding, releases of experimental populations;

"(iv) actions that may be taken by Federal agencies, including actions that use, to the maximum extent practicable, Federal lands; and

"(v) opportunities to cooperate with State and local governments and other persons to recover species, including through the development and implementation of conservation plans under section 10.

"(B) DRAFT RECOVERY PLANS.—

"(i) IN GENERAL.—In developing a draft recovery plan, the recovery team or, if there is no recovery team, the Secretary, shall consider alternative measures and recommend measures to meet the recovery goal including the benchmarks. The recovery measures shall achieve an appropriate balance among the following factors—

"(I) the effectiveness of the measures in meeting the recovery goal;

"(II) the period of time in which the recovery goal is likely to be achieved, provided that the time period within which the recovery goal is to be achieved will not pose a significant risk to recovery of the species; and

"(III) the social and economic impacts (both quantitative and qualitative) of the measures and their distribution across regions and industries.

"(ii) DESCRIPTION OF ALTERNATIVES.—The draft plan shall include a description of any alternative recovery measures considered, but not included in the recommended measures, and an explanation of how any such measures considered were assessed and the reasons for their selection or rejection.

"(iii) DESCRIPTION OF ECONOMIC EFFECTS.—If the recommended recovery measures identified in clause (i) would impose significant costs on a municipality, county, region or industry, the recovery team shall prepare a description of the overall economic effects on the public and private sections including, as appropriate, effects on employment public revenues, and value of property as a result of the implementation of the recovery plan.

"(3) BENCHMARKS.—The recovery plan shall include objective, measurable benchmarks expected to be achieved over the course of the recovery plan to determine whether progress is being made towards the recovery goal.

"(4) FEDERAL AGENCIES.—Each recovery plan for an endangered species or a threatened species shall identify Federal agencies that authorize, fund, or carry out actions that are likely to have a significant impact on the prospects for recovering the species.

"(F) PUBLIC NOTICE AND COMMENT.—

"(1) IN GENERAL.—If the Secretary makes a preliminary determination that the draft recovery plan meets the requirements of this

section, the Secretary shall publish in the Federal Register and a newspaper of general circulation in each affected State a notice of availability and a summary of, and a request for public comment on, the draft recovery plan including a description of the economic effects prepared under subsection (e)(2)(B)(iii) and the recommendations of the independent referees on the recovery goal.

"(2) HEARINGS.—At the request of any person, the Secretary shall hold at least 1 public hearing on each draft recovery plan in each State to which the plan would apply (including at least 1 hearing in an affected rural area, if any), except that the Secretary may not be required to hold more than 5 hearings under this paragraph.

"(g) PROCUREMENT AUTHORITY.—The Secretary, in developing and implementing recovery plans, may procure the services of appropriate public and private agencies and institutions and other qualified persons.

"(h) REVIEW AND SELECTION BY THE SECRETARY.—

"(1) REVIEW AND APPROVAL.—The Secretary shall review each plan submitted by a recovery team, including a recovery team appointed by a State pursuant to the authority of subsection (m), to determine whether the plan was developed in accordance with the requirements of this section. If the Secretary determines that the plan does not satisfy such requirements, the Secretary shall notify the recovery team and give the team an opportunity to address the concerns of the Secretary and resubmit a plan that satisfies the requirements of this section. After notice and opportunity for public comment on the recommendations of the recovery team, the Secretary shall adopt a final recovery plan that is consistent with the requirements of this section.

"(2) SECTION OF RECOVERY MEASURES.—In each final plan the Secretary shall select recovery measures that meet the recovery goal and the benchmarks. The recovery measures shall achieve an appropriate balance among the factors in subclauses (I) through (III) of subsection (e)(2)(B)(i).

"(3) MEASURES RECOMMENDED BY RECOVERY TEAM.—If the Secretary selects measures other than those recommended by the recovery team, the Secretary shall publish with the final plan an explanation of why the measures recommended by the recovery team were not selected for the final recovery plan.

"(4) PUBLICATION OF NOTICE ON FINAL PLANS.—The Secretary shall publish in the Federal Register a notice of availability, and a summary, of the final recovery plan, and include in the final recovery plan a response to significant comments that the Secretary received on the draft recovery plan.

"(i) REVIEW.—

"(1) EXISTING PLANS.—Not later than 5 years after date of enactment of Endangered Species recovery Act of 1997, the Secretary shall review recovery plans published prior to such date.

"(2) SUBSEQUENT PLANS.—The Secretary shall review each recovery plan first approved or revised under this section subsequent to the enactment of the Endangered Species Recovery Act of 1997, not later than 10 years after the date of approval or revision of the plan and every 10 years thereafter.

"(j) REVISION OF RECOVERY PLANS.—Notwithstanding any other provisions of this section, the Secretary shall revise a recovery plan if the Secretary finds that substantial new information, that may include the failure to meet the benchmarks included in the plan, based upon the best scientific and commercial data available, indicates that the recovery goals contained in the recovery plan will not achieve the conservation and recovery of the endangered species or threatened species covered by the plan. The Secretary

shall convene a recovery team to develop the revisions required by this subsection, unless the Secretary has established an exception for the species pursuant to subsection (d)(3).

“(k) EXISTING PLANS.—Nothing in this section shall be interpreted to require the modification of—

“(1) a recovery plan approved, or

“(2) a recovery plan on which public notice and comment has been initiated,

prior to the date of enactment of the Endangered Species Recovery Act of 1997 until revised by the Secretary in accordance with this section.

“(1) IMPLEMENTATION OF RECOVERY PLANS.—

“(1) IMPLEMENTATION AGREEMENTS.—The Secretary is authorized to enter into agreements with Federal agencies, affected States, Indian tribes, local governments, private landowners and organizations to implement specified conservation measures identified by an approved recovery plan that promote the recovery of the species on lands or waters owned by, or within the jurisdiction of, each such party. The Secretary may enter into such agreements, if the Secretary, after notice and opportunity for public comment, determines that—

“(A) each party to the agreement has the legal authority and capability to carry out the agreement;

“(B) the agreement shall be reviewed and revised as necessary on a regular basis by the parties to the agreement to ensure that it meets the requirements of this section; and

“(C) the agreement establishes a mechanism for the Secretary to monitor and evaluate implementation of the agreement.

“(2) DUTY OF FEDERAL AGENCIES.—Each Federal agency identified under subsection (e)(4) shall enter into an implementation agreement with the Secretary not later than 2 years after the date on which the Secretary approves the recovery plan for the species. For purposes of satisfying this section, the substantive provisions of the agreement shall be within the sole discretion of the Secretary and the head of the Federal agency entering into the agreement.

“(3) OTHER REQUIREMENTS.—

“(A) AGENCY ACTIONS.—Any action authorized, funded or carried out by a Federal agency that is specified in a recovery plan implementation agreement between the Federal agency and the Secretary to promote the recovery of the species and for which the agreement provides sufficient information on the nature, scope and duration of the action to determine the effect of the action on any endangered species, threatened species, or critical habitat shall not be subject to the requirements of section 7(a)(2) for that species, provided the action is to be carried out during the term of such agreement and the Federal agency is in compliance with the agreement.

“(B) COMPREHENSIVE AGREEMENTS.—If a non-Federal person proposes to include in an implementation agreement a site-specific action that the Secretary determines meets the requirements of subparagraph (A) and that action would require authorization or funding by one or more Federal agencies, the agencies authorizing or funding the action shall participate in the development of the agreement and shall identify, at that time, all measures for the species that would be required under this Act as a condition of the authorization or funding.

“(4) FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—In cooperation with the States and subject to the availability of appropriations under section 13(f), the Secretary may provide a grant of up to \$25,000 to any individual private landowner to assist

the landowner in carrying out a recovery plan implementation agreement under this subsection.

“(B) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide assistance under this paragraph for any action that is required by a permit issued under this Act or that is otherwise required under this Act or other Federal law.

“(C) OTHER PAYMENTS.—Grants provided to an individual private landowner under this paragraph shall be in addition to, and not affect, the total amount of payments the landowner is otherwise eligible to receive under the Conservation Reserve Program (16 U.S.C. 3831 et seq.), the Wetlands Reserve Program (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program (16 U.S.C. 3836a).

“(m) STATE AUTHORITY FOR RECOVERY PLANNING.—

“(1) IN GENERAL.—At the request of the Governor of a State, or the Governors of several States in cooperation, the Secretary may authorize the respective State agency to develop the recovery plan for an endangered species or a threatened species in accordance with the requirements and schedules of subsections (c), (d)(1), (d)(2), and (e) and this subsection if the Secretary finds that—

“(A) the State or States have entered into a cooperative agreement with the Secretary pursuant to section 6(c); and

“(B) the State agency has submitted a statement to the Secretary demonstrating adequate authority and capability to carry out the requirements and schedules of subsections (c), (d)(1), (d)(2), and (e) of this subsection.

“(2) STANDARDS AND GUIDELINES.—The Secretary, in cooperation with the States, shall publish standards and guidelines for the development of recovery plans by a State agency under this subsection, including standards and guidelines for interstate cooperation and for the grant and withdrawal of authorization under this subsection by the Secretary.

“(3) MEMBERS AND DUTIES OF RECOVERY TEAM.—Each recovery team appointed by a State agency under this subsection shall include the Secretary. The recovery team shall prepare a draft recovery plan in accordance with the requirements of this section and shall transmit the draft plan to the Secretary through the State agency authorized to develop the recovery plan.

“(4) REVIEW OF DRAFT PLANS.—Prior to publication of a notice of availability of a draft recovery plan, the Secretary shall review each draft recovery plan developed pursuant to this subsection to determine whether it meets the requirements of this section. If the Secretary determines that the plan does not meet such requirements, the Secretary shall notify the State agency and, in cooperation with such State agency, develop a recovery plan in accordance with the requirements of this section.

“(5) REVIEW AND APPROVAL OF FINAL PLANS.—Upon receipt of a draft recovery plan transmitted by a State agency, the Secretary shall review and approve the plan in accordance with subsection (h).

“(6) WITHDRAWAL OF AUTHORITY.—

“(A) IN GENERAL.—The Secretary may withdraw the authority from a State that has been authorized to develop a recovery plan pursuant to this subsection if the actions of the State agency are not in accordance with the substantive and procedural requirements of subsections (c), (d)(1), (d)(2), and (e) of this subsection. The Secretary shall give the State agency an opportunity to correct any deficiencies identified by the Secretary and shall withdraw the authority from the State unless the State agency within 60 days has corrected the deficiencies identified by the Secretary. Upon withdrawal

of State authority pursuant to this subsection, the Secretary shall have an additional 18 months to publish a draft recovery plan and an additional 12 months to publish a final recovery plan under subsection 5(c).

“(B) PETITIONS TO WITHDRAW.—Any person may submit a petition requesting the Secretary to withdraw the authority from a State on the basis that the actions of the State agency are not in accordance with the substantive and procedural requirements identified in subparagraph (A). If the Secretary has not acted on the petition pursuant to subparagraph (A) within 90 days, the petition shall be deemed denied and the denial shall be a final agency action for the purposes of judicial review.

“(7) STATE AGENCY.—For purposes of this subsection, the term ‘State agency’ includes—

“(A) State agencies (as defined in section 3) of the several States submitting a cooperative request under paragraph (1); and

“(B) for fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries, the Pacific Northwest Electric Power and Conservation Planning Council established under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

“(n) CRITICAL HABITAT DESIGNATION.—

“(1) RECOMMENDATION OF THE RECOVERY TEAM.—Not later than 9 months after the date of publication under section 4 of a final regulation containing a listing determination for a species, the recovery team appointed for the species shall provide the Secretary with a description of any habitat of the species that is recommended for designation as critical habitat pursuant to this subsection and any recommendations for special management considerations or protection that are specific to such habitat.

“(2) DESIGNATION BY THE SECRETARY.—The Secretary, to the maximum extent prudent and determinable, shall be regulation designate any habitat of an endangered species or a threatened species that is indigenous to the United States or waters under the jurisdiction of the United States that is considered to be critical habitat.

“(A) DESIGNATION.—

“(i) PROPOSAL.—Not later than 18 months after the date on which a final listing determination is made under section 4 for a species, the Secretary, after consultation and in cooperation with the recovery team, shall publish in the Federal Register a proposed regulation designating critical habitat for the species.

“(ii) PROMULGATION.—The Secretary shall, after consultation and in cooperation with the recovery team, publish a final regulation designating critical habitat for a species not later than 30 months after the date on which a final listing determination is made under section 4 for the species.

“(B) OTHER DESIGNATIONS.—If a recovery plan is not developed under this section for an endangered species or a threatened species, the Secretary shall publish a final critical habitat determination for that endangered species or threatened species within 36 months after making a determination that the species is an endangered species or a threatened species.

“(C) ADDITIONAL AUTHORITY.—The Secretary may publish a regulation designating critical habitat for an endangered species or a threatened species concurrently with the final regulation implementing the determination that the species is endangered or threatened if the Secretary determines that designation of such habitat at the time of listing is essential to avoid the imminent extinction of the species.

“(3) FACTORS TO BE CONSIDERED.—The designation of critical habitat shall be made on

the basis of the best scientific and commercial data available and after taking into consideration the economic impact, impacts to military training and operations, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary shall describe the economic impacts and other relevant impacts that are to be considered under this subsection in the publication of any proposed regulation designating critical habitat.

“(4) EXCLUSIONS.—The Secretary may exclude any area from critical habitat for a species if the Secretary determines that the benefits of the exclusion outweigh the benefits of designating the area as part of the critical habitat, unless the Secretary determines that the failure to designate the area as critical habitat will result in the extinction of the species.

“(5) REVISIONS.—The Secretary may, from time-to-time and as appropriate, revise a designation. Each area designated as critical habitat before the date of enactment of the Endangered Species Recovery Act of 1997 shall continue to be considered so designated, until the designation is revised in accordance with this subsection.

“(6) PETITIONS.—

“(A) DETERMINATION THAT REVISION MAY BE WARRANTED.—To the maximum extent practicable, within 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to revise a critical habitat designation, the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the revision may be warranted. The Secretary shall promptly publish such finding in the Federal Register.

“(B) NOTICE OF PROPOSED ACTION.—Within 12 months after receiving a petition that is found under subparagraph (A) to present substantial information indicating that the requested revision may be warranted, the Secretary shall determine how to proceed with the requested revision, and shall promptly publish notice of such intention in the Federal Register.

“(7) PROPOSED AND FINAL REGULATIONS.—Any regulation to designate critical habitat or implement a requested revision shall be proposed and promulgated in accordance with paragraphs (4), (5) and (6) of section 4(b) in the same manner as a regulation to implement a determination with respect to listing a species.

“(o) REPORTS.—The Secretary shall report every two years to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives on the status of efforts to develop and implement recovery plans for all species listed pursuant to section 4 and on the status of all species for which such plans have been developed.”.

(c) CITIZEN SUITS.—Section 11(g)(1)(C) of the Act (16 U.S.C. 1540(g)(1)(C)) is amended by inserting “or section 5” after “section 4”.

(d) CONFORMING AMENDMENTS FOR RECOVERY PLANNING.—

(1) Section 6(d)(1) is amended by striking “section 4(g)” and inserting “section 4(f)”.

(2) Section 10(f)(5) is amended by striking the last sentence.

(3) Sections 104(c)(4)(A)(ii)(I), 115(b)(2), and 118(f)(1) of the Marine Mammal Protection Act are amended by striking “section 4(f)” each place it occurs and inserting “section 5”

(4) The table of contents in the first section (16 U.S.C. 1531) is amended by striking the item related to section 5 and inserting the following:

“Sec. 5. Recovery plans.
Sec. 5A. Land acquisition.”.

(e) PLANS FOR PREVIOUSLY LISTED SPECIES.—In the case of species included in the list published under section 4(c) before the date of enactment of this Act, and for which no recovery plan was developed before that date, the Secretary shall develop a final recovery plan in accordance with the requirements of section 5 (including the priorities of section 5(b)) of the Endangered Species Act (16 U.S.C. 1531 et seq.), as amended by this Act, for not less than one-half of the species not later than 36 months after the date of enactment of this Act and for all species not later than 60 months after such date.

SEC. 4. INTERAGENCY CONSULTATION AND COOPERATION.

(A) REASONABLE AND PRUDENT ALTERNATIVES.—Section 3 (16 U.S.C. 1532) is amended by redesignating paragraphs (15) through (21) as paragraphs (16) through (22), respectively, and inserting the following new paragraph after paragraph (14):

“(15) REASONABLE AND PRUDENT ALTERNATIVES.—The term ‘reasonable and prudent alternatives’ means alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that can be implemented consistent with the scope of the Federal agency’s legal authority and jurisdiction, that are economically and technologically feasible, and that the Secretary believes would avoid the likelihood of jeopardizing the continued existence of listed species or resulting in the destruction or adverse modification of critical habitat.”.

(b) INVENTORY OF SPECIES ON FEDERAL LANDS.—Section 7(a)(1)(16 U.S.C. 1536(a)(1)) is amended by—

(1) inserting “(A)” after “(1)”; and

(2) adding the following at the end thereof:

“(B) INVENTORY OF SPECIES ON FEDERAL LANDS.—The head of each Federal agency that is responsible for the management of lands and waters—

“(i) shall by not later than December 31, 2003, prepare and provide to the Secretary an inventory of the presence or occurrence of endangered species, threatened species, species that have been proposed for listing, and species that the Secretary has identified as candidates for listing under section(4), that are located on lands or waters owned or under control of the agency; and

“(ii) shall at least once every 5 years thereafter update the inventory required by clause (1) including newly listed, proposed and candidate species.”.

(c) CONSULTATION.—Section 7(a)(3) (16 U.S.C. 1536(a)(3)) is amended to read as follows:

“(3) CONSULTATION.—

“(A) NOTIFICATION OF ACTIONS.—Prior to commencing any action, each Federal agency shall notify the Secretary if the agency determines that the action may affect an endangered species or a threatened species or critical habitat.

(B) AGENCY DETERMINATION.—

“(i) IN GENERAL.—Each Federal agency shall consult with the Secretary as required by paragraph (2) on each action for which notification is required under subparagraph (A) unless—

“(I) the Federal agency makes a determination based on the opinion of a qualified biologist that the action is not likely to adversely affect an endangered species, a threatened species or critical habitat;

“(II) the Federal agency notifies the Secretary that it has determined that the action is not likely to adversely affect any listed species or critical habitat and provides the Secretary, along with the notice, a copy of the information on which the agency based the determination; and

“(III) the Secretary does not object in writing to the agency’s determination within 60 days from the date such notice is received.

“(ii) ACTIONS EXCLUDED.—The Secretary may by regulation identify categories of actions with respect to specific endangered species or threatened species that the Secretary determines are likely to have an adverse effect on the species or its critical habitat and, for which, the procedures of clause (i) shall not apply.

“(iii) BASIS FOR OBJECTION.—The Secretary shall object to a determination made by a Federal agency pursuant to clause (i), if—

“(I) the Secretary determines that the action may have an adverse effect on an endangered species, a threatened species or critical habitat; or

“(II) the Secretary finds that there is insufficient information in the documentation accompanying the determination to evaluate the impact of the proposed action on endangered species, threatened species, or critical habitat; or

“(III) the Secretary finds that, because of the nature of the action and its potential impact on an endangered species, a threatened species or critical habitat, review cannot be completed in 60 days.

“(iv) NAS REVIEW.—Not later than 3 years after the date of enactment of this clause, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of and prepare a report on the determinations made by Federal agencies pursuant to clause (i). The report shall be transmitted to the Congress not later than 5 years after the date of enactment of this clause.

“(v) REPORTS.—The Secretary shall report to the Congress not less often than biennially with respect to the implementation of this subparagraph including in the report information on the circumstances that resulted in the Secretary making any objection to a determination made by a Federal agency under clause (i) and the availability of resources to carry out the requirements of this section.

“(C) CONSULTATION AT REQUEST OF APPLICANT.—Subject to such guidelines as the Secretary may establish, a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by the applicant’s project and that implementation of the action will likely affect the species.”.

(d) GAO REPORT.—The Comptroller General of the United States shall report to the Committee on Environment and Public Works of the Senate and to the Committee on Resources of the House of Representatives not later than 3 years after the date of enactment of this Act, and 2 years thereafter, on the cost of formal consultation to Federal agencies and other persons carrying out actions subject to the requirements of section 7 of the Endangered Species Act (16 U.S.C. 1536), including the cost of reasonable and prudent measures imposed.

(e) NEW LISTINGS.—Section 7(a) (16 U.S.C. 1536(a)) is amended by adding at the end the following:

“(5) EFFECT OF LISTING ON EXISTING PLANS.—

“(A) ACTIONS.—For the purposes of paragraph (2), the term ‘action’ includes land use plans under the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) and resource management plans under the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.), as amended by the National Forest Management Act (16 U.S.C. 1600 et seq.).

“(B) RE-INITIATION OF CONSULTATION.—Whenever a determination to list a species as

an endangered species or a threatened species or designation of critical habitat requires re-initiation of consultation under section 7(a)(2) on an already approved action as defined under subparagraph (A), the consultation shall commence promptly, but no later than 90 days after the date of the determination or designation, and be completed within 12 months of the date on which the consultation is commenced.

“(C) SITE-SPECIFIC ACTIONS DURING CONSULTATION.—Notwithstanding subsection (d), the Federal agency implementing the land use plan or resource management plan under subparagraph (B) may authorize, fund, or carry out a site-specific ongoing or previously scheduled action with the scope of the plan on such lands prior to completing consultation on the plan under subparagraph (B) pursuant to the consultation procedures of this section and related regulations, if—

“(i) no consultation on the action is required; or

“(ii) consultation on the action is required and the Secretary issues a biological opinion and the action satisfies the requirements of this section.”.

(f) IMPROVED FEDERAL AGENCY COORDINATION.—Section 7(a) (16 U.S.C. 1536(a)) is amended by adding at the end the following:

“(6) CONSOLIDATION OF CONSULTATION AND CONFERENCING.—

“(A) CONSULTATION WITH A SINGLE AGENCY.—Consultation and conferencing under this subsection between the Secretary and a Federal agency may, with the approval of the Secretary, encompass a number of related or similar actions by the agency to be carried out within a particular geographic area.

“(B) CONSULTATION WITH SEVERAL AGENCIES.—The Secretary may consolidate requests for consultation or conferencing from various Federal agencies the proposed actions of which may affect the same endangered species, threatened species, or species that have been proposed for listing under section 4, within a particular geographic area.”.

(g) USE OF INFORMATION PROVIDED BY STATES.—Section 7(b)(1) (16 U.S.C. 1536(b)(1)) is amended by adding at the end the following:

“(C) USE OF STATE INFORMATION.—In conducting a consultation under subsection (a)(2), the Secretary shall actively solicit and consider information from the State agency in each affected State.”.

(h) OPPORTUNITY TO PARTICIPATE IN CONSULTATIONS.—Section 7(b)(1) (16 U.S.C. 1536(b)(1)) (as amended by subsection (g)) is further amended by adding at the end the following:

“(D) OPPORTUNITY TO PARTICIPATE IN CONSULTATIONS.—

“(i) IN GENERAL.—In conducting a consultation under subsection (a)(2), the Secretary shall provide any person who has sought authorization or funding for an action from a Federal agency and that authorization or funding is the subject of the consultation, the opportunity to—

“(I) prior to the development of a draft biological opinion, submit and discuss with the Secretary and the Federal agency information relevant to the effect of the proposed action on the species and the availability of reasonable and prudent alternatives (if a jeopardy opinion is to be issued) that the Federal agency and the person can take to avoid violation of section 7(a)(2);

“(II) receive information, upon request subject to the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)) on the status of the species, threats to the species, and conservation measures, used by the Secretary to develop the draft biological opinion and the final biological opinion, including the associated incidental take statements; and

“(III) received a copy of the draft biological opinion from the Federal agency and, prior to issuance of the final biological opinion, submit comments on the draft biological opinion and discuss with the Secretary and the Federal agency the basis for any finding in the draft biological opinion.

“(ii) EXPLANATION.—If reasonable and prudent alternatives are proposed by a person under clause (i) and the Secretary does not include the alternatives in the final biological opinion, the Secretary shall explain to such person why those alternatives were not included in the opinion.”.

(i) INCIDENTAL TAKING STANDARDS FOR FEDERAL AGENCIES.—Section 7(b)(4) (16 U.S.C. 1536(b)(4)) is amended—

(1) in clause (ii), by inserting “and mitigate” after “to minimize”; and

(2) by adding at the end the following: “For purposes of this subsection, reasonable and prudent measures shall be related both in nature and extent to the effect of the proposed activity that is the subject of the consultation.”.

(j) REVISION OF REGULATIONS.—Not later than 1 year after the date of enactment of the Endangered Species Recovery Act of 1997, the Secretary shall promulgate modifications to part 402 of title 50, Code of Federal Regulations, to implement the provisions of this section.

SEC. 5. CONSERVATION PLANS.

(a) PERMIT FOR TAKE ON THE HIGH SEAS.—Section 10(a)(1)(B) (16 U.S.C. 1539(a)(1)(B)) is amended by striking “section 9(a)(1)(B)” and inserting in lieu thereof “subparagraph (B) or (C) of section 9(a)(1)”.

(b) MONITORING.—Section 10(a)(2)(B) (16 U.S.C. 1539(a)(2)(B)) is amended by striking “reporting” and inserting in lieu thereof “monitoring and reporting”.

(c) OTHER PLANS.—Section 10(a) (16 U.S.C. 1539(a)) is amended by striking paragraph (2)(C) and inserting the following new paragraphs:

“(3) MULTIPLE SPECIES CONSERVATION PLANS.—

“(A) IN GENERAL.—In addition to one or more listed species, a conservation plan developed under paragraph (2) may, at the request of the applicant, include species proposed for listing under section 4(c), candidate species, or other species found on lands or waters owned or within the jurisdiction of the applicant covered by the plan.

“(B) APPROVAL CRITERIA.—The Secretary shall approve an application for a permit under paragraph (1)(B) that includes species other than species listed as endangered species or threatened species if, after notice and opportunity for public comment, the Secretary finds that the permit application and the related conservation plan satisfy the criteria of paragraphs (2)(A) and (2)(B) with respect to listed species, and that the permit application and the related conservation plan with respect to other species satisfy the following requirements:

“(i) The impact on non-listed species included in the plan will be incidental;

“(ii) The applicant will, to the maximum extent practicable, minimize and mitigate such impacts;

“(iii) The actions taken by the applicant with respect to species proposed for listing or candidates for listing included in the plan, if undertaken by all similarly situated persons within the range of such species, are likely to eliminate the need to list the species as an endangered species or a threatened species for the duration of the agreement as a result of the activities conducted by those persons;

“(iv) The actions taken by the applicant with respect to other non-listed species included in the plan, if undertaken by all similarly situated persons within the range of such species, would not be likely to con-

tribute to a determination to list the species as an endangered species or a threatened species for the duration of the agreement;

“(v) The criteria of paragraphs (2)(A)(iv), (2)(B)(iii) and (2)(B)(v); and

the Secretary has received such other assurances as the Secretary may require that the plan will be implemented. The permit shall contain such terms and conditions as the Secretary deems necessary or appropriate to carry out the purposes of this paragraph, including, but not limited to, such monitoring and reporting requirements as the Secretary deems necessary for determining whether such terms and conditions are being complied with.

“(C) TECHNICAL ASSISTANCE AND GUIDANCE.—To the maximum extent practicable, the Secretary and the heads of other Federal agencies, in cooperation with the States, are authorized and encouraged to provide technical assistance or guidance to any State or person that is developing a multiple species conservation plan under this paragraph. In providing technical assistance or guidance, priority shall be given to landowners that might otherwise encounter difficulty in developing such a plan.

“(D) DEADLINES.—A conservation plan developed pursuant to this paragraph shall be reviewed and approved or disapproved not later than 1 year after the date of submission, or within such other period of time as is mutually agreeable to the Secretary and the applicant.

“(E) STATE AND LOCAL LAW.—

“(i) OTHER SPECIES.—Nothing in this paragraph shall limit the authority of a State or local government with respect to fish, wildlife or plants that have not been listed as an endangered species or a threatened species under section 4.

“(ii) COMPLIANCE.—An action by the Secretary, the Attorney General, or a person under section 11(g) to ensure compliance with a multiple species conservation plan and permit under this paragraph may only be brought against a permittee or the Secretary.

“(F) EFFECTIVE DATE OF PERMIT FOR NON-LISTED SPECIES.—For any species not listed as an endangered species or a threatened species, but covered by an approved multiple species conservation plan, the permit issued under paragraph (1)(B) shall take effect without further action by the Secretary at the time the species is listed pursuant to section 4(c), and to the extent that the taking is otherwise prohibited by subparagraphs (B) or (C) of section 9(a)(1).

“(4) LOW EFFECT ACTIVITIES.—

“(A) IN GENERAL.—Notwithstanding paragraph (2)(A), the Secretary may issue a permit for a low effect activity authorizing any taking referred to in paragraph (1)(B), if the Secretary determines that the activity will have no more than a negligible effect, both individually and cumulatively, on the species, any taking associated with the activity will be incidental, and the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. The permit shall require, to the extent appropriate, actions to be taken by the permittee to offset the effects of the activity on the species.

“(B) APPLICATIONS.—The Secretary shall minimize the costs of permitting to the applicant by developing, in cooperation with the States, model permit applications that would constitute conservation plans for low effect activities.

“(C) PUBLIC COMMENT; EFFECTIVE DATE.—Upon receipt of a permit application for an activity that meets the requirements of subparagraph (A), the Secretary shall provide

notice in a newspaper of general circulation in the area of the activity not later than 30 days after receipt and an opportunity for comment on the permit. If the Secretary does not receive significant adverse comment within 30 days of the notice, the permit shall take effect without further action by the Secretary 45 days after the notice is published.

“(5) NO SURPRISES.—

“(A) IN GENERAL.—Each conservation plan developed under this subsection shall include a no surprises provision, as described in this paragraph.

“(B) NO SURPRISES.—A person who has entered into, and is in compliance with, a conservation plan under this subsection may not be required to undertake any additional mitigation measures for species covered by such plan if such measures would require the payment of additional money, or the adoption of additional use, development or management restrictions on any land, waters or water-related rights that would otherwise be available under the terms of the plan without the consent of the permittee. The Secretary and the applicant, by the terms of the conservation plan, shall identify—

- “(i) other modifications to the plan; or
- “(ii) other additional measures,

if any, that the Secretary may require under extraordinary circumstances.

“(6) PERMIT REVOCATION.—After notice and an opportunity for correction, as appropriate, the Secretary shall revoke a permit issued under this subsection if the Secretary finds that the permittee is not complying with the terms and conditions of the permit or the conservation plan.”

(d) CANDIDATE CONSERVATION AGREEMENTS.—

(1) PERMITS.—Section 10(a)(1) (16 U.S.C. 1539(a)(1)) is amended by—

(A) deleting “or” at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting “; or”; and

(C) adding the following subparagraph at the end—

“(C) any taking incidental to, and not the purpose of, the carrying out of an otherwise lawful activity pursuant to a candidate conservation agreement.”

(2) AGREEMENTS.—Section 10 (16 U.S.C. 1539) is amended by adding at the end thereof the following:

“(k) CANDIDATE CONSERVATION AGREEMENTS.—

“(1) IN GENERAL.—At the request of any non-Federal person, the Secretary may enter into a candidate conservation agreement with that person for a species that has been proposed for listing under section 4(c)(1), is a candidate species, or is likely to become a candidate species in the near future on property owned or under the jurisdiction of the person requesting such an agreement.

“(2) REVIEW BY THE SECRETARY.—

“(A) SUBMISSION TO THE SECRETARY.—A non-Federal person may submit a candidate conservation agreement developed under paragraph (1) to the Secretary for review at any time prior to the listing described in section 4(c)(1) of a species that is the subject of the agreement.

“(B) CRITERIA FOR APPROVAL.—The Secretary may approve an agreement and issue a permit under subsection (a)(1)(C) for the agreement if, after notice and opportunity for public comment, the Secretary finds that—

“(i) for species proposed for listing, candidates for listing, or species that are likely to become a candidate species in the near future, that are included in the agreement, the actions taken under the agreement, if undertaken by all similarly situated persons,

would produce a conservation benefit that would be likely to eliminate the need to list the species under section 4(c) as a result of the activities of those persons during the duration of the agreement;

“(ii) the actions taken under the agreement will not adversely affect an endangered species or a threatened species;

“(iii) the agreement contains such other measures that the Secretary may require as being necessary or appropriate for the purposes of the agreement;

“(iv) the person will ensure adequate funding to implement the agreement; and

“(v) the agreement includes such monitoring and reporting requirements as the Secretary deems necessary for determining whether the terms and conditions of the agreement are being complied with.

“(3) EFFECTIVE DATE OF PERMIT.—A permit issued under subsection (a)(1)(C) shall take effect at the time the species is listed pursuant to section 4(c), provided that the permittee is in full compliance with the terms and conditions of the agreement.

“(4) ASSURANCES.—A person who has entered into a candidate conservation agreement under this subsection, and is in compliance with the agreement, may not be required to undertake any additional measures for species covered by such agreement if such measures would require the payment of additional money, or the adoption of additional use, development or management restrictions on any land, waters, or water-related rights that would otherwise be available under the terms of the agreement without the consent of the person entering into the agreement. The Secretary and the person entering into a candidate conservation agreement, by the terms of the agreement, shall identify—

“(A) other modifications to the agreements; or

“(B) other additional measures,

if any, that the Secretary may require under extraordinary circumstances.

(e) PUBLIC NOTICE.—Section 10(c) (16 U.S.C. 1539(c)) is amended by—

(1) striking “thirty” each place that it appears and inserting in lieu thereof “60”; and

(2) inserting before the final sentence the following: “The Secretary may, with approval of the applicant, provide an opportunity, as early as practicable, for public participation in the development of a multiple species conservation plan and permit application. If a multiple species conservation plan and permit application has been developed without the opportunity for public participation, the Secretary shall extend the public comment period for an additional 30 days for interested parties to submit written data, views, or arguments on the plan and application.”

(f) SAFE HARBOR AGREEMENTS.—Section 10 (16 U.S.C. 1539) is amended by adding at the end thereof the following new subsection:

“(1) SAFE HARBOR AGREEMENTS.—

“(1) AGREEMENTS.—

“(A) IN GENERAL.—The Secretary may enter into agreements with non-Federal persons to benefit the conservation of endangered species or threatened species by creating, restoring, or improving habitat or by maintaining currently unoccupied habitat for endangered species or threatened species. Under an agreement, the Secretary shall permit the person to take endangered species or threatened species included under the agreement on lands or waters that are subject to the agreement if the taking is incidental to, and not the purpose of, carrying out of an otherwise lawful activity, provided that the Secretary may not permit through such agreements any incidental take below the baseline requirement specified pursuant to subparagraph (B).

“(B) BASELINE.—For each agreement under this subsection, the Secretary shall establish a baseline requirement that is mutually agreed upon by the applicant and the Secretary at the time of the agreement that will, at a minimum, maintain existing conditions for the species covered by the agreement on lands and waters that are subject to the agreement. The baseline may be expressed in terms of the abundance or distribution of endangered or threatened species, quantity or quality of habitat, or such other indicators as appropriate.

“(2) STANDARDS AND GUIDELINES.—The Secretary shall issue standards and guidelines for the development and approval of safe harbor agreements in accordance with this subsection.

“(3) FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—In cooperation with the States and subject to the availability of appropriations under section 15(d), the Secretary may provide a grant of up to \$10,000 to any individual private landowner to assist the landowner in carrying out a safe harbor agreement under this subsection.

“(B) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide assistance under this paragraph for any action that is required by a permit issued under this Act or that is otherwise required under this Act or other Federal law.

“(C) OTHER PAYMENTS.—Grants provided to an individual private landowner under this paragraph shall be in addition to, and not affect, the total amount of payments that the landowner is otherwise eligible to receive under the Conservation Reserve Program (16 U.S.C. 3831 et seq.), the Wetlands Reserve Program (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program (16 U.S.C. 3836a).”

(g) HABITAT RESERVE AGREEMENTS.—Section 10 (16 U.S.C. 1539) is amended by adding at the end thereof the following new subsection:

“(m) HABITAT RESERVE AGREEMENTS.—

“(1) PROGRAM.—The Secretary shall establish a habitat reserve program to be implemented through contracts or easements of a mutually agreed upon duration to assist non-Federal property owners to preserve and manage suitable habitat for endangered species and threatened species.

“(2) AGREEMENTS.—The Secretary may enter into a habitat reserve agreement with a non-Federal property owner to protect, manage or enhance suitable habitat on private property for the benefit of endangered species or threatened species. Under an agreement, the Secretary shall make payments in an agreed upon amount to the property owner for carrying out the terms of the habitat reserve agreement, provided that the activities undertaken pursuant to the agreement are not otherwise required by this Act.

“(3) STANDARDS AND GUIDELINES.—The Secretary shall issue standards and guidelines for the development and approval of habitat reserve agreements in accordance with this subsection. Agreements shall, at a minimum, specify the management measures, if any, that the property owner will implement for the benefit of endangered species or threatened species, the conditions under which the property may be used, the nature and schedule for any payments agreed upon by the parties to the agreement, and the duration of the agreement.

“(4) PAYMENTS.—Any payment received by a property owner under a habitat reserve agreement shall be in addition to and shall not affect the total amount of payments that the property owner is otherwise entitled to receive under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as amended by the Federal Agriculture Improvement and Reform Act of 1996.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Interior \$10,000,000 and the Secretary of Commerce \$5,000,000 for each of fiscal years 1998 through 2003 to assist non-Federal property owners to carry out the terms of habitat reserve programs under this subsection.”.

(h) HABITAT CONSERVATION PLANNING FUND.—Section 10(a) (16 U.S.C. 1539(a)) is further amended by adding at the end thereof the following new paragraph:

“(7) HABITAT CONSERVATION PLANNING FUND.—

“(A) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ‘Habitat Conservation Planning Fund’, to be used in carrying out this subsection (referred to in this paragraph as the ‘Fund’), consisting of—

“(i) amounts made available under section 15(f);

“(ii) repayments of advances from the Fund under subparagraph (C); and

“(iii) any interest earned on investment of amounts in the Fund under subparagraph (D).

“(B) EXPENDITURES FROM FUND.—

“(i) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines necessary to make interest-free advances under clause (ii).

“(ii) AUTHORITY TO MAKE GRANTS AND ADVANCES.—The Secretary may make an interest-free advance from the Fund to any State, county, municipality, or other political subdivision of a State to assist in the development of a conservation plan under this subsection. The amount of the advance under this clause may not exceed the total financial contribution of the other parties participating in the development of the plan.

“(iii) CRITERIA FOR ADVANCES.—In determining whether to make an advance from the Fund, the Secretary shall consider—

“(I) the number of species covered by the plan;

“(II) the extent to which there is a commitment to participate in the planning process from a diversity of interests (including local governmental, business, environmental, and landowner interests);

“(III) the likely benefits of the plan;

“(IV) such other factors as the Secretary considers appropriate.

“(C) REPAYMENTS OF ADVANCES FROM THE FUND.—

“(i) IN GENERAL.—Except as provided in clause (ii) amounts advanced from the Fund shall be repaid not later than 10 years after the date of the advance.

“(ii) ACCELERATED REPAYMENT.—Amounts advanced from the Fund shall be repaid—

“(I) not later than 4 years after the date of the advance if no conservation plan is developed within 3 years of the date of the advance; or

“(II) not later than 5 years after the date of the advance if no permit is issued under paragraph (1)(B) with respect to the conservation plan within 4 years of the date of the advance.

“(iii) CREDITING OF REPAYMENTS.—Amounts received by the United States as repayment of advances from the Fund shall be credited to the Fund and made available for further advances in accordance with this paragraph without further appropriation.

“(D) INVESTMENT OF FUND BALANCE.—

“(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(ii) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under clause (i), obligations may be acquired—

“(I) on original issue at the issue price; or

“(II) by purchase of outstanding obligations at the market price.

“(iii) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at market price.

“(iv) CREDITS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(E) TRANSFERS OF AMOUNTS.—

“(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(ii) ADJUSTMENTS.—Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.”.

(i) EFFECT ON PERMITS AND PROPOSED PLANS.—No amendment made by this section shall be interpreted to require the modification of—

(1) a permit issued under section 10 of the Endangered Species Act (16 U.S.C. 1539); or

(2) a conservation plan submitted for approval pursuant to such section prior to the date of enactment of this Act.

(j) RULE-MAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, after consultation with the States and notice and opportunity for public comment, publish final regulations implementing the provisions of section 10(a) of the Endangered Species Act (16 U.S.C. 1539(a)), as amended by this section.

(k) NAS REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of and prepare a report on the development and implementation of conservation plans under section 10(a) of the Endangered Species Act (16 U.S.C. 1531 et seq.). The report shall assess the extent to which those plans comply with the requirements of that Act, the role of multiple species conservation plans in preventing the need to list species covered by those plans, and the relationship of conservation plans for listed species to implementation of recovery plans. The report shall be transmitted to the Congress not later than 5 years after the date of enactment of this Act.

SEC. 6. ENFORCEMENT.

(a) ENFORCEMENT FOR INCIDENTAL TAKE.—Section 11 (16 U.S.C. 1540) is amended by adding after subsection (g) the following new subsection and redesignating the subsequent subsection accordingly:

“(h) INCIDENTAL TAKE.—In any action under subsection (a), (b), or (e)(6) of this section against any person for an alleged take incidental to the carrying out of an otherwise lawful activity, the Secretary or the Attorney General must establish, using scientifically valid principles, that the acts of such person have caused, or will cause, the take, of—

“(1) an endangered species, or

“(2) a threatened species the take of which is prohibited pursuant to a regulation under section 4(d).”.

(b) CITIZEN SUIT FOR INCIDENTAL TAKE.—Section 11(g) (16 U.S.C. 1540(g)) is amended by adding the following new paragraph after paragraph (2) and redesignating the subsequent paragraphs accordingly:

“(3) INCIDENTAL TAKE.—In any suit under this subsection against any person for an alleged take incidental to the carrying out of an otherwise lawful activity, the person commencing the suit must establish, using scientifically valid principles, that the acts of the person alleged to be in violation of section 9(a)(1) have caused, or will cause, the take, of—

“(1) an endangered species, or

“(2) a threatened species the take of which is prohibited pursuant to a regulation under section 4(d).”.

SEC. 7. EDUCATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 13 (16 U.S.C. 1542) is amended to read as follows:

“PROPERTY OWNERS EDUCATION AND TECHNICAL ASSISTANCE PROGRAM

“SEC. 13. (a) IN GENERAL.—In cooperation with the States, the Secretary shall develop and implement a private landowners education and technical assistance program to—

“(1) inform the public about this Act;

“(2) respond to requests for technical assistance from property owners interested in conserving species listed or proposed for listing under section 4(c)(1) and candidate species on the land of the landowners; and

“(3) recognize exemplary efforts to conserve species on private land.

“(b) ELEMENTS OF THE PROGRAM.—Under the program, the Secretary shall—

“(1) publish educational materials and conduct workshops for property owners and other members of the public on the role of this Act in conserving endangered species and threatened species, the principal mechanisms of this Act for achieving species recovery, and potential sources of technical and financial assistance;

“(2) assist field offices in providing timely advice to property owners on how to comply with this Act;

“(3) provide technical assistance to State and local governments and property owners interested in developing and implementing recovery plan implementation agreements, conservation plans, and safe harbor agreements;

“(4) serve as a focal point for questions, requests, and suggestions from property owners and local governments concerning policies and actions of the Secretary in the implementation of this Act;

“(5) provide training for Federal personnel responsible for implementing this Act on concerns of property owners, to avoid unnecessary conflicts, and improving implementation of this Act on private land; and

“(6) nominate for national recognition by the Secretary property owners that are exemplary managers of land for the benefit of species listed or proposed for listing under section 4(c)(1) or candidate species.”.

(b) CONFORMING AMENDMENT.—The table of contents in the first section is amended by striking the item related to section 13 and inserting the following:

“Sec. 13. Private landowners education and technical assistance program.”.

(c) EFFECT ON PRIOR AMENDMENTS.—Nothing in this section or the amendments made by this section affects the amendments made by section 13 of the Endangered Species Act of 1973 (87 Stat. 902), as in effect on the day before the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(A) IN GENERAL.—Section 15(a) (16 U.S.C. 1542(a)) is amended—

(1) in paragraph (1), by striking “and \$41,500,000 for fiscal year 1992” and inserting “\$41,500,000 for fiscal year 1992, \$135,000,000 for fiscal year 1998, \$150,000,000 for fiscal year 1999, and \$165,000,000 for each of fiscal years 2000 through 2003”;;

(2) in paragraph (2), by striking “and \$6,750,000” and inserting “\$6,750,000”; and inserting “,\$50,000,000 for fiscal year 1998, \$60,000,000 for fiscal year 1999, and \$70,000,000 for each of fiscal years 2000 through 2003” after “and 1992”; and

(3) in paragraph (3), by striking “and \$2,600,000” and inserting “\$2,600,000”; and inserting “, and \$4,000,000 for each of fiscal years 1998 through 2003” after “and 1992”.

(b) EXEMPTIONS FROM ACT.—Section 15(b) (16 U.S.C. 1542(b)) is amended by inserting “and \$625,000 for each of fiscal years 1998 through 2003” after “and 1992”.

(c) CONVENTION IMPLEMENTATION.—Section 15(c) (16 U.S.C. 1542(c)) is amended by striking “and \$500,000” and inserting “\$500,000,” and by inserting “and \$1,000,000 for each fiscal year 1998 through 2003” after “and 1992”.

(d) ADDITIONAL AUTHORIZATIONS.—Section 15 (16 U.S.C. 1542) is further amended by adding the following at the end:

“(d) FINANCIAL ASSISTANCE FOR SAFE HARBOR AGREEMENTS.—There are authorized to be appropriated to the Secretary of the Interior \$10,000,000 and the Secretary of Commerce \$5,000,000 for each of fiscal years 1998 through 2003 to carry out section 10(l).

“(e) HABITAT CONSERVATION PLANNING FUND.—There are authorized to be appropriated to the Habitat Conservation Planning Fund established by section 10(a)(7) \$10,000,000 for each of fiscal years 1998 through 2000 and \$5,000,000 for each of fiscal years 2001 and 2002 to assist in the development of conservation plans.

“(f) FINANCIAL ASSISTANCE FOR RECOVERY PLAN IMPLEMENTATION.—There are authorized to be appropriated to the Secretary of Interior \$30,000,000 and the Secretary of Commerce \$15,000,000 for each of the fiscal years 1998 through 2003 to carry out section 5(l)(4).

“(g) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

“(h) LIMITATION ON USE OF FUNDS.—Of the funds made available to carry out section 5 for any fiscal year, not less than \$32,000,000 shall be available to the Secretary of Interior and not less than \$13,500,000 to the Secretary of Commerce to implement actions to recover listed species. Of the funds made available to the Secretary of Interior and the Secretary of Commerce in each fiscal year to list species, the Secretary of Interior and the Secretary of Commerce shall use not less than 10% of those funds in each fiscal year for delisting species. If any of the funds made available by the previous sentence are not needed in that fiscal year for delisting eligible species, those funds shall be available for listing.”.

(e) ASSISTANCE TO STATES FOR CONSERVATION ACTIVITIES.—Section 6(i) (16 U.S.C. 1535(i)) is amended by adding at the end the following:

“(3) ASSISTANCE TO STATES FOR CONSERVATION ACTIVITIES.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of fiscal years 1998 through 2003 to provide financial assistance to State agencies to carry out conservation activities under other sections of this Act, including the provision of technical assistance for the development and implementation of recovery plans.”.

SEC. 9. OTHER AMENDMENTS.

(a) DEFINITIONS.—

(1) CANDIDATE SPECIES.—Section 3 is amended by inserting the following paragraph after paragraph (1) and redesignating the subsequent paragraphs accordingly:

“(2) CANDIDATE SPECIES.—The term ‘candidate species’ means a species for which the Secretary has on file sufficient information on biological vulnerability and threats to support a proposal to list the species as an

endangered species or a threatened species, but for which listing is precluded because of pending proposals to list species that are of a higher priority. This definition shall not apply to any species defined as a ‘candidate species’ by the Secretary of Commerce prior to the date of enactment of the Endangered Species Recovery Act of 1997.”.

(2) IN COOPERATION WITH THE STATES.—Section 3 (16 U.S.C. 1532) is amended by inserting the following paragraph after paragraph (1) (as redesignated by this subsection):

“(12) IN COOPERATION WITH THE STATES.—The term ‘in cooperation with the States’ means a process in which—

“(A) the State agency in each of the affected States, or the State agency’s representative, is given an opportunity to participate in a meaningful and timely manner in the development of the standards, guidelines, and regulations to implement the applicable provisions of this Act; and

“(B) the Secretary carefully considers all substantive concerns raised by the State agency, or the State agency’s representative, and, to the maximum extent practicable consistent with this Act, incorporates their suggestions and recommendations, while retaining final decision making authority.”.

(3) RURAL AREA.—Section 3(16 U.S.C. 1532) is amended by inserting the following new paragraph after paragraph (16) (redesignated by this subsection and section 4(a)) and redesignating the subsequent paragraphs accordingly:

“(17) RURAL AREA.—The term ‘rural area’ means a county or unincorporated area that has no city or town that has a population of more than 10,000 inhabitants.”.

(4) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 3(20) (16 U.S.C. 1532(18)) (as redesignated by this subsection and section 4(a)) is amended by striking “Trust Territories of the Pacific Islands” and inserting “Commonwealth of the Northern Mariana Islands”.

(b) FINDINGS, PURPOSES, AND POLICY.—Section 2(a)(3) (16 U.S.C. 1531(a)(3)) is amended by inserting “commercial,” after “recreational.”.

(c) NO TAKE AGREEMENTS.—Section 9 (16 U.S.C. 1538) is amended by adding at the end thereof the following new subsection:

“(h) NO TAKE AGREEMENTS.—The Secretary and a non-Federal property owner may, at the request of the property owner, enter into an agreement identifying activities of the property owner that will not result in a violation of the prohibitions of paragraphs (1)(B), (1)(C), and (2)(B) of section 9(a). The Secretary shall respond to a request for an agreement submitted by a property owner within 90 days of receipt.”.

(d) CONFORMING AMENDMENTS.—

(1) TITLE.—The title of section 10 (16 U.S.C. 1539) is amended to read as follows: “CONSERVATION MEASURES AND EXCEPTIONS”.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Act is amended with respect to the item relating to section 10 to read as follows:

“Sec. 10. Conservation measures and exceptions.”.

Mr. CHAFEE. Mr. President, I am proud to sponsor, along with Senators KEMPTHORNE, BAUCUS, and REID, the Endangered Species Recovery Act of 1997, which reauthorizes the Endangered Species Act, and makes some significant improvements to the act which are long overdue. The Endangered Species Act was enacted into law in 1973 to conserve threatened and endangered species, and the ecosystems upon which they depend. The ESA is our most important law to protect our

Nation’s natural resources and biological diversity, and has often been referred to as the “crown jewel” of environmental laws.

The ESA has been instrumental in saving some of our country’s most treasured species. The bald eagle and the grizzly bear have both rebounded from precariously small populations, and the Pacific grey whale and American alligator have both recovered and have been delisted. All told, almost half of the species that fall under the act’s protection are either stabilized or improving.

One can understand better the vital need for the ESA when one realizes what we are up against: of somewhere between 10 and 100 million species on this planet, we have discovered only some 1.4 million. Despite this bounty, loss of biological diversity is taking place at a faster rate than ever before. In 1973, Congress offered this poignant observation: “as we homogenize the habitats in which these plants and animals evolved . . . we threaten their—and our own—genetic heritage. The value of this genetic heritage, is quite literally, incalculable.” It was principally for this reason that Congress passed the ESA in 1973.

Controversy has surrounded the law, however, since its passage. In the mid-1970’s, the law became ensnared in a bitter fight over the construction of the \$900 million Tellico Dam and the dam’s impacts on the hapless snail darter. The criticism has grown significantly since 1992, when the most recent authorization of the ESA expired.

Since then, funding for implementing the law has been provided through annual appropriations, which has left the future of the law on uncertain terms, and left the current working of the law subject to numerous appropriations riders, including a moratorium on the listing of species, that resulted in more than a year delay in affording protection to hundreds of species endangered with extinction.

The bill we introduce today includes many reforms. The last major amendment to the ESA was in 1988, almost 10 years ago. Since then, we have developed a greater knowledge of the science of biodiversity, a greater understanding of the problems in implementing the law on private lands, and in this era of shrinking government, a greater need for improved coordination among all levels of government. Our bill takes all this into account by focusing on several key areas: emphasizing recovery as the ultimate goal; seeking to prevent further listings; improving the scientific foundation for decisions; increasing public participation and the role of States; facilitating compliance by, and providing incentives for, private landowners; and streamlining coordination among government agencies. In making these changes, our bill addresses the criticisms leveled against the ESA in recent years.

These criticisms have come from all directions. The environmental community believes that the law has failed in its fundamental mission to recover species to full health, but rather leaves species teetering on the razor's edge of survival. Statistics bear this out: of the approximately 1,000 species currently listed, 41 percent are either improving in status or stabilized, but only 8 percent are actually improving. Furthermore, less than half of the listed species have approved recovery plans.

Private landowners, on the other hand, believe that the ESA is fundamentally flawed in its implementation, with inflexible regulations, heavy-handed enforcement, closed-door science, and no consideration of economic costs. This, too, is largely borne out by the facts: the ESA has very few tools, other than enforcement of certain prohibitions against taking listed species, with which to protect species on private lands. This weakness in the law is heightened by the fact that more than one-third of all listed species reside entirely on private lands. Furthermore, species on private lands are faring worse than on public lands.

If the ESA is to succeed in its ultimate goal of recovering species, these problems must be addressed. Our bill does just that. Most importantly, it completely overhauls the recovery planning and implementation requirements of the ESA. Previously, recovery plans were required to be prepared, but with no deadline for doing so. Once prepared, they generally sat on the shelves with no requirement or incentive to implement them. Furthermore, the scientific findings in the plans were often compromised by political and economic considerations, nor was there any requirement to actually take cost of implementation into account.

This bill requires that recovery plans be completed within a specific deadline. The recovery goal must be developed by scientists, using only the best science available. While economic costs and social impacts must be taken into account, they are considered only in choosing the best method to achieve the biologically based recovery goals. Specifically, measure to achieve the recovery goal must strike an "appropriate balance" among three factors: The effectiveness in meeting the goal; the period of time needed to reach the goal; and the social and economic impacts.

For the first time, the bill provides a requirement that Federal agencies enter into recovery implementation agreements, and also provides incentives for private persons to enter into similar agreements. These incentives include a waiver of consultation normally required under section 7 for actions that are described in sufficient detail. They also include a requirement that Federal agencies participate in the development of an agreement upon the request of a private person, so that the person will know up-front all relevant requirements in undertaking conservation actions.

The bill also improves significantly the law's ability to work on private lands. Under the current law, the permit process has generally been inflexible, cumbersome, and consequently rarely used. The Clinton administration recently instituted a number of policies to encourage landowners to apply for permits in order to conduct economic activities that take listed species on their lands. As a result, the number of permits issued by the administration has increased from 14 in 1992 to more than 200 in 1997, with an additional 250 being developed. Our bill validates and expands those policies.

The bill authorizes permits for multiple species, including both listed and nonlisted species, that depend on the same habitat. New biological standards for nonlisted species ensure that permitted activities do not contribute to the need to list those species in the future. In order to address the needs of small landowners, a more streamlined, less expensive permit process is established for low effect activities. Under this process, the permit can take effect automatically within a certain period, provided that there are no significant adverse comments.

In addition, the bill authorizes several policies and incentives to further encourage landowners to work with the Federal Government. These policies include a no-surprises guarantee that the Government will not seek additional mitigation over time; a safe harbor policy to encourage landowners to protect lands valuable to species without risking additional liability; and a candidate conservation policy, which encourages landowners to undertake protections for species before they become endangered or threatened. The bill also establishes several new funding mechanisms for incentive-based programs, including a habitat reserve program, and a habitat conservation planning fund, which acts as a revolving loan fund. A program to provide technical assistance to landowners is also created.

The bill also makes important changes to the consultation process among Federal agencies. It encourages consultations to be consolidated if they involve related actions by one agency, or they involve several agencies affecting the same species. The consultation process is streamlined by allowing the Federal agency undertaking an action to make the initial determination whether its action affects listed species, and providing an opportunity for the Fish and Wildlife Service, or, for marine species, the National Marine Fisheries Service, to comment on this determination. The Service has 60 days to object, and require a more detailed analysis that it would prepare. This process is similar to the current practice that is used by the agencies.

The bill also addresses the relationship between site-specific and programmatic Federal land management actions. Several recent lawsuits enjoined numerous site-specific actions pending completion of the consultation on the overarching programmatic action. The bill explicitly recognizes that

consultation is appropriate and required at both levels of decision-making, but ensures an orderly process for completing those consultations. In addition, the bill affords greater participation in the consultation process for any person who has sought authorization or funding from a Federal agency.

The bill goes a long way in improving the scientific basis on which decisions are made. The greatest lack of knowledge is in the status and distribution of rare and declining species. This bill requires an inventory of species on Federal lands to fill this critical data gap. Listing decisions must be peer-reviewed, and petitions to list are subject to certain minimum information requirements. Enforcement actions must use scientifically valid principles to establish whether the action caused an unlawful taking of a species. In evaluating comparable data, the Secretary would be required to use peer reviewed, field tested or empirical data.

As you can see, Mr. President, this bill not only reauthorizes the ESA, but it also significantly improves the ESA, in order to embrace needed reforms in the law. Numerous attempts to reauthorize the ESA have been made in recent years. The long and arduous effort culminating in today's bill began more than 18 months ago, as a bipartisan process to address the problems with the current law. When discussions stalled, Senator KEMPTHORNE and I spurred the process forward by releasing a discussion draft, which generated hundreds of comments. Since then, we have negotiated with Senators BAUCUS and REID, and the Clinton administration, to reach agreement on a bipartisan bill.

Just as the original ESA was passed by a Democratic Congress and signed into law by a Republican President, this bill to reauthorize the ESA is also a bipartisan product between a Republican Senate and a Democratic administration. To quote one of the foremost conservationists of our country, President Teddy Roosevelt, the conservation of natural resources is a question "upon which men of all parties and all shades of opinion may be united for the common good." The need for a healthy environment, one large enough for all species that inhabit this planet with us, is a need that transcends politics, and I firmly believe that the bill we introduce today fulfills that need, as embodied in the original passage of the ESA.

I would like to thank my distinguished colleagues, Senators KEMPTHORNE, BAUCUS, and REID, for their tireless work over the months on this important legislation, and I would like to thank the Secretary of the Interior, Bruce Babbitt, as well as his very accomplished staff, led by Jaimie Clark, Director of the Fish and Wildlife Service, and Don Barry, Acting Assistant Secretary for Fish, Wildlife and

Parks, for their willingness to work with us in negotiating a bill that they can support.

Mr. BAUCUS. Mr. President, today, it is a real pleasure for me to join my colleagues on the Senate Environment and Public Works, Senators CHAFEE, REID, and KEMPTHORNE in introducing the Endangered Species Recovery Act of 1997. The bill we are introducing today represents a real victory for bipartisan, commonsense improvements to the Endangered Species Act.

The Endangered Species Act has been an important tool in our fight to conserve ecosystems and to prevent the extinction of species. But over the years, experience has shown that the act can be improved, both for the species it is designed to protect and for ranchers, farmers, and other private landowners.

Senators CHAFEE, REID, KEMPTHORNE, and I have been working, along with the administration, for the better part of 2 years to find agreement on changes that will improve the ESA on the ground, where it really counts.

The bill we are introducing today incorporates several major improvements to ESA. Let me just reiterate a few that I think are particularly noteworthy.

First, it improves the use of good science in our decisions on listing species. It's important that we elevate the role of scientific information in our decisions on whether to put species on the endangered list. An error at this stage in the process can mean extinction for a species.

Second, the bill really turns the focus of the ESA to conserving and recovering species. It puts real deadlines on development of recovery plans and gives States a greater role in developing those plans. And it insists that we have benchmarks for measuring progress toward recovering the species.

Third, the bill opens up the process to the public. More public hearings will be held on critical issues, such as whether to list a species and what actions should be taken to recover the species. And, most important, these hearings can't be just in Washington. They must also be in the States most affected by the issue.

Fourth, the bill takes important strides in cooperating with landowners to conserve species. It encourages landowners to take voluntary steps to improve habitat and protect species on their property. And it seeks to conserve species before they become endangered, thereby avoiding the need to list them.

The bill also provides landowners with something they have never had before, technical assistance and financial aid for the new conservation agreements that are created by the bill.

These are the kind of improvements that will make the ESA work better. That will better protect species and that will help landowners.

It's been a long, hard road to reach this agreement. And I want to again

thank Senator CHAFEE, Senator REID, Senator KEMPTHORNE and Secretary Babbitt for their persistence throughout this process.

I look forward to taking this bill to the committee and to the Senate floor.

By Mr. KEMPTHORNE:

S. 1181. A bill to amend the Internal Revenue Code of 1986 to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement, and for other purposes; to the Committee on Finance.

THE ENDANGERED SPECIES HABITAT PROTECTION ACT OF 1997

Mr. KEMPTHORNE. Mr. President, I am introducing legislation today which is intended to provide private property owners additional tools in their dealings with the Endangered Species Act. For both those who wish to participate in the conservation of land for the preservation of endangered, threatened, and other species and those whose participation is involuntary, this legislation will add to the already substantial means provided to property owners in the Endangered Species Recovery Act of 1997.

For too long the Federal Government has used its enforcement procedures and its regulatory authority to dictate conservation in aid of endangered and threatened species. This method has failed to produce the kind of results we want. The Endangered Species Act as currently written is almost all stick and no carrot. I would like to begin to change that today.

For 18 months I have negotiated a bill to reauthorize the Endangered Species Act with the Democrats and the administration. Those negotiations have been successfully completed. We have introduced a bill that will provide a variety of incentives to property owners to preserve habitat through conservation agreements and plans, prelisting agreements and other preservation tools. I also have a number of ideas on how to provide tax incentives to private property owners to preserve habitat.

Let me emphasize that inclusion of these new tax incentives will truly benefit both species and people. I have met with many property owners who have said, "we would be happy to step forward and preserve habitat for species and we would grant a conservation easement if there was an incentive." Well with adoption of the ideas included in this bill there will be.

I have had critics that have said that we should not provide these kinds of incentives to private property owners because we will have too many people coming forward and saying, "I have an endangered species on my land." What is wrong with that? To my mind, that would be a welcome reversal from the

current prevailing attitude that some have about the presence of an endangered species on their property. Right now you have a situation that some land owners believe that if they do have an endangered species, or if it's suggested that they might, they're just as likely to try to remove the habitat to avoid a problem down the road. We need to change that attitude if we're going to recover endangered species.

We are currently at the crossroads of two systems. One where you have Government overregulation that tells people what they can and cannot do on their land, and the other a system that encourages property owners to step forward and do something good for species because it's good for them too.

We can depend on our property owners to do what's right and what is good for species. I know that our farmers and ranchers know how to be innovative and creative. They know how to help species. And they know how to manage land.

The right system is one where we encourage active involvement of landowners through incentives. Certainly, I know that if I were an endangered species, I would much rather have a friendly and willing landlord—one that viewed me as an asset—than a reluctant one who viewed me as a threat and a liability because of some bureaucrats and regulations handed down from Washington, DC.

That is what this legislation will do. It is going to make the people active partners.

The legislation I am introducing also includes a provision designed to safeguard the property rights of individuals. The Endangered Species Recovery Act of 1997 will do much to improve and enhance the rights of property owners. The bill limits the ability of the Federal Government and environmental groups to restrict otherwise legal activities on private lands. Under the law today, the Government and environmental groups have used the take prohibition to try to prohibit logging and development on private lands and a city's pumping of an aquifer for drinking water, even where there was no scientific evidence that the activity would in fact harm an endangered species. Our bill will change that, reaffirming that the Federal Government, or an environmental group, has the burden of demonstrating that an activity will actually harm a species and they must meet that burden using real science, not just assumptions or speculation.

ESRA '97 will protect the rights of property owners by making them a part of the process—a process that has excluded them for years. Now citizens, business people and State and local government representatives will be at the table for the development of recovery plans. Furthermore, the recovery plans developed will analyze the cost on the public and private sectors and the impact on jobs and property values for any recovery plan selected.

Under ERSA '97 we will substantially reduce the number of consultations under section 7 of the act. But if a consultation is necessary under the act, property owners will have both a seat at the table and the information they need to meaningfully participate in the consultation.

Throughout ERSA '97 we have kept our bond with the property owners of Idaho and America. But there is always more that should be done.

The Endangered Species Habitat Protection Act contains strong property rights language. That language was developed in conjunction with some of the best minds in the property rights movement. Private property rights is a cornerstone of our democracy. As such it is incumbent on this Congress to address the issue in this Congress. The Endangered Species Habitat Protection Act contains my contribution to the effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1181

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 "Endangered Species Habitat Protection Act of 1997".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Nonrefundable credit for the agreement to manage land to preserve endangered species.
- Sec. 4. Enhanced deduction for the donation of a conservation easement.
- Sec. 5. Additional deduction for certain State and local real property taxes imposed with respect to property subject to an endangered species conservation agreement.
- Sec. 6. Exclusion from estate for real property subject to endangered species conservation agreement.
- Sec. 7. Exclusion of 75 percent of gain on sales of land to certain persons for the protection of habitat.
- Sec. 8. Right to compensation.

SEC. 2. FINDINGS.

The Senate finds and declares the following:

(1) The majority of American property owners recognize the importance of protecting the environment, including the habitats upon which endangered and threatened species depend.

(2) Current Federal tax laws discourage placement of privately held lands into endangered and threatened species conservation agreements.

(3) The Federal Government should assist landowners in the goal of conserving endangered and threatened species and their habitat.

(4) If the environment is to be protected and preserved, existing Federal tax laws must be modified or changed to provide tax incentives to landowners to attain the goal of conservation of endangered and threatened species and the habitats on which they depend.

SEC. 3. NONREFUNDABLE CREDIT FOR THE AGREEMENT TO MANAGE LAND TO PRESERVE ENDANGERED SPECIES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. CREDIT FOR AGREEMENT TO MANAGE LAND TO PRESERVE ENDANGERED SPECIES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) the applicable acreage rate of the qualified acreage, or

"(2) \$50,000.

"(b) APPLICABLE ACREAGE RATE.—For purposes of subsection (a), the applicable acreage rate is the rate established by the Secretary of the Interior for the taxable year utilizing rates comparable to rental payments under the conservation reserve program under section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834).

"(c) QUALIFIED ACREAGE.—For purposes of this section, the term 'qualified acreage' means any acreage—

"(1) which is subject to an endangered species conservation agreement under the Endangered Species Act (16 U.S.C. 1531 et seq.) and accepted into the expanded conservation reserve program pursuant to section 1231(d)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(d)(2)),

"(2) which is owned by one or more individuals directly or indirectly through a partnership or S corporation that is held entirely by individuals, and

"(3) subject to a perpetual restriction that is valued pursuant to section 170(h)(7).

"(d) CREDIT RECAPTURE.—If, during the period of the endangered species conservation agreement, the taxpayer transfers the qualified acreage without also transferring the taxpayer's obligations under the expanded conservation reserve program under subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) and the endangered species conservation agreement, then the taxpayer's tax under this chapter for the taxable year shall be increased by the amount of the credit received under this section during all prior years by such taxpayer, plus interest at the overpayment rate established under section 6621 on such amount for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved. No deduction shall be allowed under this chapter for interest described in the preceding sentence, and any increase in tax under the preceding sentence shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, D, or G of this part.

"(e) JOINT OWNERS.—For purposes of this section, the amount of credit under this section that any joint owner is entitled to constitutes the total credit allowable under this section with respect to the qualified acreage multiplied by the individual's percentage ownership in the qualified acreage. Each joint owner shall include on the return of tax in which the credit is claimed the names and taxpayer identification numbers of all other joint owners in the property.

"(f) REGULATORY AUTHORITY.—

"(1) TREASURY DEPARTMENT.—The Secretary shall promulgate regulations to ensure that a taxpayer cannot subdivide property to determine such taxpayer's qualified acreage unless all of the acreage such taxpayer owns within a significant region is submitted to the expanded conservation re-

serve program, whether or not such acreage is eligible for a credit under this section.

"(2) SECRETARY OF THE INTERIOR.—As necessary, the Secretary of the Interior shall determine the applicable acreage rate for regions within the United States based on rates comparable to those under the expanded conservation reserve program. Once a rate is prescribed under an endangered species conservation agreement, however, such rate shall remain in effect for the duration of that agreement."

(b) CONFORMING AMENDMENTS.—Subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended—

(1) in section 1231(b)—

(A) by striking the period at the end and inserting "; or"; and

(B) by adding at the end the following new paragraph:

"(5) lands with respect to which the owner or operator and the Secretary of the Interior or the Secretary of Commerce have entered into an endangered species conservation agreement.";

(2) in section 1231(d), by striking "(d)" and inserting "(d)(1)" and by adding at the end the following new paragraph:

"(2) The Secretary of the Interior and the Secretary of Commerce shall enter into endangered species conservation agreements under this section to enroll acreage, in addition to the 38,000,000 acres authorized by paragraph (1), into the expanded conservation reserve, for which no payment is due under section 3834, totaling 5,000,000 acres during calendar years [1997 through 2002]. In enrolling such acres, the Secretary of the Interior and the Secretary of Commerce shall reserve 1,000,000 acres for enrollment under this section in calendar year [1997].";

(3) in section 1232, by adding at the end the following new subsection:

"(f) This section shall not apply to owners and operators subject to endangered species conservation agreements.";

(4) in section 1234, by adding at the end the following new subsection:

"(i) This section shall not apply to owners and operators subject to endangered species conservation agreements."; and

(5) by inserting after section 1234 the following new section:

"SEC. 1234A. NO PAYMENTS TO PROPERTIES FOR WHICH AN INCOME TAX CREDIT OR DEDUCTION IS TAKEN.

"The Secretary shall ensure that no payment be made under this subchapter to any owner if that owner has indicated an intention to claim an income tax credit (under section 25B of the Internal Revenue Code of 1986) for participation in this program, or an income tax deduction (under section 170(h)(4)(A)(iii) of such Code)."

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Credit for agreement to manage land to preserve endangered species."

(d) EFFECTIVE DATES.—

(1) CREDIT.—The amendments made by subsections (a) and (c) shall apply to taxable years beginning after December 31, [1995].

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (b) shall take effect on the date of enactment of the Endangered Species Habitat Protection Act of 1997.

SEC. 4. ENHANCED DEDUCTION FOR THE DONATION OF A CONSERVATION EASEMENT.

(a) IN GENERAL.—Subparagraph (A) of section 170(h)(4) of the Internal Revenue Code of

1986 (defining conservation purpose) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "; or", and by adding at the end the following new clause:

"(v) the protection of a species designated endangered by the Secretary of the Interior or the Secretary of Commerce."

(b) **ENHANCED VALUATION.**—Section 170(h) of the Internal Revenue Code of 1986 (defining qualified conservation contribution) is amended by adding at the end the following new paragraph:

"(7) **ENHANCED VALUATION OF PROPERTY WITH ENDANGERED SPECIES.**—For purposes of this section, the valuation of a perpetual restriction granted to the Secretary of the Interior or the Secretary of Commerce or to a State agency implementing an endangered species program for the purpose described in paragraph (4)(A)(iii) shall be made by comparing the value of the property after the restriction is granted with the value of that same property without either the encumbrance of such restriction or any of the restrictions placed on such property by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)."

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

SEC. 5. ADDITIONAL DEDUCTION FOR CERTAIN STATE AND LOCAL REAL PROPERTY TAXES IMPOSED WITH RESPECT TO PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.

(a) **IN GENERAL.**—Section 164 of the Internal Revenue Code of 1986 (relating to deductions for taxes) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) **ADDITIONAL DEDUCTION FOR CERTAIN STATE AND LOCAL REAL PROPERTY TAXES IMPOSED WITH RESPECT TO PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.**—

"(1) **GENERAL RULE.**—Except as provided in paragraph (3), in the case of property—

"(A) which, on the last day of the taxable year, is described in section 25B(c)(1), and

"(B) with respect to which no recapture event described in section 25B(d) has occurred, a deduction in the amount determined under paragraph (2) shall be allowed for all State and local real property taxes paid or accrued with respect to such property during such year. The deduction allowed by this subsection shall be in addition to any other deduction allowed by this section.

"(2) **AMOUNT OF ADDITIONAL DEDUCTION.**—The deduction allowed by this subsection shall equal 25 percent of the amount of State and local real property taxes that are otherwise deductible under this section without regard to this subsection.

"(3) **DEDUCTION NOT ALLOWED.**—No deduction shall be allowed under this subsection for taxes imposed upon real property—

"(A) with respect to which a credit under section 25B is allowable, or

"(B) subject to a perpetual restriction that is valued pursuant to section 170(h)(7)."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, [1995].

SEC. 6. EXCLUSION FROM ESTATE FOR REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

(a) **IN GENERAL.**—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by adding at the end the following new section:

"SEC. 2057. CERTAIN REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

"(a) **GENERAL RULE.**—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to the adjusted value of real property included in the gross estate which is subject to an endangered species conservation agreement.

"(b) **PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.**—For purposes of this section—

"(1) **IN GENERAL.**—Real property shall be treated as subject to an endangered species conservation agreement if—

"(A) each person who has an interest in such property (whether or not in possession) has entered into—

"(i) an endangered species conservation agreement with respect to such property, and

"(ii) a written agreement with the Secretary consenting to the application of subsection (d), and

"(B) the executor of the decedent's estate—

"(i) elects the application of this section, and

"(ii) files with the Secretary such endangered species conservation agreement.

"(2) **ADJUSTED VALUE.**—The adjusted value of any real property shall be its value for purposes of this chapter, reduced by any amount deductible under section 2053(a)(4) or 2055(f) with respect to the property.

"(c) **ENDANGERED SPECIES CONSERVATION AGREEMENT.**—For purposes of this section—

"(1) **IN GENERAL.**—The term 'endangered species conservation agreement' means a written agreement entered into with the Secretary of the Interior or the Secretary of Commerce—

"(A) which commits each person who signed such agreement to carry out on the real property activities or practices not otherwise required by law or to refrain from carrying out on such property activities or practices that could otherwise be lawfully carried out,

"(B) which is certified by such Secretary as assisting in the conservation of any species which is—

"(i) designated by such Secretary as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),

"(ii) proposed for such designation, or

"(iii) officially identified by such Secretary as a candidate for possible future protection as an endangered or threatened species, and

"(C) which applies to at least one-half of the total area of the property.

"(2) **ANNUAL CERTIFICATION TO THE SECRETARY BY THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF COMMERCE OF THE STATUS OF ENDANGERED SPECIES CONSERVATION AGREEMENTS.**—If the executor elects the application of this section, the executor shall promptly give written notice of such election to the Secretary of the Interior or the Secretary of Commerce. The Secretary of the Interior or the Secretary of Commerce shall thereafter annually certify to the Secretary that the endangered species conservation agreement applicable to any property for which such election has been made remains in effect and is being satisfactorily complied with.

"(d) **RECAPTURE OF TAX BENEFIT IN CERTAIN CASES.**—

"(1) **DISPOSITION OF INTEREST OR MATERIAL BREACH.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (C), an additional tax in the amount determined under subparagraph (B) shall be imposed on any person on the earlier of—

"(i) the disposition by such person of any interest in property subject to an endangered species conservation agreement (other than a disposition described in subparagraph (C)),

"(ii) the failure by such person to comply with the terms of the endangered species conservation agreement, or

"(iii) the termination of the endangered species conservation agreement.

"(B) **AMOUNT OF ADDITIONAL TAX.**—The amount of the additional tax imposed by subparagraph (A) shall be an amount that bears the same ratio to the fair market value of the real property at the time of the event described in subparagraph (A) as the ratio of the amount by which the estate tax liability was reduced by virtue of this section bore to the fair market value of such property at the time the executor filed the agreement under subsection (b)(1). For purposes of this subparagraph, the term 'estate tax liability' means the tax imposed by section 2001 reduced by the credits allowable against such tax.

"(C) **EXCEPTION IF TRANSFEREE ASSUMES OBLIGATIONS OF TRANSFEROR.**—Subparagraph (A)(i) shall not apply if the transferor and the transferee of the property enter into a written agreement pursuant to which the transferee agrees—

"(i) to assume the obligations imposed on the transferor under the endangered species conservation agreement,

"(ii) to assume personal liability for any tax imposed under subparagraph (A) with respect to any future event described in subparagraph (A), and

"(iii) to notify the Secretary of the Treasury and the Secretary of the Interior or the Secretary of Commerce that the transferee has assumed such obligations and liability.

If a transferee enters into an agreement described in clauses (i), (ii), and (iii), such transferee shall be treated as signatory to the endangered species conservation agreement the transferor entered into.

"(2) **DUE DATE OF ADDITIONAL TAX.**—The additional tax imposed by paragraph (1) shall become due and payable on the day that is 6 months after the date of the disposition referred to in paragraph (1)(A)(i) or, in the case of an event described in clause (ii) or (iii) of paragraph (1)(A), on April 15 of the calendar year following any year in which the Secretary of the Interior or the Secretary of Commerce fails to provide the certification required under subsection (c)(2).

"(e) **STATUTE OF LIMITATIONS.**—If a taxpayer incurs a tax liability pursuant to subsection (d)(1)(A), then—

"(1) the statutory period for the assessment of any additional tax imposed by subsection (d)(1)(A) shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulation prescribe) of the incurring of such tax liability, and

"(2) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law that would otherwise prevent such assessment.

"(f) **ELECTION AND FILING OF AGREEMENT.**—The election under this section shall be made on the return of the tax imposed by section 2001. Such election, and the filing under subsection (a) of an endangered species conservation agreement, shall be made in such manner as the Secretary shall by regulation provide.

"(g) **APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.**—The Secretary shall prescribe regulations setting forth the application of this section in the case of an interest in a partnership, corporation, or trust which, with respect to a decedent, is an interest in

a closely held business (within the meaning of paragraph (1) of section 6166(b)). For purposes of the preceding sentence, an interest in a discretionary trust all the beneficiaries of which are heirs of the decedent shall be treated as a present interest."

(b) CARRYOVER BASIS.—Section 1014(a)(4) of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by inserting "or 2057" after "section 2031(c)".

(c) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 2057. Certain real property subject to endangered species conservation agreement."

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

SEC. 7. EXCLUSION OF 75 PERCENT OF GAIN ON SALES OF LAND TO CERTAIN PERSONS FOR THE PROTECTION OF HABITAT.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1203. 75 PERCENT EXCLUSION FOR GAIN ON SALES OF LAND TO CERTAIN PERSONS FOR THE PROTECTION OF HABITAT.

"(a) EXCLUSION.—Gross income shall not include 75 percent of any gain from the sale of any land to a conservation purchaser if—

"(1) such land was owned by the taxpayer or a member of the taxpayer's family (as defined in section 2032A(e)(2)) at all times during the 3-year period ending on the date of the sale, and

"(2) such land is being acquired by a conservation purchaser for the purpose of protecting the habitat of any species listed by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act as endangered or threatened, proposed for listing as endangered or threatened, or which is a candidate for such listing.

"(b) CONSERVATION PURCHASER.—For purposes of this section—

"(1) CONSERVATION PURCHASER.—The term 'conservation purchaser' means—

"(A) any agency of the United States or of any State or local government, and

"(B) any qualified organization.

"(2) QUALIFIED ORGANIZATION.—The term 'qualified organization' has the meaning given such term by section 170(h)(3) (determined without regard to section 170(b)(1)(A)(v))."

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 1203. 75-percent exclusion for gain on sales of land to certain persons for the protection of habitat."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, [1997].

SEC. 8. RIGHT TO COMPENSATION.

(a) PROHIBITION.—No agency action affecting privately owned property under this section shall result in the diminishment of the value of any portion of that property by 30 percent or more unless compensation is offered in accordance with this section.

(b) COMPENSATION FOR DIMINISHMENT.—Any agency that takes an action the economic impact of which exceeds the amount provided in subsection (a)—

(1) shall compensate the property owner for the diminution in value of the portion of that property resulting from the action; or

(2) if the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, such agency shall buy that portion of the property and shall pay fair market value based on the value of the property before the diminution.

(c) REQUEST OF OWNER.—A property owner seeking compensation under this section shall make a written request for compensation to the agency whose action would limit the otherwise lawful use of property. The request shall, at a minimum, identify the affected portion of the property, the nature of the diminution, and the amount of compensation claimed.

(d) CHOICE OF REMEDIES.—If the parties have not reached an agreement on compensation within 180 days after the written request is made, the owner may elect binding arbitration through alternative dispute resolution or seek compensation due under this section in a civil action. The parties may by mutual agreement extend the period of negotiation on compensation beyond the 180-day period without loss of remedy to the owner under this section. In the event the extension period lapses the owner may elect binding arbitration through alternative dispute resolution or seek compensation due under this section in a civil action.

(e) ALTERNATIVE DISPUTE RESOLUTION.—

(1) IN GENERAL.—In the administration of this section—

(A) arbitration procedures shall be in accordance with the alternative dispute resolution procedures established by the American Arbitration Association; and

(B) in no event shall arbitration be a condition precedent or an administrative procedure to be exhausted before the filing of a civil action under this section.

(2) REVIEW OF ARBITRATION.—

(A) APPEAL OF DECISION.—Appeal from arbitration decisions shall be to the United States District Court for the district in which the property is located or the United States Court of Federal Claims in the manner prescribed by law for the claim under this section.

(B) RULES OF ENFORCEMENT OF AWARD.—The provisions of title 9, United States Code (relating to arbitration), shall apply to enforcement of awards rendered under this section.

(f) CIVIL ACTION.—An owner who prevails in a civil action against any agency pursuant to this section shall be entitled to, and such agency shall be liable for, just compensation, plus reasonable attorney's fees and other litigation costs, including appraisal fees.

(g) SOURCE OF PAYMENTS.—Any payment made under this section shall be paid from the responsible agency's annual appropriation supporting the agency's activities giving rise to the claim for compensation. If insufficient funds are available to the agency in the fiscal year in which the award becomes final the agency shall pay the award from appropriations available in the next fiscal year.

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" has the meaning given that term in section 551 of title 5, United States Code;

(2) the term "agency action" means any action or decision taken by any agency that at the time of such action or decision adversely affects private property rights;

(3) the term "fair market value" means the likely price at which property would change hands, in a competitive and open market under all conditions requisite to fair sale, between a willing buyer and willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of

relevant facts, prior to occurrence of the agency action;

(4) the term "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken, whether the taking is by physical occupation or through regulation, exaction, or other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(5) the term "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(6) the term "property" means land, an interest in land, proprietary water rights, and any personal property that is subject to use by the Federal Government or to a restriction on use;

(7) the term "private property" or "property" means all interests constituting real property, as defined by Federal or State law, protected under the fifth amendment to the United States Constitution, any applicable Federal or State law, or this section, and more specifically constituting—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded liens on such water right; or

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy.

By Ms. SNOWE (for herself, Mr. ABRAHAM and Mr. GRAMM):

S. 1182. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE EMERGENCY SPENDING CONTROL ACT

Ms. SNOWE. Mr. President, I rise today to introduce legislation that will end a common abuse of the budget process in the Congress: the attachment of nonemergency provisions to emergency spending bills. Senator ABRAHAM and Senator GRAMM are also original sponsors of this legislation.

At a time when Congress and the President have come together and agreed on a plan to balance the budget by the year 2002, I believe it is appropriate that we now seek to ensure that

all future spending decisions be fully weighed and considered before the tax dollars of hard-working Americans are spent. We must ensure that the costs and benefits of a proposal are thoroughly reviewed through our carefully structured budget process—not allowed to be pushed through the Congress with minimal debate and consideration. The legislation I am introducing today would address one of the ways in which spending programs are pushed through Congress with minimal budget scrutiny: the attachment of nonemergency provisions to emergency spending bills.

Mr. President, as my colleagues know, emergency spending bills have been afforded special treatment because of the unique problems they address. While the annual budget and appropriations process typically takes months to complete, emergency spending legislation often receives special, accelerated consideration that can lead to its adoption in days or weeks. This expedited treatment is understandable: When a flood, earthquake, or other natural disaster imperils the lives and safety of the American people, Congress and the President should be ready and able to respond quickly.

We have even made special exceptions for emergency spending bills within our budgetary rules to ensure that disasters and other emergencies are quickly addressed. While we generally require that new spending be offset to ensure the deficit is not increased, we allow this requirement to be waived if the moneys are being spent on an emergency item. In addition, we waive our annual budgetary spending caps if the moneys are being spent to address an emergency or disaster.

Because of their expedited treatment and budgetary exceptions, emergency spending bills have become a magnet for nonemergency items. Rather than subject a proposal to the regular budget and appropriations process, provisions are often attached to emergency spending bills that are moving through Congress on a virtual fast track.

Although nonemergency items in an emergency spending bill are still subject to the annual spending caps, no offset is required if such spending would be below the annual limit. Furthermore, even if a nonemergency item is offset in an emergency spending bill, the expedited consideration of that legislation often does not allow for a thorough analysis in the broader context of the budget. Rather than subjecting the nonemergency spending provision to the same scrutiny as other programs in the budget and weighing its merits accordingly, Congress is forced to make a rapid decision. Delaying the process and carefully weighing these non-emergency items would also mean risking the timely delivery of assistance to those who have been affected by an emergency or disaster. Such a delay is simply not acceptable.

Mr. President, the bill I am introducing today would eliminate this

problem and this practice by ensuring that all nonemergency spending items are subject to the same budget scrutiny and same budgetary rules. If my legislation is adopted, emergency spending bills would no longer be a convenient vehicle for spending money on nonemergency items. Rather, emergency spending bills would be just that: emergency spending bills—not Christmas trees with other goodies and presents tucked beneath them.

Under my bill, nonemergency provisions in an emergency or disaster spending bill would be subject to a new three-fifths majority point of order. If a nonemergency item is included in an emergency spending bill or related conference report—or is contained in an amendment that is being offered to such a bill—this new point of order could be raised by any Member, and a three-fifths majority vote would be required to waive it.

I believe the Members of this body are familiar with the Byrd rule and its impact on the reconciliation process, and my new provision would be administered in much the same way. The only difference would be that while the Byrd rule applies to budget reconciliation bills, this rule would apply to emergency spending bills.

Mr. President, we must no longer allow nonemergency items to be attached to emergency spending bills. We have created an expedited process for considering emergency spending bills for very sound reasons—but providing a vehicle for nonemergency items to be rushed through Congress was not one of them.

As we work toward a balanced budget in the year 2002, I would urge that Congress and the President carefully weigh the merits of every spending program and make priorities accordingly. My legislation would help us achieve this objective by ensuring that non-emergency items are not rushed through Congress while riding on the back of emergency spending bills. I urge that my colleagues join me in this effort and support this legislation.

ADDITIONAL COSPONSORS

S. 474

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 617

At the request of Mr. JOHNSON, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from North Dakota [Mr. CONRAD], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 766

At the request of Ms. SNOWE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cospon-

sor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 834

At the request of Mr. HARKIN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 852

At the request of Mr. LOTT, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1173

At the request of Mr. WARNER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1178

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Hawaii [Mr. INOUE] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

SENATE RESOLUTION 121

At the request of Mr. SPECTER, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Missouri [Mr. ASHCROFT], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. DEWINE], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Resolution 121, a resolution urging the discontinuance of financial assistance to the Palestinian Authority unless and until the Palestinian Authority demonstrates a 100-percent maximum effort to curtail terrorism.

AMENDMENTS SUBMITTED

THE FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997
PRESCRIPTION DRUG USERS FEE REAUTHORIZATION ACT OF 1997

KENNEDY AMENDMENT NO. 1190

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 830) 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; as follows:

Amend section 406 to read as follows:

SEC. 406. LIMITATIONS ON INITIAL CLASSIFICATION DETERMINATIONS.

Section 510 (21 U.S.C. 360) is amended by adding at the end the following:

“(m) The Secretary may not withhold a determination of the initial classification of a device under section 513(f)(1) because of a failure to comply with any provision of this Act that is unrelated to a substantial equivalence decision, including a failure to comply with the requirements relating to good manufacturing practices under section 520(f), unless such failure could result in harm to human health from such device.”.

HATCH AMENDMENTS NOS. 1191–1192

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to amendments intended to be proposed to the bill, S. 830, supra; as follows:

AMENDMENT NO. 1191

At the end of the matter proposed to be inserted, insert the following:

SEC. . SAFETY REPORT DISCLAIMERS.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

“SEC. 908. SAFETY REPORT DISCLAIMERS.

“With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product which is a food, drug, new drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to necessarily reflect a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, serious illness, or malfunction. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved caused or contributed to an adverse experience or caused or contributed to a death, serious injury, serious illness, or malfunction.”.

AMENDMENT NO. 1192

At the end of the matter proposed to be inserted, insert the following:

(d) MISSION STATEMENT.—Section 903(b), as amended by section 101(2), is further amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—The Secretary, acting through the Commissioner, in consultation with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers packers, distributors, and retailers of regulated products, shall protect the public health by taking actions that help ensure that—

“(A) foods are safe, wholesome, sanitary, and properly labeled;

“(B) human and veterinary drugs, including biologics, are safe and effective;

“(C) there is reasonable assurance of safety and effectiveness of devices intended for human use;

“(D) cosmetics are safe; and

“(E) public health and safety are protected from electronic product radiation.

“(2) SPECIAL RULES.—The Secretary, acting through the Commissioner, shall promptly and efficiently review clinical research and take appropriate action on the marketing of regulated products in a manner that does not unduly impede innovation or product availability. The Secretary, acting through the Commissioner, shall participate with other countries to reduce the burden of regulation, to harmonize regulatory requirements, and to achieve appropriate reciprocal arrangements with other countries.”.

HARKIN (AND OTHERS)
AMENDMENT NO. 1193

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. HATCH, Mr. DASCHLE, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to an amendment intended to be proposed to the bill, S. 830, supra; as follows:

At the end of the amendment, insert the following new section:

SEC. . ESTABLISHMENT OF NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE.

(a) IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking section 404E; and

(2) in part E, by amending subpart 4 to read as follows:

“Subpart 4—National Center for Complementary and Alternative Medicine

“SEC. 485C. PURPOSE OF CENTER.

“(a) IN GENERAL.—The general purposes of the National Center for Complementary and Alternative Medicine (in this subpart referred to as the ‘Center’) are—

“(1) the conduct and support of basic and applied research (including both intramural and extramural research), research training, the dissemination of health information, and other programs, including prevention programs, with respect to identifying, investigating, and validating complementary and alternative treatment, prevention and diagnostic systems, modalities, and disciplines; and

“(2) carrying out the functions specified in sections 485D (relating to dietary supplements).

The Center shall be headed by a director, who shall be appointed by the Secretary. The Director of the Center shall report directly to the Director of NIH.

“(b) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the Center in accordance with section 406, except that the members of the advisory council who are not ex officio members shall include one or more practitioners from each of the disciplines and systems with which the Center is concerned, and at least 3 individuals representing the interests of individual consumers of complementary and alternative medicine.

“(c) COMPLEMENT TO CONVENTIONAL MEDICINE.—In carrying out subsection (a), the Director of the Center shall, as appropriate, study the integration of alternative medical treatment and diagnostic systems, modalities, and disciplines into the practice of conventional medicine as a complement to such medicine and into health care delivery systems in the United States.

“(d) APPROPRIATE SCIENTIFIC EXPERTISE.—The Director of the Center, after consultation with the advisory council for the Center and the division of research grants, shall ensure that scientists with appropriate expertise in research on complementary and alternative medicine are incorporated into the review, oversight, and management processes of all research projects and other activities funded by the Center. In carrying out this subsection, the Director of the Center, as necessary, may establish review groups with appropriate scientific expertise.

“(e) EVALUATION OF VARIOUS DISCIPLINES AND SYSTEMS.—In carrying out subsection (a), the Director of the Center shall identify and evaluate alternative medical treatment and diagnostic modalities in each of the disciplines and systems with which the Center is concerned, including each discipline and system in which accreditation, national certification, or a State license is available.

“(f) ENSURING HIGH QUALITY, RIGOROUS SCIENTIFIC REVIEW.—In order to ensure high quality, rigorous scientific review of complementary and alternative medical and diagnostic systems, modalities, and disciplines, the Director of the Center shall conduct or support the following activities:

“(1) Outcomes research and investigations.

“(2) Epidemiological studies.

“(3) Health services research.

“(4) Basic science research.

“(5) Clinical trials.

“(6) Other appropriate research and investigational activities.

“(g) DATA SYSTEM; INFORMATION CLEARINGHOUSE.—

“(1) DATA SYSTEM.—The Director of the Center shall establish a bibliographic system for the collection, storage, and retrieval of worldwide research relating to complementary and alternative medical treatment and diagnostic systems, modalities, and disciplines. Such a system shall be regularly updated and publicly accessible.

“(2) CLEARINGHOUSE.—The Director of the Center shall establish an information clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of alternative medical treatment and diagnostic systems and disciplines by health professionals, patients, industry, and the public.

“(h) RESEARCH CENTERS.—

“(1) IN GENERAL.—The Director of the Center, after consultation with the advisory council for the Center, shall provide support for the development and operation of multipurpose centers to conduct research and other activities described in subsection (a)(1) with respect to complementary and alternative medical treatment and diagnostic systems, modalities, and disciplines.

“(2) REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single entity, or be formed from a consortium of cooperating entities, and shall meet such requirements as may be established by the Director of the Center. Each such center shall—

“(A) be established as an independent entity; or

“(B) be established within or in affiliation with an entity that conducts research or training described in subsection (a)(1).

“(3) DURATION OF SUPPORT.—Support of a center under paragraph (1) may be for a period not exceeding 5 years. Such period may

be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Center and if such group has recommended to the Director that such period should be extended.

“(i) BIENNIAL REPORT.—The Director of the Center shall prepare biennial reports on the activities carried out or to be carried out by the Center, and shall submit each such report to the Director of NIH for inclusion in the biennial report under section 403.

“(j) AVAILABILITY OF RESOURCES.—After consultation with the Director of the Center, the Director of NIH shall ensure that resources of the National Institutes of Health, including laboratory and clinical facilities, fellowships (including research training fellowship and junior and senior clinical fellowships), and other resources are sufficiently available to enable the Center to appropriately and effectively carry out its duties as described in subsection (a).

“(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002. Amounts appropriated under this subsection for fiscal year 1998 are available for obligation through September 30, 2000. Amounts appropriated under this subsection for fiscal year 1999 are available for obligation through September 30, 2000.

“SEC. 485D. OFFICE OF DIETARY SUPPLEMENTS.

“(a) IN GENERAL.—There is established within the Center an office to be known as the Office of Dietary Supplements (in this section referred to as the ‘Office’). The Office shall be headed by a director, who shall be appointed by the Director of the Center. The Director of the Center shall carry out the functions specified in this section acting through the Director of the Office.

“(b) DUTIES.—

“(1) IN GENERAL.—The Director of the Office shall—

“(A) expand the activities of the national research institutes with respect to the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

“(B) promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

“(2) CERTAIN DUTIES.—The Director of the Office shall—

“(A) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

“(B) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or other offices of the Center;

“(C) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health and provide advice to the Director of NIH, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs on issues relating to dietary supplements including—

“(i) dietary intake regulations;

“(ii) the safety of dietary supplements;

“(iii) claims characterizing the relationship between dietary supplements and the prevention of disease or other health-related conditions;

“(iv) claims characterizing the relationship between dietary supplements and the maintenance of health; and

“(v) scientific issues arising in connection with the labeling and composition of dietary supplements;

“(D) compile a database of scientific research on dietary supplements and individual nutrients; and

“(E) coordinate funding relating to dietary supplements for the National Institutes of Health.

“(c) BIENNIAL REPORT.—The Director of the Office shall prepare biennial reports on the activities carried out or to be carried out by the Office, and shall submit each such report to the Director of the Center for inclusion in the biennial report under section 485C(i).

“(d) DEFINITION.—For purposes of this section, the term ‘dietary supplement’ has the meaning given such term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act.”.

(b) SAVINGS PROVISIONS.—

(1) NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE.—All officers and employees employed in the Office of Alternative Medicine on the day before the date of the enactment of this Act (pursuant to section 404E of the Public Health Service Act, as in effect on such day) are transferred to the National Center for Complementary and Alternative Medicine. Such transfer does not affect the status of any such officer or employee (except to the extent that the amendments made by subsection (a) affect the authority to make appointments to employment positions). All funds available on such day for such Office are transferred to such Center, and the transfer does not affect the availability of funds for the purposes for which the funds were appropriated (except that such purposes shall apply with respect to the Center to the same extent and in the same manner as the purposes applied with respect to the Office). All other legal rights and duties with respect to the Office are transferred to the Center, and continue in effect in accordance with their terms.

(2) OFFICE OF DIETARY SUPPLEMENTS.—With respect to the Office of Dietary Supplements established in section 485D of the Public Health Service Act (as added by subsection (a)), such establishment shall be construed to constitute a transfer of such Office to the National Center for Complementary and Alternative Medicine from the Office of the Director of the National Institutes of Health (in which the Office of Dietary Supplements was located pursuant to section 485C of the Public Health Service Act, as such section was in effect on the day before the date of the enactment of this Act). Such transfer does not affect the status of any individual as an officer or employee in the Office of Dietary Supplements (except to the extent that the amendments made by subsection (a) affect the authority to make appointments to employment positions), does not affect the availability of funds of the Office for the purposes for which the funds were appropriated, and does not affect any other rights or duties with respect to the Office.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by subsection (a), is amended—

(1) in section 401(b)(2), by amending subparagraph (E) to read as follows:

“(E) The National Center for Complementary and Alternative Medicine.”; and

(2) in section 402, by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

DeWINE AMENDMENT NO. 1194

(Ordered to lie on the table.)

Mr. DeWINE submitted an amendment intended to be proposed by him to amendment No. 1186 intended to be proposed by Mrs. HUTCHISON to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the end, insert the following:

(g)(1) In awarding or expending grant funds under this section, the Chairperson of the National Endowment for the Arts, the Secretary, and each State, territory, group, or institution that receives funds under this section shall ensure that priority is given to supporting projects, productions, workshops, or programs that serve underserved populations or children.

(2) In this section:

(A) The term “child” means an individual under the age of 19.

(B) The term “underserved population” means a population of individuals who have historically been outside the purview of arts and humanities programs due to a high incidence of income below the poverty line or to geographic isolation.

(C) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

HUTCHINSON AMENDMENT NO. 1195

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 127, between lines 15 and 16, insert the following:

SEC. . MAN AND THE BIOSPHERE PROGRAM.

None of the funds appropriated or otherwise made available by this Act shall be made available for the United States Man and the Biosphere program or any related project.

HUTCHINSON AMENDMENT NO. 1196

Mr. HUTCHINSON proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) **PRIORITIZATION.**—The nominations shall be subject to the prioritization process established by the Clean Water Act (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) **CONSULTATION WITH PROPERTY OWNERS.**—To ensure the protection of private property owners along a river proposed for nomination, all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination.

(3) **DESIGNATION.**—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) **DEFINITION OF RIVER COMMUNITY.**—For the purposes of the American Heritage River Initiative, as used in Executive Order 13061, the term "river community" shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

CAMPBELL AMENDMENT NO. 1197

Mr. CAMPBELL proposed an amendment to the bill, H.R. 2107, *supra*; as follows:

On page 52 beginning on line 16, strike all through page 54, line 22, and insert in lieu thereof the following:

SEC. 118. Any funds made available in this Act or any other Act for tribal priority allocations (hereinafter in this section "TPA") in excess of the funds expended for TPA in fiscal year 1997 (adjusted for fixed costs, internal transfers pursuant to other law, and proposed increases to formula driven programs not included in tribes' TPA base,) shall only be available for distribution—

(1) to each Tribe to the extent necessary to provide that Tribe the minimum level of funding recommended by the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs Report of 1994 (hereafter "the 1994 Report") not to exceed \$160,000 per Tribe; and

(2) to the extent funds remain, such funds will be allocated according to the recommendations of a Task Force comprised of two (2) representatives from each BIA area. These representatives shall be selected by the Secretary with the participation of the tribes following procedures similar to those used in establishing the Joint/Tribal/BIA/DOI Task Force on Reorganization of the Bureau of Indian Affairs. In determining the allocation of remaining funds, the Task Force shall consider the recommendations and principles contained in the 1994 Report. If the Task Force cannot agree on a distribution by January 31, 1998, the Secretary shall distribute the remaining funds based on the recommendations of a majority of Task Force members no later than February 28, 1998.

ABRAHAM AMENDMENTS NOS. 1198–1199

(Ordered to lie on the table.)

Mr. ABRAHAM submitted two amendments intended to be proposed by him to the bill, H.R. 2107, *supra*; as follows:

AMENDMENT No. 1198

On page 17, line 8, strike "\$167,694,000, to remain available until expended" and insert "\$201,048,000, to remain available until expended, of which \$8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Span-

gled Banner, \$8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which \$9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which \$2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which \$5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers".

On page 96, line 16, strike "\$83,300,000" and insert "\$55,533,000".

On page 96, line 25, strike "\$16,760,000" and insert "\$11,173,000".

At the end of title III, insert the following:

SEC. . Notwithstanding any other provision of law, not more than \$10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

AMENDMENT No. 1199

At the end of title III, insert the following:

SEC. . (a) Congress makes the following findings:

(1) The arts play an important part in American culture and should continue to be supported.

(2) The National Endowment for the Arts has been plagued by controversy by those questioning the use of tax dollars for certain projects and by artists who fear their work will be censored.

(3) The private funding for the arts has been increasing consistently since 1965 and the American people generously gave a record high \$10,960,000,000 in 1996.

(4) Private giving to the arts increased 40 percent during the same years that Federal funding for the arts decreased from \$170,000,000 to \$99,500,000.

(5) The National Endowment for the Arts contributes less than 5 percent of total Federal support for the arts and humanities.

(6) Local governments gave a total of \$650,000,000 in 1996 and State governments spent a total of \$250,000,000 in 1996 for the arts.

(7) The total receipts for performance arts events have increased and are quickly approaching the total receipts for spectator sports.

(8) One-third of direct National Endowment for the Arts grant funds go to 6 large cities. Those cities are New York, Boston, San Francisco, Chicago, Los Angeles, and Washington, D.C.

(9) One-fifth of direct National Endowment for the Arts grant funds go to multimillion dollar arts organizations.

(10) Americans volunteer approximately 2,600,000,000 hours for the arts a year, estimated to be worth \$25,600,000,000 annually.

(11) The average household contribution (from households that do contribute to the arts) was \$216 in 1996. This amount represents a 55 percent increase from 1993.

(12) Certain individuals feel there needs to be a national entity for the arts.

(b) It is the sense of the Senate that—

(1) the National Endowment for the Arts should continue to be phased out during 1998 and 1999;

(2) in 1998 and 1999, the National Endowment for the Arts should be allowed to use a portion of the funds that are appropriated for the endowment, for private fundraising efforts;

(3) there should be a private, nonprofit organization established, to be known as the

"American Foundation for the Arts", where generous Americans can contribute their funds to a national arts entity that promotes the arts throughout the United States without the intrusion of the Federal government; and

(4) additional tax incentives for charitable donations should be established, such as charitable tax deduction for nonitemizers, the elimination of the cap on charitable deductions, and specific tax credit for donations to the private, nonprofit organization described in paragraph (3).

MACK (AND GRAHAM) AMENDMENT NO. 1200

Mr. GORTON (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, *supra*; as follows:

On page 19, line 2, strike the colon and insert in lieu thereof of "": *Provided further*, That the Secretary may provide such funds to the State of Florida for acquisitions within Stormwater Treatment Area 1-E, including reimbursement for lands or water, or interests therein, within Stormwater Treatment Area 1-E acquired by the State of Florida prior to the enactment of this Act."

MURKOWSKI AMENDMENT NO. 1201

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, *supra*; as follows:

SEC. . (a) **PRIORITY OF BONDS.**—Section 3 of Public Law 94-392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(b) **APPLICATION.**—The amendments made by subsection (a) shall apply to obligations issued on or after the date of enactment of this section.

(c) **SHORT-TERM BORROWING.**—Section 1 of Public Law 94-392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid."

GORTON (AND BYRD) AMENDMENTS NOS. 1202–1203

Mr. GORTON (for himself and Mr. BYRD) proposed two amendments to the bill, H.R. 2107, *supra*; as follows:

AMENDMENT No. 1202

On page 6, line 20, strike "Any" and insert in lieu thereof "The Federal share of".

AMENDMENT No. 1203

On page 32, beginning with the colon on line 13, strike all thereafter through "funds" on line 18 and insert in lieu thereof the following: "": *Provided further*, That tribes may use tribal priority allocations funds for the replacement and repair of school facilities which are in compliance with 25 U.S.C. 2005(a) so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocations funds".

NOTICES OF HEARINGS
COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing on the Federal agency energy management provisions of the Energy Policy Act of 1992, has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 25, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel to the committee, at (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources to receive testimony on various measures pending before the subcommittee. The measures are:

S. 725—To direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District;

S. 777—To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes;

H.R. 848—To extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes;

H.R. 1184—To extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes; and

H.R. 1217—To extend the deadline under the Federal Power Act for the construction of a hydroelectric project in the State of Washington, and for other purposes;

The hearing will begin at 2 p.m. on Tuesday, October 7, 1997, in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Persons interested in testifying or submitting material for the record should contact Betty Nevitt of the subcommittee staff at (202) 224-0765 or write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 16, 1997, at 10 a.m. in open session, to consider the nominations of Gen. Michael E. Ryan, USAF, to be Chief of Staff, U.S. Air Force; Adm. Harold W. Gehman, Jr., USN, to be Commander in Chief, U.S. Atlantic Command; and Lt. Gen. Charles E. Wilhelm, USMC, to be commander in chief, U.S. Southern Command and for appointment to the grade of general.

The PRESIDING OFFICER. Without obligation, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 16, 1997, at 9:30 a.m. on tobacco advertising and youth.

The PRESIDING OFFICER. Without obligation, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, September 16, 1997, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without obligation, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on: Tuesday, September 16, 1997, at 4 p.m. to hold a closed conference on the fiscal year 1998 Intelligence Authorization bill; Thursday, September 18, 1997 at 10 a.m. to hold an open hearing on China; and Thursday, September 18, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without obligation, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 16, 1997, to conduct a hearing on financial instrument fraud.

The PRESIDING OFFICER. Without obligation, it is so ordered.

ADDITIONAL STATEMENTS

INTERMODAL TRANSPORTATION ACT OF 1997

• Mr. LEVIN. Mr. President, tomorrow, the Senate Committee on Environment and Public Works will conduct a markup of S. 1173, the Intermodal Transportation Act of 1997. It is time that a bill be reported to the Senate for thorough and careful consideration, as the expiration of ISTEA is only 2 weeks away. So far, we have very little information about the impact of this recently introduced bill. The committee's report to accompany the bill, and analyses from the U.S. Department of Transportation, should be very helpful to Senators in estimating the bill's merits. I look forward to reviewing that report in detail.

Some proponents of the bill say that States will be guaranteed 90 percent of their contributions into the highway trust fund. There were statements like this just before ISTEA was enacted, and which never materialized, so my colleagues will understand if I reserve judgment. The committee, with the help of the Federal Highway Administration, will hopefully show us that that 90 percent is actual. For the moment however, the information available now should concern all donor States.

According to technical assistance provided by the U.S. Department of Transportation, it seems that paying for a 90 percent of contributions guarantee would cause the ITA bill to exceed the amount allotted in the 5-year budget agreement by approximately \$10.059 billion. Yet, committee staff have indicated that the bill is just within the budget targets. There seems to be a contradiction there somewhere.

Fiscal years—						
	1998	1999	2000	2001	2002	2003
Budg. Auth. in Budget Agreement	24.695	23.196	23.701	24.198	24.711
Budg. Auth. to get 90% of Contrib	20.291	30.374	26.085	26.654	27.156	27.655
Difference	-4.404	+7.178	+2.384	+2.456	+2.445

According to general information provided thus far by the committee, estimating the State-by-State average return from ITA, Michigan would see about \$696 million annually over 6

years. However, according to Federal Highway Administration projected gas tax receipts, Michigan will contribute and would receive the following at a 90

percent guaranteed rate of return on contributions:

	Fiscal years—						Average
	1998	1999	2000	2001	2002	2003	
Proj. Contributions (millions)	795	1,198	1,027	1,049	1,066	1,087	1,037
Proj. Obligation Auth. (at 90% guarantee)	715	1,078	924	944	951	976	931

So, the average return to Michigan under a bill that provides a true guarantee of 90 percent of contributions would be about \$931 million. That is about \$230 million more annually than the committee's estimate. What's the explanation? It is not yet clear.

I would like to support a Transportation authorization bill that treats States fairly. Unfortunately, there is insufficient information available right now to make that assessment. I am concerned about what I have learned about the bill. I strongly encourage the committee or the Department to provide Senators, as soon as possible, with charts showing the likely apportionments and allocations that each State can expect for each year for the life of the bill, including information on the actual average return that each State can expect in terms of total obligation authority, assuming USDOT's gas tax receipts projections and the balanced budget agreement levels for transportation.

Mr. President, though I am generally pleased that the committee is proposing to modernize the factors in the basic allocation formula to do away with postal routes and other obsolete factors, I was dismayed to learn that S. 1173 would add a convoluted and highly suspect payment to States that seem to receive special treatment. I am referring to the ISTEAs transition payments. I strongly urge the committee members to strike this unnecessary and unfair provision during markup.

There are many questions that need to be answered about that provision. For instance, are these ISTEAs transition payments subject to an obligation limitation? Can they grow over time? Shouldn't they phase out if they are truly transition payments? Shouldn't the fiscal year 1997 basis used in calculating these transition payments be the authorized amount and not as amended in a supplemental appropriations bill?

Mr. President, I would like to support a fair bill to reauthorize our Nation's transportation systems. This bill holds some promise, but there are too many unanswered questions at this point to make a final conclusion.●

TRIBUTE TO THE PROCTOR MAPLE RESEARCH CENTER

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Proctor Maple Research Center in Underhill Center, VT on the occasion of its 50th anniversary. It is the oldest maple research facility in the country with a mission that embraces research, demonstration, and education.

The center employs basic, as well as, applied research in studying various aspects of the sugar maple tree, its

products and methods to improve syrup production. In addition, the facility monitors long-term meteorological as well as air pollution data in close cooperation with a number of State and Federal agencies. Operations on site demonstrate the latest technologies from which the public and industry can learn the best methods available for manufacturing. The center's state-of-the-art laboratory promotes crucial communication among researchers.

Over the years, research conducted at the center has provided new techniques for efficient sap collection and evaporation systems. It has, and will continue to play an integral role in the success of our region's maple sugar industry so very critical to the local economy.

I am sure that the impact of work completed at the center is realized not only in New England, but across the country, as many have had the pleasure of tasting the fruits of their labor. As a Vermonter and one of millions of Americans that enjoys maple sugar products each year, I would like to extend my best wishes to the Proctor Maple Research Center for many more years of continued success.●

FAREWELL TO HIS EXCELLENCY RAUL ENRIQUE GRANILLO OCAMPO, DEPARTING ARGENTINE AMBASSADOR TO THE UNITED STATES

● Mr. DODD. Mr. President, I rise today in order to pay a special tribute to Ambassador Raul E. Granillo Ocampo, until recently the Government of Argentina's Ambassador to the United States. Ambassador Ocampo left Washington last month to return to Buenos Aires and another challenging assignment from President Menem.

During his nearly 4 years in Washington, Ambassador Ocampo did a superb job representing his country's interests. He understood well what it takes to be an effective diplomat in Washington. Not only did he develop close working relationships with the State Department and the White House on matters of mutual concern to the United States and Argentina, he also made a special effort to establish close ties with the United States Congress.

The United States-Argentine relationship has never been better. I believe that Ambassador Ocampo can take a good deal of the credit for this. Certainly issues between our two countries would arise from time to time. That is only natural. But, thanks to Ambassador Ocampo's diplomatic skills, such issues were never allowed to undermine our fundamental friendship and mutual respect.

Those of us who had the privilege of knowing Ambassador Ocampo, quickly

recognized and appreciated his special talents. So too did President Menem. Hence, it came as no real surprise when in July, President Menem announced the appointment of Ambassador Ocampo to the post of Minister of Justice—a very important position in his Cabinet. That is why Ambassador Ocampo has returned to Argentina.

Knowing something about Ambassador Ocampo's background, it makes perfect sense to me that he would be selected to become Minister of Justice. Not only does he have a law degree from the National University of La Plata, a master's degree in Comparative International Law from Southern Methodist University, Dallas, TX; and a doctorate in law from the National University of Buenos Aires. He has also practiced law extensively, served as a judge on the Superior Court of the Province of La Rioja, and as the president, or chief judge, for that court for 2 years.

I for one am only grateful that I had the opportunity to get to know Ambassador Ocampo personally during his tenure in Washington. Thanks to him, I have a much better understanding and appreciation of the complexities of the relations between our two countries and of importance of working to maintain those close ties.

Before the August recess, I was able to personally bid farewell to Ambassador Ocampo and his charming wife, Chini. However, I also wanted to say a more formal farewell to him as well. I particularly wanted him to know that we in the U.S. Senate have been enriched by his presence in Washington over these last number of years.

Finally, Mr. President, it is only fitting that as we say goodbye to an old friend, we also prepare to welcome a new one. President Menem has chosen as Ambassador Ocampo's replacement, His Excellency Diego Ramiro Guelar, who just recently presented his credentials to President Clinton.

Although I have not yet had the opportunity to meet Ambassador Guelar, I understand that he is both an experienced diplomat and an experienced politician—he has held a number of ambassadorial posts and has been a Representative in the Argentine Congress. I look forward to meeting Ambassador Guelar in the very near future, and to working with him as I did with his predecessor.●

INTEL

● Mr. DOMENICI. Mr. President, Intel is the epitome of a good corporate citizen. During the August recess I was able to view the exceptional good deed performed by Intel. Intel has a large semiconductor manufacturing plant located in Rio Rancho, NM. It is a big

employer and it provides good paying jobs. Rio Rancho didn't have a high school so Intel decided to build the community one. Some 1,900 students will attend this beautiful new 30 million-dollar facility. This is exciting for the community because the high schoolers will no longer have to leave Rio Rancho to attend high school. It is a special kind of home coming.

New Mexico is lucky to have Intel as a member of its community. Rio Rancho would have eventually built a high school, but Intel made it happen sooner.

Also of significance is what will be going on inside this high school. Intel has been very active in working with voc-ed programs so that students are trained for the jobs available at Intel. It starts in the high schools and continues in the technical schools, community colleges, and universities. As job requirements change at Intel, the company has a rigorous job training program that makes a prime example of what lifelong learning is all about.●

GROWING SUPPORT FOR AN OUTSIDE AUTHORITY TO HANDLE Y2K

● Mr. MOYNIHAN. Mr. President, there appears to be some movement on my idea to appoint a commission—which will act more like a special task force—to oversee the Federal Government's handling of the year 2000 problem. In this morning's Federal Page of the Washington Post, a story entitled "‘Year 2000’ Report Flunks 3 Agencies" reports that "three house Republicans called on President Clinton to appoint a special aide to tackle the computer problem." In July 1996, I wrote the President and proposed the creation of just such a "Y2K czar." But the administration is still confident that the Office of Management and Budget can handle the job. Like my House counterparts, I fear OMB may not have the time or the resources to handle this issue.

In 1997, fearing the private sector's lagging awareness, I realized that perhaps a task force could increase awareness in the private sector while ensuring compliance in the public sector.

Thus I introduced a first day bill, S. 22, to address this matter through a special task force. S. 22 is cosponsored by 16 Senators and has been endorsed by the New York Stock Exchange [NYSE]. The enormity of this problem demands a task force of experts to ensure compliance. I hope my colleagues agree.

I ask that "‘Year 2000’ Report Flunks 3 Agencies" from today's Washington Post be printed in the RECORD.

The material follows:

[From the Washington Post, Sept. 16, 1997]

"YEAR 2000" REPORT FLUNKS 3 AGENCIES—
LAWMAKERS URGE SPECIAL AIDE TO HANDLE
LOOMING COMPUTER PROBLEM

(By Stephen Barr)

A congressional report card flunked three federal agencies and faulted several others

yesterday for moving too slowly on fixing potential "year 2000" computer glitches.

Rep. Stephen Horn (R-Calif.), who oversees information technology issues in the House, issued the report card at a news briefing, where he was joined by Reps. Thomas M. Davis III (R-Va.) and Constance A. Morella (R-Md.). The three House Republicans called on President Clinton to appoint a special aide to tackle the computer problem.

"Most agencies are behind schedule," Horn said. "The problem, of course, is that we do not know which programs will fail, what problems their failures will create, an how disastrous will be the consequences."

Most large computer systems use a two-digit dating system that assumes 1 and 9 are the first two digits of the year. Without specialized reprogramming, the system will think the year 2000—or 00—is 1900, a glitch that could cause most to go haywire.

If government systems are not fixed, malfunctions could jeopardize the tax-processing system, payments to veterans with service-connected disabilities, student loan repayments and perhaps even air traffic control.

Horn issued his grades on the same day the Office of Management and Budget delivered to report to Congress that reflected a more aggressive stance by OMB is dealing with the problem. The OMB report said agencies estimate they will spend \$3.8 billion fixing the year 2000 problem.

OMB put four agencies on notice that they will not be allowed to buy new computer and other information technology systems in fiscal 1999 until they have fixed critical computer systems. The funding restriction, however, will be lifted if agencies can justify the need for new equipment or show sufficient progress on the year 2000 problem.

"I have a high degree of confidence there will not be adverse economic consequences flowing from this decision," said Sally Katzen, OMB's administrator for information and regulatory affairs. But, she added, OMB's increased scrutiny will "reestablish priorities for these agencies."

The agencies on OMB's troubled list are the departments of Agriculture, Transportation and Education and the Agency for International Development. On his report card, Horn flunked Education, Transportation and AID and gave Agriculture a D-minus.

Agency officials expressed confidence yesterday that they would make their year 2000 fixes before the Jan. 1, 2000, deadline. The pointed out that the OMB report and Horn's grades represented an August snapshot that does not reflect recent decisions to repair or replace computers.

At the Agriculture Department, Secretary Dan Glickman has issued a five-point plan to address year 2000 problems, officials said. An AID official said the agency has narrowed its problem to 28 date fields in a software system that can be "readily resolved." An Education spokesman said the department "hopes to have most if not all the problems resolved in the coming year." And at Transportation, a spokesman said DOT plans to make many of its fixes by early 1999.

Yesterday, Horn, Davis and Morella urged Clinton to designate a White House official to lead the government effort to fix year 2000 computer bugs. Horn and Davis praised OMB Director Franklin D. Raines but said pressing budget issues rob him of the necessary time to oversee the computer situation. Morella said Katzen, who oversees regulatory affairs across the government, has done a "good job" on year 2000 policy but contended "they need someone for whom this is a full-time job."

Katzen said she "very respectfully disagreed that a new bureaucracy is the way to go. . . . This is an issue in which the agen-

cies themselves have to do the work and it is to them that we must look to be responsible and accountable."

REPORT CARD

(Federal agencies were graded on their progress toward addressing year 2000 computer problems—and given a place to have the report cards signed)

Agency	Grade
Social Security Administration	A—
General Services Administration	B
National Science Foundation	B
Small Business Administration	B
Department of Health and Human Services	B—
Environmental Protection Agency	C
Federal Emergency Management Agency	C
Department of Housing and Urban Development	C
Department of Interior	C
Department of Labor	C
Department of State	C
Department of Veterans Affairs	C
Department of Defense	C—
Department of Commerce	D
Department of Energy	D
Department of Justice	D
Nuclear Regulatory Commission	D
Office of Personnel Management	D
Department of Agriculture	D—
Department of Treasury	D—
NASA	D—
Agency for International Development	F
Department of Education	F
Department of Transportation	F

Source: House subcommittee on government management, information and technology.●

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2016

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that at 10:45 a.m. on Wednesday, the Chair lay before the Senate the conference report to accompany H.R. 2016, the military construction appropriations. I further ask unanimous consent that the reading be waived and there be 5 minutes of debate each for Senators BURNS, MURRAY, and MCCAIN and, following the conclusion of that debate, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills, en bloc: Calendar No. 146, S. 308; Calendar No. 150, S. 931; Calendar No. 151, S. 965; Calendar No. 152, H.R. 63; that any committee amendments be agreed to; that the bills be read the third time, and passed, any amendments to the titles be agreed to, the motions to reconsider be laid upon the table, statements relating to the bills appear at this point in the RECORD with the above occurring, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRAZING USE STUDY ACT

The Senate proceeded to consider the bill (S. 308) to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges,

which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS.

Congress finds that—

(1) open space near Grand Teton National Park continues to decline;

(2) as the population continues to grow in Teton County, Wyoming, undeveloped land near the park becomes more scarce;

(3) the loss of open space around Grand Teton National Park has negative impacts on wildlife migration routes in the area and on visitors to the park, and its repercussions can be felt throughout the entire region;

(4) a few ranches make up Teton Valley's remaining open space, and the ranches depend on grazing in Grand Teton National Park for summer range to maintain operations;

(5) the Act that created Grand Teton National Park allowed several permittees to continue livestock grazing in the park for the life of a designated heir in the family;

(6) some of the last remaining heirs have died, and as a result of the possible termination of ranching, the open space around the park may likely be subdivided and developed;

(7) in order to develop the best solution to protect open space immediately adjacent to Grand Teton National Park, the National Park Service should conduct a study of grazing in the area and its impact on open space in the region; and

(8) the study should develop workable solutions that are fiscally responsible and acceptable to the National Park Service, the public, local government, and landowners in the area.

SEC. 2. STUDY OF GRAZING USE AND OPEN SPACE.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as the "Secretary"), shall conduct a study concerning grazing use and open space in Grand Teton National Park, Wyoming (hereinafter referred to as the "park"), and associated use of certain agricultural and ranch lands within and adjacent to the park, including—

(1) base land having appurtenant grazing privileges within the park, remaining after January 1, 1990, under the Act entitled "An Act to establish a new Grand Teton National Park in the State of Wyoming, and for other purposes", approved September 14, 1950 (16 U.S.C. 406-1 et seq.); and

(2) any ranch and agricultural land adjacent to the park, the use and disposition of which may affect accomplishment of the purposes of the park's enabling Act.

(b) PURPOSE.—The study shall—

(1) assess the significance of the ranching use and pastoral character (including open vistas, wildlife habitat, and other public benefits) of the land;

(2) assess the significance of that use and character to the purposes for which the park was established, and identify any need for preservation of, and practicable means of preserving, the land that is necessary to protect that use and character; and

(3) recommend a variety of economically feasible and viable tools and techniques to retain the pastoral qualities of the area, and estimate the costs of implementing any recommendations made for the preservation of the land.

(c) PARTICIPATION.—In conducting the study, the Secretary shall consult with the Governor of the State of Wyoming, the Teton County Commissioners, the Secretary of Agriculture, affected landowners, and other interested members of the public.

(d) REPORT.—Not later than 3 years from the date funding is made available, the Secretary shall submit a report to Congress that contains the findings of the study under subsection (a) and makes recommendations to Congress regarding action that may be taken with respect to the land described in subsection (a).

SEC. 3. EXTENSION OF GRAZING PRIVILEGES.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall reinstate and extend for the duration of the study described in section 2(a) and until such time as 6 months after the recommendations of the study are submitted, the grazing privileges described in section 2(a)(1), under the same terms and conditions as were in effect prior to the expiration of the privileges.

(b) EFFECT OF CHANGE IN LAND USE.—If, during the period of the study or until 6 months after the recommendations of the study are submitted, any portion of the land described in section 2(a)(1) is disposed of in a manner that would result in the land no longer being used for ranching or other agricultural purposes, the Secretary shall cancel the extension described in subsection (a).

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.".

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

The bill (S. 931) to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 931

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 "Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, "The Everglades: River of Grass" (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas' book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem's health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1886-1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and

was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations;

(D) Mr. Coe's original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

(E)(i) Mr. Coe's leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

(b) PURPOSE.—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.

(a) REDESIGNATION.—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking "to be known as the Everglades Wilderness" and inserting "to be known as the Marjory Stoneman Douglas Wilderness, to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park".

(b) NOTICE OF REDESIGNATION.—The Secretary of the Interior shall provide such notification of the redesignation made by the amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the "Everglades Wilderness" shall be deemed to be a reference to the "Marjory Stoneman Douglas Wilderness".

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) DESIGNATION.—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-7) is amended by adding at the end the following new subsection:

(f) ERNEST F. COE VISITOR CENTER.—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the "Ernest F. Coe Visitor Center", to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park."

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-7) is amended—

(1) in subsection (c)(2), by striking "personally-owned" and inserting "personally-owned"; and

(2) in subsection (e), by striking "VISITOR CENTER" and inserting "MARJORY STONEMAN DOUGLAS VISITOR CENTER".

AMENDING TITLE II OF THE HYDROGEN FUTURE ACT OF 1996

The bill (S. 965) to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 965

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

SECTION 1. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 202 of the Hydrogen Future Act of 1996 (Public Law 104-271) is amended by striking "1997 and 1998, to remain available until September 30, 1999" and inserting "1998, 1999, 2000 and 2001, to remain available until September 30, 2002".

TRINITY LAKE DESIGNATION ACT

The bill (H.R. 63) to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake," was considered, ordered to a third reading, read the third time, and passed.

COMMENDING DR. HANS BLIX AS DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC EN- ERGY AGENCY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 139, Senate Concurrent Resolution 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 45) commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. Mr. President, I ask that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 45

Whereas Dr. Hans Blix is nearing the completion of 16 years of distinguished service as Director General of the International Atomic Energy Agency and is retiring from that position;

Whereas Director General Blix has pursued the fundamental safeguards and nuclear cooperation objectives of the International Atomic Energy Agency with admirable skill and professional dedication; and

Whereas Director General Blix has earned international acclaim for his contributions to world peace and security: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the people of the United States—

(1) commends Dr. Hans Blix for his untiring efforts on behalf of world peace and development as the Director General of the International Atomic Energy Agency; and

(2) wishes Dr. Blix a happy and fulfilling future.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 156, Senate bill 1026.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

The Senate proceeded to consider the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, which had been report from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Reauthorization Act of 1997".

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1997" and inserting "2001".

SEC. 3. TIED AID CREDIT FUND AUTHORITY.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(c)(2)) is amended by striking "through" and all that follows through "1997".

(b) Section 10(e) of such Act (12 U.S.C. 635i-3(3)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PUR- POSES.

Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "1997" and inserting "2001".

SEC. 5. OUTREACH TO COMPANIES.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(1) The Chairman of the Bank shall undertake efforts to enhance the Bank's capacity to provide information about the Bank's programs to small and rural companies which have not previously participated in the Bank's programs. Not later than 1 year after the date of the enactment of this subparagraph, the Chairman of the Bank shall submit to Congress a report on the activities undertaken pursuant to this subparagraph."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KEMPTHORNE. I ask unanimous consent that the committee substitute

be agreed to, the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (S. 1026), as amended, was read the third time, and passed.

JOINT REFERRAL OF NOMINATION

Mr. KEMPTHORNE. Mr. President, as in executive session, I ask unanimous consent that the nomination of David L. Aaron, of New York, to be Undersecretary of Commerce for International Trade, received on September 12, 1997, be jointly referred to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 136, No. 202, No. 224. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and agreed to en bloc, are as follows:

DEPARTMENT OF JUSTICE

John D. Trasvina, of California, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Richard Thomas White, of Michigan, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1999.

DEPARTMENT OF STATE

Stephen R. Sestanovich, of the District of Columbia, as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, SEPTEMBER 17, 1997

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the

Senate completes its business today it stand in adjournment until the hour of 9:45 a.m. on Wednesday, September 17. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KEMPTHORNE. Mr. President, tomorrow the Senate will resume consideration of H.R. 2107, and at that point we hope Senator ENZI will be able to offer an amendment on Indian gaming. According to the previous order, at 10:45 a.m., the Senate will begin consideration of the MilCon appropriations conference report. Also, as under the order, a vote will occur at approximately 11 a.m., on the MilCon con-

ference report. Following disposition of that report, the Senate will resume consideration of the Interior appropriations bill with the intention of concluding debate on Wednesday. Therefore, Senators should anticipate numerous votes on Wednesday. As always, Members will be contacted when these votes are ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 17, 1997, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16, 1997:

DEPARTMENT OF STATE

STEPHEN R. SESTANOVICH, OF THE DISTRICT OF COLUMBIA, AS AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN D. TRASVINA, OF CALIFORNIA, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF 4 YEARS.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

RICHARD THOMAS WHITE, OF MICHIGAN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 1999.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152:

To be general

GEN. HENRY H. SHELTON, 0000.

EXTENSIONS OF REMARKS

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. KIND. Mr. Speaker, we are now beginning the third week of our final legislative session this year. And still no campaign finance reform vote.

We have heard from your office that the House of Representatives will stay in session this evening until final action is taken on the Labor, Health, Human Services and Education appropriations bill. I appreciate the fact that the leadership is willing to do what it takes to get this important piece of legislation passed. I wish we had this kind of commitment to campaign finance reform. Mr. Speaker, I and many of my colleagues are ready to stay in session all night long to debate and vote on the various campaign finance reform proposals currently pending in this Congress.

Every day more revelations are being made of abuses in the 1996 election. It is irresponsible for us to continue to investigate the abuses and not offer any legislation that closes the loopholes, strengthens disclosure, or corrects the various problems in the current system. Mr. Speaker, all we want is an opportunity to vote on this issue. Please give us the chance.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HAMILTON. Mr. Speaker, the Committee on International Relations met earlier this week to hear testimony on H.R. 2431, formerly H.R. 1685, the Freedom From Religious Persecution Act of 1997.

For those of my colleagues who have not yet had an opportunity to study this legislation, I am placing in the RECORD an excerpt from the statement of the Hon. John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor. Secretary Shattuck came before the committee on September 9 to share the administration's views on the bill.

I hope my colleagues will find the Secretary's comments useful in their consideration of this important legislation:

STATEMENT OF THE HONORABLE JOHN SHATTUCK, ASSISTANT SECRETARY OF STATE, DEMOCRACY, HUMAN RIGHTS AND LABOR ON H.R. 1685 THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

We are treating religious liberty as a foreign policy priority and we seek to respond to the call for action by Americans of every faith and belief.

With that important background, let me now turn to the "Freedom From Religious Persecution Act of 1997."

In summary, the Administration strongly supports the objectives of eliminating religious persecution, but we do not believe that the bill in its current form would accomplish this goal. In fact, we believe that the current draft would frustrate these and other objectives, and, for this reason, we oppose the legislation in its current form.

In particular, we fear that the legislation: is a blunt instrument that is more likely to harm, rather than aid, victims of religious persecution;

runs the risk of harming vital bilateral relations with key allies and regional powers, and undercutting U.S. Government efforts to promote the very regional peace and reconciliation that can foster religious tolerance and understanding from Europe to the Middle East to South Asia.

creates a confusing bureaucratic structure for dealing with religious persecution at the very time the Department of State is consolidating its authority and expending its effectiveness on these issues; and

establishes a de facto hierarchy of human rights violations that would severely damage US efforts—long supported by the religious community—to ensure that all aspects of civil and political rights are protected.

Before I detail these and other serious concerns, let me again emphasize our willingness to work with members in fashioning workable responses—legislative and otherwise—to religious persecution, wherever it occurs.

In particular, we are committed to strengthening and improving our new structures for addressing religious freedom and persecution in our foreign policy. We are prepared for serious discussions with the Committee about ways to reinforce these structures, including by the development of legislation to further enhance our efforts to promote religious freedom, such as by:

further increasing the visibility of this issue in the U.S. Government, undertaking official fact-finding and monitoring missions, and dedicating additional agency personnel to address religious persecution and complement the efforts of the Advisory Committee on Religious Freedom Abroad;

acting to insure that U.S. laws that involve human rights take explicit account of religious persecution;

initiating periodic public reporting on religious freedom issues in general, and increasing U.S. Embassy reporting and action on cases and situations involving religious persecution; and

supporting measures to improve immigration and refugee processing consideration of applicants fleeing religious persecution.

Let me set forth in more detail the basis for our concerns about H.R. 1685. First, and most importantly from our perspective, the bill could seriously harm the very people it seeks to help—those facing religious persecution. It runs the risk of strengthening the hands of governments and extremists who seek to incite religious intolerance. In particular, we fear reprisals by repressive governments against victims, as well as an end to any dialogue on religious freedom, in retaliation for the sanctions that the bill would automatically impose.

The provision that sanctions governments for failure to take adequate action against private acts of persecution is also troubling. Many governments that fail to combat soci-

etal religious persecution are simply too unstable or too weak to control extremists, insurgents, terrorists and those inciting societal religious persecution. Imposing punitive sanctions on weak governments, would only play into the hands of those elements in society that are perpetrating religious persecution. To deal effectively with societal religious persecution, our laws must allow us to help these weak transitional governments check extremist forces and protect victims from further persecution.

The bill would mandate a wide variety of sanctions against governments that engage in officially-sponsored religious persecution or that fail to combat societal religious persecution. Because our laws and policies already give significant weight to human rights, the United States provides little direct assistance to such governments. The imposition of automatic sanctions, therefore, would have little effect on government-sponsored religious persecution in most countries, but would make a productive human rights dialogue with sanctioned governments far more difficult or even impossible. The bill also runs the risk of harming vital bilateral relations with key allies and regional powers.

Second, the bill would create a de facto hierarchy of human rights violations under U.S. law that would severely damage our efforts to ensure that all aspects of basic civil and political rights, including religious freedom, are protected. It would differentiate between acts motivated by religious discrimination and similar acts based on other forms of repression or bias, such as denial of political freedom, or racial or ethnic hatred. In doing so, the bill would legislate a hierarchy of human rights into our laws. Certain deplorable acts would result in automatic sanctions when connected to religion, but not in other cases. As a consequence, our ability to promote the full range of basic rights and fundamental freedoms would be compromised.

Some governments and their apologists are now engaged themselves in an insidious campaign to devalue human rights by creating their own hierarchy, arguing that respect for economic rights should be preeminent. Those advancing this argument have often sought to justify a government's failure to respect civil and political rights (such as freedom of expression, assembly and association) by claiming that economic development must precede respect for civil and political rights. The United States has long resisted these attempts to create a hierarchy of basic human rights and fundamental freedoms. We should not yield to the temptation to do so now.

Third, the bill would provide no flexibility to tailor our religious freedom policies to differing circumstances in different countries. Following a finding of persecution by the Director of Religious Persecution Monitoring, sanctions would be automatic. The mechanics of imposition appear designed to make sanctions more likely to be imposed, cumbersome to waive and difficult to terminate. Their effectiveness as a means of influencing policy would be sharply limited as a consequence. The provisions of the bill, that authorize the President to waive sanctions for periods up to one year, require the President to determine that such a waiver is in the "national security interests of the United States." This stringent standard would appear to shut the door on any consideration

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

of U.S. foreign and domestic policy interests that do not rise to the level of a direct threat to our national security (e.g. regional peacemaking and stability, environmental protection, there have been security interest in the past, on occasion). Under the bill, in addition, a presidential waiver would not take effect for forty-five days, absent emergency conditions. Affording the President such limited discretion in the area of foreign affairs is contrary to the national interest and is constitutionally suspect.

Fourth, the bill would create a new and unnecessary bureaucracy which would duplicate, and possibly undercut, the functions of the Secretary of State by the creation of an "Office of Religious Persecution Monitoring" within the Executive Office of the President. Creating the position of Director of this office, who would be subject to Senate confirmation, would duplicate existing State Department functions including, promoting religious freedom. The Secretary of State is best situated to report and advise the President on religious persecution abroad. The State Department's reporting channels and annual Country Reports on Human Rights Practices represent the most accurate, cost-effective and appropriate method for the U.S. Government to obtain and report information on religious persecution. Determinations that affect fundamental aspects of our foreign policy, including those regarding sanctions, should be made by the President with the assistance of the Secretary of State and other relevant Department heads, not by the Director of a new specialized office on religious freedom which has no other foreign affairs expertise or responsibility.

Fifth, the proposed administrative structure in the bill in reality would marginalize religious freedom rather than "mainstreaming" religious freedom and other human right issues in our foreign policy. The Secretary of State's Advisory Committee on Religious Freedom Abroad represents a significant example of mainstreaming. The Advisory Committee reports to the Secretary of State, and through her to the President and other parts of our government. Enhancing existing structures would represent the most effective way to ensure the prominence of religious freedom in our foreign policy. We would be pleased to work with the Congress to accomplish that.

Sixth, the bill would impose several new obligations that would have significant financial implications, without providing any indication of how these mandates would be carried out without new resources. These requirements affect not only the State Department, but also Commerce and the INS. Speaking for my own bureau, I can tell you that additional unfunded mandates require diversions of resources from what we are doing in other areas to promote human rights.

Seventh, the bill would pose the risk of challenge as being inconsistent without international legal obligations, including through the WTO agreement and under other trade laws. The bill poses a similar risk with respect to international obligating contained in the Articles of Agreement of most international financial institutions in which the U.S. participates.

Eighth, while we welcome and share the sponsors' concerns about fairness in asylum adjudications, the bill's proposed changes to asylum procedures would create troubling disparities and threaten to unravel many recent improvements. For example, for persons making asylum claims based on religious persecution in the context of expedited procedures at ports of entry, the bill would create effective presumptions that ease evidentiary burdens and that are not available to others fleeing persecution. Let me be

clear: we support procedural protections for all applicants at ports of entry. In fact, before passage of last year's immigration bill, we urged that expedited procedures apply only in exceptional, emergency-like circumstances, but Congress determined that such procedures should be applied more broadly. While we are prepared to readdress this issue, we hope that Members can appreciate our desire to do so with respect to all classes of applicants. Furthermore, we are deeply concerned that changes the bill would make to regular, affirmative asylum procedures (claims made by those already in the country) would recreate unnecessary burdens and inefficiencies that made asylum vulnerable to abuse in the past. We fear that such changes would hurt all legitimate asylum seekers, including those making claims based on religious persecution.

Ninth, the bill contains numerous sanctions specific to Sudan. The United States, of course, already has in place sanctions against the Sudanese government as a result of its support for international terrorism. The Administration nevertheless remains willing to consider a reasonable and workable expansion of our Sudan sanctions to reflect the lack of Sudanese government actions on issues of concern: state sponsorship of terrorism; support for aggressive actions against its neighbors; failure to come to terms with the opposition in the long-standing civil war; and an abysmal human rights record, including violations of religious freedom. We value the opportunity to continue discussions on this subject with Members in connection with the State Department authorization bill. For that reason, continued inclusion of Sudan sanctions in this bill would seem both unnecessary and counterproductive.

Having highlighted our concerns with some of the provisions of this bill, let me conclude by repeating that we welcome the opportunity to work with this committee and the rest of the Congress to fashion appropriate legislation that will underscore and strengthen the commitment of the United States to promote religious freedom. The President and the Secretary of State have made it crystal clear that this issue is now a foreign policy priority. In the endless battle for freedom, we do not claim that we have all the answers. Nor can we assert that the United States alone has the power to bring about an end to all religious persecution abroad. What we can and must proclaim, however, is that we are committed to making the effort, and to working in the most effective way to combat the persecution now victimizing so many people of faith around the world.

THE NATIONAL YOUTH SPORTS PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. McINNIS. Mr. Speaker, the National Youth Sports Program at Adams State College in Alamosa, CO, recently entered its 22d year of existence. This program has proven to be a valuable and meaningful outlet for those youths who would not otherwise have access to the activities and instruction the program offers.

The NYSP is a cost-effective partnership program between the NCAA and selected institutions of higher learning, such as Adams State and is designed to benefit the youth of America.

Adams State is one of two colleges in Colorado participating in the program which combines sports instruction with meaningful educational activities for girls and boys ages 10 to 16.

Enrollment in the program and physicals are free and open to all youngsters in the area whose parents or guardians meet the income guidelines provided by the Department of Health and Human Services.

Larry Zaragoza, the activity director for NYSP at Adams State, is stepping down after heading the program at Adams State College for the past 13 years and being involved in the program for all of its 22 years that is have been held at Adams State. He will certainly be missed.

MOTHER MEETS RECIPIENT OF SON'S HEART

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HYDE. Mr. Speaker, a heart transplant is but one of today's medical miracles, but miraculous it is when 71-year-old Bill Ellis is alive and well today with the transplanted heart of then 10-year-old Travis Robinson of Salt Lake City, Utah.

This remarkable story is well told in an article published April 24, 1996 in the Salt Lake City Tribune.

I take this opportunity to share this great story with my colleagues:

[From the Salt Lake Tribune, Apr. 24, 1996]

MOM IS HAPPY SON'S LITTLE HEART WENT TO SUCH A BIG-HEARTED MAN—MOTHER MEETS RECIPIENT OF SON'S HEART

(By Norma Wagner)

After losing her 10-year-old son Travis to a traffic accident in September, Tracy Robison was not sure she ever would want to meet the patient who received the fifth-grader's heart.

"I had mixed emotions about it," said Robison, an emergency-room nurse in Provo who was working when her son was brought into the hospital.

But through a series of unusual circumstances, 71-year-old Bill Ellis, CEO of a national snack company in Chicago, found out it was Travis' donated heart that saved his life.

Ellis had an old friend in Utah, Gordon "Boots" Barnett, whom he had not seen in 18 years. The two recently got in touch again, and when Ellis—who suffered from terminal heart disease—told Barnett his new heart had come from a young boy in Orem, Barnett knew it had to be Travis.

After all, Barnett's granddaughter was one of Tracy Robison's best friends.

After contacting the Robisons, Ellis flew to Salt Lake City last month and met his donor family.

"Talking with and seeing Bill, it's just been incredible for me," Robison, 33, said. "It just makes me so happy that Travis' heart is still beating. And Bill is a very generous person. In return for someone saving his life, he's turning around and doing good things for other people."

As for Ellis, who has become a major supporter of shelters for abused women and children in Alabama and Los Angeles, he has not only found new meaning in life, but "another family in Salt Lake City."

"I have a picture of Travis and his mother and two brothers right here in my office,"

Ellis said Tuesday from the Chicago headquarters of Farley Foods. "I met the family, and when you stand there and realize that her son's heart is in your body, well, I just, I get kind of choked up talking about it. I could tell it was the same for her when she looked at me."

Ellis and the Robisons decided to share their story to help increase awareness during National Organ and Tissue Donor Awareness Week, which began Sunday and runs through Saturday.

Across the United States, transplant centers are suffering a critical shortage of organs and tissue and have launched the first nation-wide campaign to increase the number of donors. The Coalition on Donation has enlisted Michael Jordan of the Chicago Bulls as its national spokesman. Jordan will be featured in 30-second radio and television commercials, on billboards, transit advertising and through direct mailings throughout the country.

The coalition is a national, non-profit alliance that represents nearly 100 organizations involved in organ and tissue procurement and transplantation. The thrust of its campaign is to motivate more Americans to discuss with family members their decision to become donors. The coalition estimates that permission required from next-of-kin is denied in 50% to 85% of the cases where there is high potential for donation. Discussions prior to death can eliminate confusion and uncertainty about the desire to be a donor and help make it easier for family members to carry out a donor's wishes, said coalition president Howard Nathan.

More than 45,000 critically ill Americans are on waiting lists for organ transplants, with a new name added every 18 minutes. Last year, more than 19,000 transplants were performed in the United States. But 3,000 people died while waiting for a suitable donor.

In Utah, 190 people are awaiting vital organ transplants. And many more are in need of tissue such as bone, skin and corneas. During 1995, 207 patients received organ transplants from 57 Utah donors.

Utah Gov. Mike Leavitt is joining the effort by holding a press conference at 10:15 a.m. today at University Hospital in the second-floor conference room. And at noon, Intermountain Organ Recovery System will hold a tree planting ceremony in Canyon Rim Park, 3100 S. 2900 East, in a tribute to donor families and transplant recipients.

The decision to donate was an obvious choice for Tracy and Conan Robison.

As a nurse at Utah Valley Regional Medical Center, Tracy Robison witnessed miraculous changes in patients' lives after their diseased organs were replaced by healthy ones.

She was working at the hospital on the evening of Sept. 12 when her mother called and said Travis had been hit by a car a half-block from home. "She said he was unconscious and his legs were twisted. I didn't totally panic at that point because unconscious to me is possibly not as critical," Robison said. "We see it here all the time."

But then the E.R. got a call from the ambulance en route. "They said they were coming in Code 3, which is the worst you could come in with," she said. Travis' pupil's were fixed and he was breathing erratically. "The worst insult was to his brain."

Tests two days later confirmed Robison's worst fear: Travis was brain dead. Within a few hours, transplant technicians were removing his organs.

In addition to his heart going to Ellis, Travis' liver went to a father of five in Springville and both kidneys went to two different women in Salt Lake. And his eyes restored the sight of two others.

"I really think that somebody else should have the opportunity to improve their life

with something that somebody else doesn't need," Robison said. "It's not going to do any good for Travis to keep it. And for me, it has brought an incredible amount of peace and happiness that others have been benefited."

When looking at Ellis, she added in a choked voice, "I can see Travis in so many ways. I can't think of a better person that his little heart could have gone to. Travis had a big heart and Bill does, too."

100TH ANNIVERSARY OF THE FIRST ZIONIST CONGRESS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure I rise before you today to commemorate the 100th anniversary of the first Zionist Congress. The first meeting of the Zionist Congress occurred on August 29, 1897 with 204 participants from 17 countries. Now, 100 years later, the anniversary of this important date will be celebrated by Jewish communities across the world.

In 1897, the first Zionist Congress was called in Basle, Switzerland with the purpose of establishing the State of Israel as a homeland for the Jewish people under public law. Theodor Herzl emerged as the father of modern Zionism and founder of the World Zionist Organization. He believed a mass exodus to the Jewish homeland was the only response to the anti-Semitism the Jews were faced with in Europe. He wrote in his Zionist novel, "If you will it, it is no legend," a sentiment that became the mantra of the Zionist movement.

Though Herzl never lived to see the establishment of the State of Israel, his legacy lived on through the movement. The Zionists remained committed to their goal throughout several years of turmoil. Despite religious persecution by the Nazi regime in Europe, and an intense struggle with militant Arab opposition, the Jewish initiative prevailed. The Zionists' goal was finally realized on May 14, 1948 with the U.N. resolution of November 1947, which established the State of Israel. This resolution allowed the Jewish people to live in their historic homeland, free from the religious persecution they were facing in Europe.

Mr. Speaker, distinguished colleagues, please join with me in commemorating the 100th anniversary of the Zionist Congress, an organization which has shown perseverance through adversity and a dedication to the principles of the Judaism.

WORKLINK

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. TALENT. Mr. Speaker, I rise today to recognize the city of St. Peters for the successful implementation of WorkLink, the first telecommuting center in the State of Missouri and the entire Midwest. Opening in July 1996, WorkLink was designed as a community-based telecommunications center equipped to provide individuals, businesses, and organiza-

tions with a wide array of advanced telecommunications and related services. WorkLink promotes telecommuting as an efficient way of doing business and helping employees better balance their time between work and family.

WorkLink offers an alternative to many companies and employees to maintain and encourage performance and productivity; assists companies in cutting expenses by consolidating office and parking space; improves employee moral by accommodating work and family needs; and helps the community by reducing traffic congestion and improving air quality.

Currently, two-thirds of the available space at WorkLink is equipped with offices and workstations with the advanced technology and inter-connectivity to handle most advanced office telecommunication functions. The facility houses many business types, including engineering, financial, computer consulting, computer programming, sales/marketing, healthcare, publishing, distance learning, and charitable professionals.

By stepping out onto the cutting edge of telecommuting, the city of St. Peters is offering those in their community a tremendous opportunity. I am sure WorkLink will serve as a model for other communities, and I commend Mayor Tom Brown and Helen Robert, WorkLink manager, for their vision and hard work.

RECORD STATEMENT IN HONOR OF ZAIGA ANTONETTI

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise today to express my appreciation to Zaiga Antonetti, for her tireless efforts for small businesses in the State of Connecticut.

Ms. Antonetti has served on numerous statewide and regional committees and commissions involving small business issues, and worked hard to assure that the needs of Connecticut's small businesses are met. She serves on the board of directors of the Connecticut Community Accounting Aid and Services, Inc., and the Hartford Business Advisors. She was twice honored by the U.S. Small Business Administration for her work with small business owners as Small Business Advocate of the Year and Women in Business Advocate of the Year.

Zaiga deserves the many accolades she will receive as she is honored for her accomplishments and dedication. For her tremendous contributions to small businesses in Connecticut, I salute and thank her.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HAMILTON. Mr. Speaker, the Committee on International Relations met last week to

hear testimony on H.R. 2431—formerly H.R. 1685—the Freedom From Religious Persecution Act of 1997.

The long list of witnesses heard by the committee is a reflection of the strong interest generated by this legislation among human rights groups and religious and public policy organizations nationwide.

For those of my colleagues who have not yet had an opportunity to study this bill, I want to share a letter submitted to the committee for inclusion in the hearing record from representatives of six prominent human rights organizations.

I hope my colleagues will find this thoughtful statement useful as the debate on this legislation moves forward.

HON. BEN GILMAN,

Chairman, International Relations Committee.

DEAR CHAIRMAN GILMAN: We in the human rights community strongly support the goals of the 'Freedom From Religious Persecution Act' of bringing the spotlight of attention on governments that persecute persons for their religious beliefs, putting pressure on the authorities to end religious repression, and assisting victims of religious repression who seek to come to the U.S. as asylum applicants or refugees. We have worked for many years on ending religious intolerance and persecution, as well as improving U.S. immigration and refugee policy. We believe that the proposed 'Freedom From Religious Persecution Act' could better achieve these shared goals if the following changes were made.

Findings: The Findings section is largely limited to persecuted Christians and religious minorities in communist countries. We believe that the section should be enlarged to include other vulnerable religious communities so that the bill will have more universal resonance and be more effective in combating religious persecution. We understand that the sponsors of the bill have indicated a strong desire to insure that the bill is applicable to all persons facing religious persecution and we welcome that commitment. Naming certain Muslim groups could help insure that the bill is not perceived as having an anti-Muslim tone.

Application and Scope: The bill includes two separate standards for triggering an investigation of persecuted groups. One standard is that those named in the bill will automatically be investigated by the Office of Religious Persecution Monitoring. All other groups may be taken up at the discretion of the director of the Office. This dual standard might be taken to mean that the bill creates a preference for certain religious groups. Because the automatic imposition of sanction and the creation of new refugee and asylum protocols are so central to the bill's structure we believe that having a single standard that is applicable to all those vulnerable to religious persecution is more appropriate. Such an approach will actually be better for beleaguered Christians than a more specific standard. Frequently Christians (as well as Baha'is, Jews, and other) are wrongly accused of being foreigners or in league with Western powers. In these circumstances, singling them out for special treatment above all other religious minorities might actually embolden those who desire to harm them.

Sanctions: Our organizations¹ favor the imposition of certain sanctions against governments found to be engaged in gross abuses of human rights, including the perse-

cution of religious believers. We strongly support existing human rights law that prohibits bilateral aid (Section 502B of the Foreign Assistance Act) and U.S. support for multilateral aid (Section 701 of the International Financial Institutions Act) to countries engaged in a consistent pattern of gross violations of human rights. The "Freedom From Religious Persecution Act" provides less rather than more protection than existing human rights law. While the list of abuses it targets (such acts as rape, crucifixion, slavery and imprisonment) would be embraced by the "gross violations" standard of existing law the "Freedom From Religious Persecution Act" would impose sanctions only if such acts were "widespread and ongoing." That standard is tougher to demonstrate than the finding of a "consistent pattern" required under current law. We urge that the bill's standard be eased. In addition, we believe that the definition of persecution should be broadened to include forms of discrimination and intolerance that do not reach the extreme measures outlined in the bill but are forms of persecution faced regularly by religious communities around the world, including government restrictions on worship, proselytizing, religious education, freedom of the press and expression, and freedom of movement.

We are also concerned that the trade sanctions against abusers have been so narrowly drawn that even if a government meets the bill's current narrow standard and is found to have engaged in religious persecution, there is little likelihood that exports of persecution-related products will be limited. In particular, the bill requires that the identification of persons involved in religious persecution be drawn as narrowly as possible. If implemented in this way, the Office of Persecution Monitoring will have difficulty in stopping sales of police and military equipment to governments, heads of state, institutions like the police, military, intelligence services, or even officers who may have ordered but not directly participated in abuse.

The sanctions section, in summary, is not strong enough to insure that it will have a serious impact on abusive governments. We urge that it be strengthened so that it is applicable to the widest possible number of regimes, institutions, and individuals that abuse in any way the right of religious freedom.

Creation of a New Bureaucracy: The bill sets up a separate structure in the White House to engage in investigation and reporting and conduct U.S. policy towards those found to be engaged in religious persecution. The desire to have an office which focuses exclusively on religious persecution and which is, at least on the organizational chart, closer to senior level decision makers, is understandable. On the entire range of human rights issues, the Bureau of Democracy, Labor and Human Rights (DRL) must contend with the traditionally powerful regional bureaus, the growing influence of agencies promoting trade, combating narcotics trafficking, and pursuing other priorities. A White House office could come to bolster and add diplomatic weight to the Human Rights Bureau and other quarters in the executive branch engaged in promotion of human rights if its work is integrated into that of others.

On the other hand the record of such separate "coordinators," (such as the Ambassador at Large for Refugee Affairs) has not necessarily been positive. In some past instances, such offices have largely stood outside the policy apparatus and far from elevating, actually served, unwittingly, to downgrade attention to an issue. A separate White House office of Religious Persecution Monitoring would be apart from the informa-

tion-gathering capacity of the State Department and its formal diplomatic apparatus. Moreover, many proponents of the bill rightly argue that religious persecution rarely operates in isolation from the repression of other basic rights and freedoms. Yet the bill might handicap the defense of religious freedom by isolating it from information about other forms of repression undertaken by abusive regimes. We believe an office of religious persecution monitoring might be more effectively placed within existing human rights machinery in the State Department Bureau of Democracy, Human Rights and Labor and the National Security Council. Existing human rights machinery, if bolstered by staff specially tasked to work on religious persecution, would be able to draw on extensive information about a government's human rights record and build a stronger case for sanctions against those who violate religious freedom than would a stand-alone office of religious persecution operating in isolation. Additional staff and resources for DRL would permit the office to conduct field missions, press U.S. embassy officials to be more attentive to religious persecution, issue reports, and integrate the religious persecution issue into all multilateral and bilateral relations.

Asylum provisions: Human rights groups have strongly opposed the changes enacted by Congress in asylum law last year, namely the adoption of summary exclusion procedures which we believe make it much more difficult for those fleeing persecution of any type to make their case and receive asylum. We question whether the beneficial treatment for asylum seekers fleeing religious persecution, as intended by this bill, will actually be realized under the current, flawed summary exclusion procedures, which rely upon low-level, secondary inspectors to decide the fate of asylum seekers. This crucial deliberation by inspectors will apply to even those fleeing religious persecution, who will be required to prove that they are members of the named groups. This process will be conducted without any public scrutiny and without any counsel of any kind allowed for the asylum-seeker. Moreover, it is not clear what will happen to individuals who are permitted to bypass the credible fear determination process. For example, will such individuals be detained pending an asylum hearing, as is currently the case with most asylum seekers, or will they be released into the community?

The bill's exemption of persons whose religions are named by the Office of Persecution Monitoring is a clear and very welcome indication that Congress knows that the summary exclusion provision is a problem for those fleeing persecution. We appeal to the Congress to act on that assumption, which we share, and eliminate this unjust requirement for all who flee persecution of any type.

Failing that, however, the Congress should at a minimum enlarge the definition of religious persecution so that the broadest number of victims might take advantage of the asylum protections in the bill, and the maximum number of vulnerable religious believers might be spared the summary exclusion process and the possibility of forced return to persecution. A definition of religious persecution that is restricted to the most severe forms of persecution or to adherents of faiths that happen to be named in the bill risks sending many persecuted believers back to their persecutors.

Refugee Preference: We strongly support the granting of refugee status to members of persecuted religious groups, who should certainly fall within existing refugee law. However, we fear that granting special preference for the religiously persecuted over other victims of persecution and reserving slots for

¹ As a matter of Amnesty International policy applicable to all types of human rights violations, Amnesty International does not take a position for or against economic sanctions.

them out of existing numbers may result in one persecuted group being pitted against another. A preferable approach to the proposed legislation would be simply to expand the number of slots available for refugees so that no one currently eligible will be denied entry because of preferences created by this act.

Sincerely,
Kenneth Roth, Executive Director
Human Rights Watch; Leonard S.
Rubenstein, Executive Director Physi-
cians for Human Rights; Jack Rendler,
Executive Director Minnesota Advoca-
tes for Human Rights; William
Schulz, Executive Director Amnesty
International/USA; James Silk, Execu-
tive Director Robert F. Kennedy Cen-
ter; Felice Gaer, Director Jacob
Blaustein Institute for the Advance-
ment of Human Rights.

TRIBUTE TO JOEL BONE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. McINNIS. Mr. Speaker, today I would like to recognize a young man in my district who should truly be an inspiration to us all. His name is Joel Bone and he is from Glenwood Springs, CO. Joel attends Glenwood Springs High School and has worked diligently in recent months to organize the Prime Monday Sports Club which is a forum he creates in order to bring together special needs students and teachers so they could get to know each other outside the classroom.

Joel was recently recognized by the National Downs Syndrome Congress for his efforts and presented with their Outstanding Citizen Award, which is traditionally given to young adults who exhibit a high degree of selfadvocacy.

The award was presented to Joel at the 25th annual convention of the National Downs Syndrome Congress in Phoenix, AZ on August 8. Joel was given the honor of being seated at the head table and then read his acceptance speech in front of 2,000 people where he himself praised all the risk takers in the audience.

Mr. Speaker, I am proud to stand here today to tell the entire House of Representatives about this fine young man from Glenwood Springs whose attitude and work ethic is a lesson to us all.

TRIBUTE TO WOODROW F. BROKENBURR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure I rise before you today to pay tribute to Woodrow F. Brokenburr, the outgoing Chairman of the Board of the Thousand Oaks/Conejo Valley Chamber of Commerce.

President Kennedy once wrote, "For of those to whom much is given, much is required." Woodrow Brokenburr is an individual who has fulfilled this prophecy through his countless contributions to our community.

When asked to describe Woody, the first word that comes to the minds of his friends and colleagues is committed. In addition to a full time career as a Senior Engineer/Project Manager at GTE California, Woody spent several years on the Board before assuming the additional responsibility as Chairman this past year. His commitment to service and responsibility extends to every aspect of his work. At a recent speech before a delegation from China, Woody spoke to the crowd for the first three minutes in Chinese. This attention to detail and thoroughness of preparation is just one example of his dedication and has distinguished Woody as an individual who sees everything through to the end.

In addition to his experience on the Board of the Chamber of Commerce, Woody Brokenburr has sat on the board of several other community organizations, including the Conejo Free Clinic, the Consortium for Advanced and Technical Education and the International Development Research Council. Woody has recognized the importance of our children's education in order to prepare them for a bright and promising future, and he started the Education Committee at the Chamber of Commerce to address problems and questions facing our schools.

Within our community, Woody is seen as an excellent role model, and his career has been highlighted with several awards and distinctions. He is the recipient of five United Way Leadership Awards, the Distinguished Service Award from the California Association of School Administrators, Region XII, and the GTE's Outstanding Volunteer Award.

I join these organizations in commending Woody for the contributions he has made to our community. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Woodrow F. Brokenburr as he concludes his term as chairman of the board.

THE FATHER OF ROSELLE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HYDE. Mr. Speaker, the Chicago Tribune of last Sunday provided a feature article on one of my district's finer public servants, Joseph Devlin. The article describes Joe's active life and his great contributions to Roselle, IL, and DuPage County as well. I proudly share this with my colleagues:

[From the Chicago Tribune, Sept. 14, 1997]

THE FATHER OF ROSELLE—JOSEPH DEVLIN
WEARS MANY HATS WHILE SERVING OTHERS

(By David Sharos)

If public service were a commodity that could be marketed and sold, Roselle's Joseph Devlin would probably be one of the western suburbs' leading entrepreneurs.

Devlin wears many hats, which currently include village trustee, the administrator for the Roselle Historical Foundation, a member of the DuPage County Stormwater Committee, the DuPage Water Commission and financial officer for the American Legion. He is also a former mayor of Roselle.

Roselle Chief of Police Richard Eddington still calls him Mr. Devlin in public, but in the community he has called home for more than 40 years, Devlin says he wishes people would simply call him Joe.

Devlin moved from Pennsylvania in 1953 and has seen Roselle, a town that then boasted 1,000 people and barely a square mile in size grow to 23,000 people and 8 to 10 square miles.

"Joe's the father of our village," said Marj Peterson, a longtime friend. "Roselle as we know it today was really launched as a result of him."

Before moving to Roselle, he fought in a war, went to college and earned a degree in mechanical engineering; he became president of an electric heater and supply company, helped raise three daughters and worked in public office for more than 25 years.

He has also overcome personal hardships. In World War II, Devlin served on a B-24 as a navigator and was captured behind enemy lines after his plane was shot down over Romania and became a prisoner of war. In civilian life, his greatest hardship occurred three years ago when his wife, Barbara, died of cancer.

Not long ago, he said, "I received a card from board members on one of my birthdays that said, 'Congratulations, you've survived another year.' When I opened it, the card said, 'In fact, you've survived it all.' I guess maybe I have."

Serving his fellow citizens and the community he loves is what continues to drive Devlin.

"I'm proud of everything I've done my whole life," Devlin said. "I tend to take over things once I get involved, not because it's a power trip or anything but because I think I'm a natural problem solver and I like to get things done."

Many citizens and public officials in the village say Devlin has lent a guiding hand in making Roselle the community it is today. From sidewalks, which were once non-existent, to upgrading sewer plants and streets, to obtaining Lake Michigan water, to building a \$3.5 million Village Hall, Devlin's mark is everywhere.

"Of all the services Joe has performed, I still have this image of him carrying a shovel around in the trunk of his car . . . to repair ruts in the streets after it rained," said village administrator Robin Weaver. "Joe would go over to people's houses he didn't even know and help them pump out their basements if they were flooded. He still does."

The Village Board presented him with a plaque in 1994 for 25 years of public service. During the presentation, he listened to a letter drafted by Mayor Gayle Smolinski that cited many of his accomplishments.

"Joe is one of those pillars of the community who has just always been there when we needed him," Smolinski said. "He often kids us during meetings when a female board member or I cast a deciding vote against him. He'll say, 'I knew we shouldn't have given [women] the right to vote,' but Joe's been one of the greatest influences in terms of empowering women in local government that I know. He has three daughters, and I think that's influenced him."

Devlin said that during his eight years as mayor from 1973-81, Roselle became one of the first towns to hire a female police officer and a female firefighter. He also says having women on the Village Board is an asset because they look at things in a different way from men.

Fred Koehler, who owns and manages the Lynfred Winery in Roselle, said Devlin is the person who made his business possible. "Joe was the guy who supported the winery all the way and thought it would be a good thing for the village and would bring people here," Koehler said.

As mayor, Devlin appealed to State Sen. Doris Karpiel, who in 1980 successfully steered two bills through the legislature that

changed existing laws to allow the winery to be established.

"Even though [the winery] was a controversial decision, history has proved Joe right, and the Lynfred Winery in the old Fenz house has brought us fame and recognition," Smolinski said.

A member of Roselle's St. Walter's Catholic Church, Devlin has been a friend since 1954 to its pastor, Rev. Francis McDonald, who says Devlin's involvement with the church has easily matched his community contributions.

"Joe is one of the founding members of the parish, and he has been involved with our administration committee for many years," McDonald said. "He helped with our church's recent renovation and is working with us now on the new parish center gym we're planning to build. To me, his knowledge of the village here and the people has been invaluable. And he's a very humble man."

Devlin, who will celebrate his 76th birthday in January, appears to be far from slowing down. He recently began his fifth term as a village trustee, a job he has held for 16 years since stepping down as mayor. He plays golf once a week, rides a bicycle and plays racquetball and handball. Devlin said he recently taught himself to play left handed because arthritis and bursitis have limited the mobility of his right shoulder.

"[Public Works Director] Rob Burns played Joe in handball a few weeks ago," Weaver said. "Rob's a jogger and is in great shape, and he has to be 25 years younger. The day after they played, Rob was telling us how Joe just beat the ever-living tar out of him. The poor guy was really beat up."

VOTE CLARIFICATION ON ISTOOK AMENDMENT IN THE LABOR, HHS APPROPRIATIONS ACT FOR FISCAL YEAR 1998

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to clarify my position with regard to two votes I made on September 9, 1997. The votes were rollcall Nos. 378 and 379, concerning Mr. ISTOOK's amendment No. 3 to the Labor, Health and Human Services Appropriations Act for fiscal year 1998. My vote on rollcall No. 378, Mr. CASTLE's substitute to Mr. ISTOOK's amendment, was recorded as aye. I pressed the incorrect button and my vote should have been no. In regard to rollcall vote 379, my vote was recorded correctly as opposing Mr. ISTOOK's amendment as amended by Mr. CASTLE's substitute. My position has been quite clear in the past with regard to Federal funding under title X of the Public Health Service Act. The fact that a doctor must have parental permission to give a minor an aspirin, but not contraceptives is bewildering to me. Even though it was defeated, I am in support of Mr. ISTOOK's language, and will continue in the future to maintain the position that a child and parent relationship should not be undermined by legislative means.

EXPRESSING CONDOLENCES OF THE HOUSE ON THE DEATH OF MOTHER TERESA OF CALUTTA

SPEECH OF

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. GUTKNECHT. Mr. Speaker, over 50 years ago, Mother Teresa left a comfortable teaching position at a Catholic high school to personally care for the beggars, lepers, and homeless on the streets of Calcutta. She began alone, following the call of the Cross, but her example inspired thousands to join her in service in 25 countries around the world.

I have often told the story of a news reporter who followed Mother Teresa for a few days as she worked among Calcutta's dead and dying, cleaning their sores and comforting them in their last days. Finally the exasperated reporter asked her how she could possibly continue, with more dead and dying every day, saying "You cannot possibly succeed!" "I was not called to succeed," Mother Teresa quietly replied. "I was called to serve."

Being present to see Mother Teresa receive the Congressional Medal of Honor earlier this year was one of the most memorable moments of my life. As she said, "The world today is hungry not only for bread but hungry for love."

Though she was less than 5 feet tall, her humble, unwavering devotion to the truth made her a towering giant of the 20th century. She was the most Christ-like person of this era; the embodiment of Matthew 20:26.

THE FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HAMILTON. Mr. Speaker, the Committee on International Relations met last week to hear testimony on H.R. 2431 (formerly H.R. 1685), the Freedom From Religious Persecution Act of 1997.

The long list of witnesses heard by the committee is a reflection of the strong interest generated by this legislation among human rights groups and religious and public policy organizations nationwide.

For those of my colleagues who have not yet had an opportunity to study this bill, I want to share a letter submitted to the committee for inclusion in the hearing record from the National Council of the Churches of Christ in the USA.

I hope my colleagues will find this thoughtful statement useful as the debate on this legislation moves forward:

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA

To: Members of the House International Relations Committee.

From: Oliver Thomas, NCCC Special Counsel.

Re: Freedom From Religious Persecution Act (H.R. 1685/S.772).

Date: September 8, 1997.

Senator Arlin Specter (R-PA) and Representative Frank Wolf (R-VA) have intro-

duced legislation (H.R. 1685/S. 772) to address the persecution of Christians overseas. Mr. Wolf has written to the General Secretary of the National Council of the Churches of Christ in the U.S.A. (NCCC) soliciting the NCCC's support for his bill.

There are a number of reasons why the NCCC and its member communions cannot support the Wolf/Specter bills as they are currently written, but should continue to pray and to take action to end religious persecution on their own terms. That is to say, the NCCC should remain true to its calling to seek justice and peace for all people and to carry on its work and witness in a manner consistent with its own responsibility as an American institution and its own understanding of the Gospel of Jesus Christ.

As the nation's oldest and largest national ecumenical body, the NCCC must continue to emphasize the importance of bearing collective witness to religious liberty. This means working cooperatively with Jews, Muslims and other faith communities as well as with those in the Christian community. Our conversations with those in other faith communities indicate that many have strong reservations about Mr. Wolf's bill.

Before addressing the specifics of H.R. 1685, I would point out that the persecution of Christians must be viewed in the larger context of religious persecution and human rights abuses. God's commandment to love our neighbors as ourselves compels us to seek religious freedom for all—not just for our brothers and sisters in Christ. We, therefore, embrace the Universal Declaration of Rights which states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Second, I could not agree more about the need for focused, fervent prayer on behalf of the persecuted members of God's human family. Far from silent, the NCCC and its international counterpart, the World Council of Churches, have long participated in prayer on behalf of our Christian brothers and sisters who suffer persecution. That is why, for example, we support the World Day of Prayer Against Religious Persecution sponsored by the World Evangelical Fellowship, and the International Cycle of Prayer developed through the World Council of Churches.

Turning to the specifics of H.R. 1685/S. 772, I begin with one aspect of the bill that warrants our support.

Reports—Annual reports on religious persecution abroad are extremely useful to the United States Government as well as to the general public. Americans need to know when foreign regimes are guilty of human rights abuses in order that we may respond accordingly. Fortunately, the State Department has begun this practice.

Aspects of the bill to which we are opposed include:

1. Creation of the Office of Religious Persecution Monitoring in the White House—The NCCC General Secretary has stated that the U.S. government office charged with primary responsibility for addressing religious persecution should, in so far as possible, be insulated from partisan political pressure. For that reason, we would oppose any suggestion that those who monitor religious persecution should be located in the White House. We believe that the persons best able and most qualified to monitor and report on religious persecution are at the State Department as the recent report "United States Policies In Support Of Religious Freedom: Focus On Christians" demonstrates. We also support the use of an advisory committee reflecting

the religious pluralism of our country as with current practice rather than the appointment of a single individual charged with responsibility for the task. America's religious community is simply too diverse to expect one person to represent all of our concerns adequately. Minority religious communities are often the ones most vulnerable to mistreatment and thus especially need to be included.

2. Automatic Sanctions—The bill's approach to sanctions is overly simplistic. Americans must work in close partnership with people of faith in countries where persecution is occurring. How do they say we and our government can best be helpful? Would sanctions help, or would they hurt the wrong people? What other channels exist for pressure and protest? Clearly, sanctions should not be ruled out as a means to address religious persecution, but they should not be an automatic or first option.

3. Asylum Provisions—This legislation would change the refugee determination process to give special attention to those being singled out for persecution on the basis of religion. Under both international conventions and U.S. refugee law, there are five grounds for being granted refugee status: persecution on the basis of race, nationality, religion, membership in a social group, and political opinion. We do not support singling out religion as being more important than these other forms of persecution. Moreover, over the years, we have not supported designation of groups as refugees for resettlement, but rather have advocated for a case-by-case review of individual claims.

Obviously, there are people who leave their communities and countries because they are persecuted for their religious faith and those people should find the protection they need—whether in a neighboring country of asylum or in a third country through resettlement. But this is already part of international and national law. Singling out persecution of Christians as somehow being worse than persecution of political dissidents or a particular ethnic group undermines a lot of this international law we have worked so hard to get implemented.

What we can advocate is better application of existing law so that all of those claiming persecution get a fair hearing and that the adjudication procedures are both just and humane.

Finally, we believe some measure of humility is required as we act to stop religious persecution outside the United States. This is particularly urgent in light of the communications the NCCC has received from Christians in Egypt, China and other nations who express concern over America's eagerness to impose its political and constitutional ideals on others. As the General Secretary has stated: "Although we cherish the American model of religious liberty and its meaning for us, we recognize that it is not the only model. Some of our most trusted friends in the world community worship and serve God in state churches. Others see toleration, rather than full freedom, as the touchstone for religious rights. In short, due consideration must be given to cultural values and existing religious life, especially on such matters as world missions, proselytizing and areas of permissible regulations."

In short, not all encroachments on religious freedom rise to the level of persecution. And, even when they do, we must be careful to act in a way that alleviates rather than aggravates the problem.

For that reason, the NCCC and its member communions should consider an idea that has been proposed by members of the United

States Senate: the establishment of a Commission on Security and Cooperation in Asia modeled after its European counterpart. Such a commission might be the forum where citizens of the United States could press their legitimate concerns about religious persecution in that region without further aggravating the problem.

In sum, the NCCC maintains its commitment to human rights and religious freedom for all persons. We believe this can be achieved through a variety of means including prayer, reporting, dialogue, protests, boycotts, and urging diplomatic pressure, and, in some cases, sanctions. We urge Congress and the Administration to use their full powers to better enforce existing national and international laws which seek to protect individuals from religious persecution. Although H.R. 1685/S.772 have some sections the NCCC could support, other sections (particularly 5 and 7) are highly objectionable. For that reason, the NCCC cannot support H.R. 1685/S.772 until and unless significant changes are made.

SPECIAL TRIBUTE TO ASBURY UNITED METHODIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Ms. NORTON. Mr. Speaker, the Asbury United Methodist Church, celebrating 161 years in the Washington, DC community, is conducting its 11th annual homecoming September 23 through 28, 1997. Asbury's extraordinary history and contributions warrant praise and honor from this body and I ask that you join me in rendering that honor today.

Asbury United Methodist Church was organized in 1836 when a group led by Eli Nugent left the Foundry Methodist Church to form its own congregation. The first Asbury Church was a white frame building on the same site as the current Asbury Church edifice.

Mr. Speaker, Asbury's growth and history are intricately woven with that of African-American history. The decade of the 1860's brought civil war. Asbury opened its doors to provide space for classrooms for the fleeing and newly freed slaves. Operated under the auspices of various freedmen's aid societies, schools and classes helped provide the basic education needed if former slaves were to survive emancipation. These programs continued through the early 1870's.

Asbury's leadership remained in the hands of whites until the time of the emancipation. The Washington Annual Conference was founded in 1864. Asbury's role and leadership as a black congregation was firmly established with the appointment of the first black pastor, Rev. James Harper. Asbury experienced its greatest growth during the Reconstruction era. New organizations and programs were added and by the 1880's the Sunday school and choir received frequent mention in the press. This growth was accompanied by both missionary efforts and doctrinal disputes which led to the formation of other congregations that separated from the main body. These were Wesley African Methodist Episcopal Zion in 1847, Simpson Methodist Episcopal in 1875, and Peoples Congregational in 1891.

Mr. Speaker, with the dynamic leadership of ministers, Rev. J.W.E. Bowen, Rev. I.L. Thomas, and Rev. Matthew Clair, Sr., Asbury added new programs, expanded its services, and built a new edifice. By 1915, with a membership of over 1,000 the structure built in 1866 could no longer contain the church body. Under the leadership of Reverend Clair, the old building was replaced with a two story structure of Gothic design.

By the early decades of the 20th century, with its emphasis on social justice, enlightened efforts on behalf of the race and a range of programs for the education and social improvements of its youth, Asbury was attracting Washington, DC's most prominent citizens. The press described it as the "National Church of Negro Modernism."

Mr. Speaker, the heritage and traditions that shaped Asbury's illustrious history continue to inspire its current membership. Asbury has established programs for the hungry from the soup kitchen of the 1930's to its food pantry in the 1980's. Its activities for transients and the homeless includes regularly scheduled breakfast and an outreach center which distributes clothing and personal items. It has operated the Asbury Federal Credit Union since the 1950's and the educational building, which houses the Child Development Center, was completed in 1973. Asbury Dwellings contains 147 apartments for senior citizens and handicapped individuals. The church once operated community centers in Washington, DC and supported a church and school in Sierra Leone, West Africa. Asbury now provides support to Africa University in Zimbabwe and to TransAfrica.

Asbury was placed in the DC Inventory of Historic Sites in 1984 and was listed in the National Register of Historic Places on November 1, 1986. During its 150th anniversary, an endowment was established to support programs in education, outreach, history, and heritage. A history center was established to collect, preserve and disseminate Asbury's history.

Mr. Speaker, the leadership of pastors such as Bishop Matthew W. Clair and the Reverends Robert Moten Williams, James D. Foy, Frank L. Williams, and Joshua Hutchins and the commitment of the membership are very much in evidence today. This legacy continues under Asbury's present senior minister, Dr. Eugene Matthews who was appointed in 1992. Asbury's members now number 1,700 and routinely extends itself into the community-at-large. The church supports the programs of the Washington Interfaith Network [WIN] and the Holy Boldness activities envisioned by Bishop Felton E. May of the Baltimore-Washington Conference. Asbury is also a leader in the United Methodist community with its emphasis on Discipleship Bible Study, Covenant Discipleship, and class leader programs.

Mr. Speaker, I ask that this body join me in saluting the Asbury United Methodist Church on the occasion of its 11th annual homecoming, "Nurturing, Outreach and Witnessing Into the Twenty First Century." I am proud to recount Asbury's rich history and to emphasize its role in this community since its inception in the 1800's.

KEEPING THE ARTS ALIVE IN THE
CONEJO**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SHERMAN. Mr. Speaker, it is an honor to rise today to pay tribute to those who preserve the dream of the arts and delivering artistic entertainment to local people of our community. It is therefore with great pleasure that I honor the Twilight Award honorees, Rob O'Neill, Ann Hammerslag, Bob Lewis, Alex Fiore, and our Special Achievement Award recipients, the Medders family, for their dedication to the arts. These individuals have given their souls to promoting the performing arts in our community.

The Twilight Awards ceremony provides the Gold Coast Performing Arts Association an opportunity to honor and thank several individuals each year who, in their own way, have promoted and encouraged the success of the Thousand Oaks Civic Arts Plaza and the realization of our collective dream of bringing the performing arts to the Conejo. The gathering also gives Gold Coast and its subsidiary groups, Cabrillo Music Theatre, Santa Susana Repertory Co., Young Artists Ensemble, and the Gold Coast Theatre Conservatory a public occasion to display its successes.

Rob O'Neill is a member of board of directors of Alliance for the Arts and member of the board of directors for the Cabrillo Music Theater, the preeminent theater company presenting full seasons of Broadway musicals at the Probst Center for the Performing Arts. As an active member of these associations Rob has dedicated his own musical and production expertise to the production of "Pump Boys and Dinettes" and next year's musical, "A Little Night Music." These musicals provide local performers the opportunity to show off their skills and also allow local audiences to enjoy popular musical productions. I thank Rob for his great work.

Ann Hammerslag is commonly known as the brains and the heartbeat of the theaters department. She has managed the Thousand Oaks Civic Arts Plaza's business since before the plaza opened. As executive secretary of the theaters department of the city of Thousand Oaks, Ann has the experience and motivation to make the Gold Coast Performing Arts Center the success that it is.

Bob Lewis, the former mayor of Thousand Oaks is now chairman of the Alliance for the Arts. As chairman he oversees the management and growth of an endowment for local arts-related programs and education outreach. His contributions keep arts alive in the Conejo.

Alex Fiore is considered the individual most instrumental in bringing the dream of the Thousand Oaks Civic Arts Plaza to reality during his 30-plus years on the city council. Today, Alex guides the arts plaza's progress from his seat on the board of governors of the Civic Arts Plaza.

This year, the Twilight Awards gathering presents its first annual Special Achievement Award to the Medders family, who represent the highest tenet of volunteerism. Mardy is active on numerous boards of directors, including the Gold Coast Performing Arts Association, Alliance for the Arts, and the New West Symphony Guild. John is a physician and ad-

ministrator for Kaiser Permanente, who is also active in our community. Their children, Lyndsey, Brian, Emily, and Brett, follow in their mother's footsteps in assisting in every Gold Coast Performing Arts Center Association production and event. The Medders family is truly a gift to the arts in the Conejo.

Mr. Speaker, distinguished colleagues, please join me in honoring these individuals for their dedication to the arts in our community. I stand proud to recognize Ann Hammerslag, Alex Fiore, Bob Lewis, Rob O'Neill, and the Medders family for their dedication. It is an honor to have the Gold Coast Performing Arts Association in my district.

1997 ELLIS ISLAND MEDAL OF
HONOR RECIPIENTS**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. BURTON of Indiana. Mr. Speaker, I submit the following:

ELLIS ISLAND, NY, MAY 4.—Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation, among them President William Jefferson Clinton, NYS Attorney General Dennis Vacco, National Football League Commissioner Paul Tagliabue and Little Caesar Enterprises Chairman Michael Illitch, today were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. This year's event was dedicated to the memory of Albert Shanker, a 1995 Ellis Island Medal recipient and former President of the American Federation of Teachers and a Vice President of the AFL-CIO.

Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century.

"Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations," said NECO Chairman William Denis Fugazy. "In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity."

Mr. Fugazy added, "It doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity—ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here."

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, some 700 ethnic American citizens and native Americans have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for 75 ethnic organizations and whose mandate is to preserve ethnic diversity, pro-

mote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred, and bigotry.

Ellis Island Medal of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors.

Past Ellis Island Medal of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson and Dr. Michael DeBakey.

Congratulations to the 1997 Ellis Island Medal of Honor recipients.

Beny Alagem, Israeli, business leader; Manfred Alstadt, German, business leader; Denis Andreuzzi, Italian, business leader; Stuart Appelbaum, Lithuanian/Russian, labor leader; Edward F. Arrigoni, Italian, business leader; Ralph A. Balzano, Italian, government official; Raphael Baron, Russian, business leader; Herbert F. Boeckmann, II, German, entrepreneur; William Bolster, English/Irish, media executive; J. Frank Brown, Irish, business leader; Young In Chung, Korean, community leader; William Jefferson Clinton, President of the United States; Hon. Nicholas Coffinas, Hellenic, community leader; Joseph M. Cohen, Polish/Russian, business leader; Geneos Pete Cokinos, Hellenic, oil producer.

Jerry Colangelo, Italian, business leader; Hon. Martin E. Connor, Irish, NYS senate minority leader; Daniel F. Cremins, Irish, business leader; Sr. Catherine Crumlish, RSM, Irish, community leader; Richard E. Dauch, German, manufacturing leader; J. Morton Davis, Hungarian/Polish, business leader/author; Hon. Vincent A. Delorio, Italian, attorney; Ralph Destino, Italian, business leader; George Douris, Hellenic, business/community leader posthumous; Irma B. Elder, Syrian/Mexican, business/community leader; Dr. Saul J. Farber, Lithuanian, physician/educator; Ralph D. Farkas, Israeli/Czech, business leader; George Filios, Hellenic, business leader; Michael C. Finnegan, Esq., Irish, business/government leader; Edward Fredkin, Russian, scientist.

Peter C. Gazes, MD, Hellenic, physician/educator; Peter A. Georgescu, Romanian, business leader; Kenneth J. Gorman, Irish, business leader; Salvatore, "Sonny" Grosso, Italian, television & movie producer; Rajat Gupta, Asian Indian, business leader; Marife Hernandez, Hispanic, civic leader; Rev. Theodore M. Hesburgh, CSC, German/Irish, president emeritus U. of Notre Dame; Thomas Y. Hobart, Jr., English/German/Italian, labor leader; Harry G. Hohn, German/Irish, business leader; Hirair Hovnanian, Armenian, business/community leader; Thomas M. Hricik, Slovak, fraternalist; Denis M. Hughes, Irish/Italian, labor leader; Michael Ilitch, Macedonian, business/community leader; Elham Jabiru-Shayota, Chaldean, business leader; Caroline R. Jones, African, business leader.

Myong Y. Juch, Korean, business/community leader; Charles Kanakis, Jr., MD, Hellenic, physician/community leader; Constantine N. Kangles, Esq., Hellenic, attorney/publisher/community leader; Adib Kassiss, Lebanese, business/community leader; Henry Kaufman, German, business leader; John H. Klein, German/Irish, business leader; Herbert V. Kohler, Jr., Austrian, business leader; Kamil Kubik, Czech, artist; Andreas C. Kyprianides, Cypriot, community leader;

John Lam, Chinese, business leader; Hon. John J. Leskovyansky, Slovak, community leader; Pamela Anagnos Liapakis, Hellenic, business leader; David W. Longaberger, German/Scottish, business leader; Earle I. Mack, Russian/German, government official; Tony J. Mafood, Lebanese, business leader.

Leonard A. Mancusi, Italian, public official; Ronald Joseph Mannino, Italian, business leader; William J. Marino, Italian/Eng/Ire/Scot, business leader; William T. McCaffrey, Irish, business leader; Jim McCann, Irish, business leader; Hon. William A. McClain, African, religious/legal/community leader; Norman P. McClelland, Irish, business leader; Edward J. McElroy, Irish/Italian, labor leader; Michael A. McManus, Jr., Irish, business leader; Jerry D. McMorris, Italian/Irish, business leader; Dennis Mehiel, Hellenic, business leader; Robert Meister, Russian, business leader; Frank Mercede, Italian, real estate developer; Ernest S. Micek, Polish, business leader; Nicholas G. Moore, Irish, business leader;

Nikos Mouyiaris, Cypriot, business leader; Paul H. Mullan, Irish, business leader; Thomas V. Murphy, Irish, educator/labor leader; Andrew Patrick O'Rourke, Irish, community leader; Frank A. Olson, Swedish, business leader; Hon. Louis J. Papan, Hellenic, member, California State Assembly; Panayiotis Papanicolaou, Cypriot, community leader; Philip E. Parker, Esq., Irish, business leader; Hon. Jeanine F. Pirro, Lebanese, chief law enforcement official; Carlos P. Portes, Cuban, community leader; Patrick J. Purcell, Irish, publisher; Nido R. Qubein, Lebanese, international consultant/author; James H. Quello, Italian, business leader; Stewart Rahr, Russian, business leader; Daniel Rappaport, German/Greek/Russian/Turkish, business leader; James A. Regas, Hellenic, business/community leader.

Walter G. Rich, Scottish/Irish/English, business leader; Dennis Rivera, Puerto Rican/Irish, labor leader; Valerie B. Salembier, Russian, business leader; Naseeb M. Saliba, Lebanese, business leader; Marvin Samson, Russian, business leader; Dr. Joseph V. Scelsa, Italian, educator; Richard Dale Schultz, German/Irish, business leader/educator; Karen Silberman Scott, Russian, media executive; Hon. Peter Secchia, Italian, business leader; John J. Shalam, Middle Eastern, business leader; Michael J. Sherman, Eastern European, business leader; Stephen B. Siegel, Russian, business leader; Albert J. Simmons, African, business leader/community activist; Anwar Soliman, Egyptian, business leader.

Hon. John D. Spencer, Irish, mayor; Nicholas Anthony Spilotro, Italian, labor leader; H.E. Archbishop Spyridon, Hellenic, religious leader; Jose Suquet, Cuban, business leader; Dennis D. Swanson, Swedish/German/Irish/English, business leader; Paul Tagliabue, Italian, business leader; Martin James Tandler, Czech, business leader; George Tenet, Hellenic, CIA Director; Michael E. Tennenbaum, German/Russian, business/community leader; Albert N. Thompson, African, business leader; Hon. Vito Titone, Italian, judge; Thomas Ralph Tizzio, Italian, business leader.

Robert J. Tomsich, Sloven, business leader; Louis R. Tomson, Eastern European, State executive; Richard Torrenzano, Italian, business leader; Savas C. Tsvicos, Cypriot, business/community leader; James G. Tsunis, Hellenic, business leader; Charles Uribe, Chilean, business leader; Hon. Dennis C. Vacco, Italian, NYS attorney general; Peter L. Venetis, Hellenic, business leader; Herbert N. Wallace, Esq., Latvian/Russian, attorney/business leader; Iris Walshin, Austrian/Russian/German, business leader; Scott R. Watterson, Danish/Eng/Welsh, business leader; Sam Hanna Zakhem, Lebanese, Ambassador.

IN HONOR OF THOMAS F.
CATAPANO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to commemorate the 11th Annual Greenpoint/Williamsburg Columbus Day Parade and in particular to commend Thomas F. Catapano upon the occasion of his selection as Grand Marshal of the parade, which is to be held on October 12, 1997.

Mr. Catapano has been chosen by the Federation of Italian-American Organizations of Greenpoint/Williamsburg, under the direction of President Gerard DePaola, Chairman Anthony Pastena, and Parade Chairman Vincent Martello. Mr. Catapano, a resident of Brooklyn, attended St. John's University and the State University of New York College in Old Westbury.

He began his distinguished career in public service as the Assembly-House Operations' Regional Coordinator for New York City and Director of the Assembly Speaker's Field Services Division; in 1982, he was elected to the first of five terms as a Member of the Assembly, representing the 54th District.

As an Assemblyman, Mr. Catapano chaired the Assembly Committee on Real Property and Taxation, on Ethics and Guidance, the Subcommittee on Volunteer Ambulance Services, on Housing for the Elderly, and the Task Force on New Americans. He was also an active member of the Assembly Committees on Aging, Social Services, Banking, Consumer Affairs, Government Employees and Housing, and was instrumental in enacting legislation which established the first State-funded nursing home for veterans in New York City, codifying procedures for the licensing of real estate appraisers statewide, and developing new housing opportunities for the elderly.

Mr. Catapano is currently executive director of the New York State Conference of Italian-American legislators. He has served as a valued public servant on the advisory boards of the John Calandra Institute of CUNY, the Italian-American Legal Defense Fund, Council of State Governments, Cypress Hill Local Development Corp., Coalition of Italian-American Organizations, and the Northern Brooklyn Boy Scouts of America.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Mr. Catapano and the 11th Annual Greenpoint/Williamsburg Columbus Day Parade.

**HONORING THE SESQUICENTEN-
NIAL CELEBRATION AND RE-
DEDICATION OF ST. MICHAEL'S
CATHEDRAL SPRINGFIELD, MA**

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. NEAL of Massachusetts. Mr. Speaker, it is a privilege to me to have this opportunity to congratulate both the Roman Catholic diocese of Springfield and the parish of St. Michael's Cathedral in Springfield, MA on both their sesquicentennial celebration and September 28,

1997, rededication. This cathedral is a magnificent place of worship located proudly near the center of downtown Springfield. For over a century, St. Michael's has served a diverse body of parishioners and has catered overwhelmingly to the needs of its faith community.

I would be honored to share with you some of the history of the parish of St. Michael's Cathedral. St. Michael's Church originally occupied a simple structure on Union Street in Springfield where a small group of people joined together to worship. Soon enough, this community of believers outgrew the edifice and orchestrated the purchase of land at the corner of State and Eliot Streets. In 1860, on the feast of St. Michael, the cornerstone of a new church was laid. Dedicated on Christmas morning in 1861, this church was eventually consecrated in 1866.

In response to an ever growing parish family, the Diocese of Springfield was established in 1870. St. Michael's Church was at this time named the cathedral church of that new diocese.

On the occasion of its centennial, at the brink of a second century of service, St. Michael's Cathedral underwent interior renovation. Further additions to the cathedral have been witnessed recently with the completion of the Bishop Marshall Center. This unique addition to the church complex provides a forum where the cathedral and the diocese can collaborate to plan increased service to its parishioners, members of the diocese, and the city as a whole. The Bishop Marshall Center is equipped with handicapped access meeting rooms, and contains the Holy Spirit Chapel from which the Sunday celebration of the Eucharist is televised.

Just as it did 150 years ago, St. Michael's Cathedral continues to foster a true spirit of Christian fellowship within the greater Springfield area. The parish and its members have made invaluable contributions to both the diocese and the city. I am delighted to offer these remarks in honor of the cathedral and once again congratulate the parish of St. Michael's on its upcoming sesquicentennial and rededication.

**COMMEMORATING THE
INTERNATIONAL DAY OF PEACE**

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. CAPPS. Mr. Speaker, I rise today to proclaim this the International Day of Peace.

Today is the second annual celebration hosted by the Nuclear Age Peace Foundation in the city of Santa Barbara, CA. It highlights efforts by local organizations who are working to bring peace to both Santa Barbara and the global community.

The International Day of Peace was adopted by the United Nations in 1981 "to commemorate and strengthen the ideals of peace both within and among all nations and people."

As the Representative of the 22d district in California and a former professor of Religious Studies at University of Santa Barbara I strive every day to achieve these goals.

Currently I am working to ban antipersonnel land mines around the world, devices which

kill or maim 26,000 people every year. I have joined over 100 of my colleagues in cosponsoring the Land Mine Elimination Act which will halt new deployments of U.S. anti-personnel mines beginning January 1st, in the year 2000. As Andrew Feitt, the 9th grade student who won the U.N. Association of Santa Barbara essay contest so eloquently stated, "Landmines are a piece of military weaponry designed to help end wars, but wars are temporary, and most mines are not."

As a member of the International Relations Committee I am also aware of the important role the United Nations plays in humanitarian and peacekeeping efforts around the world and support the full payment of United States dues to the U.N. Programs like UNICEF, for example, have helped feed millions of children. It would be devastating if missions which help so many were crippled due to lack of funding, and the United States must continue to do its fair share.

Additionally, I believe that the security of our Nation requires an aggressive effort against weapons of mass destruction. Since coming to Congress I have taken a leadership role on this issue. I have signed on to letters to President Clinton, regarding deeper cuts in our strategic nuclear weapons arsenals and to express my concerns about the Department of Energy's plans to conduct underground subcritical nuclear weapons experiments at the Nevada Test Site. It is my belief that these experiments could severely damage the not yet ratified Comprehensive Test Ban Treaty.

Soon after I took office I sent Senate Majority Leader TRENT LOTT a letter urging swift action on ratifying the Chemical Weapons Treaty. Taking quick action and ratifying the treaty afforded the United States an international leadership role on a treaty that will prevent future catastrophes involving chemical agents in warfare. The only way to ensure our Nation's long-term security and prosperity is to continue exerting American leadership across a range of military and humanitarian challenges around the world.

So I commend the Nuclear Age Peace Foundation for bringing us all together tonight, as we share a collective vision of peace. We share a vision of a world that is free of the threat of war and where all individuals live with human dignity, compassion and respect for one another, a world that we must strive to achieve on all the days of the year, if we hope to attain these lofty and constructive goals and to increase the possibilities for peace in the Nuclear Age.

IN MEMORY OF BUFORD E.
THURMON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. SKELTON. Mr. Speaker, it is with great regret that I rise to inform the Members of the House of the passing away of Buford E. Thurmon, former mayor of Higginsville, MO, on September 10, 1997.

Mr. Thurmon was a decorated veteran of World War II, having served in the U.S. Marine Corps from November 1940 to April 1946. In May, 1942, Mr. Thurmon was captured and taken prisoner of war during the battle of Cor-

regidor. In recognition for Mr. Thurmon's valor, he received various ribbons and medals, including the Asiatic Pacific Service Ribbon, Purple Heart Medal, U.S. Presidential Unit Citation with two stars, Philippine Defense Medal with one battle star, Philippine Presidential Citation, Bronze Star Medal, China Defense Medal, Prisoner of War Medal, and U.S. Marine Corps Good Conduct Medal.

Buford Thurmon was also an important governmental leader in Higginsville, MO. He twice served as mayor of the community from 1968 to 1972 and again from 1982 to 1985, and was also elected city collector, city treasurer, and city councilman. While serving the people of Higginsville, Mr. Thurmon also devoted his time to various civic and veterans organizations. He was commander of the American Legion Post, treasurer of the C-1 School District, president of Higginsville Country Club, lifetime member of the American Legion, Veterans of Foreign Wars, Blinded Veterans Association, American Ex-Prisoners of War, and American Defenders of Bataan and Corregidor Am Vets.

Buford E. Thurmon served the United States of America as few men have. His great contributions to our country deserve our praise and admiration, and he will long be remembered for his patriotic life and commitment to public service. He truly is a role model to young civic leaders.

Mr. Thurmon was preceded in death by his wife, and is survived by three sons, two sisters, and seven grandchildren. I am certain that the Members of the House will join me in honoring this American who will be missed by all who knew him.

TRIBUTE TO DR. WARREN E.
HENRY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. DELLUMS. Mr. Speaker, on September 19, 1997, Dr. Warren E. Henry will be honored for his scientific contributions. Dr. Henry's excellence in scientific research is recognized worldwide and he has contributed greatly to the advancement of science in the fields of magnetism, superconductivity, low temperature physics, and solid state physics, for over 65 years.

Dr. Henry studied with five Nobel laureates, and collaborated and conducted research, or established collegial relationships with 17 Nobel laureates.

Dr. Henry is world renowned as a physicist, chemist, educator, and inventor. He has authored and co-authored 103 scientific papers, and his research results are in the most widely used standard physics textbooks. His work is often cited by scientists worldwide.

His research contributed to our Nation's efforts during World War II, through his work on the Manhattan District project. He has also contributed to the improvements of the performance of radar systems, the performance of jet military aircraft, and physics education of the original Tuskegee Airmen fighter pilots.

Dr. Henry's research at Lockheed Missile and Space Co. in California enabled him to design electronic guidance submarines, and to contribute to a major breakthrough in electronic astronomy by developing a device that measures magnetic fields in outer space.

Dr. Warren Henry's integrity, expertise, and commitment to scientific advancement and willingness to share his knowledge with young scientists has made him a master scientist and educator whose work has benefited all mankind.

TWENTY-FIFTH ANNIVERSARY OF
WOMEN IN THE MARITIME INDUSTRY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in celebrating 25 years of women serving in the U.S. maritime industry. The California Maritime Academy in Vallejo, CA, is celebrating this occasion at a series of events scheduled today, and I would like to commend the California Maritime Academy for its role in supporting and encouraging women in the maritime industry.

The California Maritime Academy was established through legislation signed in June 1929 to train merchant marine officers for the maritime industry. Cal Maritime, a campus of the California State University, is the only maritime academy in the western region of the United States.

Women first began pursuing careers in the maritime industry in 1972 when five female cadets enrolled at the California Maritime Academy. One hundred and thirty-seven women have graduated from the California Maritime Academy since 1972. One of the first women graduates at Cal Maritime, Lynn Fivey Korwatch, went on to sail as the first female captain of an American flagship, and another, Jean Thatcher Arnold, became the first female to be licensed as chief engineer in the U.S. merchant marine.

Cal Maritime became the first maritime academy in the United States to have a woman serve as its president, Dr. Mary Lyons, from 1990 to 1996. Currently Sadie Rabe at Cal Maritime is the newly-selected corps commander whose responsibilities include administration and enforcement of all academy rules and regulations, and supervision of all cadet conduct. Cal Maritime can take great pride in the accomplishments and successes of both male and female graduates.

Again, I invite my colleagues to join me in celebrating 25 years of women in the U.S. maritime industry.

IN HONOR OF THE CHURCH OF
THE RESURRECTION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the Polish National Catholic Church of the Resurrection on the 75th anniversary of its founding. The Church of the Resurrection has a noble history in serving the Polish community of Greenpoint, Brooklyn.

Twenty-five years after the founding of the Polish National Catholic Church in 1897, the

Church of the Resurrection was organized on September 19, 1922. Originally, Mass had to be said in the rented building of the former Christian Church of the Evangelist from November 1922, until the present church was purchased on December 29, 1924. Prime Bishop Francis Hodur performed the act of consecration on December 13, 1925.

Despite difficult early years in the parish's history, it went on to flourish. A Polish language supplementary school, a catechism class, the White Eagle choir, and numerous other societies and organizations formed around and in the church. On July 1, 1938, the parish acquired the rectory on 137 Meserole Avenue.

During the Second World War, 110 parishioners served in the Armed Forces, and three gave their lives. Chapters of the Red Cross, the Junior Red Cross, and the Boy Scouts were all active at the church during the war.

In 1958, the parish held services in English for the first time. On October 11, 1959, the mortgage was ceremonially burnt. And, as membership increased, the church made improvements to the parish hall.

In preparation for the Diamond Jubilee, the interior of the church has been completely renovated and repainted. The celebration will take place on Sunday, September 21, 1997, with a solemn Mass celebrated by the present Prime Bishop, Most Reverend John Swantek. His Excellency will bless the church and reconsecrate the main altar assisted by the clergy of the New York and New Jersey area.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Church of the Resurrection as it celebrates its 75th anniversary. I am proud to have such an important parish in my district continuing the Polish immigrants' traditions of their homeland and introducing them to the culture of their new home.

1996 IMMIGRATION REFORM BILL NEEDS CORRECTION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. LaFALCE. Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 became law 1 year ago this month. Next year at this time, September 30, 1998, section 110 will be implemented and will adversely—and unintentionally—affect our Canadian neighbors. Today I am introducing an amendment to the Immigration Reform Act that will ensure that past regulations and procedures with respect to Canadian citizens' entering and exiting the United States will continue to be as document-free and hassle-free as it always has been.

Last year, Congress passed a well-intentioned provision of the Immigration Reform Act that requires the Immigration and Naturalization Service [INS] to develop an automated entry and exit system for the purpose of documenting the entry and departure of every alien arriving and leaving the United States. Prior to this act, the United States has had no departure management system. The consequence has been the inability of INS to identify lawfully admitted nonimmigrants who remain in the United States beyond the period authorized, the so-called overstay.

The oversight in this provision is the failure to exempt the Canadian nationals who previously have not been required to fill out INS documents, or I-94's, at the border. In 1996, more than 116 million people entered the United States by land from Canada. Of these, more than 76 million were Canadian or United States permanent residents. As anyone who has crossed the United States-Canada border knows, congestion is a problem. The more than \$1 billion of goods and services trade that crosses our border daily adds enormously to the daily traffic flow. If the United States were to implement the entry and exit procedure required by section 110, congestion would turn into a nightmare at the border.

After the Immigration Reform Act passed last year, Chairmen SIMPSON and SMITH of the Senate and House Judiciary Subcommittees on Immigration, respectively, wrote to Canadian Ambassador Raymond Chretien assuring him that "we did not intend to impose a new requirement for border crossing cards or I-94's on Canadians who are not presently required to possess such documents."

Mr. Speaker, consistent with the intent of the United States-Canada Accord on Our Shared Border to open and improve the flow of United States and Canadian citizens across our common border, and to prevent the intolerable congestion that would result from implementation of section 110 as it now stands, I am offering an amendment to the Immigration Reform Act. My bill simply exempts from section 110 Canadian nationals who are not otherwise required by law to possess a visa, passport, or border-crossing identification card.

This correction of an oversight in the 1996 Reform Act is the right thing to do, the practical thing to do, and it follows through on assurances made to the Canadian Ambassador that it was not congressional intent to reverse decades of practice with respect to Canadian nationals.

The text of the bill follows:

H.R.

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify that records of arrival or departure are not required to be collected for purposes of the automated entry-exit control system developed under section 110 of such Act for Canadians who are not otherwise required to possess a visa, passport, or border crossing identification card.

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

SEC. 1. EXEMPTION FOR CERTAIN ALIENS FROM ENTRY-EXIT CONTROL SYSTEM.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

“(a) SYSTEM.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

“(A) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

“(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

“(2) EXEMPTION FOR CERTAIN ALIENS.—The system under paragraph (1) shall not collect a record of arrival or departure for an alien—

“(A) who is—

“(i) a Canadian national; or

“(ii) an alien having a common nationality with Canadian nationals and who has his or her residence in Canada; and

“(B) who is not otherwise required by law to be in possession, for purposes of establishing eligibility for admission into the United States, of—

“(i) a visa;

“(ii) a passport; or

“(iii) a border crossing identification card.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546).

TRIBUTE TO DR. JAMES
BILLINGTON ON THE 10TH ANNI-
VERSARY OF HIS SELECTION AS
LIBRARIAN OF CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying a well-deserved tribute to Dr. James Billington, a dear friend of mine, who has served our Nation with great distinction as the Librarian of Congress for the last 10 years. This week we mark the 10th anniversary of the appointment of Dr. Billington to this important leadership position. I invite my colleagues to join me in paying tribute to him as we celebrate this important milestone.

Dr. Billington was appointed the 13th Librarian of Congress by President Ronald Reagan in 1987, and he was subsequently confirmed to that position by the U.S. Senate. Earlier, he served as the director of the Woodrow Wilson International Center for Scholars, and before that he was a distinguished professor and scholar of Russian history and culture at Princeton University.

The Library of Congress is the largest and most comprehensive library in the world with more than 110 million items in more than 450 languages. Managing that immense collection is a major task in and of itself, but Dr. Billington assumed the position as Librarian of Congress at a critical time in the Library's history. The past 10 years have been a time of great change because of the rapid and complete transformation of information technology. At this critical time, Dr. Billington's vision, insight, and skills have been a tremendous asset for the Library, for the Congress, and for the American people.

Dr. Billington was one of the first scholars and cultural administrators to recognize the significance of the approaching information age and its importance for the Library of Congress. At his confirmation hearing in 1987, Dr. Billington voiced his hope that "the Library might furnish new technologies boldly" and share its catalog and national treasures by the year 2000 with citizens in local communities across America. In 1994, Dr. Billington's hope became reality when the National Digital Library was launched. That project, which has as its objective to digitize 5 million items from the Library's collection at a cost of some \$60 million, is being accomplished with private/public funding. Today, the Library's World

Wide Web site brings to tens of millions of people the Library's catalog, the American Memory collections of the National Digital Library, and Thomas—the Library's legislative information site. The Library's site is recognized as one of the most important content sites on the Internet, and it is quickly becoming a unique and popular educational resource for teaching and learning for students at all levels.

During his 10 years as Librarian, Dr. Billington has made a great contribution to the improvement of the Library in many areas, in addition to his incredible efforts in the area of technology. He has strengthened control of the Library's various collections, and increased the Library's acquisitions. For example, he was instrumental in the acquisition of the Leonard Bernstein collection, the Marion Carson collection, and the Gordon Parks collection.

Under the direction of Dr. Billington, the Library of Congress has undergone a period of tremendous growth and development. He has established the first office of development at the Library to raise private funds for scholarly activities, exhibitions, and the National Digital Library. He proposed and the Congress approved the establishment of the Madison Council, a group of private citizens who provide sustained financial support to the Library. In the 10 years that Dr. Billington has served at the Library of Congress, he has raised \$91.7 million, of which \$41.5 million represents the contributions from the Madison Council, which is chaired by John Kluge.

Additionally, Dr. Billington has made a major commitment to public display of the Library's own treasures as well as the priceless heritage of other nations around the world, and he has sponsored a series of widely acclaimed exhibitions at the Library of Congress. A few of the most spectacular exhibitions include "Rome Reborn: The Vatican Library and Renaissance Culture," "Scrolls from the Dead Sea," "Revelations of the Russian Archives," and "From the Ends of the Earth: Judaic Treasures of the Library of Congress."

Mr. Speaker, I am particularly appreciative of my association with Dr. Billington and his friendship. Shortly after he became Librarian of Congress, to mark the "Year of the Book," Dr. Billington and officials of the Library came to San Mateo, CA, in my congressional district, where they gave focus to the incredible resources of the Library and further emphasized the important outreach program that has been given great emphasis under Dr. Billington's leadership.

Mr. Speaker, in my remarks thus far, I have focused on the outstanding achievements and leadership of Dr. Billington over this 4-year period of his stewardship at the Library of Congress. I want to add a few personal comments about Dr. Billington as a friend. A number of our colleagues in the Congress and I, had the wonderful opportunity to travel with him on a visit to Russia a few years ago, under the leadership of Mr. GEPHARDT and Mr. GINGRICH. Dr. Billington added an incredible perspective and an understanding of Russia and the Russian people to those of us who participated in that important trip. He was not only a brilliant scholar, but also a delightful traveling companion. Dr. Billington also participated in meetings which I chaired at Dartmouth College in New Hampshire between delegations representing the Congress and the European Parliament.

Again, he contributed in a major way to both delegations' understanding of the complexities of our relationships with Russia and the republics of the former Soviet Union.

Mr. Speaker, Dr. Billington should be congratulated for his exceptional successes during his 10-year tenure at the Library of Congress. I invite my colleagues to join me in thanking Dr. Billington and paying tribute to him for the service he has given to the Library of Congress and our Nation over the past decade.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. HASTINGS of Florida. Mr. Speaker, on Thursday, September 11, I missed the House vote applying the same the anti-choice Hyde amendment standard to health maintenance organizations as is currently applied to traditional fee-for-service arrangements between doctors and patients. Under the 20-year-old legislation, Medicaid money cannot pay for abortions except in cases of rape or incest or when the mother's life is at stake. The new language makes it clear that the ban also applies to Medicaid treatment through HMO's. During the time the vote was held, I was moderating a Congressional Black Caucus brainstorm that I initiated on environmental justice. Let me be clear—had I been present on Thursday, I would have voted against this anti-choice amendment.

INTRODUCTION OF LEGISLATION TO SPEED RISK ADJUSTMENT OF MANAGED CARE PLANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. STARK. Mr. Speaker, how many studies do we need before we act to correct a gross taxpayer overpayment of many health maintenance organizations?

The GAO has just issued another report in the long line of papers demonstrating that the public is paying HMO's too much for the Medicare beneficiaries that they enroll. In its report entitled "Fewer and Lower Cost Beneficiaries with Chronic Conditions enroll in HMOs" (GAO/HEHS-97-160) prepared for Ways and Means Health Subcommittee Chairman BILL THOMAS, the GAO examined the mature California HMO market and found:

About one in six 1992 California fee for service (FFS) Medicare beneficiaries enrolled in an HMO in 1993 and 1994. HMO enrollment rates differed significantly for beneficiaries with selected chronic conditions compared with other beneficiaries. Among those with none of the selected [5 chronic] conditions, 18.4% elected to enroll in an HMO compared with 14.9% of beneficiaries with a single chronic condition and 13.4% of those with two or more conditions.

Moreover, we found that prior to enrolling in an HMO a substantial cost difference, 29%, existed between new HMO enrollees and those remaining in FFS because HMOs at-

tracted the least costly enrollees within each health status group. Even among beneficiaries belonging to either of the groups with chronic conditions, HMOs attracted those with less severe conditions as measured by their 1992 average monthly costs.

Furthermore, we found that rates of early disenrollment from HMOs to FFS were substantially higher among those with chronic conditions. While only 6% of all new enrollees returned to FFS within 6 months, the rates ranged from 4.5% for beneficiaries without a chronic condition to 10.2% for those with two or more chronic conditions. Also, disenrollees who returned to FFS had substantially higher costs prior to enrollment compared to those who remained in their HMO. These data indicated that favorable selection still exists in California Medicare HMOs because they attract and retain the least costly beneficiaries in each health status group.

Since we pay Medicare managed care risk contractors [HMO's] 95 percent of the average cost of treating Medicare patients in an area, it is obvious that if they do not sign up the average type of Medicare beneficiary, but sign up healthier people, then the taxpayer will end up paying the HMO's too much. Many HMO's, of course, make a fine art of finding the healthier people to enroll—and encouraging the unhealthy to disenroll. Because we do not adjust the payments to HMO's to reflect the true risk they face of providing needed health care services, risk adjustment, we overpay. We overpay HMO's billions of dollars—and as enrollment grows, the Medicare trust fund will lose an escalating amount.

At the end of my statement I would like to include in the RECORD a recent summary from the Physician Payment Review Commission, a congressional advisory panel, that further documents the problem.

The just-passed Balanced Budget Act requires HHS to begin to collect data to correct this problem and in the year 2000, implement a risk adjustment system to stop the abuse and overpayment that plagues the current program.

The GAO report is just further proof that we need to move faster—and that even a partial risk adjustment program, which can be refined later, is better than the current hemorrhage of Medicare trust fund moneys. Therefore, I am introducing today—as part of our efforts to stop Medicare waste, and in some cases fraud, a bill to require that the risk adjustment changes be implemented January 1, 1999.

This amendment will easily save \$1 billion and probably more—and it will help force an end to the outrageous overpayment of those HMO's who have, for whatever reason, managed to avoid the average Medicare beneficiary.

PHASING OUT METERED DOSE INHALERS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to offer my position on an issue that I know is of great concern to my constituents in Rhode Island and the Nation at large.

The U.S. Food and Drug Administration has recently proposed regulations which would impact the lives of thousands of Rhode Islanders

suffering from respiratory problems such as asthma and cystic fibrosis.

These new regulations would begin to phase out metered dose inhalers, which are used as the primary delivery apparatus of medication to over 14 million citizens with respiratory ailments. This action is being taken to help the United States implement the Montreal Protocol Treaty in which 49 countries have agreed to work toward eliminating substances that deplete the ozone layer and contribute to the effect known as global warming.

As an environmentalist, I strongly support the work of the Montreal Protocol and its goal to improve the quality of our lives by protecting our environment. Over the last 10 years, this international initiative has greatly contributed to reducing dangerous diseases like cataracts and skin cancer which are directly associated with ozone layer depletion.

Scientists have identified that chlorofluorocarbons are one of the elements which cause global warming and ozone layer depletion. In accordance with the Montreal Protocol, the United States has worked to greatly reduce the presence of chlorofluorocarbons in many of our daily life products such as aerosol containers and air conditioners.

Unfortunately, the FDA's proposal concerning metered dose inhalers creates a Catch-22. Some 30 million Americans, particularly children and elderly, are faced with respiratory disease which requires the use of inhalers. These medications are proven to be safe and effective by the FDA. Moreover, they are cost effective, providing many citizens, especially those in low-income situations, access to prescription medication.

Asthma, in particular, is getting the best of many of our citizens. More than 20,000 children in Rhode Island live with asthma and it is the No. 1 reason for school absences. Over 5,000 people die each year from asthma complications. As an asthmatic, I can definitively say that this is a serious public health threat.

The FDA's preliminary proposal may have a dramatic effect on the availability of affordable asthma medication. Restricting metered dose inhalers may create a situation which will decrease the ability of those with asthma and cystic fibrosis to obtain the medication that they need so desperately. As a result, the new method of medication for asthma has the potential, because of existing market forces, to be far more expensive in the next few years.

My asthma medication costs exceed \$100 per month, which I am fortunate to have the ability to pay. But the families of thousands of children, as well as the elderly, are struggling to meet their prescription needs. Ironically, the FDA may be inadvertently driving up the cost of asthma medication in its attempt to implement what is essentially an excellent international treaty with noble purposes.

While I applaud the efforts and innovations of certain companies to create new forms of respiratory medication, there is a potential cost factor associated with these innovations when they first reach the market. This immediate change in potential cost, which impacts millions of working-class families, is of great concern to me.

I want to strongly encourage the private sector and the FDA to keep pushing the envelope to bring our Nation in alignment with the Montreal Protocol. But to potentially limit an approved medical product before the new

ones are universally accessible and affordable is simply premature.

If the price for asthma medication rises and more children and elderly are unable to get their medication, we will have a public health crisis on our hands.

The bottom line must be the protection of public health. I would hope we can reduce chlorofluorocarbons without restricting metered dose inhaler use, which are responsible for less than 1 percent of all atmospheric chlorine in the Earth's ozone layer. Clearly, there must be another alternative to reduce global warming and chlorofluorocarbon production without harming the people we are ironically trying to protect through improved environmental quality.

The Montreal Protocol has specifically authorized essential use allowances until the year 2005 for certain products like metered dose inhalers because they are so important.

In my view, metered dose inhalers are categorically essential because so many people depend on them. That is the bottom line that we must commit to, and that is a line we should not cross until we are sure that everyone who suffers from asthma and other respiratory ailments have full access to any new products that come to the marketplace.

The Montreal Protocol is a step in the right direction. The United States should make every effort to comply with this beneficial treaty. We should also, if proven necessary, move toward a new form of respiratory medication that does not contain a chlorofluorocarbon-producing element.

Yet in our zeal, we must not throw out the baby with the bathwater. Until the new methods are proven in the marketplace, our first national responsibility must be to the millions of Americans whose lives depend on the metered dose inhalers that are available and accessible today.

HONORING THE LIFE OF STANLEY WARREN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. ACKERMAN. Mr. Speaker, I rise to honor the life and achievements of Mr. Stanley Warren, who served in the 1960's as the Assistant Director of the General Accounting Office's Defense Auditing and Accounting Division. Mr. Warren was tragically killed in a helicopter crash while serving in Korea in 1964 and is the only GAO employee ever killed on official duty.

Stanley Warren was born in Brooklyn, NY, in 1930. He graduated from the Wharton School of Business at the University of Pennsylvania in 1952. Shortly after graduation, Mr. Warren began to work at the GAO. He temporarily left the GAO to serve in the Army where he fully developed his expertise in defense-related issues. He later returned to the GAO where he continued to work until his tragic death. Mr. Warren was survived by his wife and two sons.

Mr. Warren was an extraordinary individual who sought to serve his country during a time of global instability. He served in the Army and at the GAO to ensure that his children could grow up in a safer, more peaceful world. His

dedication to his work will always be admired and appreciated by his colleagues at the GAO. His love for his family will be remembered forever.

On September 29, Mr. Warren will be honored by the GAO for his years of exceptional service. The Acting Comptroller General of the United States will present a memorial statement to his wife and two sons. I ask all of my colleagues to join me in honoring his memory and thanking his family for all that he gave to our country.

COMMEMORATING THE CONSORTIUM OF PEOPLE AND INSTITUTIONS WHO CREATED THE FIRST AMENDMENT/BLACKLIST PROJECT

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. CAPPS. Mr. Speaker, I would like to take a moment to recognize the noble work of those individuals and institutions who are taking part in the development of the first amendment/blacklist project. On October 5, a fundraising event will be held in San Luis Obispo, which I represent, in order to address this important issue.

In October 1947, the House Un-American Activities Committee subpoenaed 10 filmmakers to question them about alleged subversive behavior. These filmmakers, known as the Hollywood 10 refused to testify, choosing instead to invoke their first amendment rights. They were then held in contempt of Congress and were eventually jailed and blacklisted for their refusal to testify. Over the next few years, hundreds of American citizens were accused of holding subversive political beliefs and were consequently blacklisted. The Red baiting associated with this period is now widely recognized as a horrendous abuse of official power. Today the idea of jailing American citizens for their political beliefs—or perceived political beliefs—is deemed to be an unacceptable breach of civil liberties.

On October 27—the 50th anniversary of the McCarthy hearings—individuals associated with the first amendment/blacklist project will break ground on a monument which will serve to remind future generations of this painful chapter in American history. The project will document events antithetical to American principles and our constitutionally protected freedoms.

The first amendment/blacklist project committee is composed of faculty members of the filmic writing program in the school of cinema—television at the University of California in Los Angeles. The project was begun at the suggestion of an undergraduate student enrolled in the filmic writing program, and was undertaken in recognition of the fact that many future filmmakers are unaware of the incidence of the gross misuse of power and authority which characterized the McCarthy hearings of the late 1940's. Margaret Mehring, a former director of the U.S.C. filmic writing program and a valued constituent of mine, has taken it upon herself to assure the successful completion of this project.

Since its inception, the organizing committee of the first amendment blacklist project has

expanded to include screenwriters—some of whom were themselves victims of blacklisting—film historians, are museum directors and curators, and other sympathetic individuals. It is the desire of the organizing committee that this memorial serve as a reminder to future generations, rather than as a memorial to specific individuals.

The memorial will be designed by the internationally renowned artist Jenny Holzer. Holzer bases her art on the expression of language and freedom of speech. She is, therefore, an ideal candidate to design the first amendment/blacklist project memorial.

Her design has three components. The first is a circular configuration of granite benches, each inscribed with statements on essential American freedoms—including an excerpt from the bill of Rights. The second component of the memorial is a shallow well from which will emanate recordings of the congressional testimony given by the Hollywood 10. The final element of the project will be a beacon of light directed at the sky—symbolizing the illumination of this dark period in our Nation's history.

This project bears witness to the travails of those individuals persecuted during the infamous McCarthy trials of the 1940's. It is my hope—and the determination of those individuals involved with the first amendment blacklist project—that this memorial will inspire vigilance and personal responsibility, now and in the future, in exercising, upholding, and defending the civil liberties granted to citizens under the Constitution of the United States of America and the Bill of Rights.

RECOGNITION OF THE SERVICES
AND SACRIFICES MADE BY THE
VETERANS OF THE TERRITORY
OF GUAM AND U.S. PACIFIC IS-
LANDERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. UNDERWOOD. Mr. Speaker, on a recent press release, the Vietnam Veterans of America claimed that their Eighth National Convention held last August was an "historic occasion." I could not help but fully agree with this claim. Aside from the record attendance and the presence of Vice-President AL GORE, this convention saw the first ever representation of Guam's veterans.

Frank San Nicolas, the president of Guam chapter 668 of the Vietnam Veterans of America, is one of Guam's outstanding Vietnam veterans. Frank has been active with the association on Guam and he took part in the convention to emphasize the role of Guam and its veterans and to focus attention on the problems currently encountered by veterans from Guam. Among the resolutions and constitutional changes adopted at the convention to outline organization's agenda for the next 2 years, one honoring the veterans of Guam was approved. I would like to submit a copy of this resolution for the CONGRESSIONAL RECORD:

RECOGNITION OF THE SERVICES AND SACRIFICES MADE BY THE VETERANS OF THE TERRITORY OF GUAM AND U.S. PACIFIC ISLANDERS

VIETNAM VETERANS OF AMERICA
EIGHTH NATIONAL CONVENTION
MINORITY AFFAIRS COMMITTEE

MA-8-97

Issues

According to the March 1993 issue of VFW magazine, 58.9 of every 100,000 males was the national average state death rate during the Vietnam War; West Virginia had the highest state death rate—84.1 for every 100,000 males. According to the 1970 U.S. Census of Guam there were 47,362 males on the island of Guam. 71 sons of Guam died in the Vietnam War. 71 out of 47,362 is a ratio of 74.9 per 50,000 or 149.8 per 100,000.

Background

There are currently 8,037 veterans of Guam who have proudly and honorably served in the Armed Forces of the United States of America in World War II, the Korean War, the Vietnam War, and the Persian Gulf War. The programs and services available to the veterans of Guam are severely limited in comparison to their comrades in the U.S. mainland as it is 3,500 miles to the nearest fully staffed VA Outpatient Clinic and over 7,000 miles to the nearest U.S. VA medical center. 3,142 Vietnam veterans reside on the island of Guam and 71 sons of Guam died in the Vietnam War, an equivalent ratio of 149.8 per 100,000 males, a proportion higher than any other State or Territory.

The island of Guam, "Where America's Day Begins," is also the first American soil reached by the repatriated remains of POW/MIA's on their journey back from Vietnam and appropriate ceremonies mark each occasion.

Position

Vietnam Veterans of America, Inc., at the national convention in Kansas City, Missouri, August 5-10, 1997, recognizes the contributions made by the veterans of Guam; and commends and salutes the Vietnam veterans of Guam for their courageous and gallant contributions to the United States of America during the Vietnam War. Furthermore, VVA strongly supports the improvement of veterans benefits and healthcare provided to veterans of Guam and other U.S. Pacific Islanders.

75TH ANNIVERSARY OF THE UNITED WAY OF THE TEXAS GULF COAST

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise—joining all members of the Texas delegation to the United States Congress—to recognize and congratulate the United Way of the Texas Gulf Coast on the occasion of its 75th anniversary celebration.

It is a pleasure to honor an organization whose main mission closely parallels our own, that is, to increase the organized capacity of people to care for themselves and others. We share this outlook and strive to meet it every day by encouraging citizens to work together for the common good.

To be sure, because the United Way of the Texas Gulf Coast honors and practices important principles—accountability, fairness and in-

tegrity, to name just a few—it was recognized by the United Way of America in 1996 as the first recipient of the Championing Diversity Award. The leadership the United Way of the Texas Gulf Coast demonstrates is inspirational and it brings out the best of those who share its purpose.

August 30, 1997, represented a landmark occasion for Texas in general and for the United Way of the Texas Gulf Coast in particular. We hope you will share this letter with your 80,000 volunteers and employees who are the backbone and lifeblood of the organization. Indeed, it is the United Way's rank-and-file who mobilize valuable resources to make positive contributions to our communities on a daily basis.

In honor of your 75th anniversary, a flag was flown over the United States Capitol on Saturday, August 30, 1997. Let me say, Mr. Speaker, that we are proud of their many accomplishments and we look forward to sharing and contributing to your future success.

IN MEMORY OF C.M. YONGUE OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. BENTSEN. Mr. Speaker, I rise on behalf of Mr. GREEN, Ms. JACKSON-LEE, and myself to honor the memory of a constituent and a valued and respected member of the Houston community, Mr. C.M. Yongue, who passed away on September 14, 1997. C.M. Yongue was a man who truly loved his community, and his dedication to his fellow working men and women won him admiration and respect across the city of Houston.

Born on September 17, 1916, in Arcadia, FL, C.M. Yongue moved to Houston in 1976 and soon adopted it as his home. Mr. Yongue held degrees in journalism and printing from Marquette University and the Rochester Institute of Technology. He was an active citizen of the Houston community and a member of several civic clubs, The Metropolitan Organization, the Senior Senate, the Central Labor Council of the AFL-CIO, and the Houston Typographical Union Local 87. He also served as an elected member of the Harris County Democratic Executive Committee for 17 years, and on the Southeast Precinct Judges Council since its inception in 1984. He leaves a legacy of good work and grace that will be missed.

I first came to know Mr. Yongue while serving as Chairman of the Harris County Democratic Party. Shortly after I took office, C.M., his sister Mildred Yongue and other members of Local 87 came to meet with me to underscore the importance of union print shops. C.M. pulled out a Democratic Party leaflet which had apparently been printed in a non-union shop. C.M., Mildred and the others asked that, as Chairman of the Democratic Party, I see that it not happen again when a union shop could do the same job. C.M. was quite persistent and I agreed. But beyond his love for the union was his faith in democracy for all. He had an abiding commitment to making our political process work for all Americans and he worked tirelessly to encourage his fellow citizens to exercise their constitutional right to vote.

C.M. Yongue treated everyone in Houston as a family member, and now that family mourns his passing. As much as the community of Houston loved and respected Mr. Yongue, his sister Mildred has suffered an even greater loss. We share her grief as we mourn the passing of Mr. C.M. Yongue.

IN HONOR OF THE MARY T. NORTON MEMORIAL AWARD RECIPIENTS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to three outstanding citizens who have distinguished themselves through their selfless dedication to the residents of my home State of New Jersey. Dorothy E. Harrington, Lourdes I. Santiago, and Rhoda Birnbaum will be honored as this year's recipients of the Mary T. Norton Congressional Award. This prestigious award, sponsored by the United Way of Hudson County, will be presented to these women as a tribute to their invaluable contributions to their communities, at the 62d Annual Campaign Kick-off Luncheon on September 16, 1997 at the Meadowlands Hilton.

Mrs. Dorothy E. Harrington holds the honor of accomplishing two significant firsts for women in the city of Bayonne. A native of Bayonne, Dot has the distinction of being the first woman elected to public office in the city of Bayonne. She also holds the honor of being the first woman to serve as president of the Bayonne Board of Education, from 1981 to 1986. In 1986, Dot was elected to serve as first ward council member of the Bayonne Municipal Council. Dot currently holds the position of council member at-large, to which she was elected in 1990, and re-elected in 1994. Over the years Dot has been an outstanding member of her community, and a dedicated volunteer.

Ms. Lourdes Santiago has made an exceptional commitment in serving others in her community. Ms. Santiago received her juris doctorate in 1981 from Rutgers University School of Law in Newark, NJ. Ms. Santiago has also received admission to the Supreme Court of New Jersey in 1984. In 1994 she was appointed to the supreme court task force on minority affairs and is currently serving a second term on that task force following a 1996 re-appointment. Ms. Santiago has outstandingly represented her Hispanic community as the recipient of numerous professional and community-based awards.

Ms. Rhoda Birnbaum has dedicated herself to enhancing the lives of the people in her community. As a young adult, following the example set by her parents, Ms. Birnbaum became active in social service and religious organizations. As an accountant with Arthur S. Geiger Co., public accountants, she has provided management and accounting expertise—with member United Way organizations—to advance the health and human services agenda by expanding resources and applying them effectively to build better, self-sufficient communities.

It is an honor to have such outstanding and exceptionally caring individuals working in my

district. Their dedication exemplifies the ideal of community service at its best. I ask my colleagues to join me in recognizing Dorothy Harrington, Lourdes Santiago, and Rhoda Birnbaum.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. RUSH. Mr. Speaker, on Thursday, September 11, 1997, on rollcall vote No. 392, I was unavoidably detained. If I were present, I would have voted, "nay."

TRIBUTE TO HISPANIC HERITAGE MONTH

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mrs. MCCARTHY of New York. Mr. Speaker, on September 15, 1997, our Nation will celebrate National Hispanic Heritage Month to commemorate the achievements of Hispanic-Americans. Since the foundation of this Nation was laid, Hispanics have played an active role in determining the direction of our country. From Joseph Marion Hernandez, the first Latino Member of Congress, sworn into office in 1822, to Bill Richardson, ambassador to the United Nations, Hispanics have made their voices heard.

In politics, it was Senator Joseph Montoya of New Mexico and Congressman Edward R. Roybal of California who played an active role in getting the Voting Rights Act of 1965 signed into law. They pushed to get rid of a poll tax which kept many Hispanic and other minorities from voting. Because of their perseverance, today all individuals are able to vote.

In recent years, Hispanics, in increasing numbers, have been appointed as state officials, cabinet secretaries, mayors, county and municipal officials, and school board members. In 1988 Lauro Cavazos became the first Hispanic Cabinet Member when former President Ronald Reagan appointed him Secretary of Education. Other political appointees include Katherine Ortega who was appointed U.S. Treasurer under Ronald Reagan; Henry Cisneros who became the Secretary of Housing and Urban Development under President Bill Clinton; and Antonio C. Novello who, in 1990, became the Nation's first Hispanic surgeon general. Today, there are 19 Hispanic Members represented in the 105th Congress, two of which represent New York.

Hispanics are also making great strides in education. Since 1990, an ever-growing number of Hispanics have pursued higher education. Hispanic organizations such as the American GI Forum of the United States and the League of United Latin American Citizens have contributed to this influx. Thanks to these organizations and the dedicated individuals who run them, more Hispanics are becoming doctors, lawyers, scientists, teachers, and business owners throughout the Nation. Franklin Chan-Diaz spoke to TV viewers from the space shuttle Columbia in 1986, becoming

the first Hispanic to enter space. In 1995, Mario Molino shared the Nobel Prize in chemistry for work that led to an international ban on chemicals contributing to the depletion of the ozone layer.

The cultural contributions Hispanic-Americans have made in literature, music, art, television, and athletics are also overwhelming. Who can forget the harmonious sound of Gloria Estefan's voice at the 1996 summer Olympic games? Or Roberto Clemente, one of America's greatest baseball players, who in 1973 was the first Hispanic to ever be inducted into the National Baseball Hall of Fame? These men and women are only a few examples of the thousands of Hispanic-Americans who have dedicated their lives to making this country as wonderful as it is.

I invite all people, Hispanics and non-Hispanics alike, to take part in the festivities of Hispanic Heritage Month beginning on September 15, 1997 and ending on October 15, 1997. Through this celebration, individuals will have the opportunity to educate themselves about Hispanic culture and all that it has meant to America. Throughout our history, Hispanic-Americans have left an indelible mark. Hispanic-Americans have helped make this country a true melting pot, one which combines different backgrounds for the enrichment of the American soul.

TRIBUTE TO DR. CARROLL CANNON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Mr. FILNER. Mr. Speaker, I rise today to honor a friend and longtime member of the San Diego educational community—Dr. Carroll Cannon. Dr. Cannon died on Sunday, September 7, 1997 at the age of 80.

As well as a lifelong interest in education, he also had a passionate interest in international affairs—and he traveled throughout the world promoting world peace. He authored the book, "Shaping Our Future Together: the U.S., the U.N. and We, the People" and was in the process of writing his autobiography, "Born to Grow, From Local Village to Global Village," at the time of his death.

He received his bachelor of arts degree at Harding University in Searcy, AR, where he met his wife, Nona. He earned masters of arts degrees from Pepperdine and New York Universities and his Ph.D. at New York University.

Dr. Cannon served for 14 years at California Western University [CWU] from 1958 until 1972, becoming provost in 1965. He was named provost emeritus of the CWU and the U.S. International University in 1992. His earlier days in education were spent as an administrator and teacher from elementary school through college. Carroll and Nona were instrumental in developing the first junior college in Japan in the early 1950's.

Dr. Cannon's support for the United Nations dates back to 1945 when he witnessed the signing of the U.N. Charter in San Francisco. He served as president of the San Diego County chapter of the United Nations Association from 1978–1982, and he became national chairman of the Council of Chapter and Division Presidents of the association in 1983. He

attended the ceremony which marked the 50th anniversary of the signing of the U.N. Charter, also in San Francisco. He participated in the U.N. World Conference on Human Settlements in Vancouver and on Women in Copenhagen. He and his wife were often introduced in numerous speaking engagements for the United Nations as the "Cannons for Peace".

At the time of his death, he had become a respected local voice for world peace. Friends knew Dr. Cannon as one of the most gracious, loving, and caring individuals they were privileged to know—and a true world peace patriot.

My thoughts and prayers go out to his wife, Nona, to his two daughters and three grandchildren, to his friends, and to the larger community which was touched by his presence. We will all miss him.

THE PASSING OF C.M. YONGUE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before the House this evening to express my deepest regrets for the loss of a colossus of an American activist in Houston, TX. His life, his legacy of tireless public service, are forever encapsulated in the minds of the many people that he served. Mr. C.M. Yongue was a man dedicated to the proposition of crafting a better society for all.

I want to give my deepest condolences to Mr. Yongue's loving sister, Mildred M. Yongue, and his numerous cousins. As an unwavering activist and Democratic Party executive member, Mr. Yongue served as a champion of Democratic Party politics and laborers in the community. I am deeply saddened by his loss and know that we will surely not be privileged enough to see his like again.

Mr. Yongue was lovingly as popular as he was effective. He served for 17 years as precinct judge of precinct 607. He worked as a

union printer and was very proud of the work that he accomplished. In fact, he worked in over 50 newspapers across the country. Mr. Yongue was involved in the metropolitan organization which worked with communities. In fact, September 20, 1996, was declared C.M. and Mildred Yongue Day by the mayor of Houston. Mr. Yongue was a member, for 12 years, of the senior senate of the Galveston-Houston diocese of the Catholic faith and served as the chaplain of the Southeast Precinct Judges Council. Mr. Yongue also served as a member of the Harris County Office of Aging Committee which made recommendations on the elderly to the Office of Aging for Harris County. He lived as a resident of Houston for 21 years.

Only time itself will truly allow us all to appreciate this great man and the magnitude of his social contribution. In joining my colleague, Congressman KEN BENTSEN, it is my privilege to duly recognize the lifelong service and contribution of a great American. Let me simply say, on behalf of the 18th Congressional District and the city of Houston, thank you, C.M. Yongue, thank you for your service to your community and the city of Houston. Thank you for all of us.

Tuesday, September 16, 1997

Daily Digest

HIGHLIGHTS

Senate confirmed Gen. Shelton as Chairman of the Joint Chiefs of Staff.

Senate

Chamber Action

Routine Proceedings, pages S9359–S9436

Measures Introduced: Four bills were introduced, as follows: S. 1179–1182. Page S9411

Measures Passed:

Grazing Use and Privileges: Senate passed S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, after agreeing to a committee amendment in the nature of a substitute. Page S9433–34

Wilderness and Visitor Center Designations: Senate passed S. 931, to designate the Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center. Page S9434

Hydrogen Future Act Authorization: Senate passed S. 965, to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein. Page S9435

Trinity Lake Reservoir: Senate passed H.R. 63, to designate the reservoir created by Trinity Dam in the Central Valley project, California, as “Trinity Lake”, clearing the bill for the President. Page S9435

Retirement of Hans Blix: Senate agreed to S. Con. Res. 45, commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement. Page S9435

Export-Import Bank Reauthorization: Senate passed S. 1026, to reauthorize the Export-Import Bank of the United States, after agreeing to a committee amendment in the nature of a substitute. Page S9435

FDA Administration Modernization and Accountability Act: Senate resumed consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to im-

prove the regulation of food, drugs, devices, and biological products, with a modified committee amendment in the nature of a substitute. (The modification incorporated the language of Jeffords Amendment No. 1130, in the nature of a substitute.) Pages S9360–63, S9375–76, S9378–85

Pending:

Harkin Amendment No. 1137 (to Amendment No. 1130), authorizing funds for each of fiscal years 1998 through 2002 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine. Pages S9361–63, S9378–85

During consideration of this measure today, Senate took the following action:

By 94 yeas to 4 nays (Vote No. 239), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on Amendment No. 1130, listed above. Pages S9375–76

Interior Appropriations, 1998: Senate resumed consideration of H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, with certain excepted committee amendments, taking action on amendments proposed thereto, as follows: Pages S9363–75, S9385–S9406

Adopted:

Campbell Amendment No. 1197 (to committee amendment beginning on page 52, line 16 through page 54, line 22), to develop a new formula for distribution of tribal priority allocation funding. Pages S9389–97

Subsequently, the committee amendment beginning on page 52 was agreed to. Page S9397

Gorton (for Mack/Graham) Amendment No. 1200, to clarify that funds provided for land acquisition in South Florida may be used for acquisitions within Stormwater Treatment Area 1–E. Pages S9401–02

Gorton (for Murkowski) Amendment No. 1201, to permit the Virgin Islands to issue parity bonds in lieu of priority bonds. **Page S9402**

Gorton/Byrd Amendment No. 1202, to clarify that the provision regarding Forest Ecosystems Health and Recovery Revolving Fund applies only to the Federal share of receipts. **Page S9402**

Gorton/Byrd Amendment No. 1203, to clarify the provision allowing tribal priority allocation funds be used for repair and replacement of school facilities. **Pages S9402–03**

Withdrawn:

Committee amendment beginning on page 55, line 11 through page 56, line 2, regarding tribal sovereign immunity. **Page S9397**

Pending:

Ashcroft Amendment No. 1188 (to committee amendment beginning on page 96, line 12 through page 97, line 8), to eliminate funding for programs and activities carried out by the National Endowment for the Arts. **Pages S9363–75, S9385–89, S9397–S9401, S9403–05**

Hutchinson Amendment No. 1196, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by Act of Congress. **Pages S9405–06**

Senate will continue consideration of the bill on Wednesday, September 17, 1997.

Military Construction Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, on Wednesday, September 17, 1997, with a vote to occur thereon. **Page S9433**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, a draft of proposed legislation entitled “The Export Expansion and Reciprocal Trade Agreements Act of 1997”; to the Committee on Finance. (PM–65). **Page S9409**

Nominations Confirmed: Senate confirmed the following nominations: General Henry H. Shelton for appointment as Chairman of the Joint Chiefs of Staff. **Page S9377**

Richard Thomas White, of Michigan, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1999.

John D. Trasvina, of California, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Stephen R. Sestanovich, of the District of Columbia, as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States. **Page S9436**

Messages From the President: **Pages S9409–10**

Messages From the House: **Page S9410**

Communications: **Pages S9410–11**

Statements on Introduced Bills: **Pages S9411–27**

Additional Cosponsors: **Page S9427**

Amendments Submitted: **Pages S9428–30**

Notices of Hearings: **Page S9431**

Authority for Committees: **Page S9431**

Additional Statements: **Pages S9431–33**

Record Votes: One record vote was taken today. (Total—239) **Page S9376**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:14 p.m., until 9:45 a.m., on Wednesday, September 17, 1997. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9436.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Gen. Michael E. Ryan, USAF, to be Chief of Staff, United States Air Force, Adm. Harold W. Gehman Jr., USN, to be Commander-in-Chief, United States Atlantic Command, and Lt. Gen. Charles E. Wilhelm, USMC, to be Commander-in-Chief, United States Southern Command and for appointment to the grade of general, after the nominees testified and answered questions in their own behalf.

FINANCIAL INSTRUMENT FRAUD

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Services and Technology concluded hearings to examine the widespread growth of fraud using financial institutions, focusing on national security implications, organized crime involvement, and the types of counterfeit financial instruments being circulated, after receiving testimony from Charles L. Owens, Chief, Financial Crimes Section, Federal Bureau of Investigation, Department of Justice; Dana Brown, Deputy Special Agent in Charge, Financial Crimes Division, U.S. Secret Service, Department of the Treasury; Robert

M. Edmund, Edmund Scientific Company, Barrington, New Jersey; Dennis Brosan, Visa U.S.A., Inc., Washington, D.C.; Roger Leblond, Pacific Southwest Bank, Corpus Christi, Texas; and Diana Christiansen, Provo, Utah.

TOBACCO ADVERTISING

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the effect of tobacco advertising and marketing on children and the advertising restrictions included in the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America, receiving testimony from Matthew L. Myers, National Center for Tobacco-Free Kids, and Shirley Igo, National PTA, both of Washington, D.C.; Alfred Munzer, Washington Adventist Hospital, Takoma

Park, Maryland, on behalf of the American Lung Association; Joseph R. Difranza, University of Massachusetts Medical Center, Worcester, on behalf of STAT (Stop Teenage Addiction to Tobacco); and D. Scott Wise, Davis Polk & Wardwell, New York, New York.

Hearings were recessed subject to call.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee resumed hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Karl Jackson, U.S.-Thailand Business Council, Beth E. Dozoretz, Democratic National Committee, Rawlein Soberano, Asian-American Business Round Table, and Clarke Southall Wallace, all of Washington, D.C.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 9 public bills, H.R. 2477–2485; and 1 private bill, H.R. 2486, were introduced.

Page H7364

Reports Filed: Reports were filed today as follows: H.R. 695, to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption, amended (H. Rept. 105–108 Part 4).

Page H7364

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Miller of Florida to act as Speaker pro tempore for today.

Page H7283

Recess: The House recessed at 10:53 and reconvened at 12 noon.

Page H7285

Military Construction Conference Report: By a ye and nay vote of 413 yeas to 12 nays, Roll No. 394, the House agreed to the conference report on H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998.

Pages H7316–20

The House agreed to H. Res. 228, the rule waiving points of order against the conference report. Earlier, agreed to order the previous question by a ye and nay vote of 238 yeas to 189 nays, Roll No. 393.

Pages H7309–16

Foreign Operations Appropriations Act: The House disagreed with the Senate amendment to H.R. 2159, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and agreed to a conference. Appointed as conferees: Representatives Callahan, Porter, Wolf, Packard, Knollenberg, Forbes, Kingston, Frelinghuysen, Livingston, Pelosi, Yates, Lowey, Foglietta, Torres, and Obey.

Pages H7320–21

Agreed to the Pelosi motion to instruct conferees to insist on the provision of the House bill with respect to providing \$650 million for the Child Survival and Disease Programs Fund, including \$50 million for combating infectious diseases.

Pages H7320–21

Suspensions: The House agreed to suspend the rules and pass the following measures:

John Griesemer U.S. Post Office Building: H.R. 1254, amended, to designate the United States Post Office building located at Bennett and Kansas Avenue in Springfield, Missouri, as the “John N.

Griesemer Post Office Building”. Agreed to amend the title;

Pages H7288–89, H7321

Airmen Held as Political Prisoners at the Buchenwald Concentration Camp: H. Con. Res. 95, recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude;

Pages H7289–91, H7321

Honoring the Late Jimmy Stewart: H. Con. Res. 109, recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation;

Pages H7291–93, H7321

Computer Security Enhancement Act: H.R. 1903, amended, to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security;

Pages H7293–98, H7321

Earthquake Hazards Reductions Act: S. 910, to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999 (passed by a ye and nay vote of 421 yeas with none voting “nay”, Roll No. 395)—clearing the measure for the President;

Pages H7298–H7301, H7321–22

His All Holiness Patriarch Bartholomew: H. Con. Res. 134, amended, authorizing the use of the rotunda of the Capitol to allow members of Congress to greet and receive His All Holiness Patriarch Bartholomew (agreed to by a ye and nay vote of 421 yeas with none voting “nay”, Roll No. 396); and

Pages H7301–02, H7322–23

Senior Citizen Home Equity Protection Act: S. 562, amended, to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage. Agreed to amend the title (passed by a ye and nay vote of 422 yeas to 1 nay, Roll No. 397)—clearing the measure for the President.

Pages H7302–09, H7323–24

Recess: The House recessed at 4:13 p.m. and reconvened at 5:11 p.m.

Page H7321

Labor, HHS, and Education Appropriations Act: The House continued consideration of amendments to 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. The House completed general debate and considered amendments to the bill on September 4, 5, 8, 9, 10, and 11.

Pages H7324–51

Agreed To:

The Goodling amendment that prohibits any funds to be used to develop, plan, implement, or administer any national testing program in reading or mathematics (agreed to by a recorded vote of 295 ayes to 125 noes, Roll No. 398); and

Pages H7324–47, H7349–50

The Hoekstra amendment that prohibits any funds to be used to pay the expenses of an election officer appointed by a court to oversee an election for the International Brotherhood of Teamsters (agreed to by a recorded vote of 225 ayes to 195 noes, Roll No. 399).

Pages H7347–51

The bill is being considered pursuant to the order of the House of Thursday, July 31. Pages H6667–69

Presidential Message—Export Expansion: Read a message from the President wherein he transmitted his legislative proposal entitled the “Export Expansion and Reciprocal Trade Agreements Act of 1997”—referred to the Committees on Ways and Means and Rules and ordered printed (H. Doc. 105–130).

Pages H7351–52

Amendments: Amendments ordered printed pursuant to the rule appear on page H7365.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H7315–16, H7319–20, H7322, H7322–23, H7323–24, H7349–50, and H7350–51. There were no quorum calls.

Adjournment: Met at 10:30 a.m. and adjourned at 12 midnight.

Committee Meetings

EPA’S NATIONAL AMBIENT AIR QUALITY STANDARDS

Committee on Agriculture: Held a hearing to review EPA’s National Ambient Air Quality Standards and the potential effects on U.S. agriculture. Testimony was heard from Representatives Dingell and Klink; Carol M. Browner, Administrator, EPA; and public witnesses.

FEDERAL RESERVE’S PAYMENT SYSTEM

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy held a hearing on the Federal Reserve’s payment system. Testimony was heard from the following officials of the Federal Reserve System: Alice M. Rivlin, Vice Chairwoman, Board of Governors; Thomas McFarland, Manager, Transportation Operations; Thomas Hunt, Senior Systems Analyst and Charles Fazio, Transportation Analyst, all with the

Interdistrict Transportation System, Federal Reserve of Boston; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Energy and Power approved for full Committee action the following bills: H.R. 2472, to extend certain programs under the Energy Policy and Conservation Act; and H.R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa.

Prior to this action, the Subcommittee held a hearing on H.R. 2472. Testimony was heard from Elizabeth Anne Moler, Deputy Secretary, Department of Energy; and public witnesses.

CHARTER SCHOOLS

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth and Families held a hearing on Charter Schools. Testimony was heard from Cornelia Blanchette, Associate Director, Education and Employment Issues, GAO; and public witnesses.

COMMITTEE BUSINESS

Committee on House Oversight: Approved the following: Committee on Science Reserve Fund Request; Information Security Policy; and Pension Forfeiture.

FAST TRACK LEGISLATION

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Fast Track: On Course or Derailed? Necessary or Not? Testimony was heard from public witnesses.

COPYRIGHT LEGISLATION

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on the following bills: H.R. 2281, WIPO Copyright Treaties Implementation Act; and H.R. 2180, On-Line Copyright Liability Limitation Act. Testimony was heard from Bruce Lehman, Assistant Secretary and Commissioner, Patents and Trademarks, Department of Commerce; Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

Hearings continue tomorrow.

OVERSIGHT—FOREST SERVICE APPOINTMENT

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on the implications to public domain national forests should a measure be enacted to require the appointment of the Chief of the Forest Service by the President, by

and with the advice and consent of the Senate. Testimony was heard from James R. Lyons, Under Secretary, Natural Resources and Environment, USDA; and a public witness.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 351, to authorize the Secretary of the Interior to make appropriate improvements to a county road located in the Pictured Rocks National Lakeshore, and to prohibit construction of a scenic shoreline drive in that national lakeshore; H.R. 1714, to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; H.R. 2136, to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate; and H.R. 2283, Arches National Park Expansion Act of 1997. Testimony was heard from Representatives Stupak, Bishop and Cannon; the following officials of the Department of the Interior: Mat Millenbach, Deputy Director, Bureau of Land Management; and Denis Galvin, Deputy Director, National Park Service; Ed Norton, Vice President, Law and Public Policy, National Trust for Historic Preservation; and a public witness.

NATIONAL COMMISSION ON RESTRUCTURING THE IRS

Committee on Ways and Means: Held a hearing to examine the recommendations of the National Commission on Restructuring the IRS with regard to Executive Branch governance and Congressional oversight of IRS. Testimony was heard from the following officials of the National Commission on Restructuring the IRS: Senators Kerrey, Co-Chair; and Grassley, Commissioner; Representative Portman, Co-Chair; Fred T. Goldberg, Jr., Josh S. Weston and James W. Wetzler, all Commissioners; Representatives Cardin, Coyne and Hoyer; Robert A. Rubin, Secretary of the Treasury; and public witnesses.

Hearings continue tomorrow.

Joint Meetings

APPROPRIATIONS—DEFENSE

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, but did not complete action thereon, and recessed subject to call.

AUTHORIZATION—INTELLIGENCE

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 858, to authorize funds for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 17, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings on S. 1115, to improve one-call notification process, 10 a.m., SR-253.

Full Committee, to hold hearings to examine future technologies such as high-definition television, digital television and multiplexing, and the transition process from analog, 2:15 p.m., SR-253.

Committee on Energy and Natural Resources, to hold hearings on S. 1158, to amend the Alaska Native Claims Settlement Act regarding the Huna Totem Corporation public interest land exchange, and S. 1159, to amend the Alaska Native Claims Settlement Act regarding the Kake Tribal Corporation public interest land exchange, 9:30 a.m., SD-366.

Committee on Environment and Public Works, business meeting, to mark up S. 1173, to authorize funds for construction of highway safety programs, and for mass transit programs, 9:30 a.m., SD-406.

Committee on Finance, to hold hearings on proposed legislation providing fast track trade authority, 10 a.m., SD-215.

Committee on Foreign Relations, to hold hearings on the International Telecommunication Union Constitution and Convention (Treaty Doc. 104-34), 10 a.m., SD-419.

Full Committee, to hold hearings on S. 1164, to state a policy of the United States that engages the People's Republic of China in areas of mutual interest, promotes human rights, religious freedom, and democracy in China and enhances the national security interests of the United States with respect to China, 2 p.m., SD-419.

Committee on Governmental Affairs, to continue 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 with the *Committee on Indian Affairs,* to examine incidences of criminal gang activity within Indian country, 10 a.m., SD-226.

Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine antitrust and competition issues in the telecommunications industry, 1:30 p.m., SD-226.

Committee on Indian Affairs with the *Committee on the Judiciary*, to examine incidences of criminal gang activity within Indian country, 10 a.m., SD-226.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing to review forage improvement legislation, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on the District of Columbia, to markup appropriations for fiscal year 1998, 1 p.m., H-144 Capitol.

Committee on Banking and Financial Services, Subcommittee on Housing and Community Opportunity, hearing on Tax Consequences of FHA Multifamily Restructuring, 2 p.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, to markup the following bills: H.R. 1411, Drug and Biological Products Modernization Act of 1997; H.R. 2469, Food and Nutrition Information Reform Act; and H.R. 1710, Medical Device Regulatory Modernization Act of 1997, 11 a.m., 2123 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on U.S. Democracy Program Promotions in Asia, 2 p.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing on an Overview of U.S. Policy toward Mexico and Canada, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to markup the following bills: H.R. 1544, Federal Agency Compliance Act; H.R. 2440, to make technical amendments to section 10 of title 9, United States Code; and H.R. 2464, to amend the Immigration and Nationality Act to exempt international adopted children under age 10 from the immunization requirement, 2:30 p.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, to continue hearings on the following bills: H.R. 2281, WIPO Copyright Treaties Implementation Act; and H.R. 2180, On-Line Copyright Liability Limitation Act, 10 a.m., 2141 Rayburn.

Committee on Resources, to markup the following measures: H. Con. Res. 131, expressing the sense of Congress regarding the ocean; H.R. 134, to authorize the Secretary of the Interior to provide a loan guarantee to the Olivenhain water storage project; H.R. 512, New Wild-

life Refuge Authorization Act; H.R. 1154, Indian Federal Recognition Administrative Procedures Act of 1997; H.R. 1400, Tumalo Irrigation District Water Conservation Project Authorization Act; H.R. 1476, Miccosukee Settlement Act of 1997; H.R. 1567, Eastern Wilderness Act; H.R. 1805, Auburn Indian Restoration Amendment Act; H.R. 1849, Oklahoma City National Memorial Act of 1997; 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; H.R. 2233, Coral Reef Conservation Act of 1997; H.R. 2314, Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1997; and H.R. 2402, to make technical and clarifying amendments to improve management of water-related facilities in the Western United States, 11 a.m., 1324 Longworth.

Committee on Science, to markup the following bills: H.R. 2429, to reauthorize the Small Business Technology Transfer Program through fiscal year 2000; H.R. 860, Surface Transportation Research and Development Act of 1997; and H.R. 112, to provide for the conveyance of certain property from the United States to Stanislaus County, CA., 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing on OSHA's proposed revision on occupational injury and illness recording and reporting requirements, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to markup H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1997, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to continue hearings to examine the recommendations of the National Commission on Restructuring the IRS with regard to Executive Branch governance and Congressional oversight of IRS, 10 a.m., 1100 Longworth.

Joint Meetings

Conferees, on H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, 10:30 a.m., S-128, Capitol.

Conferees, on H.R. 2160, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, 2 p.m., H-137, Capitol.

Next Meeting of the SENATE

9:45 a.m., Wednesday, September 17, 1997

Senate Chamber

Program for Wednesday: Senate will resume consideration of H.R. 2107, Interior Appropriations, 1998.

At 10:45 a.m., Senate will consider the conference report on H.R. 2016, Military Construction Appropriations, 1998, with a vote to occur thereon, following which Senate will resume consideration of H.R. 2107, Interior Appropriations, 1998.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 17

House Chamber

Program for Wednesday: Consideration of H.R. 2264, Labor, Health and Human Services, and Education Appropriations Act for FY 1998 (open rule).

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